Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

18 OCTOBER 2011

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Tuesday, 18 October 2011

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MR SPEAKER (Mr Rattenbury) took the chair at 10 am, made a formal recognition that the Assembly was meeting on the lands of the traditional custodians, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Dr Peter Sharp AM
Motion of condolence

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations): I move:

> That this Assembly expresses its deep regret at the death of Dr Peter Sharp AM, a tireless worker who improved the health and well-being of Aboriginals and Torres Strait Islanders in the ACT and surrounding communities, and tenders its profound sympathy to his family, friends and colleagues in their bereavement**.**

Today I rise to offer the government's condolences and my own to the family, friends and colleagues of Dr Peter Sharp and pay tribute to an exceptional and well-loved Canberran.

Our sympathies today are with Dr Pete's partner, Ms Carolyn Patterson, and with his parents Don and Prue, and extended family. While most of us—including me, in my capacity as health minister—knew and admired Dr Pete first and foremost as a medical practitioner and a great advocate for Indigenous health, Ms Patterson and Dr Pete's family knew the man beyond the doctor.

Not that there were too many hours left in the day beyond those that Dr Pete devoted to his patients or to his broader mission of improving the health of the community. For more than 20 years this dedication was based in and around Winnunga Nimmityjah Aboriginal Health Service, in Civic, in Ainslie and in Narrabundah, where Dr Pete was medical director.

As health minister, I have had the privilege of watching Winnunga mature into a world-class health service, one that is proudly supported by all levels of government—but most importantly, one that is supported by the community it serves.

Dr Pete's association with Winnunga began in the 1980s, when he would travel from Sydney to Canberra every weekend to run a Saturday morning clinic for Aboriginal and Torres Strait Islander people. After Winnunga secured its first proper home, at the old Griffin Centre in Civic, Dr Pete would spend an afternoon a week making home visits to patients. It was a culture of outreach that remained important throughout his career: if patients could not come to Dr Pete, he went to where the patients were. Sometimes that meant visiting his patients in prison.

Dr Pete pioneered programs for Aboriginal and Torres Strait Islander inmates at Goulburn and Cooma jails, and more recently at the Alexander Maconochie Centre. He established a similar dedicated service for young Indigenous residents of Bimberi as well. He was also very actively involved in the design and delivery of programs to

tackle tobacco use by Indigenous Canberrans, as well as programs designed to improve health outcomes for older people affected by alcohol abuse, and children affected by drugs.

These and other targeted programs grew out of Dr Pete's belief that health care—accessible and culturally appropriate health care—is a basic right of everyone in our community. It is a belief that did not start and finish with Dr Pete. Such a belief is at the heart of Winnunga's approach to health care, from its programs to encourage young Indigenous women to access antenatal care, through to its dental services, or its efforts to reduce the incidence of smoking among Aboriginal and Torres Strait Islanders.

But we all know that, whatever the original philosophy of a place, positive cultures within organisations need to be preserved and strengthened over time by individuals. Dr Pete was an individual who helped strengthen the ethos of Winnunga Nimmityjah, who helped make it a health service that is respected locally and nationally, and a service that is watched and emulated by others.

Thanks to Dr Pete, Winnunga is also a health service that plays a crucial role in equipping this country's up-and-coming doctors with the special skills they need in order to successfully provide culturally appropriate care to Aboriginal and Torres Strait Islander communities.

From 1998, when Winnunga became an accredited training facility for registrars, Dr Pete dedicated his time and expertise to training new doctors. More recently, Winnunga extended training opportunities to local medical students, helping ensure that new generations of doctors, wherever they ended up practising, better understood the complexities of Indigenous health.

Dr Pete was philosophically committed to the idea that dedicated Indigenous health centres must be managed and controlled by Aboriginal and Torres Strait Islander communities themselves. It is a mark of his qualities as a man and as a doctor that he was embraced so warmly and with such respect by the Indigenous communities he spent his career serving.

In 2004 he became the first non-Indigenous person to receive a NAIDOC award for his commitment to Aboriginal health. In 2011 he was recognised by NAIDOC again, this time with its community spirit award. His professional peers also acknowledged his expertise and excellence. He served on the local AMA board and was awarded the ACT AMA President's award for outstanding contribution.

The broader Canberra community also recognised his great qualities and his contribution to our city when in 2008 he took out the local hero award in the ACT Australian of the Year awards. In 2010 he was made a Member of the Order of Australia for his services to Indigenous health and for his clinical, teaching and administrative work at Winnunga.

The loss of such a man will be felt widely and deeply. I acknowledge today the grief and the great personal and practical loss being felt by Dr Pete's colleagues at Winnunga Nimmityjah. Many of them have joined us here in the Assembly today.

Dr Pete was Winnunga's longest-serving staff member. His medical colleagues have lost a model and a mentor, and the broader Winnunga family has lost a champion. My condolences go to the Chief Executive Officer, Ms Julie Tongs, Board Chair Judy Harris, and other board members and staff—as I said, many of whom have joined us here this morning.

Many of Dr Pete's patients will also be grieving. There are those who owe their quality of life—and in some cases their lives—to Dr Pete's care. There are many others who will simply know they have lost a doctor who combined clinical excellence with great compassion, and who took a personal interest in everyone who turned to him for help.

Today I would like to announce that the government will provide $50,000 per annum for Dr Pete Sharp scholarships at the ANU Medical School. The medical school teaches Indigenous health to all medical students, but the Indigenous health stream will provide an expanded curriculum on Indigenous health, with opportunities to undertake targeted research and clinical placements, working towards expanded clinical placement in Indigenous health settings. The vision of the Indigenous health stream is to prepare a medical workforce skilled in delivering Indigenous health, with the aim of contributing towards closing the gap between the health of Indigenous and non-Indigenous Australians. The scholarships will support students participating in the Indigenous health stream of the medical school, and, given the lifelong commitment of Dr Pete to Indigenous health, I believe this is one way to seek to continue the wonderful work that he had started.

I was very fortunate to attend the memorial service for Dr Pete on 23 September at Boomanulla Oval, where hundreds of people gathered out of respect for a wonderful man. And can I say what a lovely service it was. I had the privilege of being asked to address this service to acknowledge and record the ACT community's thanks for the work and commitment Dr Pete provided to so many over so many years.

It was a very lovely service. It was a windy day, and one thing that touched me was the amount of people who came and sat at the oval to listen and, for those who could not listen, who just sat there in silence to pay their respects to a wonderful man.

Dr Peter Sharp made a real and lasting difference to his community, and most particularly to the health and wellbeing of Aboriginal and Torres Strait Islander people in the national capital. He was a good man doing great work. He was a leader in our community and he will be dearly missed.

MR SESELJA (Molonglo—Leader of the Opposition): I also rise to pay tribute to and to speak of Winnunga Nimmityjah Aboriginal Health Services Medical Director Dr Peter Sharp, to pay respect to the achievements of his life and to express our regret at his passing.

I did not know Dr Sharp personally but do know of the significant contribution he made towards improving the health and wellbeing of many Indigenous people here in Canberra during his 22 years of service to Winnunga.

Winnunga was established in 1988 as a culturally appropriate health service for Indigenous people of the ACT. When the service started in Griffith, it had one doctor, two health workers and a receptionist in a three-room facility. Winnunga quickly outgrew its origins and the health service moved to Ainslie. The new clinic expanded so quickly that it struggled to meet the increased number of patients and many consultations were held in its backyard as a result.

The thriving service is now located in Narrabundah, with doctors and other health professionals working together to provide a range of health services which are accessed by thousands of patients across the ACT. Dr Sharp played an integral role in Winnunga from its humble beginnings to the comprehensive health service it is today.

Dr Sharp's immense contribution to the service was echoed by Winnunga CEO Julie Tongs after his untimely passing. She said:

> Dr Pete was both our doctor and our friend. Without Dr Pete, we wouldn't have Winnunga today. We have visited so many health clinics around the country, but none are as good as Winnunga and that's all down to Dr Pete.

Dr Sharp's work included conducting weekly clinics for Aboriginal inmates of prisons and juvenile detention centres. He was also a member of the ACT AMA board. An important focus of Dr Sharp's recent work was the connection between substance abuse and prisons.

Dr Sharp received many awards during his career, especially for his work in training young doctors who may otherwise not have had the opportunity to be involved in Indigenous health service delivery. He was awarded the ACT local hero award in 2008, and appointed a Member of the Order of Australia last year. Dr Sharp also received the prestigious AMA excellence in health care award in 2009.

AMA President Dr Rosanna Capolingua described Dr Sharp's work at the time as "truly inspirational". She said that, under his guidance, the previously widespread problem of hepatitis B infections among the service's clients had all but disappeared and childhood immunisation rates and birth weights had increased. Dr Sharp told the *Canberra Times* last year that the reason behind his 22 years with Winnunga was in part due to the significant improvements he made in improving these two key Indigenous health outcomes.

Dr Sharp was proud of his many awards, but he was also modest about his success, saying that his awards were for Winnunga, the Aboriginal community, his medical students and the dedicated staff. Dr Sharp's dedication to improving the health outcomes for patients with substance abuse problems has resulted in the Dr Peter Sharp Trust being established under the Alcohol Tobacco and Other Drug Association ACT.

Dr Sharp had an in-depth understanding of the complex health and cultural needs of his patients. In return he was held in high esteem by the local Indigenous community and by members of this Assembly.

I know that Indigenous people in the ACT and surrounding regions are now in deep mourning at Dr Sharp's untimely death and I send my condolences to his family, friends, colleagues and patients. May they be comforted in the knowledge that his legacy will be continued by Winnunga and that Canberra health services for Indigenous Australians are vastly improved as a result of his unwavering commitment.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens): Dr Sharp, or Dr Pete as he was known by his patients and the Winnunga Nimmityjah community, made an enormous contribution to the Canberra community and, of course, particularly to the local Aboriginal and Torres Strait Islander community. As representatives of the community that he was such an important part of and the community that he made such an enormous contribution to, we have the privilege of publicly expressing our thoughts on the life of and condolences for the loss of Dr Pete.

In fact, it is not just Canberra that is a better place because of Dr Pete; much of the region has also benefited. It is not just Canberra that is happier and healthier because of Dr Pete. I understand that as many as 23 per cent of Winnunga Nimmityjah's patients are from outside the ACT, and I think this in and of itself is a testament to the extraordinary work that he did.

In early September my colleague Amanda Bresnan and I attended an event at Winnunga during NAIDOC Week. CEO Julie Tongs presented a PowerPoint on the history of the service that included pictures of Dr Pete. Julie spoke about the vital part Dr Pete played in establishing the health service and the high esteem and great respect he was held in. She also talked of their concern about Dr Pete and how ill he had become. Her words were heartfelt and it was clear how much he meant to so many.

I would very much like to thank Dr Pete for all he did for the Winnunga Nimmityjah Aboriginal Health Service. I know there are an enormous number of Canberrans who benefited from his work. Many of these people were the most marginalised and disadvantaged within our community, people who, without Dr Pete's help, would have had little if any chance of receiving the high-quality health care that he provided.

So dedicated was he that I understand that he used to go to work on public holidays to make sure anyone who needed to could still see a doctor. Instead of taking time off, he ensured that those in need had someone there to help them, that all those who had no other option and no-one else to turn to always had the ever reliable Dr Pete.

His many awards and achievements have been listed by previous speakers, and he certainly was nothing short of an extraordinary Canberran. With a warm heart and an unfailing dedication, he ensured that not only did those who saw him as patients benefit but so too did many communities who were connected with his work.

His work will, of course, live on through the many doctors he helped to train and the continued success of the Winnunga Nimmityjah Aboriginal Health Service. He was recognised by the deans of Australian and New Zealand medical schools for innovation in training medical students. He was a Member of the Order of Australia, he was awarded the AMA excellence in health care, he was on the AMA board, he

was the ACT local hero award recipient. There were NAIDOC awards and many others.

I would like to quote from the biography written for his nomination as an ACT local hero:

> Peter Sharp is Medical Director of the Winnunga Nimmityjah Aboriginal Health Service. Established in 1988 to provide a culturally safe and holistic health service for Aboriginal and Torres Strait Islander people of the Australian Capital Territory and surrounding areas. He is their longest staff member. At first he travelled from Sydney every weekend to run a clinic and then took on home visits. He now runs clinics at local and regional correctional facilities and at Narrabundah Primary School. Peter also works with older people affected by alcohol and substance abuse and trains other medical professionals in Aboriginal health. Peter has a high level of understanding of the complex health, social, emotional and cultural needs of his patients. In return, he is held in high esteem by the local Indigenous community.

Added to this, he did an enormous amount of work for Aboriginal and Torres Strait Islander people in the justice system. He provided health services in the region's prisons and then in the AMC—health services to people who would probably not have otherwise accessed those services. He was a tireless advocate for the need to address the root causes of the unacceptably high rate of Aboriginal and Torres Strait Islander incarceration. I have heard the stories of just how trusted and respected he was by all those people in the justice system that he provided health services to.

In recognition of Dr Pete's substantial commitment and contributions to improving the health and wellbeing of Aboriginal and Torres Strait Islander people in Canberra over many years, the Alcohol Tobacco and Other Drug Association ACT—ATODA—is establishing a charitable trust in the name of Dr Peter Sharp—Dr Pete—for his tireless work to improve the health of those experiencing alcohol, tobacco and other drug issues and of those in detention. I encourage anyone to go to the ATODA website and make a contribution to help set up the trust and ensure that Dr Pete's work can continue. I am also very pleased to hear from the Chief Minister this morning about the money that will be going to the ANU Medical School.

There is no doubt that Dr Pete was truly inspirational. In fact, I struggle to think of an adjective that can aptly convey all the qualities of Dr Pete. I think that, as a community, the best that we can do to acknowledge all the good work he did is to make a conscious effort to ensure we build on his work, that we not only put on the record our thoughts today but that we make sure all the great work and great achievements throughout his life lead to better Aboriginal health outcomes in the future.

I am sure that this is what he most would have wanted and the best way to let future Canberrans know just what an enormous contribution he has made, how much we value his work and how lucky we all are to have him call Canberra home.

On behalf of the ACT Greens, I would like to express our deepest sympathies and condolences to Dr Pete's partner, Carolyn Patterson; his parents, Don and Prue; his

friends; Julie Tongs, CEO of Winnunga; the chair, Judy Harris; his co-workers; and his patients. His passing is a great loss to our community. He will always be remembered for his lifetime of good deeds and assistance to those most in need of his care.

MR HANSON (Molonglo): Today's condolence motion is but a small gesture to a man who made such an enormous contribution to the ACT medical community, the local Indigenous community and the community at large. Dr Peter Sharp AM, as stated by my colleagues who have already spoken, was unmatched in the ACT for his commitment to and passion for advancing the health and wellbeing of the Indigenous community.

I rise to speak today in my capacity as the shadow minister for health and as shadow minister for Indigenous affairs. But I also rise today to pay my personal respects to a local community member whose work will be significantly missed. I acknowledge the many friends, family and colleagues of Peter Sharp here in the Assembly today—in particular, Peter's partner, Carolyn Patterson, and Julie Tongs, the CEO of Winnunga Nimmityjah.

It is important to note that Dr Peter Sharp's work benefited people well beyond the local Indigenous community. Dr Sharp worked with older people affected by alcohol and substance abuse. He dedicated thousands of hours to training other medical professionals, often without any or little remuneration except for the pride of doing so. Peter was unique in the medical profession, as his expertise covered many spheres of knowledge. He saw the big picture and understood that, for many, medical treatment was just one aspect of their healthcare needs. Dr Pete recognised that holistic health care was important to address the complex health, social, emotional and cultural needs of his patients.

I was lucky enough to meet Peter on a number of occasions, and I was impressed by his dedication and his commitment to his work. As Carolyn reminded me just before this motion, we also sat together at dinner a little while ago. We should not just reflect on what a great doctor he was but also on what a great bloke he was.

He expressed a pragmatic and realistic view of policy and wanted to see real action to garner real change in the ACT. His work was not glamorous or individually lucrative. He gave up the possibility of a private practice or academic success to care for some of the most vulnerable members of our community. He had a generous social conscience and he was there to serve the community, not for any personal gain.

It is important to recognise that when Dr Peter Sharp began his work in Indigenous health, resources were scarce. Whilst we cannot pretend today that this is an area of health that is abundant with resources, it is certainly luxurious compared to the conditions in which Dr Sharp started working. When Dr Sharp began temporarily working for Winnunga Nimmityjah, the service was provided from, as described, a little dingy, dark room at the back of the Griffin Centre, which they were allowed to work out of for two days a week. Dr Sharp only received a small wage and spent most of his time off visiting patients in their homes and his public holidays in the clinic ensuring the service continued uninterrupted.

Dr Pete's commitment also extended to ensuring that Aboriginal clients received appropriate and timely healthcare services whilst detained in correctional facilities. He started a service for prisons in surrounding New South Wales and continued this service once the Alexander Maconochie Centre was opened in the ACT. I think it is apt to reflect on the personal impact Dr Peter Sharp had on the people he served in New South Wales prisons in that he wrote to New South Wales corrections asking that he continue to provide their treatment when they were moved from Goulburn to Cooma facilities.

Dr Peter Sharp received many awards during his lifetime, many of them the highest recognition you could receive. In 2010 he was made a Member of the Order of Australia, and I quote:

> For service to medicine in the field of Indigenous health, particularly through clinical teaching and administrative roles within the Winnunga Nimmityjah Aboriginal Health Service.

Even though he was given these esteemed awards, he was always modest and believed that the awards were a reflection of the work of the service and not his individual efforts.

Dr Peter Sharp's legacy will not be forgotten, as he made it a life goal to ensure that new doctors and Aboriginal people were educated about the importance of holistic health care. He encouraged many of the Indigenous community to enter the medical profession, an achievement that we can be grateful for.

Dr Pete, as he was known to local Indigenous communities, was so dedicated that even in his last months he continued to work, even though he was limited by a wheelchair. A Winnunga Nimmityjah Aboriginal Health Service article on Peter Sharp states:

> Dr Pete has been the backbone of Canberra's only dedicated Aboriginal health service for more than 22 years.

That is an amazing accomplishment that will not be forgotten. I would like to take this opportunity to congratulate the minister on her announcement of the Dr Peter Sharp scholarship. That is a worthy way of recognising Dr Pete's contribution to Indigenous health here in the ACT.

I wish to join the other members of the Legislative Assembly in offering Dr Pete's family, his friends and his colleagues my most sincere condolences at this difficult time.

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): I would also like to extend my deepest sympathy to the family and friends of the much loved and respected medical practitioner, Dr Peter Sharp AM. I would particularly like to offer my condolences to his partner, Carolyn, to his clients, to the staff and board of Winnunga

health service and to the members of the local Aboriginal and Torres Strait Islander community.

Dr Pete, as he was usually known, was a dedicated and passionate member of our community who worked tirelessly for over 20 years to improve the health of Aboriginal and Torres Strait Islanders in the ACT and surrounding region. As Minister for Aboriginal and Torres Strait Islander Affairs, I valued the contribution and the difference that he made.

He commenced providing medical services to the ACT Aboriginal and Torres Strait Islander community in 1989 as medical officer at Winnunga, as we have heard this morning. When the service started, it had one doctor, two health workers and a receptionist, all crammed into quite a small facility. Now located in the suburb of Narrabundah, Winnunga is an outstanding facility where doctors and other health professionals work together to provide a comprehensive and essential range of health services.

Dr Pete made an invaluable contribution to the holistic approach to health care that is the hallmark of Winnunga. His contributions as a medical officer and subsequently as medical director worked seamlessly with the service's other health programs and emphasised a whole-of-life focus in relation to Aboriginal health. Dr Pete was instrumental in transforming Winnunga health service into the outstanding health centre that it is today.

It is more than just a medical facility; it is an important community hub offering care and attention in a culturally safe environment. Winnunga has grown and responded to the needs of the Aboriginal and Torres Strait Islander community, and its wide range of services are now accessed by thousands of clients across the region.

Under Dr Pete's leadership, the once common problem of hepatitis B infections among the service's clients has all but disappeared. Childhood immunisation rates are up and birth weights have increased. One particular area of concern to him was the health of prisoners in the ACT and the surrounding region. He had an overriding belief that everybody, no matter what their position in society, deserved high quality, culturally sensitive health care. Dr Pete believed that, despite one's past, health care remained a basic human right.

In March 2000 Dr Sharp, together with Winnunga CEO Julie Tongs, established a medical outreach program to the Belconnen Remand Centre, and in July of that year at the Goulburn jail. He went on to launch pioneering healthcare programs at Cooma jail and at the AMC. It was due to the sensitivity and understanding that he brought to his work at the Goulburn jail that inmates at other nearby centres requested that Dr Pete be allowed to provide similar services where they were.

Dr Pete was also at the forefront of programs designed to better treat drug addictions and tackle the vastly higher rates of smoking amongst Indigenous people. An indicator of his influence and success in his attempts to reduce smoking can be found in the 2011 *Overcoming Indigenous disadvantage* report. It shows that the rate of current Aboriginal and Torres Strait Islander daily smokers over 18 is the lowest of all

jurisdictions, approximately 30 per cent, compared with the national average of 50 per cent. I think that just goes to show absolutely Dr Pete's commitment to improving health outcomes for the local community.

In recognition of this substantial commitment and contributions to improve the health of those experiencing alcohol, tobacco and other drug problems, the Alcohol Tobacco and Other Drug Association ACT, ATODA, has recently established a charitable trust in the name of Dr Pete. Funding from the trust will be directed towards Aboriginal and Torres Strait Islanders living and working in the ACT region, as well as those working in the areas of Aboriginal and Torres Strait Islander health. We have heard from the Chief Minister of our contribution and support to continue Dr Peter's work through the Dr Peter Sharp scholarship.

Dr Pete's distinguished career was characterised by his selfless commitment to a better quality of life for Aboriginal and Torres Strait Islanders. He undoubtedly enriched the lives of the local Indigenous community and, through it, the broader Canberra community. His contribution to the quality of life of countless individuals I imagine will be remembered for very much some time to come.

MS BRESNAN (Brindabella): I would like to speak in recognition of a truly inspirational, committed and dedicated Canberran in Dr Peter Sharp. These words have been used by other members today in speaking about Dr Sharp, but, as my colleague Ms Hunter has already said, these words ring true in so many ways. The words from Dr Sharp's memorial service, noting a life less ordinary, sum up his life and contribution to the ACT community—in particular, his work with Winnunga Nimmityjah Aboriginal Health Service for more than 22 years.

I would like to read words of Julie Tongs, CEO of Winnunga Nimmityjah, delivered at Dr Sharp's memorial service in which Ms Tongs also credits Dr Sharp's partner, Carolyn Patterson, with encouraging him to stay on at Winnunga. She said:

> Coping in the Aboriginal health system can burn people out and it does. However, Dr. Pete demonstrated a remarkable commitment to Aboriginal health. This was his life. Winnunga, the staff and its clients are what drove him and he never complained. At the same time, Dr. Pete had to earn the trust and respect of his clients, something that is very hard for a non-Indigenous person to achieve. Indigenous people are reticent about taking health and medical concerns to a non-indigenous person. However, Dr. Pete had a distinctive understanding of where his clients were coming from and an understanding of Aboriginal cultural conditions. He was the only doctor working in an Aboriginal Health Service to sit on the board of a local Aboriginal Medical Association.

In recent years a major focus of Dr Sharp's work had been the connection between substance abuse and prisons. Dr Sharp had spent 10 years providing health services within Goulburn jail, including the supermax. Dr Sharp had also been calling for a renewed approach to how we address substance abuse in prison.

I would just like to read the words of Dr Sharp on this issue. He said:

> The rates of incarceration, especially for Aboriginal people, are disgraceful. We have report after report coming out, but it's not going to improve until we

> address the mental health issues and the substance abuse issues. But locking people up for being addicted or schizophrenic is foolish.

I would also like to note that Dr Sharp was a strong supporter of the Manly Sea Eagles and that he did not get to see his beloved team win the grand final this year. However, I would like to think that there was some divine intervention from Dr Sharp to get his team over the line this year. I would like to recognise all the staff of Winnunga Nimmityjah and Dr Sharp's family and friends who are here today and all those people who Dr Sharp treated over the years.

The loss of Dr Sharp is a great loss, not only to the Aboriginal community in the ACT but to the whole ACT community. Dr Sharp's dedication to some of the most vulnerable people in the health system will never be forgotten.

DR BOURKE (Ginninderra) Mr Speaker, I have already spoken here about this matter, but I wanted to convey my condolences to Dr Pete's partner, to Winnunga Nimmityjah, to the staff and to the patients. The highlights of Dr Pete's career were 22 years of dedication to Winnunga Nimmityjah. He was a non-Indigenous man working to help Aboriginal and Torres Strait Islander people here in Canberra. For that reason, I think he is worthy to be one of our great heroes.

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

Sitting suspended from 10.36 to 10.42 am.

Privileges—Select Committee
Statement by Speaker

MR SPEAKER: On 20 September 2011 the Chief Minister gave written notice of a possible breach of privilege concerning a media release issued by Mr Smyth which contained, in the Chief Minister's opinion, an attempt to influence the newly formed Select Committee on Privileges.

Upon receiving the letter, I subsequently wrote to the three members of the select committee—a committee chair had not yet been elected at that time—seeking their views as to whether Mr Smyth's press release had substantially interfered with their inquiry. I received a further letter from Ms Gallagher on the matter, and I responded to that letter the same day.

The chair of the committee wrote to me and informed me that the majority of the committee did not consider that the matter raised by the Chief Minister had interfered with the committee. Mr Seselja also wrote to me in his capacity as a member of the committee on the matter.

I present a copy of all the correspondence mentioned above for the information of members, as follows:

Alleged breach of privilege—Copies of letters from the—

Chief Minister to the Speaker, dated 20 September 2011.

Speaker to Mr Corbell, Member of the Select Committee on Privileges, undated.

Speaker to the Chief Minister, dated 21 September 2011.

Chief Minister to the Speaker, dated 21 September 2011.

Speaker to the Chief Minister, dated 21 September 2011.

Mr Seselja, Member of the Select Committee on Privileges, dated 26 September 2011.

Chair, Select Committee on Privileges, to the Speaker, dated 11 October 2011.

Speaker to the Chief Minister, dated 17 October 2011.

Under the provisions of standing order 276 I must determine, as soon as practicable, whether or not the matter merits precedence over other business. If, in my opinion, the matter does merit precedence, I must inform the Assembly of the decision, and the member who raised the matter may move a motion, without notice and forthwith, to refer the matter to a select committee appointed by the Assembly for that purpose. If, in my opinion, the matter does not merit precedence, I must inform the member in writing and may also inform the Assembly of the decision.

I am not required to judge whether there has been a breach of privilege or a contempt of the Assembly. I can only judge whether the matter merits precedence.

Having considered the matter and also the views of the Select Committee on Privileges, I have concluded that the matter does not merit precedence over other business.

Minister for Community Services
Motion of censure

MRS DUNNE (Ginninderra) (10.44), by leave: I move:

That this Assembly:

(1) notes:

(a) the interim report of the ACT Public Advocate of her review of the emergency response strategy for children in crisis in the ACT;

(b) the report's finding about "managerial deficiencies, poor communication and inadequate executive briefing that allowed the breaching of legislation and policies and procedures, that have had a serious and detrimental impact on children for whom the Director-General has parental responsibility"; and

> (c) a range of other service delivery failures, including institutionalised abuse within the grandparent and kinship care program and bullying and violence of young people at the Bimberi Youth Justice Centre; and
>
> (2) expresses a want of confidence in the Minister for Community Services.

I thank members for leave. Governments in Australia operate on the Westminster principle: the constitutional convention under which ministers are the link between parliaments and every action of a government. As Nugget Coombs put it in his report to the Royal Commission on Australian Government Administration, a minister "remains responsible to his Cabinet colleagues and to Parliament for decisions made and actions performed under … delegation".

Westminster principles, particularly the principle of ministerial responsibility, are necessary to ensure that a member of parliament is answerable to the electors for every single decision of government. The preamble to the ACT ministerial code of conduct tells us:

> The position of Government Minister is one of trust. A Minister has a great deal of discretionary power, being responsible for decisions which can markedly affect individuals, organisations, companies, and local communities.
>
> Being a Minister demands the highest standards of probity, accountability, honesty, integrity and diligence in the exercise of their public duties and functions. Ministers will ensure that their conduct does not bring discredit upon the Government or Territory.

The code goes on to say:

> Ministers will uphold the laws of the Australian Capital Territory and Australia, and will not be a party to their breach, evasion, or subversion.

In sum, our conventions require ministers, as essentially elected heads of a department, to take responsibility for a department's actions, and our ministerial code of conduct requires ministers to uphold the law of the territory.

So why are we here today? I am bringing on this motion today because of the abject failure of the Minister for Community Services to ensure that the law in relation to children and young people in the care and protection system was obeyed. I am bringing on this motion today because the Minister for Community Services, by her own admission, knew that the law was being broken in July and did nothing to stop that law-breaking.

You have to look at the history so far. A not-for-profit care agency blew the whistle on the minister and her directorate. They raised the issues with the minister's office—they did the right thing; they tried to use correct processes—but the minister's office went doggo: they claimed that they had never received this agency's email and they took no action and no interest in this. So the agency came to the opposition.

I raised the issue of a possible breach of the law with the minister and the Public Advocate. Only then did the minister do something—she commissioned a report—even though we know through her answers at question time that the responsible minister knew of the breaches of the law as far back as July.

Last Friday the Public Advocate brought down her report, in which she writes about the deficiencies in systems and applications of due processes by the Community Services Directorate that resulted in breaches of the Children and Young People Act no less than 24 times. Let us hear what the Public Advocate said. She said on page 31 that the agency:

> … was used repeatedly by CPS to provide residential care support services for children the majority of whom the Director General held parental responsibility.

Further on page 31 she said:

> … CPS was aware of the risks in using an agency that was not a "suitable entity" in this matter, the history speaks for itself.

She continued: "It is disingenuous to state that" the agency "were only used when there was 'no-one else' when this occurred with twenty-four children." On page 36 she said: "There is no doubt that CPS knew" that the agency "was not approved as a suitable entity, and yet they approached that agency requesting that they provide services … that could only legally be provided by a suitable entity, following all the checks for approval as such." She went on to say: "Further CPS engaged" another agency "to provide residential care on a number of occasions", utilising their residences as 'places of care', knowing that" they were "not approved as a provider of residential care under the C&YP Act."

The Public Advocate told us last Friday that the minister's directorate broke the law, knew that the law was being broken, and did it no fewer than 24 times. The minister has told us that she knew at least in July, but those placements continued even after this minister knew.

This is the directorate presided over by Minister Burch, who, according to Nugget Coombs:

> … remains responsible to … Cabinet … and to Parliament for decisions made and actions performed under … delegation …

In the 1970s we had this convention spelt out to us by Nugget Coombs, one of our foremost public officials. Let us hear it again:

> … remains responsible to … Cabinet colleagues and to Parliament for decisions made and actions performed under … delegation …

In the history of motions of want of confidence in the ACT Legislative Assembly, there has never been a more serious case than this. This minister has presided over a directorate which, over the last year or so, has breached the law no fewer than

24 times. The directorate breached a law that was supposed to protect the most vulnerable people in our community—children who have been subject to abuse and neglect. The community advocate describes an organisation which is completely dysfunctional—so dysfunctional that it breached the law 24 times. This is an organisation that is so dysfunctional that, despite the trauma of the 2004 Vardon inquiry, which made 47 recommendations on care and protection, it has not updated its policies and procedures. The Public Advocate says on page 14:

> It is interesting to note that the current Policy/Procedure on Placements is dated 2004, and does not reflect current practice.

Elsewhere the Public Advocate says that she "has been unsuccessful, despite repeated requests, in obtaining a copy of the current policy and procedure manual since early 2008". For three years the Public Advocate has been asking for policies and procedures which this agency cannot produce.

This is an organisation that is so dysfunctional that the only recourse it has for children taken into care in an emergency is to take them and have them sit around in the office while CPS staff try and make arrangements for them. There is no special facility for traumatised children to be cared for while arrangements are being made for their housing. Can you believe it, Mr Speaker?

This is an organisation that is so dysfunctional that in the case of family A, a case study in the Public Advocate's report, we have a situation where a migrant mother of three who is pregnant again, abandoned by her husband, afraid of his friends and with a poor command of English, had her children taken from her. She was so confused about what was happening that when the children were put into a car she got into the car with them because she did not understand what was going on. The children, who had been abandoned by their father and seen their mother sick and distraught, were further traumatised by being sent to a property on the Barton Highway with no beds, no bedding, no heating and broken glass on the floor. They slept on the floor. As the Public Advocate put it, the conditions that the agency found in a Canberra winter were intolerable. She later said:

> … children should never have been placed in such conditions … Neither should staff be required to work in unsafe conditions.

The Public Advocate went on to say that the family received no early intervention and "experienced 19 days of trauma, including having to sleep on the floor of a freezing house, for what it seems was no good reason". Perhaps this is part of the treatment that Marion Le AM had in mind when she spoke in the estimates committees, in both 2010 and 2011, of the institutionalised abuse by care and protection services.

When we speak of Marion Le, let us look at what this report says about the way the community treats grandparent carers. The Public Advocate in the report tells of family B, with a grandmother looking after six children who collectively have been the subject of 43 individual child concern reports. According to the Public Advocate, with this dysfunctional directorate, presided over by an incompetent minister, there was no early intervention and no support for this family. For those of us in this place who

have bothered to listen to the complaints of grandparent and kinship carers, this will come as no surprise. But this is not Vicki Dunne telling you this. This is not even Marion Le telling you this. This is the ACT's Public Advocate.

There are legions of stories of people who have had children given to them, with no support. I had a lady in my office only yesterday afternoon who told me that when her grandchildren were delivered to her, she had no bed for them for a number of months and they shared a bed with her. These children were so traumatised that this woman could not go and have a shower by herself, because they were so afraid of losing their grandmother. These children only want care and protection to ensure that they can continue to live with their grandmother. But the care and protection service does not ask them what they want despite the legislation requiring them to do so. How can this be in the best interests of the children? How can this minister preside over such an organisation?

Let us look at what this minister knew and when. I became aware of the problems of the agency that is the subject of the report on 6 September and I met with them on 7 September. I received a briefing from the department on 8 September and I wrote to the minister on Friday, 9 September and again on Monday, 12 September. I also wrote to the Public Advocate, the children's commissioner and the Ombudsman.

The minister announced an inquiry on Wednesday, 14 September. In her eagerness to show how proactive she had been and who had acted most decisively first—whether it was her or me—she told the Assembly in question time in September that she knew about these breaches in July. She repeated it this morning on 666. We also know that these placements continued until 9 August. The minister can no longer claim that she was kept in the dark. By her own words, she put an end to that claim. On 20 September she told the Assembly:

> … in late July I was briefed by the directorate on a number of things, including … the occasional use of unapproved agency staff in emergency situations. I continued to ask for assurances from that point that these placements met our standards.

Actually, she knew in July that they were illegal. The placements were going on and she did not stop them. The placements could not have met our standards, because they were illegal. What does the ministerial code of conduct say? It says:

> The minister will uphold the law of the Australian Capital Territory and Australia, and will not be a party to their breach, evasion, or subversion.

The minister has condemned herself. She knew in July, and these actions continued into August. She knew in July that the law was being broken, but what she did was to seek assurances. She did not demand that the practices stop immediately; she just sought assurances. The illegal placements stopped only when the agency ceased them. These placements might well be still going on if that agency had not blown the whistle on the department's bad practices.

This minister has condemned herself. At the very least, even if she cannot claim complete ignorance of what was going on in her department until July, by her own

admission she knew something in July and she did not stop the illegal practices. By her own inaction, she has become a party to the breaches of the law—those 24 breaches of the law. By her own inaction, she has shown herself to be unworthy of the confidence of this Assembly.

As I said earlier, no other motion of no confidence has ever been about such a grave matter. We are talking about vulnerable children—migrant children, traumatised children, refugee children, Indigenous children—and their carers who are disrespected by the agencies. We are talking about an agency that does not show care for the people that it is charged with responsibility for. So little care does it show that it breached the law, through either ignorance or wilfulness.

As the Public Advocate said, it is disingenuous to say that there was no other course of action when this happened 24 times. If it happened once, you would do something about it to ensure that it did not happen again. But there were 24 separate placements, for short periods and long periods, in appropriate circumstances and inappropriate circumstances, described in this place and described again by the Public Advocate.

By this minister's complacence, by her inaction, she has shown herself to be unworthy of the confidence of this Assembly. From her own mouth she has condemned herself. She has admitted her guilt. It is the job of this Assembly to pass sentence on that guilt. And it is the job of this Assembly to sentence her to no longer be a minister, to no longer have the trust of this place—to say that we no longer trust her and to send her to the backbench. We can demand no less for a minister who is so remiss that many vulnerable children have been so damaged.

The people of Canberra will demand no less, and the vulnerable children of Canberra deserve no less from us, than that we send this minister, who is so incapable of administering her department that so many children have been damaged and exposed to trauma, to the backbench, saying that we no longer have confidence in her as a minister.

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) (10.59): This motion is somewhat concerning because it ignores the fact that I commissioned the review into the care and protection placements. I note throughout this that I have been verballed again by Mrs Dunne, who seems to say that I said I knew. I have been very clear in this place that I became aware of concerns in late July and I sought assurances and answers. At the end of that process it became clear that I had no alternative but to instigate an independent review.

It is also worth noting that the Public Advocate has only just provided her interim report to the government and we are yet to provide a response to the recommendations. It is concerning because it shows the opposition's true motives—to politicise the childcare protection system rather than work constructively to improve it, and she draws my attention—

Opposition members interjecting—

MR SPEAKER: One moment, Ms Burch. Stop the clocks, thank you. Mrs Dunne was heard in silence, and I expect Ms Burch to be extended the same courtesy. Ms Burch.

MS BURCH: Thank you. She draws my attention to Ross Solly, and Mrs Dunne was also on Ross Solly. When she was asked this morning several times what she would do to fix the problems facing our care and protection workers and the shortage of foster carers, it was quite interesting that all she could come up with in her response, her solution—and she was pressed quite significantly on this—was to empower people, whatever that means, and to get rid of the paperwork and to talk about it. "So let's talk about it. Let's get rid of the paperwork. Let's empower people." That is Mrs Dunne's solution to improving the work in care and protection. As usual, she has no solutions, and she never has.

My greatest fear is that this misguided political attack will not affect me but that it will, more so, affect front-line childcare protection workers who do a great job to protect the children who are subject to abuse and neglect and are brought into the territory's care. I hear today that Mrs Dunne describes the directorate as dysfunctional, calls them ignorant or wilful. She implies that they deliberately and wilfully put children at risk. That is an appalling statement to make about the care and protection workers who come to the front line in the most vulnerable and distressing human service that any community can face, and that is in care and protection. So, Mrs Dunne, I will go and speak to the workers and I will assure them that I do not think that they wilfully—wilfully—put children in harm's way.

On becoming aware of the directorate's potential breach in relation to emergency placements, I acted to ensure that we had an independent review. I wrote through the Director-General of Community Services to seek an independent review to look at the emergency residential placements of children with an agency, engagement and subsequent suspension of the agency, and compliance with the Children and Young People Act in relation to the above matters. Lastly, and most importantly, I asked the Public Advocate to review the authorities and arrangements of children and young people currently in our out-of-home care for whom the director-general has parental responsibility.

That work is yet to start. The Public Advocate has provided an interim report that was circulated on Friday, and it has made a number of concerning findings. There is no doubt about that. The findings, in many ways, justify the decision I took to undertake a review. I share the Public Advocate's concern about the safety and wellbeing of children in care and the importance of minimising trauma for them, and I welcome the recommendations, many of them, and I will work with my colleagues and the Public Advocate in responding to them.

But let us just be very mindful that these placements are emergency placements, and the single most important thinking of care and protection workers is how they remove children that are at risk. There was no alternative but to leave them there. They had to remove them. That is what the workers in care and protection have done in the best interests of the children. They were removed to an organisation known to these

children, and they were providing transport and supervision services. Yes, they were not an approved entity, but were they able to provide a safe and caring environment for children? Yes, they were.

The Public Advocate's recommendations have merit, and we will be working to provide a response. For the benefit of the opposition, I will go through some of the recommendations and say some of the work that is already progressing. The Public Advocate's report establishes that there were breaches of the Children and Young People Act in relation to placements with organisations which are not suitable entities. The act is to ensure that children are protected, and, as I have said on the public record, a breach of the act is unacceptable, and we need to work with the directorate to ensure that it does not happen again.

I have been very clear with the directorate that I consider it should be an exemplar practitioner in this environment, and where it has not been that, the areas for improvement certainly need to change. We will look at the systems and recommendations to ensure that they comply with the act for all placements.

There is some commentary about working with people checks. We are looking to work with ACT police checks plus suitability information and the CHYPS checks, which we think are more comprehensive. But I am looking forward to bringing to this place next week the working with vulnerable people background checking system, which will provide assurance and security for people working with vulnerable children.

I also want to comment in relation to the engagement of this provider and some dispute over payment. I understand that it has been frustrating for everybody that this matter has not been resolved. I have instructed the directorate to resolve this as a matter of urgency. There has been ongoing discussion between the agency and the department around payment but also around their reinstatement to provide transport services. I have been informed this morning that they have been reinstated, and a memo will be forwarded to the organisation today. That is a good news outcome and it shows that we have been working with this agency proactively over time to ensure that any concerns we had about the adequacy of process are resolved.

The Community Services Directorate has also recognised the issue of having a reception area at 11 Moore Street. Again, I have instructed the directorate not only to look to developing a place at 11 Moore Street but to identify a property for use for emergency placements so we can be assured that accommodation is suitable at all times. As to the property that Mrs Dunne likes to so frequently talk about, it has been disclosed that it can no longer be used for care and protection placements. But I have asked the department to find a property so there will never be another question of the property being in a suitable condition to receive children and carers.

As for Mrs Dunne's comments on policy and procedures, I understand that the majority of policies and procedures are up to date and there has been a process of continuous improvement and updating of those policies over time. I have made it clear to the directorate that this must be a priority for completion. As to the question of the Public Advocate not receiving a copy of the reports, the director-general of the

directorate is in the room and he certainly will hear my words now to provide a copy of the manual to the Public Advocate as a matter of urgency.

There were other comments in the review about the caretaker's role. I need to take some advice on that. In most jurisdictions, the move is to support caseworkers through delegation structures where they share responsibilities for key decisions with more senior staff. That is something I will work with.

There was also a range of commentaries and recommendations, and, as I said, the government will be providing a full response to that. But the second part of this review is where we really start to get to the detail about systematic improvement for CSD, and I look forward to working with the directorate about those changes.

While there is certainly room for improvement, we must recognise that care and protection is a tough business. The Public Advocate's report must be viewed against the backdrop of the urgency and limitations the care and protection team are confronted with. It is worth noting that, if you were to look at CSD's annual reports, you would see that in the last 12 months there has been an increase of 10,337 in the number of days used in out-of-home care. That is an increase. That is not the total. That is an increase of 10,337 days that the directorate is supporting. This is absolutely a tough business.

We have been challenged, as have all other jurisdictions, with staff challenges as well. But we have acted on staff recruitment. We have been very successful in an overseas recruitment drive in the UK, and, as a result, we will have a number coming online before Christmas and the remainder will come online before Easter, I understand.

Mrs Dunne can have a go at me all she likes, but to stand here in this place and use the language that she used to describe care and protection workers is appalling. It is not a happy job; they often are not in a happy place where they are confronted with challenged and difficult families, children that are traumatised and abused. And Mrs Dunne stands here and calls them wilful—wilfully putting children in danger—or ignorant or dysfunctional. That is an appalling use of her commentary to have a go at me. Leave the workers in care and protection to get on with their business of caring for vulnerable families.

I clearly believe there are areas for improvement in the Community Services Directorate. We could take up every recommendation, improve systems and come back in 12 months and still find areas for improvement. We need to review our practice, be contemporary in our best practice and ensure that our systems and processes and communications are in place so the workers are supported, the executive is supported and the minister is supported. The ultimate outcome in all of this is that our vulnerable children—families and children at risk in need of care and protection—have the best care environment we as a society and as a system can provide.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.12): The question today is really about the scope of individual ministerial responsibility. I do not think there is any doubt that there has been a significant failure on behalf of the

Community Services Directorate. This was the finding of the Public Advocate and it is something that this parliament has an obligation to respond to.

Briefly, the facts as found by the Public Advocate are that the children were not adequately cared for by care and protection. The directorate did not follow the legislation that they are bound to apply and, as a result of the conduct of the minister's directorate, children in the care of the director-general have suffered "serious detrimental consequences".

For the purposes of today's motion, I do not think it is necessary to go into any more detail about the particulars of what happened, although I will touch on them. It is clear from the minister's own evidence that she is not aware of the full scope of what was happening and certainly that mitigates the action that the Assembly should take in response to what has occurred. However, it does not excuse her. She is responsible to parliament and that responsibility extends to include an account of everything that happens in that directorate. She is not responsible for the conduct of all the staff of the directorate. The minister is responsible for the outcomes of the directorate, for ensuring that there are systems within the directorate to prevent the abuse of power and for ensuring that statutory processes are complied with.

It is reasonable to anticipate that public servants will comply with directions and comply with their statutory obligations. It is not reasonable, and no reasonable person could think that it is reasonable, to have no system in place to ensure that all children in care are safe, well cared for, that all statutory obligations have been complied with and that everyone involved in the process has turned their minds to all the questions and determinations they are required to resolve when placing a child or young person in out-of-home care.

The underlying consideration must always be the best interests of the child. This means that there must be a system in place to ensure that children in need of emergency care, which is not a rare occurrence, can be cared for as well as we possibly can. It is clear that this is not the case. For more than a year the law has been broken and the Public Advocate has found that the way the system is being administered is having significant detrimental impacts on the children and young people it is supposed to care for.

The fact is that this failure was not an isolated incident. It extended for such a period of time, including through a budget process when these issues should have been identified and funding allocated to change what was happening and ensure that we do have a proper system in place to care for children and young people in need of emergency care.

It is not appropriate and it does not reflect the accepted contemporary understanding of the convention of individual ministerial responsibility for the minister to be stripped of her role for the conduct of directorate staff. It is, however, appropriate that the Assembly censure the minister so that the community knows just how serious the issue is and that the Assembly is taking steps on their behalf to ensure that their dissatisfaction has been expressed and steps will be taken to rectify the shortcomings.

This morning the minister made the claim that the decision to use an unauthorised entity was justifiable because the children were deemed to be at risk and that because the service had some knowledge of the children, they were best placed to care for them. Indeed, given the choice between the abusive or neglectful home that they are being removed from and the care that they were being placed in, this argument may well be correct. If it had been on one or even two occasions, I could understand and would be prepared to accept that these things can happen. The fact that it happened to 24 children and young people is simply unacceptable.

The failure is aggravated by the fact that I know there are services out there who are prepared to run additional full-time care services to cater for these situations and ensure that there is never a time when there is not a response option that has been properly analysed, ready to provide the best possible care for those children and young people. I was concerned to hear that the minister was attempting to blame others for what is, of course, the directorate's responsibility. Ensuring that the accommodation provided was up to scratch is the directorate's responsibility and trying to deflect this in some way is simply inappropriate.

I would like to stress that I am in no way making any adverse comments on the conduct of the community service concerned. I would in fact like to commend them for attempting to fill a gap and care for these children with a professional ethic, care and commitment that goes beyond the call of duty. Let us not forget that we have also put the service's workers in this very awkward situation.

I know that they did try and do the best they could in the best interests of the children, often at great personal expense. I have previously expressed my extreme disappointment at the way the service was treated by the department. I hope that this incident is a catalyst to reassess the way the directorate deals with community organisations to ensure that they are meeting their obligations to these organisations under the social compact.

The minister must change the practice of the department. It is time to open your eyes and realise that we have a massive problem here. I say "massive" because I am concerned about what further reviews may find. The 24 cases we found in stage 1 shocked me. I thought five was abhorrent, but here we are talking about 24 cases over a 12-month period. Quite frankly, someone has to take responsibility. Someone has to find the source of the problems and fix them. Is it senior management? Is it middle management? Is there too much management? Take responsibility. Ultimately these children are in your care.

It should be noted that the directorate has changed the model of service delivery in the area of emergency care in recent years and the model of funding. I do want that reviewed. I do want it to be looked at. I believe that the fee-for-service structure in place at the moment is broken. I do not believe it is a way to ensure that we have emergency response that is there, is in place 24 hours a day, seven days a week for each week of the year. I believe we need to go back and fund those services full time and move away from this fee for service.

I have spoken to a number of organisations who have been receiving fee for service and it appears to me that every time an invoice is put in, there is a haggle; it is haggle, haggle, haggle over each invoice. The invoices are not paid on time. This is not working. We need to move away from this arrangement and we need to move to an arrangement that is respectful and that properly remunerates the agencies that are carrying out this very important work.

It comes as no surprise to me that we are here discussing the need to protect Canberra's most vulnerable young people. The trauma and lived experience of these children and young people is hard to describe and not something that we find easy to talk about. But it is real and it is happening in our community. The findings of the Public Advocate report tell us that some of the abuse and neglect experienced by children occurs within the system that is there to protect them.

I was contacted by NBSS in early September 2011 about the suspension of their services. Reading through the documents provided by NBSS, and they included documents from both the directorate and the Government Solicitor, I was shocked that a community service provider was being treated this way.

I wrote to Minister Burch on 8 September asking for clarification around several issues. Some of those were about policy and procedure. This organisation had been told that they were not meeting the standards of the policy and the procedures. But when we actually really pushed for that, there did not necessarily appear to be procedures or policy that matched up to the issue that had been raised by the directorate.

This is a real issue. If you are going to have workers on the ground, and we do—we value our workers on the ground; they do a fabulous job—I think they do need to know that this is not about the work that they are carrying out day to day. They are dedicated and committed staff. This is a failure of management in my view. It is not a failure of front-line workers.

In order for them to do their job properly they need clear policies and procedures that are not in an ongoing cycle of some sort of update and where they are not provided with those clear guidelines on how to work. We have been told this morning that there are some policies and procedures. But I am still not clear who has got those policies and procedures, how many policies and procedures there are, how they are rolled out, how workers are kept up to date and trained in those policies and procedures, and with what sort of support.

We have recently heard that there is going to be extra supervision, or supervision, put in place for these workers. I am sorry, but that is really social work 101. You need to have supervision in place for workers to be able to debrief, to be able to reflect on practice and to provide that support. That is how you ensure a healthier workforce that feels valued, that feels listened to and that does not get burnt out too early on.

Since the time that the NBSS incident was raised, I do recognise that the minister did take the initiative to request the Public Advocate to conduct an investigation into the

matter, albeit as a result of the pressure from the Liberals and the Greens. That was appropriate. The Greens certainly do support the Public Advocate's finding and particularly the need for further review.

That may not be done by the Public Advocate. I understand that the Auditor-General has it on the work plan as well. But there does need to be further review so that we can better understand the systemic issues and provide a comprehensive response. We also know the Public Advocate suggested that there be a decentralisation of the teams. I am not clear whether that is the best way to go or not, but we should have somebody look at what contemporary practice, what best practice, is to see if that is a model we should go to or not.

I will turn briefly to the diligence requirement articulated in the ministerial code of conduct, which states:

> Ministers should exercise due diligence, care and attention, and at all times seek to achieve the highest standards practicable in relation to their duties and responsibilities in their official capacity as a government minister.

The Greens do not believe this was exercised in this instance and this adds to the need for a parliamentary censure over this affair. It is important to articulate the standard to which this parliament holds a minister individually responsible. Look, there is a lot that we do through government that does—there are so many things that a minister will need to keep track of.

We need to be clear that it is about the instructions that a minister gives to his or her department. The minister should be putting down instructions to see that the policy of the government is carried out. There should be rules that the minister lays down to ensure that if there are any important matters, any particularly critical or difficult matters, and particularly where you are dealing with vulnerable children—matters of risk—that they are brought to the minister's attention and that there is the control of the parliament. It is one of the duties of the parliament to see that the control by the minister is always put into effect. It is for these reasons that the Greens believe it is appropriate to censure the minister both for her conduct and for the conduct of her directorate. Changes simply do need to occur.

To finish, I would like to go to the report. I read the report over the weekend. I have to say that when I got to the first case study of family A, I was extremely angry and in fact had to get up, go outside and go for a walk because it was such a terrible thing that had happened to this family.

The whole intervention just did not go well at all. Again, I do not want to go to the particular workers who were there on the day or dealing with it. I think it is about looking at how the whole system works together. Mrs Dunne has touched on this case and I am sure she felt as upset and angry as I did when reading it.

It did show that there had been some sort of breakdown. There are so many organisations across the territory that could have been brought together. That is where I do have a concern that our caseworkers on our front line are not being given the

support or the access to the range of community organisations in order to build those partnerships, those respectful relationships, so that we can have a very holistic approach to our families that are doing it tough, that face troubles and difficulties.

In that case, those children should not have been removed. There should have been a better response, and if we had the relationships, if we had the understanding, if we had the support for workers in both the government and non-government sector, including, as Mrs Dunne has pointed out, translators, I think that we would have had a very different outcome there.

I believe those children would not have suffered secondary abuse, or trauma rather, from being removed from their mother for 19 days. Also, the mother must have gone through a terrible time. We need to ensure that we keep supporting this family. That was something that came out too—how supports were taken away so early, particularly their elderly grandparents who were kinship carers. This should not be happening.

We have raised this issue here before. These matters do need to be addressed. We need to see a proper response to these. I seek leave to move amendments Nos 1 and 2 circulated in my name together.

Leave granted.

MS HUNTER: I move amendments Nos 1 and 2 circulated in my name together:

(1) Omit subparagraph (1)(c).

(2) Omit paragraph (2), substitute:

"(2) censures the Minister for Community Services for failing to adequately administer the care and protection system.".

MR SESELJA (Molonglo—Leader of the Opposition) (11.27): This motion today should be supported, and should be supported because of the damning evidence against this minister. We have got serious and repeated breaches of the law, serious and repeated failures to act by this government and this minister and serious and repeated outcomes that put vulnerable kids in harm's way. It is difficult to imagine a more serious case for removal of a minister than what has been put forward and laid bare today, not just by Mrs Dunne but by the Public Advocate. There is no greater failure of the territory than to put vulnerable kids in harm's way. This minister did it through her directorate. It was done illegally. It was done when the department knew it was illegal, and it did so 24 times.

This was not just a little breach. This was not just a technical breach. It was not just one or two breaches. It was 24 breaches of the law that they did knowingly in many cases, and that put vulnerable kids in harm's way and subjected them to greater trauma than should have been the case. That is shameful. As the minister herself acknowledged, that is shameful. And she should now take responsibility for that shameful behaviour.

We saw serious and repeated breaches of the law. Seven years ago, this government and the whole community were aware things were going very badly in this area. This is from the Vardon report:

> On 11 December 2003 the Chief Executive of the Department of Education … told the responsible Minister that the Department had failed to comply with s.162(2) of the Children and Young People Act …

That states that when children are removed from their families they must be placed and that external scrutiny is necessary to monitor their safety. We had breaches of the law back in 2003. This is still happening. The report goes on:

> This was poor advice, and it is an example of the unreliability of departmental systems.

This is still happening. In fact, part of the minister's defence is that the systems broke down. This was happening back in 2003. It goes on:

> … the safety of children and young people has been compromised.

This is still happening. It goes on:

> This report shows there are consequences for children from a statutory system which has been failing, staff with workloads that simply could not be met, adversarial attitudes between people meant to be working together for children and high staff turnover at all levels.

The Vardon report, referring to the territory parent as a conscientious parent, states that there are three questions that a parent should be able to answer immediately:

> How many children do you have?
>
> Where are they?
>
> How are they?

Family services could not answer the second and third questions with the speed and accuracy that would engender confidence. This is still happening, and it is shameful.

We do not need to rely on the words of the opposition to damn this minister. We can rely on the words of the Public Advocate. Her report speaks for itself. The Public Advocate's report speaks for itself. So I am going to read out a number of quotes from the Public Advocate on this matter. This is from page 3:

> The findings and recommendations highlight the deficiencies in the systems and application of due process by your Directorate.

From page 14:

> It is interesting to note that current Policy/Procedure on Placements is dated 2004, and does not reflect current practice.

From page 19:

> … the property was found to be totally inappropriate, with stained mattresses, no beds or bedding, no reliable heating or hot water, and a broken window.

Let us remember what we are dealing with here. This is no technical breach of the law. Kids were in a property that was "totally inappropriate, with stained mattresses, no beds or bedding, no reliable heating or hot water, and a broken window". That was where these kids were put. From page 20:

> CPS files and electronic records show that no CPS staff visited these children whilst they were placed …

From pages 23 and 24:

> These children are highly traumatised and suffering the effects of sometimes long term abuse and neglect. They often are expected to sit there for hours while staff rush around trying to find an Out Of Home Care agency that will take them. This is an appalling situation not only denying the Rights of these already abused children, but causing great distress to the CPS staff confronted with no other option as well as CPS staff being required to work longer hours whilst placements are found.

From page 24:

> The Public Advocate has been unsuccessful, despite repeated requests, in obtaining a copy of the current policy and procedure manual since early 2008.

The Public Advocate has been denied this information, has been trying to get to the bottom of it, and this government have denied it. They have covered it up. From page 25:

> The conditions the NBSS found in a Canberra winter were intolerable.

From page 25:

> … CPS should have ensured it was habitable before handing over the keys … However, CPS appears to have learnt nothing from this, and no inspections were conducted … staff report a heater had fallen off the wall, tiling missing in the bathroom, being told to use a knife to turn on stove as the knobs had gone missing, amongst other complaints.

From page 27, the children in family A:

> … experienced nineteen days of trauma, including having to sleep on the floor of a freezing house, for what it seems was no good reason.

Again, this is no technical breach of the law. This is a breach of the law that led to children experiencing 19 days of trauma, "having to sleep on the floor of a freezing house, for what it seems was no good reason". From page 27:

> In Family B, elderly kin were caring for six children without any support or assistance … The caseworkers' role is limited by the layers of bureaucracy which distance the caseworker from the child and family, and can lead to frustration, feelings of disempowerment and bureaucratic mix-ups.

From page 31:

> … CPS was aware of the risks in using an agency that was not a "suitable entity" in this manner, the history speaks for itself. It is disingenuous to state that NBSS were only used when there was "no-one else" when this occurred with twenty-four children.

This occurred 24 times. From page 33:

> … investigations reveal that CPS fell short of its own responsibility and commitment to visit children, provide reports etc. The most serious concerns remain that over and above the poor quality accommodation, CPS was not checking whether NBSS could or was providing this service to the standard required and Barnardos when involved did not view this as an aspect of the case management role.

It goes on and on. We have the most damning report one could imagine. We have a minister who knew months ago and a government that knew years ago that these things needed to be fixed. Years ago we were told they were fixed. Years ago they breached the law and we were told it would never happen again. It has happened again and it continues to happen again. It happened 24 times. It happened over and over again—24 times that we know about, as a result of just one interim report.

Finally from the report, from page 36:

> … the practice of using NBSS in this manner had gone on for over a year—what other options had been investigated in that time? What other strategies had been implemented to develop and increase capacity in Out Of Home care in the ACT community? It seems as though using NBSS was an easy option for those children in the "too hard to place" category.

This minister cannot claim ignorance. She knew. The breaches in the current report happened 24 times. Today on radio Ms Burch stated that she became aware of problems at the end of July. The problems continued through August. She became aware in July. It continued in August and she did not act until September when the whistle was blown. That is how this minister has dealt with it.

She knew about it. This government knew years ago that there were problems. They clearly have not fixed them. This minister was aware in July of the most recent problems. In August these problems continued. In September, when the whistle is finally blown, the minister says, "We are going to do something about it; we will call in the Public Advocate because it has been publicised," because she has been found out and the department and the government have been found to be letting down these vulnerable children.

There has rarely been a stronger case for no confidence in a minister. To repeatedly breach the law, to do so knowingly, to do so after years when we knew this was happening, is unacceptable. This minister deserves to be—*(Time expired.)*

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (11.37): The government will not be supporting the amendments to the motion today. It was interesting to listen to the contributions of members in this place this morning—they have automatically become qualified child protection workers—making decisions about what should have happened, when it should have happened and how it should have happened.

I think we need to understand the reality of care and protection systems not just in the ACT but around the country. I think every jurisdiction, regardless of political colour or flavour, deals with issues in their care and protection systems because they are incredibly fraught with problems. They are dealing not only with bureaucratic processes, they are dealing with children and families that are often broken and traumatised and unwilling to accept intervention even if the legislative framework requires intervention.

I think on a yearly basis there are 13,000 child protection reports coming through the system. There is somewhere near 200,000 out-of-home care days provided. There are 1,200 open cases of children who are in the care of the territory. Probably between 550 and 600 children are in the care of the territory parent on a daily basis, let alone the children that require some sort of monitoring and oversight but who may have other orders. This is the workload that this directorate is dealing with. To put it into perspective and to acknowledge the huge change that has happened in this area over the last 10 years, no government and no ministers have done more to improve the care and protection system than this government.

I remind members—when I was the care and protection minister back in 2003, listening to Mrs Dunne lecture this government on providing a reception centre, which I have to say is a good idea and we should work out how to do that—we found staff working in the basement of high schools left from the last time you were in government. We found staff we did not even know existed. They were working for the department in regions. Under that system, people did not even know how many children were in the care of the territory parent. There were about 30 staff working in the area. The problems that occurred under your watch and that we had to fix have taken years to fix.

Mrs Dunne says, "Why are children coming into Moore Street?" There was not even a Moore Street to come into under your government when you were last in power. The shame and the disgrace that you left the care and protection system in have lasted for years. It has required millions of dollars of investment and it has required incredible reform to out-of-home care, emergency care, therapeutic care. These are all services that did not even exist in any great capacity before the reforms and the injections of resources that we put in to reform this system.

Yes, reading Anita Phillips' report on the weekend distressed me, as it would distress anyone reading about those cases. But these are often situations that ministers in

charge of care and protection systems read about all the time. We read about families who are traumatised. We read about children who are removed in emergency situations. We read about parents who do not accept that. We read about the care and protection workers that often have to go in with police to visit these families and who have to tear children out of the arms of families and loved ones. We read about all those. They are traumatising and they are distressing, not just for us, who read it on a bit of paper, but to those people. Imagine the situation that that puts those children in.

But I also remind members of what happens when care and protection workers do not remove children. Let us remember the lecturing we got from Mrs Dunne when a family in Ainslie, exposed in the national media, actually were not removed for a variety of reasons. Care and protection workers made the decision that it was in the best interests of those children to leave them with their mother at that time. And let us remember the judgements passed in this place on the care and protection workers who made those decisions, with good reasons, whenever I spoke to them. But a view expressed in this place was that that was not adequate, that the children were not removed. Now those same workers are being judged because they made a different decision in the interests of what they thought at that hour of that day was the right thing to do for those children.

Yes, it now appears, running the ruler over it and analysing those decisions, that there were deficiencies in the decision making. But let us remember for a moment how those decisions are taken and the stress of the environment in which they are taken. Nobody wants to bring children into Moore Street. In fact, I know that it does not occur for the majority of children. But when there is difficulty in placing children—those children have been removed in an emergency situation—sometimes there is nowhere else for those children to go. Nobody wants them in Moore Street, and arrangements are made as soon as possible to get them somewhere more appropriate. But again, let us remember the timing and the speed with which some of these decisions are taken.

There is no perfect care and protection system. There will never be a perfect care and protection system. My very strong belief is that every review that you call into care and protection systems will find some area of failure, and that will not be through anyone's wilful or dysfunctional—to use Mrs Dunne's outrageous language this morning—actions on behalf of staff working for the directorate. I do not know who Mrs Dunne believes is working in our care and protection system that she describes them in such an atrocious way as she has this morning, but these are staff who come in every day to manage the hundreds of children that the rest of our community do not care a lot about. And that is the reality of care and protection systems. They are human systems. They are not perfect. They are under enormous stress.

For a minister, there are different responsibilities. The legislative responsibilities under the Children and Young People Act are clear. The territory parent has statutory responsibilities for children taken into the care of the territory. The minister's job, as some have pointed out, is to administer the directorate. I believe, from the discussions that I have had with Ms Burch and from the paperwork that I have read, that she did exactly what a minister was required to do. When provided with information from her department in not a clear way, I would say, in not as clear a way as I would expect

that information to be provided, she followed up with further questions. The information to the minister was not "the department has breached the Children and Young People Act in making these placements". The advice from the department to the minister was that ad hoc arrangements had been put in place to manage some of the pressures and the demand that the area within care and protection was experiencing.

What did the minister do when she received that brief? She asked for more information from the department about what that meant and the extent of that. And the department, over a period of time, provided her with more information. When the information became clear—and in her mind she had formed a view that there was a problem that existed and that needed to be cleared up for her as minister, acting responsibly—she put in place that action as well. She has done exactly what a minister needs to do. The sad reality here is that, while we continue to play political football with care and protection, the system will remain under the stress that exists now.

Mrs Dunne, you walk over to Moore Street and go and tell those people that you called wilful and dysfunctional this morning just what you think of them and see whether the child protection system holds up under this stress. I am worried, from the level of the sort of political fun that can be had under care and protection, that we actually will not be able to provide the best system that our children in this city deserve. That is something that I have worked on for years. Ms Burch is working on it now. There is some level of cooperation across the Assembly, but it does not exist in the way that it should.

The politics need to be taken out of care and protection. We need to put it aside and we need to work together in the interests of children and young people. Yes, there need to be improvements, but the system has come a long way, and the staff and the minister deserve respect for administering the system that exists. *(Time expired.)*

MR SMYTH (Brindabella) (11.47): I will take up where the Chief Minister left off. She finished by saying that the system has come a long way. The question is: has the system come a long way? We can recite all the data. We can recite the statistics. We can recite what occurs. But you have to ask the question, seven years after the Vardon report: has the system come a long way? And the answer is: clearly not. And you have to ask: who is responsible to this place for that maladministration of the system? And the answer is: the minister.

Has the system come a long way? Can the system possibly have come a long way when the advocate can identify 24 breaches of the law—24 children, 24 occasions where the law has been breached—and a number of those breaches occurred after the minister was informed? The Chief Minister has just said that the minister did exactly what a minister needs to do. Well, did Minister Burch say, "Stop breaching the law"? If she did then she probably has done that. But we have not been told that she did. And, if then the department failed to follow that directive from the minister, action needs to be taken in the upper echelons of the department.

But the minister did not say that. She said she sought assurances. She did not say that she had said, "Stop breaching the law." She said, "I asked for assurances." We are not

talking about things that are unfeeling or uncaring or unhurtable; we are talking about children. "Are you breaching the law?" "Yes, we have, minister." "Stop it." That conversation does not seem to have occurred, and it certainly has not been reported here by the minister in her defence. Indeed, when Ms Gallagher takes 75 per cent of the time allotted to her to recite the statistics and lecture us about "you do not understand", it is because she does not have a defence for the minister. We are yet to hear a case that the no confidence motion should not be supported by any of the parties in this place.

The reality is that you can quote statistics all you like, but you did not go to the heart of the matter. The Chief Minister said, "Huge changes have occurred". What has actually occurred? The minister also said, "We have put in enormous amounts of money"—a standard Labor Party response to any crisis: flood the issue with money as a measure of success. "We spent more." But, having spent more, you would appear to have achieved a lot less, because you did not get the fundamental right, which is that we have a rule of law: "I, as minister, will make sure my department adheres to the rule of law and through that rule of law we will minimise the impact on the children in our care." And it did not occur.

The minister is responsible through the government's own code of conduct for ministers. It says:

> Ministers will uphold the laws of the Australian Capital Territory and Australia, and will not be a party to their breach, evasion, or subversion.

Before the minister was informed in late July, it is hard for her to be party to a breach, evasion or subversion of the law. But when she is told that this has occurred and she does not stop it immediately, she is party to breach, evasion and subversion of the law—and on that judgement alone is worthy of no confidence in this place.

It is an interesting measure of what no confidence means as against censure and against grave concern. Last sitting week I was censured for putting out a press release that people did not like. Did my press release affect any children? No. Did it cause them any pain? No. Did it cause them suffering? No, it did not. But I got censured.

The minister talks about taking the politics out of this issue. If you do your job properly there will be no politics in this issue. But the job is not being done properly and that is where ministerial responsibility kicks in, and that is why this minister should face a motion of no confidence and be found to be lacking the confidence of this Assembly, and that is why this minister should go. It is not like she did not know. It is not like it was not raised in estimates this year back in May. It is not like it was not raised in estimates last year.

When you get a community member talking about institutionalised child abuse in our child and protection service, you have got a problem, and as a minister, under ministerial responsibility in the code of conduct, under normal Westminster practice, under common sense, you ask the questions and you fix it. You do not seek assurances. You behave like a minister who is responsible to this place and you do the job for which you accept the warrant and the payment. And that job is not being done.

We welcome the censure—at least something has been put on the record now about this minister's performance—but it does raise the question of what you have to do to lose your ministry in this place. It is interesting that in the Greens' agreement with the government they say:

> Maintain confidence in Chief Minister Mr Jon Stanhope—

I have not seen the updated one; I am not sure if it exists—

> and his Ministers except in instances of proven corruption or gross negligence; or for significant non-adherence to this agreement.

So the question here is: what is the measure of gross negligence before the Greens will vote to remove a minister?

Mrs Dunne: Does somebody have to die?

MR SMYTH: I am not sure what has to happen. It is not like this occurred just in July; we heard about it in May. We heard about it in May last year in the estimates—and by all accounts it has not improved.

There is a question of whether anything would have happened at all. There is a nice positioning of some of the statements in the report from the advocate. Paragraph 1.1 of the introduction states that on 13 September 2011 the Minister for Community Services, Ms Joy Burch, wrote to the director-general to ask for the inquiry. The following paragraph states that on 9 September 2011, following a meeting with staff from Northern Bridging Support, Mrs Dunne wrote to the minister. So you have to ask: would anything have happened if that letter had not been written by Mrs Dunne? I think the answer is no, because we know from when we dealt with, for instance, Bimberi, nothing happened until there were motions in this place. And this is the problem. It is not just the once. It is not just this issue, as bad as this issue is. This minister has been negligent almost from the very start.

It is interesting what the code of conduct says if we want to apply the Greens-Labor agreement to the code of conduct:

> Being a Minister demands the highest standards of probity, accountability, honesty, integrity and diligence in the exercise of their public duties and functions.

Diligence, minister. How can you explain your diligence to the 24 cases that the advocate was able to find in a very short period of time? Members, there has been no diligence here—on one of the most, if not the most, important services that the government provides to its community.

We all understand how hard it is. We all understand the judgements that have to be made. We have all heard of cases or had things brought to our attention. But there is only one minister in this place responsible and in this case this minister has not acted responsibly and has not been diligent, and accordingly this minister should go.

Ms Hunter made the case. She talked of significant failure. She talked of other things—that that failure was not isolated, that for more than a year the law has been broken. What sort of standard, what sort of bar, are we setting here if for more than a year of breaking the law, for more than a year of significant failure and for more than a year of failure that is not isolated, you get censured? What has to happen before the Greens in this place will stand up for the disadvantaged children of this jurisdiction and actually apply a standard that is worthy of their situation so that we give those least advantaged children in our community the care and protection that they deserve?

It is well and good for the government to say, "The Liberals are attacking the public servants again." No, we are not. We are attacking you. We are attacking your administration for its failure to stand up for those who deserve the best and the most from this place, the disadvantaged children of the ACT. This minister should go. *(Time expired.)*

MR HARGREAVES (Brindabella) (11.58): I will not take very long. Thank you very much, Mr Hanson, for the courtesy.

All of these histrionics and theatrics do not actually cut it for me. This sort of sanctimonious pontification that is coming across the chamber from that lot opposite does not cut it for me. What Ms Hunter said was pretty on the money. She was saying, "Let us start with the children."

Mrs Dunne, with her quivering lip, does not cut it either for me. All that these people are doing is seeing a political opportunity and trying to make some political capital out of the pain of young children—and that, I am afraid, is just not on. That is just not on.

We hear, and we have heard through most of my time here, of a willingness on the part of those people opposite to assist in the difficult parts of public administration in this city—and I have not seen any examples of it. There could be.

When we are dealing with vulnerable children, we are actually dealing with just that: vulnerable kids. There is a suggestion that the minister is responsible for the issues that the Public Advocate has brought to our attention. The minister is not responsible for those at all. If you have got systemic issues going on and you identify those systemic issues and then you get on and fix them, surely that is due for praise rather than a no confidence motion. I remind the chamber that it was this minister that asked the Public Advocate to do the review in the first place.

We need as an Assembly to show some concern for the outcomes here because the outcomes are pretty ordinary. Everybody in this chamber is pretty upset about those outcomes; nobody is in any doubt about that. But let me ask this question: what good is calling for the head of a minister going to do? What is the outcome going to be—some sort of a self-congratulatory party over on the other side: "You beauty, we've got a scalp"? That is not going to be the right outcome. The real outcome here is to work our way through these systems and the cultures and the resources of the people who are involved day to day.

How about we stop trying to crucify people and instead say: "Okay, what are the issues for these people at the coalface? Where can we improve things here?" One of the ways to do it is to get some experts to have a look into it—and that is exactly what happened. The child protection and child welfare services in this town have been reviewed and reviewed and reviewed—and so they should be. It is one of the most delicate and difficult parts of governance in this territory. It is the most difficult thing for anybody to administer. It is the most heart-rending one of them all when you are dealing with children. We should not be trying to make political capital out of this. When somebody identifies an issue, we should be all getting together and saying, "How can we fix that?" not "How can we take a scalp for it?" In my view that is reprehensible.

For my own part I congratulate the minister on having the courage to set this review in motion knowing full well what it was going to reveal but not knowing the depth of it and for having the courage to put it out there in the public arena as quickly as she did.

Mrs Dunne: She didn't. The Speaker did.

MR HARGREAVES: I am not interested in the innate ramblings of lip-quiverers across the chamber. Mrs Dunne would do well to keep her inane comments to herself. She has had her time; she has it coming again—and she will also have it coming again in the next election.

Instead of having a go at this minister we should be saying: "Thanks very much for giving us the information. Now what are you going to do about it?" That should be sufficient. This motion of no confidence is just political opportunism and should be regarded as such and dealt with as such.

MR HANSON (Molonglo) (12.02): I commend Mrs Dunne for bringing this motion before the Assembly. What I have heard was a compelling case made by Mrs Dunne, Mr Seselja and Mr Smyth. Indeed, I think Meredith Hunter has made the case and has found the minister guilty. We disagree with the punishment and the penalty, but it is clear that, aside from the Labor Party, the parties agree that the minister has failed, has acted negligently and is deserving of punishment. The disagreement is on what that punishment should be.

What we have heard from Labor is straight out of the Labor play book—that is, to attack. Rather than spend time defending Ms Burch, what we heard from John Hargreaves and Katy Gallagher was an extraordinary attack on Mrs Dunne, accusing her of being a lip-quiverer because she gets passionate about these issues. It is no different from the sort of attack we see from Julia Gillard. She just repeatedly attacks Tony Abbott as though her gross negligence and mismanagement at the federal level is his fault. What we are seeing here is the same—we see gross negligence from a minister in the ACT government and then simply an attack on the opposition.

Well, this is a government that has had 10 years. It has had the Vardon report. It has run out of excuses. What we see here is a minister with a competence problem and a

minister who has failed. She has failed to look after the most vulnerable in our community. We are seeing a dislink between the rhetoric from the minister and the Labor Party about looking after the most vulnerable in our community and the reality. The reality is exposed in this report, which shows that this is a government that is not looking after the most vulnerable in our community.

Despite the fact that the minister, the government and the Chief Minister have decided to attack Mrs Dunne, let us be very clear—we are only aware of these issues because of Mrs Dunne. If it were not for the work she has done with members of the community to expose the failings of this minister, we would not be aware of these problems. It is quite clear that the report produced by Anita Phillips was only prompted by Mrs Dunne, which left the minister without any other solution to the gross failings that had been exposed.

She will be found guilty today. As Mrs Dunne, Mr Smyth, Mr Seselja and, indeed, Ms Hunter pointed out, she knew the law was being breached by her department and she allowed that to continue. As Mr Smyth pointed out, that quite clearly is in breach of the ministerial code of conduct. This was not an oversight; she wilfully allowed the law to be broken repeatedly. Indeed, I will quote from Meredith Hunter in her speech—"it does not excuse her", "she is accountable", "for more than a year the law has been broken", and "significant failure in the Community Services Directorate". So we are not in disagreement that there has been gross negligence, that the law has been breached and that the minister has supported the law being breached, in complete disregard of the ministerial code of conduct.

It begs the question: under what circumstances will the Greens actually acknowledge that a minister has failed and support a vote of no confidence? As Mr Smyth pointed out, the Greens supported a censure motion because of a press release he put out about a committee. So they see this as equivalent in its severity. They think that breaching the law and allowing the department to continue breaching the law—the failures that we have seen through the review from Anita Phillips—is somehow equivalent to some press release about a committee, and it quite clearly is not. What we are seeing from the Greens today is a failure to stand up and act independently of their coalition partners. Their own parliamentary agreement makes it clear that that is what they should be doing. They will not support the government under certain circumstances—I will talk about where they will maintain confidence and where they will not—of proven corruption or gross negligence.

The minister has allowed her department to wilfully break the law, which has consequences for the most vulnerable in our community. This has been ongoing for a year. In fact, it makes you wonder how long this has been ongoing since the Vardon report. Under what circumstances will the Greens acknowledge that that is a crime and wilful negligence that is worthy of a vote of no confidence? Until the Greens actually stand up to this government and say, "No, enough is enough; we do not accept that," they are going to lose support in the community. I think we are already seeing that the Greens are no longer being seen as a thoroughly independent third party. They are not third-party insurance; they are not providing the accountability that is required in this place.

If you think it is not serious, if you think it is just the opposition saying this, let me read from the press release put out today by the Grandparent and Kinship Carer Association, entitled "Public Advocate report confirms on-going systemic abuse in the ACT care and protection unit":

> The Grandparent & Kinship Carer Association of the ACT … today welcomed the release of a damning Interim Report by the Public Advocate, Anita Phillips, into the Care & Protection Unit and its responses to children in crisis in the ACT.

The press release talks about an email that was sent to Ms Burch by the president, Marion Le:

> I have read the interim report and noted that many of the issues raised are ones that we have been raising constantly with the Department. I also note that these are migrant families and I have consistently asked about assistance to such families and the lack of culturally appropriate interventions. At the moment I am involved with another case where the intervention of the C&P is in my view, and in the view of others involved in assisting the family, inappropriate and damaging.

Further:

> It is appalling that ACT Government Departments are failing to implement stated Government policy in this vital area of need—proper communication.

The press release states:

> Mrs Le said it had been almost two years since she had highlighted the view of her Association that the C&P Unit was engaged in "systemic abuse" of children and carers alike and she said that this view was now endorsed by others.
>
> "In an email I received recently, which is indicative of the views of many, one woman stated:
>
> > 'They appear incapable of acting truly in the interests of children and those who are their volunteer carers. Their processes are slap-happy, often outside their legal powers and they absolutely don't learn from or often even acknowledge, their mistakes. They don't understand or use fair processes, rarely document their reasons for decision, hold secret records that one is unable to access using the ordinary citizens' tools, and often have records that contain massive inaccuracies.'

So there are significant concerns in that community and, as I said, these are concerns that were raised over two years ago. For the minister to come into this place and suggest that this was something she did not know about is not an excuse. As Ms Hunter said, it does not excuse her. The minister was not aware of the full scope of what was happening. It does not excuse her. That is correct, because, under the Westminster parliamentary system, we have enough evidence to show that this minister has behaved in a fashion that precludes her from continuing as a minister.

What we are seeing across the chamber and with the Greens is a government that is in crisis. John Hargreaves asked what would be the consequence of a vote of no confidence and what is the positive outcome. The positive outcome we seek is putting a minister into the position who is competent and who will provide honest and accountable advice rather than trying to hide from the realities of the situation.

The problem Katy Gallagher has is that she has already expressed no confidence in her backbench. The fact that she is running with four ministers rather than five tells us she has already expressed a lack of confidence in John Hargreaves, Mary Porter and Chris Bourke. I say to John Hargreaves and members of the Labor Party that their support of this minister is untenable. The only reason the government continues to support this minister and the only reason that the Greens continue to is that there are simply no other options.

MRS DUNNE (Ginninderra) (12.12): This is a momentous day, and all of my colleagues have highlighted the seriousness of the matters that we have before us. As Mr Seselja said, nothing could be more serious than putting our vulnerable children in harm's way. It was a pretty feeble attempt, really, by Ms Burch and Ms Gallagher to defend her position. The attempt is to deflect and say, "Oh, Mrs Dunne is criticising the bureaucrats." Well, I am reflecting what the Public Advocate said. The Public Advocate, in her letter of commission to the chief executive, says:

> I present to you an *Interim Report* as stage one of a Review conducted by the Public Advocate of ACT with respect to the circumstances … The findings and recommendations highlight the deficiencies in the systems and the application of due processes by your Directorate. This confirms the need to immediately conduct the second stage of the Review …

After a three-week inquiry that was scrabbled together with very few resources and with very little time, the Public Advocate could uncover in a very limited look at cases 24 breaches of the Children and Young People Act. It is called the care and protection service, and on 24 occasions the service charged with the care and protection of our vulnerable children broke the law and, by the admission of the Public Advocate, increased the trauma and increased the abuse experienced by already traumatised, vulnerable, abused children. These are the actions of the care and protection service, and Minister Burch is the minister responsible for the care and protection service.

It is interesting to listen to what Ms Hunter had to say on behalf of the Greens. Ms Hunter set out perfectly and repeated the Liberal Party's case against Ms Burch. She agreed that the law had been broken and that this was unforgivable. But somehow we get to the weasel words of the modern notion of ministerial responsibility—she could not possibly be held responsible. The minister is hoist on her own petard. She admitted that in July she was told, and she did nothing about it except to seek assurances that the placements met our standards. We know that the placements could not meet our standards—not even Joy Burch's standards—because they broke the law. This is a symptom of a dysfunctional system that has at its head Joy Burch, the minister responsible for the care and protection system of our vulnerable children.

They can weasel all they like and try and shift and say, "Mrs Dunne and the opposition are being rude to the staff." But go and read the report. I endorse what is in the report. I have reservations about some recommendations in the report, about which I think that there should be discussions. But what we see is a system that does not work. Staff deserve to have policies and procedures that they can follow. Staff do not deserve to have outdated policies and procedures that they cannot refer to. Staff deserve to have a proper place to take children—not an office where they can run riot. Staff deserve to work in safe conditions. They do not deserve to be asked to take children where there is no heating, no hot water, no beds, no bedding in a Canberra winter. This is not a Third World country; this is the capital of a G20 nation, and this is what we hear.

This has not come out of the blue. Mr Seselja and Mr Smyth have gone back to the Vardon report. We have known about this. We should be vigilant. We know that we have had problems in the past. The Chief Minister, when she was responsible for this area, was lied to by her officials. She came in here and made a statement and then she got a fax from them that said, "By the way, the statement that you just made in the Assembly was not true," When that happened, what did she do? She did the right thing. She and the Chief Minister at the time instituted an inquiry. Do you not think that after that had happened you might be just a little bit vigilant about what is going on in the care and protection system, that you might have been a little bit burnt, that you might have been just watching a bit?

When Minister Burch first became the minister, one of the first groups of people who came to see me were the grandparent and kinship carers, and they said to me, "Vicki, we think that the minister has been lied to by her department in an answer to a question on notice." I wrote to the minister and I said: "I have serious concerns about the veracity of the answer. I am not going to make a fuss about it because you are new in the job. Why don't you look into it?" And she came back and said, "Nothing to see here."

Then Marion Le and Jean Smith came to the estimates hearing last year and talked about institutionalised abuse, and Minister Burch said: "How dare you say such terrible things about our officials? There is nothing to see here." What has Marion Le got to say today? Mr Hanson read it out. One of Marion Le's contacts in the grandparent and kinship carers group has said:

> They appear incapable of acting truly in the interests of children and those who are their volunteer carers. Their processes are slap-happy, often outside their legal powers …

This is what we are talking about. These people have been proved by the Public Advocate to act outside their legal powers, and the grandparent and kinship carers highlight that again today.

There is one other issue going back to the Vardon report. Vardon asked: "How many children are there? Where are they? How are they? Can these questions be answered?" When she was inquiring, they could not. When the Public Advocate looked at these

24 cases, the same questions arose. I refer members to pages 28 and 29 of the report where the current status of a number of children is as unknown. When I asked the Public Advocate what that meant yesterday, she and her officials said, "When reading the files, we could not tell from the files where these children are." This is seven years down the track after Vardon asked the question: can the care and protection system reliably tell us where our children are? And the answer was no. This week, the Public Advocate is saying the same thing.

This week Minister Burch, one of the succession of ministers after Minister Gallagher who has presided over the care and protection system, has not wanted to know what was going on in her department. When she did know what was going on in her department, what did she do? She said, "I'm seeking assurances." She did not say, "Stop it, it's illegal." She sought assurances to see that the placements met our standards. They did not meet our standards, and she did not do anything about it, which is why this place should say that we no longer have confidence in her.

This minister is not fit to look after our children. The Greens know it, but they cannot bring themselves to say it. They know that she is not fit to look after our children, and the message will come out long and clear today that the majority of members in this place say that this minister has done the wrong thing. We say she is not fit to continue in her job. The Greens have to equivocate because they cannot bring themselves to make the hard decisions that are necessary to look after children in vulnerable circumstances.

Ms Hunter should also be condemned. She likes to talk about her background of looking after vulnerable children in the community. But today, by not removing an incompetent minister, she has failed those children just as surely as Joy Burch has failed them.

Ms Hunter's amendments agreed to.

Question put:

> That **Mrs Dunne's** motion, as amended, be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Justice and Community Safety—Standing Committee
Scrutiny report 43

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

> Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 43, dated 13 October 2011, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report 43 contains the committee's comments on three bills, 27 pieces of subordinate legislation, five government responses and proposed amendments. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Paper

Mrs Dunne, by leave, presented the following paper:

> Justice and Community Safety—Standing Committee—Report 7—*A Review of Campaign Financing Laws in the ACT*—A copy of the extracts of the relevant minutes of proceedings.

Education, Training and Youth Affairs—Standing Committee
Reporting date

Motion (by **Ms Bresnan**), by leave, agreed to:

> That the resolution of the Assembly of 18 August 2011, referring the matter of the Human Rights Commission Report into the ACT Youth Justice System to the Standing Committee on Education, Training and Youth Affairs, be amended by omitting the words "by 20 October 2011" and substituting "by the last sitting day in November 2011.".

Sitting suspended from 12.28 to 2 pm.

Questions without notice
Children and young people—care and protection

MR SESELJA: My question is to the Minister for Community Services. Minister, the Public Advocate's report of her review of the emergency response strategy for children in crisis in the ACT says of your directorate that, in engaging an NGO that was not a suitable entity to undertake residential care for children in the care of the director-general, the directorate was in breach of the Children and Young People Act. Minister, what responsibility do you take, as minister, for this breach of the law by your directorate, a law that your directorate administers?

MS BURCH: I thank the Leader of the Opposition for continued interest in the Community Services Directorate. We have had that debate over this morning. The directorate is responsible. The director-general is responsible, as the territory parent, for ensuring that adequate placements and supervisions are in place. As such, though, as minister, I am also responsible for making sure that the department is administered in a proper and fit manner. I have said on occasions here that I started asking questions and seeking information from late June. The placements in question—

Mr Smyth: Late June?

MS BURCH: Sorry, late July. I do apologise; it was late July. I made the mistake of saying June then. The placements ended, as I understand it, in early to mid August. The Public Advocate's report has raised some concerning findings. I have not stepped back from recognising that. I have not stepped back from committing to providing the government response as a matter of urgency. On the merit of the recommendations, they are worthy and should be progressed. But rest assured that I will work with the directorate to ensure that we have systems. The circumstances that led to the circumstances outlined in the Public Advocate's report are of concern and there are clear areas for improvement.

MR SPEAKER: Mr Seselja, a supplementary question.

MR SESELJA: Minister, does your directorate act on your behalf in the exercise of its duties?

MS BURCH: I think the directorate acts on behalf of the Canberra community. These are ACT public servants. They are here to serve this government but they are also here to serve the people of Canberra. They work tirelessly, to the best of their efforts, in all aspects of their work. When we find, as any agency will find when it is under a microscope, areas for improvement, it will get on and improve those areas of assistance.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne, you have the floor.

MRS DUNNE: Minister, what questions have you asked of your directorate in relation to this breach of the law? When did you ask them and what answers did your directorate give you?

MS BURCH: I do thank Mrs Dunne for her question. It came to my attention that there was occasional use, some use, of unapproved agency staff. That was in late July. It was a minute, a brief, that came to my office on 20 July and I exited out of my office on the 25th. I sought information about whether they met our standards. I kept on going back and seeking more information, as I have said a number of times here. In the end, I had no circumstance, I had no other option, but to call for an independent review. And that is what I have done and that is what we are in the middle of.

MR SMYTH: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, will you now do the right thing and resign—and, if not, why not?

MS BURCH: No.

Children and young people—supervised transport services

MS HUNTER: My question is to the Minister for Community Services. Minister, during the debate this morning you stated that NBSS has been reinstated to provide supervised contact and transport services in the territory. Minister, will you direct the director-general to reinstate the previous client list that NBSS were providing service to?

MS BURCH: Without having the details of the client list and being privy to that information—it would not exactly be appropriate for a minister to get into allocating individual clients to a service provider; so I will stop short of that. But the advice I had this morning just after I came into the place is that they have been reinstated and they were being advised of that.

MR SPEAKER: Ms Hunter, a supplementary.

MS HUNTER: Minister, following the publication of the Public Advocate's report, have any further NBSS invoices been paid by the directorate?

MS BURCH: My most recent advice is that there was an amount of $100,000. That was an amount without dispute. That was paid at the end of September. But I have directed the directorate to get on and to resolve that matter as a matter of urgency.

MS BRESNAN: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, given recent events and the concern that NBSS will not receive referrals from care and protection services in the future, what steps have you taken to ensure that NBSS are treated fairly by all care and protection staff?

MS BURCH: I thank Ms Bresnan for her question. There were matters raised with the directorate that resulted in NBSS being suspended. Since that time and following my meeting with NBSS—and the director-general was with me at that meeting—the department have worked with NBSS. They have been working over the last number of weeks—it is certainly the advice I have that they have been working with them over the last number of weeks—to ensure that they can be reinstated, to ensure that they have a standard, all the requirements to be positioned to be able to go for a tender, because the director is looking to go out to a public tender for transport and supervision services. I think the fact that they have worked with them so closely over the last few weeks tells that they are prepared to treat them with regard and to support them as they return to this environment and work space.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: To the minister, is it true that there are in fact over 600 children in the care of the territory parent and what we are seeing in fact at the moment is a small number of those kids being subject to the Public Advocate, notwithstanding the seriousness of the nature—

Mrs Dunne: Relevance, Mr Speaker. I seek your guidance. The original question was about the reinstatement of NBSS and the payments to NBSS. Mr Hargreaves's question does not go to either of those things.

MR SPEAKER: On the point of order, Mr Hargreaves.

MR HARGREAVES: On the point of order, I was seeking to know roughly how many children we are talking about with respect to NBSS. I wanted to see that relativity of the whole picture. The subject, in fact, is about children in care, Mr Speaker, and I think you should allow some latitude in that.

MR SPEAKER: Mr Hargreaves, whilst I appreciate the spirit of what you are saying, I think Ms Hunter's question was quite specific and the line of questioning has remained quite specific. So I am going to rule the question out of order.

Children and young people—care and protection

MRS DUNNE: My question is to the Minister for Community Services. Minister, the Vardon report of 2004, *The territory as parent*, stated in its summary pages:

> Child protection in Australia is regulated by statute. Compliance with the statutory framework—the legislation and policies—is of the utmost importance if government is to keep vulnerable children and young people safe from neglect and harm.

That report revealed that the then department had not complied with the law. Seven years after the Vardon report, the Public Advocate's report of last Friday identified instances in which the directorate had failed to comply with the law. Minister, why has there been no improvement in your directorate's ability or willingness to comply with the law since 2004?

Mr Hargreaves: On a point of order, Mr Speaker, again I seek your guidance. I seem to have heard these same questions put rhetorically perhaps in the debate earlier today, and I wonder whether or not you can—

Mr Seselja: There is no point of order.

Mr Hargreaves: If you want his job, it's yours.

MR SPEAKER: Order! I am hearing Mr Hargreaves.

Members interjecting—

MR SPEAKER: Order! Mr Hargreaves has the floor.

Mr Hargreaves: Mr Speaker, I am concerned that what we are seeing being explored is a reflection on the vote this morning, and we are actually going over the same ground as this morning. So the issue of the standing order which deals with repetition should apply here.

Mr Seselja: On the point of order, Mr Speaker, there is no standing order to which Mr Hargreaves has pointed. There is nothing to prevent us from asking questions which may have been the subject of some debate in the Assembly. Mr Hargreaves has absolutely no point of order. If we were to be restricted in that sense, there would be very few questions asked in this place.

MR SPEAKER: There is no point of order at this stage. Minister Burch, the response to the question, thank you.

MS BURCH: From memory—there was a little bit of distraction there—I think the premise was why hasn't anything changed since 2004. There has been significant change since 2004. The Vardon report set out a range of reform measures and this government invested in those reform measures. Just some of them were the child and family centres, of which we have had the third one recently opened. We have instigated a therapeutic model of foster care. We have increased our placements. We have an out-of-home care framework that clearly sets out the expectations through the most recent tender process and payments and subsidies to carers. We have a neglect policy. I think part of the Vardon review was about an institute of children's studies in the ACT. So to say that nothing has happened just shows the absolute ignorance and the ability of Mrs Dunne to verbal anybody.

Mr Coe interjecting—

Mr Hargreaves: On a point of order, Mr Speaker, Mr Coe just suggested that the minister is breaking the law. I would ask you to ask him to withdraw that or to come up with yet another substantive motion.

Members interjecting—

MR SPEAKER: Order, members!

Mrs Dunne: On the point of order, Mr Speaker, I think what Mr Coe said was that they are still breaking the law, and this is the subject of a report that reported to you on Friday that substantiated that.

MR SPEAKER: Mr Coe said, "You are breaking the law." I would ask you to withdraw, Mr Coe.

Mr Coe: The implication was the department, but I withdraw.

Mr Hargreaves: Mr Speaker, he cannot put a caveat on a withdrawal.

MR SPEAKER: Mr Coe, I ask you to withdraw without qualification.

Mr Coe: I withdraw.

MRS DUNNE: A supplementary question.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what actions have you taken to ensure that your directorate fully complies with the law that it administers in future?

MS BURCH: I think it is self-evident that everybody in the Community Services Directorate is working under a microscope. Certainly my assurances from the department are that since the placement ceased—I think it was in early August, and the dates of nine or 11 come to mind, but just from memory I am not sure which date it was—all children are in approved and certified placements.

MR HARGREAVES: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thank you very much, Mr Speaker. Minister, in the context of child protection and in the context of the Vardon report, what role have the child and family centres taken in terms of providing a service to these vulnerable kids?

MS BURCH: I thank Mr Hargreaves for his question. There was significant commentary in the time of the Vardon report and since around the benefit of early intervention and support to families who were not necessarily in the statutory system but who were certainly vulnerable—their family structures are that fragile—and that they would benefit certainly from some strong support.

That was the thinking behind the child and family centres and they have been a significant success. I understand members in this place have visited them. I understand one of the committee visited those. I am yet to hear anyone who does not go to those and say that they provide a fantastic service. They have non-government organisations coming through them.

We offer direct services from them—positive parenting, strong fathers programs—there is a whole range of programs. They are universal programs that go to support families at risk but also families that are not at risk just to make them stronger and healthier and to provide more competence around raising their children. I think it is the hallmark of a good government to invest in those programs.

MR SPEAKER: Mr Seselja.

MR SESELJA: Minister, did any of the breaches of the law identified by the Public Advocate occur after this issue was first brought to your attention?

MS BURCH: As I have said, I think the last placement ended in early August. I could find a copy of the report but I am sure you have got one over there. So those over there will know, and will see, as outlined in the Public Advocate's report, the dates of those placements. I became concerned and raised questions at the end of July, but clearly, as the Public Advocate's report outlines, that was happening before that. This is of concern to me. That is of immense disappointment to me and certainly there will be some frank and fearless discussion between me and the directorate.

Children and young people—care and protection

MR SMYTH: My question is to the Minister for Community Services. Minister, the Vardon report, *The territory as parent*, notes that the children and young people legislation then in place in the ACT recognised:

> … when children are removed from their families they must be placed somewhere safe and that external scrutiny is necessary to monitor their safety.

Minister, your directorate, as recently as July, authorised the placement of children in premises that had no hot water, inadequate electricity, no beds, broken windows, glass on the floor and inadequate food. Those premises were owned by Housing ACT, which is another of your portfolio responsibilities. Minister, what questions did you ask care and protection services about why those children were placed in such appalling conditions in the middle of a Canberra winter, and what answers did you get?

MS BURCH: I probably started with a clear statement, before I asked questions, that it was absolutely unacceptable. That property is a property of Housing ACT. It is head leased by another organisation. On the questions of maintenance, I think last sitting I provided to Mr Coe or to the Assembly a list of maintenance that we knew that we carried out on that property.

On the comment about was it good enough, the condition of the property—no, it was not; it clearly was not. I do not think anyone in this community would accept that. One of the things I have made mention of today I am certainly more than happy to share with the Assembly: to make sure that we are directly responsible and that we have complete control over the condition and the state of a property, I have instructed the department to secure a property; that all emergency places go to somewhere that we know, that we are responsible for and the direct link is there.

MR SMYTH: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, what questions did you ask care and protection services about whether or how often it scrutinised or monitored the safety of those children and what answers did you receive?

MS BURCH: The placement of those children, as we know, was under NBSS, which is not an approved organisation, but arrangements were put in place with an approved

out of home care provider to provide that additional oversight. Ultimately you could ask: was that strong enough? I am not quite sure. We will go through the rest of the 550 or thereabouts placements that the Public Advocate has been asked to do at my behest. This is an interim report. This is the first part of the report. I have also asked her to look at the placement arrangements about all of the current children in out of home care.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, what questions did you put to Housing ACT about the condition of the property and what they planned to do to fix it and what responses did you get?

MS BURCH: I thank Mr Coe for his question. The question I asked was, "What maintenance have we done?" And I provided that report to you. I did ask, "Did anyone from the department go and sight the property?" The answer was no, and the rationale given for that was that it was head-leased by another organisation and they assumed that they were responsible—they are the head lessees of that property—for the property.

Do I think that is good enough, the fact that children went to a place with a broken window, with inadequate bedding arrangements and a heating system or a power system that clearly needed work? No, which is why—I go to my earlier statement—we now have a property through Housing ACT that we are directly responsible for and we will ensure it is in a fit condition.

MS HUNTER: Supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, given that the Vardon inquiry found that not all children in the care and protection system were safe, as it was unknown where they were, and that the Public Advocate has also noted that the current arrangements of some of the 24 children are also unknown, what have you done to assure yourself that those children are safe?

MS BURCH: I have sought information about those placements and I can inform the Assembly that, if we refer to the children numbers in the report, child 1, 2, 3 and 4 are currently in a kinship care placement; child 18 is in a kinship care placement; child 19 is at home; child 20 is at home; and child 21 is with Marymead.

Transport services

DR BOURKE: My question is to the Minister for Transport. Minister, earlier this month you released the draft transport strategy, transport for Canberra, which sets out plans to improve the public transport system. How will the strategy deliver an improved public transport system for Canberra?

MR CORBELL: I thank Dr Bourke for his question. I am very pleased to advise the Assembly that the government has released its draft transport for Canberra strategy, which is designed to improve the provision of public transport in our city, to tackle issues with congestion and to work to ensure that we have an efficient transport system for everybody.

The proposed transport for Canberra strategy includes an expanded network of transport corridors where buses or, indeed, light rail vehicles will run at a minimum of 15 minutes, but preferably better, all day along those corridors. Fifteen minute or better frequencies mean that you do not have to rely on a timetable. It makes travel times faster. It makes connections smoother and easier. These frequent corridors will be supported by new service guarantees, including service guarantees of a minimum average waiting time of 7½ minutes for connection from a coverage to a frequent service and 15 minutes for connections from a frequent to a coverage service.

Real-time passenger information, which will start its rollout in 2012, will be able to tell commuters exactly when their next bus will arrive and when it will depart. Infrastructure improvements like the ANU bus station, the Belconnen-to-city transit way, light rail investigation into Northbourne Avenue, Canberra Avenue transit priority measures, upgrades of major stops and stations, and a network of park-and-ride and bike-and-ride services are also all part of the plan.

More frequent services throughout the city, including the improvements I have mentioned, are now up for public comment as part of ACTION's network 12 expansion, which will deliver more bus services with more frequency on the Red Rapid routes, a Blue Rapid extension to Kippax so that Kippax gets the benefit and residents of west Belconnen get the benefit of better access to the ACTION bus network, new services for new suburbs, and more frequent services for areas such as Fyshwick and the Canberra Hospital.

As part of the transport for Canberra strategy, the government is also focusing on making sure that we have effective minimum coverage standards to ensure that 95 per cent of Canberrans live within 500 metres—that is, a five or seven-minute walk—of a bus service.

Whilst in notional terms we already achieve this, the fact is that we have measured those distances by the distance the crow flies. We have not actually measured them, and indeed no government has measured them, based on the actual walking distance. With new technologies, we are now able to achieve this and this will ensure that there is a genuine level of that 500 metre guarantee.

All this is part of the government's commitment to improving public transport in our city, about tackling issues with congestion, about recognising that without action in this area, congestion will double in our city over the next 20 to 30 years and that that has an impact on all movements across the city. Investing in public transport is the right thing to do. A strong and comprehensive plan is absolutely essential to achieve this. The transport for Canberra strategy will give us that very important framework.

I look forward to hearing the feedback from members of the community on the draft transport for Canberra plan. We will take that feedback into account as we finalise the plan in the coming months.

MR SPEAKER: A supplementary, Dr Bourke.

DR BOURKE: Minister, one of the key features of the strategy is active transport. Can you detail what this entails and what are the measures in the transport for Canberra strategy that are aimed at reducing car use and therefore carbon emissions?

MR CORBELL: Again I thank Dr Bourke for the supplementary. Active transport, I guess, is a new term for an old-fashioned understanding, which is recognising that physical activity as part of a transport mode is a good thing for the community, it is a good thing for public health and it is a good thing for the health of the city overall. Active transport is a new term meaning that people will use physical actions such as walking, cycling or, indeed, scootering to get all or part of the way to their destination. Active transport is a low-cost and healthy option, helping people achieve the national physical activity guideline of 30 minutes per day of physical activity as part of their daily routine.

Transport for Canberra proposes to make active travel easier by extending the network of community paths, segregated cycle ways, shared spaces and paths and on-ride cycle lanes; improving signage and safety to encourage people to use active transport; and, of course encouraging more people to work and play within their local community. This direction has been confirmed in the draft ACT planning strategy which I released yesterday and which has been recognised by the Heart Foundation in their very strong endorsement of the draft planning strategy yesterday, saying it embodies the principles of active transport when it comes to land use and it is absolutely essential to encourage more people to take active transport. It also proposes creating better walking and cycling connections to bus stops and bike and ride facilities to local destinations such as group and local centres.

This is all part of the government's integrated response to these very important challenges. Our objective is to encourage 23 per cent of journeys to work to be by public transport, walking or cycling by 2016. This is an important new target we have put in place. The interim target reflects—*(Time expired.)*

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, what are the repercussions of not having an ambitious transport plan in terms of traffic congestion and the impact on the environment?

MR CORBELL: Members should understand that—

Opposition members interjecting—

MR SPEAKER: Order! The minister has the floor.

MR CORBELL: everyone wins when the bus comes on time. Everyone wins when there is increased frequency. Everyone wins when there is increased reliability. The sooner you are able to deliver that and embed that into your public transport system, the more capable you are of reducing congestion or delaying the impacts of congestion on your road network.

We know that we will continue to see increases in congestion if we do not take steps to improve public transport patronage. Congestion on Canberra's roads will double between now and 2030 and move from about 100 kilometres of road length impacted by congestion to 200 kilometres of road length impacted by congestion, at a cost of around $200 million per year to the ACT economy, unless we invest in better public transport. That, indeed, is this government's objective.

Opposition members interjecting—

MR SPEAKER: Order!

MR CORBELL: Of course, I am dismayed that those opposite are just not interested in the challenge of addressing this. They are not interested in the economic cost, let alone the environmental cost, because dealing with congestion is a key element of the government's transport for Canberra strategy.

MS BRESNAN: Supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, given that the plan reveals that the people of Canberra want 80 per cent of the transport budget given to walking, cycling and public transport, is it now an ACT government goal that the transport budget will reflect this?

MR CORBELL: I am not quite sure what Ms Bresnan is referring to, but the government's approach on this issue is to recognise that we need a range of investments across all transport modes. It is sensible that we continue to invest and to increase our investments, as the budget permits, in public transport provision, walking and cycling. That remains a very strong commitment of the government. Of course, it is important to remember that over $100 million has been invested by this government in the last two years in public transport improvements, in better bus services, in better bus infrastructure, in more cycling and walking facilities. That is the investment this Labor government is making. We will continue to do that, but we will also recognise that there is a need to maintain a strong and efficient road network because we still see a very large number of journeys occurring by road and we need to adopt a reasonable and balanced approach to these investment decisions.

Environment—e-waste

MS LE COUTEUR: My question is to the Minister for the Environment and Sustainable Development and concerns e-waste contracts. I understand that e-waste collected in the ACT is being stored at Mugga Lane before being recycled by a local company called Renewable Processes; however, Renewable Processes only has this

role temporarily because the government is waiting for a national company called MRI to take over the recycling of e-waste.

Minister, have the contracts been signed for MRI and Renewable Processes, the two chosen providers for computer e-waste recycling and disposal?

MR CORBELL: I will take on notice the details of Ms Le Couteur's question, but what I think it is important to do is to provide some context, which is that of course we are awaiting the commencement of a national e-waste recycling scheme, which is due to commence here in the ACT, I am advised, at the latest in May next year, which will see a national e-waste recycling scheme operating across the country, including here in the ACT, which will provide for free drop-off, and from a consumer's perspective free recycling, of e-waste, so computers, computer peripherals and televisions.

This is a very important national development, one which the ACT government has been actively involved in, one that we have added our support to and which we have supported through the relevant ministerial forums.

The entering into of contracts—

Ms Le Couteur: Point of order, Mr Speaker.

MR SPEAKER: One moment, Mr Corbell, thank you.

Ms Le Couteur: Possibly the minister was just getting to my question, but it was a specific question about contracts—not about a national scheme.

MR SPEAKER: Minister Corbell, you have the floor to come to the specific question.

MR CORBELL: The delivery of the national scheme will be the responsibility of the e-waste manufacturers. This is a product stewardship scheme—

Ms Le Couteur: Point of order, Mr Speaker.

MR CORBELL: I am trying to answer the member's question.

MR SPEAKER: One moment, Mr Corbell, thank you.

Ms Le Couteur: I asked specifically about contracts for MRI and Renewable Processes. There was a tendering process, I understand—

MR SPEAKER: Yes, Ms Le Couteur. I might say that the minister has four minutes to come to the point. But, minister, it would be good to start getting there.

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

MR SPEAKER: A supplementary, Ms Le Couteur.

MS LE COUTEUR: My supplementary is: what is holding up the contracts being finalised?

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

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, why was Renewable Processes only awarded the contract for secondary waste, not the main contract, given that they are the local provider which also employs staff with mental health issues?

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

MS BRESNAN: Supplementary.

MR SPEAKER: Ms Bresnan, a supplementary.

MS BRESNAN: Minister, how are social procurement considerations taken into account when awarding the contract?

MR CORBELL: I will take the question on notice.

Children and young people—care and protection

MR COE: My question is to the Minister for Community Services. Minister, in 2004, Cheryl Vardon presented a report entitled *The territory as parent*. It was a review of the safety of children in care in the ACT and child protection management. It highlighted many shortcomings in that program and offered 47 recommendations. Minister, someone reading the Public Advocate's report into similar matters released last week would be justified in thinking that nothing has changed or improved since 2004. Indeed, that report remarks specifically:

> It is interesting to note that the current Policy/Procedure on Placements is dated 2004, and does not reflect current practice.

Minister, why has nothing changed or improved?

MS BURCH: I thank Mr Coe for his question. As I mentioned this morning, the majority of the policy and procedure manual is updated, and there is an ongoing process within the department of review and update of those procedures. I have instructed the director-general, who was in the Assembly this morning, to provide the Public Advocate with a copy of the policy and procedure manual that is available to the directorate at the moment.

MR SPEAKER: Supplementary, Mr Coe.

MR COE: Yes, Mr Speaker. Minister, what responsibility do you take for the failure of systems, policies and procedures to change or improve, at least during the last two years under your watch?

MS BURCH: There have been improvements in out of home care and in a whole range of areas in the office for children, youth and family services. On the concept of kinship support, in the last budget we put in additional support. We put in a kinship support team for the absolute direct purpose of providing additional direct support to kinship carers. That is something that is now implemented. I expect that to be in place early in the new year. To sit there and say that policies and procedures have not changed and there has been no improvement to the system is an absolute wrongness.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what do you say to the people engaged in the child protection services system who continue to be exposed to the failings that were first identified in 2004?

MS BURCH: I thank Mrs Dunne for her question. What I will not be saying to them is what Mrs Dunne uses this place to say. What I will not be saying to them is that they are ignorant, arrogant and wilfully placing children at risk. That is what I will not be saying to the care and protection workers in the system because I think that is an absolutely horrid interpretation and description of people that come to work each and every day to care for the most vulnerable in our community.

Mr Hanson: On a point of order, Mr Speaker, the question was what she will say, not what she will not say.

MR SPEAKER: Do you wish to add anything, Ms Burch? No.

MRS DUNNE: Supplementary.

MR SPEAKER: Supplementary, Mrs Dunne.

MRS DUNNE: Minister, if you can't fix the problems, will you resign and let someone else in who can fix the problems?

MS BURCH: I thank Mrs Dunne for her question. We were both on Ross Solly this morning. Mrs Dunne was asked a number of times what she would do. Ross Solly seemed to understand the difficult, complex circumstances of child placements.

Mrs Dunne: What a mess you've made of the job.

MS BURCH: No; he said that this is a difficult environment. And he asked you what you would do. He asked you a number of times what you would do. What did you come up with, Mrs Dunne? You were to empower the people; you were to have a

conversation. That is the answer from Mrs Dunne: "Let's empower people and let's have a conversation."

Education—Knight report

MS PORTER: My question is to the minister for education. Could the minister report to the Assembly on the implications of the Knight report for ACT higher education institutions?

MR BARR: I thank Ms Porter for her question and, indeed, for continuing her tradition of asking more questions on the Education and Training portfolio than the entire opposition combined.

Michael Knight released his report on this important Australian export industry last month. The report makes 41 recommendations, a number of which are critical to the competitive higher education environment that Australia competes in. Most importantly, these recommendations include reducing visa processing times for students enrolling at universities, reducing the financial requirements that international students need to meet to get their visa by up to $36,000, by giving bachelor, master's and PhD graduates access to a post-study work visa that will allow them to work in Australia for up to four years after they graduate, and, importantly, changing the work restriction for international students from 20 hours per week to 40 hours per fortnight. The federal government has agreed to these recommendations and will be implementing them, with some modifications.

It is important to note that these changes are of particular benefit to universities in the ACT. Whilst the University of Canberra and the ANU have not been impacted as badly as some other Australian higher education institutions by the recent decline in international students coming to Australia, both institutions will welcome these changes—and, indeed, have welcomed these changes. It will make it easier for them to boost their international enrolments, which will be critical to the new demand-driven model of higher education that comes into place in January 2012.

Importantly for the economic diversification of our economy, it will be a great boost and will help us to achieve a long-term vision that education and training, particularly in the higher education sector, will drive the ACT economy well into our second century as a city.

MS PORTER: Supplementary.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, how has the vocational education sector been affected?

MR BARR: Whilst I have indicated support for the Knight report recommendations, in my view they do not go far enough to assist vocational institutions—in our local context particularly the CIT—to bring international students into the country. Public vocational institutions like the CIT are highly regulated—in fact, more regulated than universities—to ensure that they provide a high quality of education provision for international students.

The recommendations involving the easing of visa restrictions should be extended to bachelor degrees offered by TAFE institutes, and consideration also should be given to other VET qualifications in areas of skill shortage. In particular, the post-study work visa would be useful in attracting students to courses at CIT and keeping them in our city after they graduate, to fill areas of critical skill shortage in the local economy.

DR BOURKE: A supplementary.

MR SPEAKER: Yes, Dr Bourke.

DR BOURKE: Minister, does the government intend to approach the commonwealth to further ease visa restrictions?

MR BARR: Yes, it is a top priority for the government.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: What impact does the government think the increased population due to the visa easing will have on the ACT and its growth rate?

MR BARR: It will fuel some important economic growth, provide prosperity for Canberrans and provide a diverse employment base in a sustainable way.

Community Services Directorate—payment of accounts

MR DOSZPOT: My question is to the Minister for Community Services. Minister, the ACT Public Advocate, in her interim report on her review of the emergency response strategy for children in crisis in the ACT, outlined the sequence of events that occurred in relation to the non-government organisation whose treatment by the government sparked her review. That chronology involved the refusal of the directorate to pay moneys owing to the NGO, the immediate return of children to the directorate by the NGO and suspension by the directorate of the use of the NGO for service delivery. All of that occurred in the space of three days. Minister, what assurance can you give that the NGO was not suspended from service in retribution for returning children to the department because they could not get payment for outstanding invoices?

MS BURCH: I thank Mr Doszpot for his question. There was not a refusal to make payment. There was non-agreement about the amount being sought. There were significant moneys involved. The price was not formally negotiated, and I think that has led to clear misunderstanding. I am disappointed in that, but I think that anyone who entered into that arrangement should be very clear about the cost of that service on both sides. We have paid, on 30 September, an amount of money that is beyond dispute. I have instructed the directorate today to make remedy and to resolve the outstanding payments as a matter of urgency.

MR SPEAKER: A supplementary, Mr Doszpot.

MR DOSZPOT: Minister, what have you done to satisfy yourself that retribution was not the driving factor in suspending the NGO's services?

MS BURCH: I thank Mr Doszpot for his questions. I looked at the material that was in front of me around the reasons why the service was suspended and they were such that certainly action needed to be taken. As to whether there is ongoing retribution, the Community Services Directorate, following my meeting with the agency at which, as I have said, the director-general was present, has worked consistently and carefully to the point that they now have been reinstated to provide that transport and supervision service. That is not an act of retribution, that is an act of cooperation and support.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, what have you done in response to the Public Advocate's recommendation that over $400,000 owed by your directorate to the NGO be paid immediately?

MS BURCH: The information in front of me is that the figure is not right, because there has been a payment made of $100,000. I am aware that there are, as I said, moneys left to be paid, and I have instructed the department to resolve that as a matter of urgency. I do not know how many more times I can say that here in this place.

MRS DUNNE: Supplementary question.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what have you done to review the time limits of payments to other NGOs that are engaged by your directorate?

MS BURCH: I thank Mrs Dunne for her question and I know that she has gone on public record and cited that a significant number of community organisations are about to withdraw services from the community directorate from late payment.

I have asked for some outstanding payments and I have in front of me moneys owing up to a 90-day period—that is from a 30-day to a 90-day period—of $94,000-odd, under $95,000, to 82 organisations. That is not indicative of a community service sector that is out there and about to withdraw its services due to want of payment.

Mr Smyth: On a point of order, Mr Speaker, under the standing orders would the minister please table the document she just quoted from.

MR SPEAKER: You need to move a motion, Mr Smyth.

Mr Smyth: I move:

> That the Minister for Community Services table the document she was quoting from.

MR SPEAKER: Minister, are you happy to table the document?

MS BURCH: I am—

Members interjecting—

MR SPEAKER: Order! Members, I am just trying to facilitate this. Do you want to—

MS BURCH: I am happy to table it because what it shows is that there is not a history and litany—Mrs Dunne has verballed yet again the Community Services Directorate to say there are—

Members interjecting—

MS BURCH: a list of organisations that are about to cease services.

Question resolved in the affirmative.

MS BURCH: I table the following document:

> Community Services Directorate—list of outstanding invoices.

Public housing—energy and water efficiency

MS BRESNAN: My question is to the Attorney-General and is in relation to modelling that has been undertaken by the government on the Greens' rental standards bill that you referred to in the *Canberra Times* on 3 October. Minister, you were quoted in the *Canberra Times* as saying that it will cost the government more than $200 million over five years to upgrade the 12,000 public housing properties to a three-star energy efficiency standard by 2016. Minister, on what basis was that figure calculated given that ACT Housing does not have baseline data on the energy efficiency ratings of more than 85 per cent of the public housing stock?

MR CORBELL: That was based on advice provided by ACT Housing. Ms Bresnan would have to ask the question of my colleague Minister Burch in relation to the specifics of that. But what is very important to note, Mr Speaker, is that it is interesting that the Greens accuse the government of not having data, but they are quite happy to make assertions about how much their bill will or will not cost renters here in the ACT when it comes to upgrades for energy and water efficiency. They accuse the government of not having modelling. But, of course, the Greens provided no modelling whatsoever to justify their bill.

The fact is that this bill will have significant impacts. Even if you were to set aside public housing, this bill will have significant impacts on the private rental market. The rental market is already very tight, as members know—there is a one to two per cent vacancy rate in the private rental market.

With your bill, Mr Speaker, as proposed, if it were to come into effect, what we would potentially see is a whole range of private rental dwellings where owners will simply choose not to make the investment to bring those properties up to the level of energy efficiency you have asked for—

Ms Bresnan: Point of order, Mr Speaker.

MR CORBELL: and therefore they will simply withdraw them from the rental market.

MR SPEAKER: Order, Mr Corbell! Ms Bresnan.

Ms Bresnan: My question actually was this. Given that ACT Housing does not have baseline data—I am asking you that question: if ACT Housing does not have the data, where did you get the data from?

MR CORBELL: I have answered that question. I have told Ms Bresnan that the advice came from ACT Housing and that she should ask the minister for housing for more and better particulars if she is interested in that. But it is important to make the point that even if you were to withdraw less than 100 rental properties from the ACT rental market because those owners were not prepared to make the investment mandated by the Greens' bill, that would make the rental housing situation worse.

It is very likely that there would be a significant number of houses withdrawn from the market because of the bill, because these houses are only let for a relatively short period of time pending redevelopment or sale decisions by their owners. Therefore, they are not prepared to make the investment which might have a payback period for their tenants of a couple of years when they do not anticipate the property being in the rental market for a couple of years. They will simply withdraw the property. That will have a significant impact on rental availability.

Regrettably, this bill punishes renters. It does not help them. It punishes them. It makes it more difficult to find rental accommodation. It pushes up the overall CPI indicator in relation to rent because rents will be increased for those properties that are upgraded and that will flow through to rental increases across the board, rental increases that the ACAT will have to consider are reasonable because it would push up the CPI indicator for rent overall.

These are the types of implications that the Greens have simply failed to have regard to. These are the types of implications that will hurt renters in the ACT. It for these reasons that the government will not be supporting the bill.

MS BRESNAN: Supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, what information did the government use to "estimate" that one-third of private landlords could face costs of up to $20,000, as quoted in the article?

MR CORBELL: This is based on our assessment of the state of the private rental market at this time. The fact is that it is very difficult to ascertain the entire nature of the stock held in the private rental market. No comprehensive survey has been done in this regard. All we can do is provide reasonable estimates based on our understanding of the nature of the private housing stock.

Mr Speaker, this again highlights a flaw in your bill. It highlights the fact that you have no comprehensive understanding of the impact of your bill on the private rental market, you have no comprehensive understanding of the economic consequences of your bill and you have not prepared in any way a regulatory impact statement for your bill. This is the type of bill that would require a regulatory impact statement. This is the type of bill that should be subject to that level of scrutiny because, if it does have the adverse economic impacts on the private rental market that the government anticipates, that is going to exacerbate the private rental situation for many renters in the ACT: it is going to drive up rents, it is going to reduce the vacancy rate and it is going to have a detrimental impact on renters. This Labor government is not prepared to see that happen to low income people here in the ACT.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, why didn't you make modelling available to the public when you publicised these figures in the *Canberra Times*, and will you please now table your modelling in the Assembly?

MR CORBELL: When this bill is brought on for debate, the government will be happy to elaborate and to provide further information in relation to all of these issues. This is a Greens bill. The onus is not on the government to explain why the Greens' bill will not work. The onus is on the Greens to demonstrate why their bill will work. This is not a government bill; this is the Greens' bill. The onus is on them to demonstrate that their bill will not have adverse impacts and that the concerns the government has are unfounded or unwarranted. The fact is that they have failed to do so and it is incumbent on those who are proposing the legislative change to demonstrate that it is a reasonable change and that it will not have these adverse impacts.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, is it the government's position that ACT Housing tenants should not expect housing to meet minimum standards, including an EER three-star energy rating?

MR CORBELL: It is the government's position that we will continue to work to improve the level of sustainability, energy efficiency and water efficiency of government dwellings. We will focus on those dwellings that are most vulnerable and most inefficient, and we have a multimillion dollar program in place to do that.

Community Services Directorate—payment of accounts

MR HANSON: My question is to the Minister for Community Services. Minister, the ACT Public Advocate, in her interim report on the review of the emergency response strategy for children in crisis in the ACT, noted that policies and procedures "have had a serious and detrimental impact on children for whom the Director-General has parental responsibilities". In particular, the report noted that "there were no places and request forms on either the paper or the electronic file of the nine children subject to the specific incidents that initiated this review". Minister, how could this element of process be omitted and what have you done to satisfy yourself that it will not happen in future?

MS BURCH: I thank Mr Hanson for his question. The Public Advocate has clearly been a matter of discussion throughout, I think, most of the time of the Assembly this morning. She has made a number of findings. She has made a number of recommendations. I have given a commitment here—I will give a commitment again—that we will work through each and every one of those recommendations. We will formulate a formal response and we will do that as a matter of urgency.

Placement of children in out-of-home care is done as the last resort. Each time a placement is made, those placement emergency arrangements are provided to the Public Advocate and then they are tested and validated within the court system. All of those processes have been followed. All of these emergency placements have been made, advice provided to the Public Advocate, independent of this review, and validated within the court system.

MR SPEAKER: A supplementary, Mr Hanson.

MR HANSON: Minister, why was this element of the process omitted specifically in relation to the children whose plight sparked the Public Advocate's review?

MS BURCH: I do not have the paperwork in front of me or the Public Advocate's report in front of me. But I will say that each emergency placement, each emergency arrangement, has been notified to the Public Advocate, and tested, validated and agreed within the court structure.

MR SPEAKER: Supplementary, Mrs Dunne.

MRS DUNNE: Minister, why can't you answer the question as to why there was no paperwork for these nine children?

MS BURCH: Because I do not sit in 11 Moore Street and I do not have the paperwork in front of me. What I do have in front of me is the Public Advocate's advice, advice that those placement arrangements were provided to the Public Advocate and were approved and validated through the court system.

MR SPEAKER: Supplementary, Mr Seselja.

MR SESELJA: Minister, why is the directorate operating under placement policies and procedures that are seven years old and which do not reflect current practice?

MS BURCH: As I have said, the community directorate has ongoing review of its policies and procedures. Certainly I am aware that that is an ongoing and an updated process. I do not have the policy manuals in front of me. I have instructed the directorate to give the most recent copy of the policies and procedures in their whole—whatever is there available—to the Public Advocate.

Older Persons Assembly

MR HARGREAVES: This is the last question for the day, I would hope. I have a question for the Minister for Community Services regarding the old persons assembly—the Older Persons Assembly. I am just used to saying "old persons", Mr Speaker, and I am talking about myself, so I apologise. The Older Persons Assembly was held on 30 September. A number of us attended and I believe it was a great success. But not all of the members of the Assembly actually attended. Minister, this Assembly actually celebrated the contribution of older people to the community. Did you know that it is the 60th birthday of Ray Blundell, otherwise known as Tinkerbell to some in this Assembly, today, and could you please let us know the details of the Older Persons Assembly and what came out of it?

MS BURCH: I thank Mr Hargreaves for his question. The answer to the first part is no, but can I wish Ray, wherever he is—and he always has his eyes and ears on us—a happy birthday for 60 years.

In response to the second part of the question, the Older Persons Assembly commenced with a welcome to country by Ngunnawal elder Agnes Shea and was followed by a very entertaining speech from the keynote speaker, Mr Bryce Courtenay. I do recall that there were a number of MLAs that were here and they were lining up to get his signature on various parts of his novel. He was a non-traditional keynote speaker, you could proudly say. I am still waiting for a member to repeat his act here in the Assembly. But we may wait some time for that.

Delegates then had the opportunity to participate in a solution-focused discussion through committee hearings. The hearings were based around the key themes of a strategic plan for positive ageing: information and communication; health and wellbeing; respect, valuing and safety, housing and accommodation; support services; transport and mobility; and work and retirement.

Delegates discussed innovations and ideas and they were assigned to particular committees. The committees were supported and chaired by a member of the ACT ministerial advisory council. Three or four of the key priorities were identified from each hearing and reported back to all delegates as a motion in the Assembly chamber. Delegates voted on the motions through a ballot paper.

The results of the voting have been compiled. The six priorities for the sessions, in order of preference that the government should give consideration to, were: a

comprehensive multimedia information portal covering all forms of available information; health delivery service hubs catering to the broad needs of older people; enhancing Canberra Connect accessibility to older people; information sessions via multimedia to older groups; ensuring facilities are more accessible for older Canberrans; and introducing publications that are more user friendly and translated into community languages and targeted to age groups.

In the afternoon the six priorities were: allowing part-time and casual employment to meet the needs of special groups; incorporating universal design principles in all new infrastructure projects and buildings; considering legislative changes and incentives to promote positive aspects of employing older workers and to dispel the myths regarding older workers; establishing an incentive scheme to utilise the skills and experience of older persons for the benefit of society, such as exchanging of skills and services; releasing land and shortening building approval times in areas where older people live; and providing a service to help maintain the physical health and wellbeing by providing age-appropriate general practitioners who have access to e-health.

I would like to offer my thanks to the 70 delegates who attended the first-ever Older Persons Assembly to be held in Australia for taking part in a positive discussion and coming up with such a comprehensive list for consideration. Can I say thank you to the Chief Minister and to the other MLAs who contributed to what was a very successful day.

MR SPEAKER: Supplementary, Mr Hargreaves.

MR HARGREAVES: Minister, was this a logical follow on from the Labor government strategy on ageing, and have you had any feedback from delegates that attended, if there was any?

MS BURCH: I thank Mr Hargreaves for his question. It is. This government started a conversation with older Canberrans some time ago through community forums and working through organisations such as COTA and the Ministerial Advisory Council on Ageing. I want to acknowledge Mr Hargreaves's leadership and steerage in that component. It did result in the strategic plan for positive ageing.

All delegates were asked to complete an evaluation form at the end of the Assembly, and the results from this will be considered for future arrangements. The early results suggest that delegates were satisfied with the program and had sufficient opportunity to participate. Delegates also commented that they valued the pre-briefing held on 19 September, which provided them with a good understanding of policy background. Delegates have commented that they appreciated the positive atmosphere and the opportunity to contribute their ideas and provide direct feedback to the government and policy makers. They also welcomed hearing the views and concerns of a diverse range of delegates. A number of delegates commented that they would have liked a little more time to contribute to the committee hearings and to discuss some of the issues in more depth. More detailed analysis of the feedback will be undertaken, but any or all of that feedback will inform how and when we progress with the Older Persons Assembly.

MS PORTER: Supplementary.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, how will the government follow up on the recommendations made at the assembly?

MS BURCH: I thank Ms Porter for her question. A summary of the discussions held at the Older Persons Assembly is currently being collated. The Office for Ageing received in excess of 140 nominations for 70 delegate places and the key issues and concerns raised by all nominees, successful and unsuccessful, will be incorporated into the final report. A formal government response to the recommendations will be available in early next year, but on the day I certainly made comment to a number of the delegates that I would be more than happy to progress on a number of those recommendations quite quickly because they seemed quite straightforward.

The format and content of the response will be guided by the Older Persons Assembly steering committee with input from the age-friendly city network and the ACT Ministerial Advisory Council on Ageing. The outcomes of the Older Persons Assembly will guide the development of the next action plan for the ACT's strategic plan for positive ageing which will cover the period from 2012 through to 2014.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, will the government commit to making this a regular event—for example, would this be a biannual event?

MS BURCH: In the absence—it has never been before government for a formal response. I can certainly repeat the comments that I made to the delegation on the day, which were that I think it was a great success. The participants really engaged and they thought it was a great opportunity.

So I have committed us. I think that next year a number of people in this place could be busy. We may look to 2013. I will certainly be working with the Ministerial Advisory Council on Ageing on that and on a number of recommendations as well. So it will not be that there is no action between the assemblies. I have certainly spoken to Alan Hodges and his crew on the council about how we progress things in the interim.

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

Rostered ministers question time

Minister for Industrial Relations

Industrial relations—workplace safety

MS PORTER: Minister, given the passage of the nationally harmonised workplace health and safety bill in Queensland, New South Wales, ACT and now the

commonwealth, what advantages does this legislation have for ACT businesses and workers?

MS GALLAGHER: I thank Ms Porter for the question. As members are aware, the Assembly passed the Work Health and Safety Act on 20 September 2011, with a number of other jurisdictions already passing their legislation or having it before their parliaments.

We are now working to finalise the regulations and codes of practice that will underpin the act. The keystone of harmonisation and the ensuing benefits for business and workers in the ACT will essentially be the consistency that applies—that is, consistency for duty holders, consistencies in the requirements for licensing, the registration of plant, and mutual recognition of these; consistency in the requirement of reporting of incidents, in record-keeping and worker consultation requirements and consistency in the way the new legislation will be enforced through a national compliance and enforcement policy.

Importantly for workers, they can be assured that no matter where they work in Australia they are entitled to the same level of safety at their workplace and that any licences they have will be recognised in every state and territory. Importantly, businesses will also be aware that their responsibilities are the same no matter where their business is located, meaning that they need only have one safety management system to comply with the requirements of all jurisdictions and they will have the benefit of knowing that regulators will be enforcing the legislation consistently across Australia.

MS PORTER: Minister, will there be any cost savings to doing business in the region?

MS GALLAGHER: I thank Ms Porter for the question. Yes, it is expected that there will be significant savings for business in terms of cost of doing business with only having one set of rules. I think this is particularly relevant to the ACT where we are surrounded by New South Wales and many of our businesses, including small businesses, have been required to operate under two systems depending on where their workers spend the majority of their time working.

The regulatory impact statement that was done as part of the harmonised laws estimated a national net benefit of $250 million per annum over each of the next 10 years, essentially reflecting the reduced red tape for business and better work and health safety standards for workers.

Public service—enterprise bargaining negotiations

DR BOURKE: Chief Minister, can you please provide the Assembly with an update of how enterprise bargaining negotiations are going for public servants?

MS GALLAGHER: The short answer is very well. The majority of bargaining representatives have accepted the government's offer of a 3.5 per cent pay increase from 18 August 2011 with a further 3.5 per cent increase from 1 July 2012.

Occupation-specific enterprise agreement bargaining is occurring now that we have reached in-principle support on the quantum of the pay rise for the majority of our staff. Indeed, I believe the AEU now remains the only bargaining agent that we need to reach agreement with. We are now in the second phase of doing the occupation-specific enterprise agreement negotiations which will cover nurses and midwives. The teachers' negotiations are ongoing but the occupational-specific or scheduled negotiations are now happening.

DR BOURKE: Chief Minister, how does this compare to previous outcomes for public servants in the territory?

MS GALLAGHER: The government has always taken the view to the bargaining table that we should pay a reasonable wage outcome to all of our public servants, but it has to be managed within the constraints of the budget and there are a number of constraints on the budget. We did have a previous wage offer of 2.5 per cent, recognising some of the stress that the global financial crisis placed on the budget.

The government has revised our offer. I think we are now offering the most generous increase of any state or territory government. The other state and territory governments are trying to restrain—indeed, to legislate for pay increases in the order of 2.5 per cent unless there are productivity savings being made. So I think we have made a generous offer. It is going to put additional stress on our budget and we will need to find additional savings to fund this additional increase as each percentage increase, I think, costs the budget around $18 million. There is a bit of work to be done there but we always balance the cost to the budget with the need to provide fair remuneration for our staff.

Community sector portable long service leave

MR HARGREAVES: Minister, given that the ACT government inaugurated the community sector portable long service scheme as from 1 July 2011, can you please advise the Assembly about the current standing of that scheme?

MS GALLAGHER: I thank Mr Hargreaves for his interest and help in setting up the community sector long service leave scheme. There are currently 206 active employers in the scheme. The implementation, I think, has gone very well. We have a registered total of 9,998 employees. Of those, 9,593 were actively engaged in the sector in the last quarter and included in employer returns. The authority has already paid out 26 entitlement benefit claims to workers in the sector, consisting mainly of refunds to employers for the portion of work or entitlements accrued since the commencement of the scheme and for which a levy has already been paid to the authority.

MR HARGREAVES: Can the minister advise the Assembly of any feedback that has been received regarding the scheme?

MS GALLAGHER: The authority has advised that the level of compliance with the scheme has been very high, with all employers having completed their most recent quarterly returns and paid their associated levies. All returns are processed

electronically through the authority's new leave track system and there have been very few concerns raised about the administrative process required to submit returns and pay levies.

A total of $3.5 million in levies has been paid by employers as of 30 September 2011 and I know that the authority has been very active in providing as much information to employers on their legislative requirements under the scheme and assisting them with their initial returns. I think that this is a very good and strong start for the community sector long service leave scheme and a well overdue entitlement to those who work in the community sector.

Public service—enterprise bargaining negotiations

MR DOSZPOT: Minister, part of my question has already been asked by Dr Bourke, but can you confirm what directorates have yet to conclude enterprise agreements?

Mr Hargreaves: On a point of order, Mr Speaker, I seek your guidance on this. This is a new process; so I am treading on new ground. Could I ask you whether or not that question from Mr Doszpot should actually be regarded as a supplementary to the question No 2 asked by Dr Bourke and therefore should not be in order?

MR SPEAKER: Mr Hargreaves, I think not. I think Mr Doszpot has—and this is perhaps a question that the Assembly will need to think about in this system and how it operates—

Mr Hargreaves: That is why I raise it.

MR SPEAKER: Mr Doszpot was not to know Dr Bourke's question in advance. I think he has acknowledged that part of it has been asked, but half of his question remains valid and we will take that as the question, subject to further guidance from the Assembly. Chief Minister.

MS GALLAGHER: Thank you, Mr Speaker. I think the short answer to Mr Doszpot's question is that none of the agreements has been finalised to that detail. We have reached in-principle agreements; so all of the directorates' agreements remain outstanding because the schedule to the agreements is now being finalised. But we have reached an agreement on the date that the pay rises should kick in and the agreement around the 3.5 per cent pay rise for all directorates, apart from the teachers.

MR DOSZPOT: Minister, what is the reason that these directorates have been unable to conclude enterprise agreements?

MS GALLAGHER: The directorates have not been able to finalise their agency-specific schedules to the agreement until agreement was reached on the pay rise. So that is done first. It is called the common core. There is a common core of conditions that are agreed across all agencies, particularly in the clerical area, and now that is agreed—the pay rise is agreed—then agencies and directorates go and negotiate the agency-specific schedules which relate to different terms and conditions of employment around allowances, shift penalties—all of that sort of detail. So it is not

that anyone has been delaying. It is more that it could not be done until that agreement was reached. That agreement has been reached and I expect that work to be finalised as soon as possible so that pay rises can flow.

Food outlets—bullying

MS HUNTER: Minister, WorkSafe's recent assessment of Canberra food outlets discovered that in most areas of work health and safety, there was a compliance rate of 90 per cent or more. However, only 66 per cent of food outlets were compliant with workplace bullying regulations. Minister, why is there such a low compliance rate with workplace bullying requirements and can you please provide the compliance rate with bullying regulations for other ACT industries?

Mrs Dunne: Because they get such great leadership from the ACT government.

MS GALLAGHER: The usual nasty interjection from Mrs Dunne, who just cannot help herself. She just cannot help herself. I am trying to find out a bit more information for you, Ms Hunter. I have not been provided with, and I am not sure we have available to us, information on other industries in relation to bullying regulations. This is essentially around having policies and procedures in place which, I might say to Mrs Dunne, are all in place in agencies across ACT government.

The issue that Ms Hunter is raising, if you paid attention, Mrs Dunne, is whether or not there are policies in place. I understand that in the food industry there are a number of very small businesses running, for example, takeaway shops that might not have been aware of the requirement to have in place a policy. My understanding is that WorkSafe is trying to provide guidance material to this sector to ensure that they are aware of their responsibilities and can improve the compliance rate around this area. I am sorry that I am not able to provide you with information at this point in time, but I will undertake to do that, around how it relates to other industries.

MS HUNTER: Minister, what consideration has the ACT government given to include bullying as a ground for discrimination under the ACT's Discrimination Act, which would give complainants and respondents to bullying complaints access to the Human Rights Commission's investigation and conciliation functions and clear remedies for victimisation of a person making a complaint?

MS GALLAGHER: I am certainly looking at this issue very closely; so I would say it is before the government. I do not think it is necessarily a clear way forward. What I am trying to do is ensure that our own processes around workplace bullying across the ACT public service are up to a very high standard and that everyone is aware of their responsibilities. This issue has been raised with me through the course of those discussions. So we have not reached a final position on it and I think we would need to consult particularly with industry and do some analysis of making a decision like that.

But from my point of view, and I have spent a fair bit of time on this since becoming Chief Minister, I would like the government to be a leader in this area in terms of how we respond to and protect and support those people in a workplace, whether they are

making allegations of bullying or have had allegations of bullying made against them. But it is a very complex area.

Papers

Mr Speaker presented the following papers, which were circulated to members when the Assembly was not sitting:

Standing order 191—Amendments to—

Road Transport (Safety and Traffic Management) Amendment Bill 2011, dated 26 and 27 September 2011.

Work Health and Safety Bill 2011, dated 27 and 28 September 2011.

ACT Legislative Assembly Secretariat—Annual Report 2010-2011, dated September 2011.

Auditor-General Act—Auditor-General's Report No 4/2011—Annual Report 2010 11, dated 29 September 2011.

Review of the Emergency Response Strategy for Children in Crisis in the ACT—Interim Report by the ACT Public Advocate, dated October 2011, pursuant to resolution of the Assembly of 21 September 2011, concerning residential care placements for children and young people.

Legislative Assembly (Members' Superannuation) Act, pursuant to section 11A—Australian Capital Territory Legislative Assembly Members Superannuation Board—Annual Report 2010-2011, dated 19 September 2011.

Executive contracts
Papers and statement by minister

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

Public Sector Management Act, pursuant to sections 31A and 79—copies of executive contracts or instruments—

Long-term contracts:

David Colussi, dated 20 September 2011.

James Corrigan.

Short-term contracts:

Christopher Murray, dated 25 August and 14 September 2011.

Christopher Reynolds, dated 25 August 2011.

Daniel Stewart, dated 13 September 2011.

Edith Hunt, dated 21 September 2011.

Gregory Ellis, dated 13 and 14 September 2011.

Ian Hill, dated 21 September 2011.

Jeremy Logan (2), dated 25 and 31 August 2011.

John Stenhouse, dated 8 September 2011.

Liliana Hays, dated 12 September 2011.

Mark McCabe, dated 2 and 12 September 2011.

Michael Reid (2), dated 18 April 2011.

Patrick Jones, dated 25 August 2011.

Ronald Maginness, dated 28 September 2011.

Stewart Ellis, dated 2 September 2011.

Contract variations:

Catherine Jackson, dated 17 June 2011.

Catriona Vigor, dated 16 May 2011.

David Andrew Roulston, dated 5 September 2011.

Fiona Barbaro, dated 9 September 2011.

Jennifer Dodd, dated 28 June 2011.

Judith Redmond, dated 22 June 2011.

Sandra Georges, dated 14 and 19 September 2011.

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

Leave granted.

MS GALLAGHER: I present another set of executive contracts. These documents are tabled in accordance with sections 23M, 31A and 79 of the Public Sector Management Act 1994, which require the tabling of all head of service, director-general and executive contracts and contract variations. Contracts were previously tabled on 20 September 2011. Today I present two long-term contracts, 16 short-term contracts and seven contract variations. The details of the contracts will be circulated to members.

Papers

Ms Gallagher presented the following papers:

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations, together with statements for:

Chief Justice of the Supreme Court—Determination 10 of 2011, dated 29 September 2011.

Chief Magistrate, Magistrates and Special Magistrates—Determination 12 of 2011, dated 29 September 2011.

Children and Young People Official Visitor—Determination 15 of 2011, dated 29 September 2011.

Clerk of the Legislative Assembly—Determination 19 of 2011, dated 29 September 2011.

Full-Time Holders of Public Office—Determination 18 of 2011, dated 29 September 2011.

Head of Service, Directors-General and Executives—Determination 17 of 2011, dated 29 September 2011.

Master of the Supreme Court—Determination 13 of 2011, dated 29 September 2011.

Members of the ACT Legislative Assembly—Determination 16 of 2011, dated 29 September 2011.

Part-Time Holders of Public Office—Determination 14 of 2011, dated 29 September 2011.

Part-Time Presidential Member—ACT Civil and Administrative Tribunal—Determination 20 of 2011, dated 29 September 2011.

President of the Court of Appeal—Determination 11 of 2011, dated 29 September 2011.

Ms Gallagher presented the following papers, which were circulated to members when the Assembly was not sitting:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2010-2011—

Chief Minister and Cabinet Directorate (2 volumes), dated 6 and 19 September 2011.

Commissioner for Public Administration, dated 14 September 2011.

Ms Gallagher presented the following papers:

Public Accounts—Standing Committee—Inquiry—Auditor-General's Report 1/2011—Waiting Lists for Elective Surgery and Medical Treatment—Government submission, dated July 2011.

Health Practitioner Regulation National Law Amendment (Midwife Insurance Exemption) Regulation 2011—No 108/2011, under the Health Practitioner Regulation National Law, dated 26 September 2011.

Ms Gallagher presented the following papers, which were circulated to members when the Assembly was not sitting:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2010-2011—Health Directorate—Annual report, dated 16 September 2011, including an Addendum.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2010-2011—ACT Long Service Leave Authority, dated 13 September 2011.

Financial Management Act—instrument
Paper and statement by minister

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to Chief Minister and Cabinet Directorate, including a statement of reasons, dated 22 September 2011.

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

Leave granted.

MR BARR: I thank members for that enthusiastic granting of leave. As required by the Financial Management Act 1996, I table a copy of an authorisation for a Treasurer's advance provided to the Chief Minister and Cabinet Directorate.

Section 18 of the act provides for the Treasurer to authorise expenditure from the Treasurer's advance. Section 18A of that act requires that, within three sitting days after such authorisation is given, the Treasurer must present to the Assembly a copy of the authorisation instrument and a statement of reasons for giving it, and a summary of the total expenditure authorised under section 18 for the financial year.

This instrument provides an increase of $50,000 in net cost of outputs appropriation for the Chief Minister and Cabinet Directorate to make a donation on behalf of the ACT community to the United Nations Children's Fund—UNICEF—for relief work in drought-affected east Africa. I commend the paper to the Assembly.

Papers

Mr Barr presented the following papers, which were circulated to members when the Assembly was not sitting:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2010-2011—

ACT Government Procurement Board, dated 22 September 2011.

ACT Insurance Authority (including Office of the Nominal Defendant of the ACT), dated 21 September 2011.

ACTEW Corporation Limited, dated 21 September 2011, together with updated audit reports, dated 26 September 2011.

ACTTAB Limited, dated 1 September 2011.

Independent Competition and Regulatory Commission, dated 22 September 2011.

Totalcare Industries Limited.

Treasury Directorate (2 volumes), dated 20 and 21 September 2011.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2010-2011—

ACT Gambling and Racing Commission, dated 26 August 2011.

Economic Development Directorate (2 volumes), dated 22 September and 4 October 2011.

Exhibition Park Corporation, dated 15 September 2011.

Land Development Agency, including corrigendum, dated 16 September 2011.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2010-2011—

ACT Building and Construction Industry Training Fund Authority, dated 17 August 2011.

Education and Training Directorate, dated 22 September 2011.

Mr Corbell presented the following papers, which were circulated to members when the Assembly was not sitting:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2010-2011—

ACT Electoral Commission, dated 31 August 2011.

ACT Human Rights Commission, dated 22 September 2011.

ACT Ombudsman, dated 20 September 2011.

Director of Public Prosecutions, dated 22 September 2011.

Justice and Community Safety Directorate (2 volumes), dated 15 September 2011.

Legal Aid Commission (ACT), dated 1 September 2011.

Public Advocate of the ACT, dated 19 September 2011.

Public Trustee for the ACT, dated 9 August 2011.

Victims of Crime Support Program (incorporating Victims of Crime Commissioner, Victim Support ACT and *Victims of Crime (Financial Assistance) Act 1983*), dated 12 September 2011.

Mr Corbell presented the following paper:

Civil Law (Wrongs) Act, pursuant to section 205—General reporting requirements of insurers—Presented 18 October 2011.

Mr Corbell presented the following papers, which were circulated to members when the Assembly was not sitting:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2010-2011—

ACT Planning and Land Authority, dated 17 August 2011.

Environment and Sustainable Development Directorate, dated 17 August 2011.

Office of the Commissioner for Sustainability and the Environment, dated 9 September 2011.

Planning and Development Act 2007—schedule of leases
Papers and statement by minister

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): For the information of members, I present the following papers:

> Planning and Development Act, pursuant to subsection 242(2)—Schedule—Leases granted for the period 1 July to 30 September 2011.

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

Leave granted.

MR CORBELL: Section 242 of the Planning and Development Act 2007 requires that a statement be tabled in the Assembly each quarter outlining details of leases granted by direct sale. The schedule I have tabled covers the leases granted for the period 1 July 2011 to 30 September 2011. In addition, 54 single dwelling house leases, 34 of which were land rent leases, were granted by direct sale for the quarter.

Territory plan—variation No 302
Papers and statement by minister

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): For the information of members, I present the following papers:

> Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No 302 to the Territory Plan—Community Facility Zone—Replacement of Zone Objectives, Development Table, Development code and Rezoning of Belconnen section 87 blocks 12-15, dated 22 September 2011, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.
>
> Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 11—Draft Variation to the Territory Plan No 302—Community Facility Zone—Government response.

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

Leave granted.

MR CORBELL: Draft variation 302 has been undertaken as part of a review of the territory plan. On 31 March 2008, a restructured territory plan was introduced to work in conjunction with the streamlined planning system, which was based on the best practice development assessment forum leading practice model. The new system introduced exempt, code, merit and impact development tracks for assessment under

the Planning and Development Act. This new system provides an efficient, fair and consistent planning and development system fundamental to the economic wellbeing of the territory. The restructured territory plan has provided greater certainty regarding processes for development assessment and significantly reduced time frames.

At the time that the restructured territory plan was introduced, the government gave a commitment that the policy content would be reviewed and updated as a result of changing economic, social and environmental circumstances to create a best practice and responsive development assessment framework. Variation 302, which reviewed the community facility zone objectives, development table and development code, is the first stage of the review that will be followed by draft variation 306 that proposes an amended estate development code, residential codes and a new lease variation general code.

Other codes within the territory plan will also be reviewed, including the commercial and industrial zones code. A research paper on Canberra's night-time economies was released in April 2011 and a discussion paper on the commercial zones policies, which poses questions regarding possible directions, was released in May 2011 and will contribute to the review of the commercial zones code.

Variation 302 to the territory plan proposes to introduce new objectives for the community facility zone that include social inclusion, social sustainability and community formation principles. Changes are proposed to the community facility zone development table, including prohibiting a funeral parlour and certain types of residential development on sites identified in precinct codes, thereby reserving the land for community uses. The variation review will make changes to the community facility zone development code. These changes include new building height provisions and clarification that residential uses cannot be unit-titled or separately subdivided in the zone. The draft variation is consistent with the territory plan's statement of strategic directions in terms of environmental, economic and social sustainability principles.

Draft variation 302 was released for public comment in May 2010 and attracted eight public submissions. The main issues raised in the public comments related primarily to the proposal to reserve key community facility zone land parcels for community use by prohibiting certain forms of residential development, proposed building height limits, revised zone objectives and the role of open plans. A report on consultation was prepared by the ACT Planning and Land Authority, responding to the issues raised in the submissions. A copy of that report is included with the documents I have tabled.

Under section 73(2) of the Planning and Development Act, the former Minister for Planning referred proposed draft variation 302 to the Standing Committee on Planning, Public Works and Territory and Municipal Services for its consideration. The government has agreed with the six recommendations made by the standing committee in its report No 11, released in July 2011. Accordingly, I have directed the Planning and Land Authority to consider revising the draft variation in line with the recommendations of the committee. In particular, I have put emphasis on clarifying

the role of ancillary and minor uses in the assessment of development proposals in response to the committee's recommendation No 3.

I would like to provide a brief outline of the government's response to report No 11 of the standing committee. The full response is included in the documents I have tabled. The government has agreed to the first recommendation, that the draft variation proceed subject to the recommendations made by the committee.

In the second recommendation, the committee recommended that the suitability of the site for specific developments be added to the community facility zone objectives. The government has agreed to this recommendation in principle. However, section 120(b) of the Planning and Development Act fulfils this role by requiring the suitability of a site to be considered in the assessment of proposals in the merit track.

Changes were made to the development table via an explanatory note to implement the third recommendation, which suggests that the terms "ancillary use" and "minor use" be clarified in the community facility zone development table. The committee's fourth recommendation was to include a rule linking specified categories of ancillary and minor use to other community facility zone activities. This was agreed in principle and a notation added to the development table as a response to recommendation 3. It will clarify the purpose and role of ancillary and minor use developments. A new rule was not considered necessary, as it would be unlikely to further clarify or improve planning outcomes.

The fifth recommendation suggested that planning information on the ESDD website should include details of the definitions of ancillary use and minor use. This is agreed by the government, and my directorate will provide additional explanatory notes to those already available on the website. Finally, in relation to the committee's recommendation No 6, the Environment and Sustainable Development Directorate will explore the possible benefits of including statements of intent in the Planning and Development Act.

I would like to thank the committee for its consideration and report and I am pleased to table the approved variation in the Assembly today.

Papers

Mr Corbell presented the following paper, which was circulated when the Assembly was not sitting:

> Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2010-2011—ACT Policing, dated 9 September 2011, in accordance with the Policing Arrangement between the Commonwealth and the Australian Capital Territory Governments.

Mr Corbell presented the following papers:

> **Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

ACT Teacher Quality Institute Act—ACT Teacher Quality Institute (Fee) Determination 2011 (No 2)—Disallowable Instrument DI2011-271 (LR, 4 October 2011).

Betting (ACTTAB Limited) Act—Betting (ACTTAB Limited) Rules of Betting Determination 2011 (No 1)—Disallowable Instrument DI2011-254 (LR, 22 September 2011).

Canberra Institute of Technology Act—Canberra Institute of Technology (Advisory Council) Appointment 2011 (No 7)—Disallowable Instrument DI2011-250 (LR, 19 September 2011).

Children and Young People Act—Children and Young People (Death Review Committee) Appointment (No 1)—Disallowable Instrument DI2011-258 (LR, 29 September 2011).

Climate Change and Greenhouse Gas Reduction Act—Climate Change and Greenhouse Gas Reduction (Greenhouse Gas Emissions Measurement Method) Determination 2011—Disallowable Instrument DI2011-257 (LR, 29 September 2011).

Crimes (Sentence Administration) Act—Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2011 (No 5)—Disallowable Instrument DI2011-259 (LR, 29 September 2011).

Domestic Animals Act—Domestic Animals (Cat Curfew Area) Declaration 2011 (No 1)—Disallowable Instrument DI2011-246 (LR, 5 September 2011).

Emergencies Act—

Emergencies (Bushfire Council Members) Appointment 2011 (No 1)—Disallowable Instrument DI2011-264 (LR, 30 September 2011).

Emergencies (Bushfire Council Members) Appointment 2011 (No 2)—Disallowable Instrument DI2011-265 (LR, 30 September 2011).

Emergencies (Bushfire Council Members) Appointment 2011 (No 3)—Disallowable Instrument DI2011-266 (LR, 30 September 2011).

Emergencies (Bushfire Council Members) Appointment 2011 (No 4)—Disallowable Instrument DI2011-267 (LR, 30 September 2011).

Emergencies (Bushfire Council Members) Appointment 2011 (No 5)—Disallowable Instrument DI2011-268 (LR, 30 September 2011).

Emergencies (Bushfire Council Members) Appointment 2011 (No 6)—Disallowable Instrument DI2011-269 (LR, 30 September 2011).

Emergencies (Bushfire Council Members) Appointment 2011 (No 7)—Disallowable Instrument DI2011-270 (LR, 30 September 2011).

Gambling and Racing Control Act and Financial Management Act—

Gambling and Racing Control (Governing Board) Appointment 2011 (No 1)—Disallowable Instrument DI2011-247 (LR, 8 September 2011).

Gambling and Racing Control (Governing Board) Appointment 2011 (No 2)—Disallowable Instrument DI2011-248 (LR, 8 September 2011).

Independent Competition and Regulatory Commission Act—

Independent Competition and Regulatory Commission (Inquiry into Secondary Water Use) Terms of Reference Determination 2011—

Disallowable Instrument DI2011-255 (LR, 22 September 2011).

Independent Competition and Regulatory Commission (Price Direction for the Supply of Electricity to Franchise Customers) Terms of Reference Determination 2011—Disallowable Instrument DI2011-261 (LR, 4 October 2011).

Justices of the Peace Act—Justices of the Peace (Eligibility) Guideline 2011—Disallowable Instrument DI2011-249 (LR, 19 September 2011).

Public Place Names Act—

Public Place Names (Gungahlin) Determination 2011 (No 1)—Disallowable Instrument DI2011-252 (LR, 22 September 2011).

Public Place Names (Kowen District) Determination 2011 (No 1)—Disallowable Instrument DI2011-253 (LR, 22 September 2011).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2011 (No 3)—Disallowable Instrument DI2011-260 (LR, 29 September 2011).

Road Transport (General) Act—Road Transport (General) (Segway Exemption) Determination 2011 (No 1)—Disallowable Instrument DI2011-251 (LR, 16 September 2011).

Road Transport (Safety and Traffic Management) Regulation—Road Transport (Safety and Traffic Management) Parking Authority Declaration 2011 (No 2)—Disallowable Instrument DI2011-256 (LR, 26 September 2011).

Flynn community centre update
Paper and statement by minister

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): I present the following paper:

Estimates 2011-2012—Select Committee—Report—*Appropriation Bill 2011-2012*—Pursuant to Recommendation 176—Flynn Community Centre—Community consultation and timeframe for completion.

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

Leave granted.

MS BURCH: In the government's response to the report of the Select Committee on Estimates 2011-2012 on the inquiry into the Appropriation Bill 2011-2012, I undertook to table in the Assembly a paper outlining the community consultative process for the Flynn community centre and to provide the Assembly with some information on the timetable for the completion of the work. That paper is now circulating.

Members of the Assembly will be aware of the history of the Flynn community centre. I am pleased to say that work for the childcare centre is well progressed and is on

track, to be available for use in January 2012. Work on the remainder of the building has also commenced, with expressions of interest for the remainder of the building being sought from community organisations. These are currently being assessed.

The community continues to be consulted, with 14 meetings being held since 2009. The most recent meetings have been held at the Flynn community centre, starting the process of returning the building to the community. There can be no doubt that the Flynn community has been fully engaged on the future use of the building. In the process of the engagement, the Flynn community has provided valuable input which is reflected in the development and the use of the site.

Bimberi Youth Justice Centre
Paper and statement by minister

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) (3.38): I present the following paper:

> Bimberi Youth Justice Centre—The ACT Youth Justice System 2011—A report to the ACT Legislative Assembly by the ACT Human Rights Commission—Government response.

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

Leave granted.

MS BURCH: I am pleased today to be tabling the ACT government's response to *The ACT youth justice system 2011: a report to the ACT Legislative Assembly by the ACT Human Rights Commission.* As the Assembly is aware, the ACT Human Rights Commission received direction from the Attorney-General in January this year to conduct an inquiry into the ACT youth justice system and a human rights audit of the Bimberi Youth Justice Centre.

The government provided extensive support to the commission throughout the review process. The commission's report was provided on 29 July 2011 and tabled in this place on 16 August. As previously stated, the ACT government welcomes the Human Rights Commission's report and its examination of the ACT youth justice system.

Overall, the commission acknowledges that there have been substantial improvements in the ACT youth justice system over the last three years. In particular, the commission highlights that we have a sound legislative framework set out by the Children and Young People Act 2008, and a number of areas of promising and positive practice across the youth justice system were mentioned.

These include a focus on diverting young people through the use of restorative justice and community-based services and programs that support vulnerable young people and their families. Significantly, the commission identified that Bimberi Youth Justice Centre is a major improvement on the previous Quamby Youth Detention Centre, and

the commission acknowledges that the design of Bimberi has led directly to more positive outcomes for children and young people.

The commission also supports the change management process that the government established in Bimberi at the latter part of 2010, before the commission's inquiry, as being on the right track. Nevertheless, the commission provides us with advice about positive changes that we can make across the youth justice system and at Bimberi to achieve even better outcomes for some of our most vulnerable children and young people.

Mr Assistant Speaker, the government's response to the commission's report outlines how we will build on what we have achieved and confidently take the next stage of change in the ACT youth justice system. I will now outline some of the government's response. I would like to highlight that a number of factors have influenced the government's response to this report.

Firstly, the government acknowledges the contribution of many individuals and organisations in the commission's review. In particular, the commission spoke to young people at Bimberi and young people with previous experience of the broader youth justice system. This included young people who were incarcerated at the Alexander Maconochie Centre at the time of the review.

Secondly, the government would like to acknowledge the evidence base where it is used by the commission to inform its recommendations. In a number of areas the commission has applied contemporary Australian and international research to support its recommendations. This is particularly relevant in respect of operational practices in youth detention settings that can be applied at Bimberi. The better practice elements identified by the commission will inform of the ongoing development of the ACT youth justice system alongside other national and international evidence.

Thirdly, the commission strongly articulates the components of a quality youth justice system including the need for a commitment for a clear vision, human rights, engagement with the community, evidence-based practice, a culture of performance, and a skilled and supported workforce. The government supports the elements of a quality youth justice system identified by the commission.

Finally, the government acknowledges that there are a number of challenges in addressing any change in the ACT youth justice system. Some of these challenges relate to the tension between meeting the individual needs and best interests of children and young people and ensuring community safety. There is also the need to effectively manage risk, and that is most acute at Bimberi.

The government recognises that a youth justice system that manages risk effectively will create more opportunities for children and young people to engage in restorative programs and activities and build trusting relationships with the people around them. The government is committed to wisely negotiating these challenges and carefully addressing these risks as it continues to implement positive change in the ACT youth justice system.

The commission provided a detailed and somewhat aspirational report, with 224 recommendations. I think I can safely say that no youth justice system in the ACT could currently meet the full very high standards of the service provision that is championed by the commission. In considering its response, the government has attempted to meet the intent and objective of each recommendation wherever possible. However, in respect of some of the recommendations, the government has proposed an alternative approach to achieving the desired outcome identified by the commission.

The government's detailed response to each recommendation is provided in the papers that I have tabled and that you are now possibly reading. However, I am very pleased to advise the Assembly that of the 224 recommendations the government has agreed or agreed in principle to 189 recommendations. The government has noted 29 recommendations. In other cases the government recognises that further work is required to progress the recommendation. The government has not agreed to six recommendations—that is, six out of 224—particularly recommendations 4.4, 7.21, 10.5, 11.5, 13.1 and 14.33. For some of these recommendations, the government does not agree with the commission's approach. For others, the government already has an existing or an alternative response to the recommendation.

The government has not been idle when it comes to actioning change in the youth justice system. Of the 224 recommendations in the HRC report, the government has either commenced action or completed action on 124 recommendations. This is about 55 per cent of the total recommendations. Detailed information is provided in the government's response. However, I would like to point out a few key actions.

In relation to a large number of recommendations that solely relate to Bimberi, the current change management process at Bimberi is addressing a number of the issues raised by the commission. These include developing an integrated management system, improving the workplace culture amongst Bimberi staff through a number of measures that are encouraging staff participation and feedback. This relates to recommendations 4.13 and 4.17. Other issues being addressed include continuing the strategy of over-recruiting youth workers at Bimberi and operating a casual pool, and developing and implementing an enhanced induction training program for new youth workers and non-operational Bimberi staff.

Other measures include reviewing a range of operating procedures around behaviour management and use of force—this relates to recommendations 14.1, 14.4, 14.5, 14.6, and 14.11—and providing enhanced educational and health services at Bimberi, which are recommendations 12.16 through to 12.19, 12.21, 13.3, 13.6, 13.7 and 13.8.

A number of initiatives are underway more broadly within the Community Services Directorate. I will give four examples. Firstly, staff have been appointed to an after-hours bail support service for young people. This service will commence at 5 pm on 24 October. Secondly, the first young person has been referred by the Children's Court Magistrate to the Youth Drug and Alcohol Court, which has only very recently been established as a two-year pilot between the Health Directorate, the Community Services Directorate and the Justice and Community Safety Directorate. Thirdly, a

project to develop a sector-wide workforce development and reform strategy has begun. A number of the recommendations in the HRC report will be actioned as part of the development of this strategy.

Finally, children and young people now retain the same case manager regardless of whether they are in a community setting or at Bimberi. This model provides enhanced through-care and a more seamless service for children and young people who often move between community and custodial settings.

A larger project to introduce single case management across the Office for Children, Youth and Family Support has also recently commenced. Action is also underway across other directorates. We know that young people who start to disengage with school are often at risk. In the Education and Training Directorate, work is underway to create a second suspension support team and to identify suspension contact officers in all ACT schools. A professional learning package will be developed for schools that outlines the role of suspension support teams and of good practices in the suspension process, post-suspension interviews and re-entry meetings.

Also, in the Education and Training Directorate, new initiatives that will provide alternative support and resources to young people in the Murrumbidgee Education and Training Centre are being implemented. Additional vocational training programs for students have been developed and an Indigenous transition officer position has been created to work with students and staff on culturally appropriate programming at the centre and to support the re-engagement of Aboriginal and Torres Strait Islander students in education, training or employment upon exit from Bimberi.

Improved communication, relationships and coordination between Bimberi management and the education centre staff have been implemented through the Bimberi change management project. In particular, a deputy principal has been appointed to lead the Murrumbidgee Education and Training Centre, and support from the Education and Training Directorate for teaching staff has improved remarkably.

Finally, the Education and Training Directorate are providing assistance to young people regarding submission of applications for day release for the purpose of education, training or employment. In the Health Directorate, nursing staff visit young people in their units where it is in their best interests. Also in the Health Directorate, a "train the trainer" course on the safe distribution of medication for Bimberi staff has been delivered.

Additionally, the Health Directorate is reviewing a range of operating procedures that deal with the role of the treating doctor or nurse in relation to the documentation of injuries sustained by young people at Bimberi following the use of force and consent to treatment. Broad work has commenced in the Health Directorate as part of the model of care that supports mental health services to implement a development model of care for young people in the youth justice system.

In May 2011 the ACT Policing and Restorative Justice Unit in the Justice and Community Safety Directorate entered into an agreement for ACT Policing to refer all eligible Aboriginal and Torres Strait Islander young people into restorative justice.

That relates to recommendation 17.15. The JACS Directorate is also considering the presumption against bail for young people accused of breaching domestic or family violence orders. This will be done in a consultative process with stakeholders.

I would now like to turn to the government's key initiatives to develop a blueprint for youth justice in the ACT and the work of the youth justice implementation task force. The blueprint for youth justice is something that I announced in July of this year, when I said the government had a commitment to developing a blueprint for youth justice in the ACT that will provide strategic direction for the development of the youth justice system over the next five to 10 years.

Also in July I announced the establishment of the youth justice implementation task force, comprising representatives from government, business and the community. The first role of the task force has been to provide considered advice in respect of the HRC report and each of the 224 recommendations. I would like to take this opportunity to extend my thanks to the task force for the work it has undertaken in such a short period of time.

The task force will now embark on its major role of developing the blueprint for youth justice in the ACT. There are a number of things that the task force will need to consider with government in developing the blueprint. Firstly, the blueprint will need to be informed by the HRC report, including the quality elements of the youth justice system identified by the commission and the elements needed to support the rehabilitative outcomes for children and young people. The latter includes therapeutic programming meeting the needs of vulnerable population groups, culturally appropriate practice, education and health services, human rights compliance in conditions of detention and through-care.

Building services that reflect these elements around vulnerable children and young people and their families will be critical. In particular, the government will prioritise early intervention, prevention and diversion. We know that reducing a child's or young person's exposure to custodial settings provides a greater probability that the child or young person can be diverted from deeper, longer-lasting and overall more harmful exposure to the youth justice system. In accordance with our legislation, detention needs to be considered as a last resort.

The government is already progressing significant work around the establishment of early intervention, prevention and diversion pathways to support vulnerable young children and young people. In February of this year I released the discussion paper "Towards a diversionary framework for the ACT". The Community Services Directorate undertook a comprehensive two-month consultative process and the feedback informed the report that was produced through Noetic Solutions.

The minister for education has recently announced major changes through the ACT youth commitment to place education at the centre of children and young people's lives to ensure that young people remain supported and accounted for as they move from school to further education and training or work. Through the ACT youth commitment, the participation of children and young people is enhanced and families and communities are strengthened to support young people at risk.

In the Health Directorate changes have been made to the way we manage under-age drinking, which has resulted in large numbers of children and young people being diverted from the youth justice system into alcohol and drug assessment and counselling. Significantly, families are often involved in alcohol and drug counselling. We know that family-focused early intervention and prevention programs reduce children's and young persons' criminal behaviour, interactions with the criminal justice system and the likelihood of developing cyclic offending behaviour.

The implementation of world-class restorative justice practice in the Justice and Community Safety Directorate has been critical to this government's commitment to diversion over the last six years. For Aboriginal and Torres Strait Islander children and young people, the circle sentencing court is an outstanding example of one way to divert some of our most at-risk children and young people from deeper immersion in the justice system.

Secondly, in developing the blueprint the task force will need to consider the importance of underpinning the blueprint with a clear mechanism for the inclusion of new Australian and international research about what works for young people at all stages of involvement in the youth justice system. The government is committed to promoting evidence-based practice.

Finally, but not least importantly, the blueprint will reflect on what children and young people, families, staff and other key stakeholders have told us about they want in a quality youth justice system. They have told us what they want through the HRC report as well as the consultation on the diversionary framework and in the change management process at Bimberi.

Through the blueprint we will develop a practical and effective strategic framework to support the implementation of actions designed to improve outcomes and life opportunities for children and young people involved in the youth justice system. The blueprint will build pathways for young people out of the youth justice system and into education, training, paid or unpaid employment and civic engagement.

Finally, the blueprint for youth justice will identify gaps in current provision of service and identify points of leverage for effective improvement across a range of service areas. The government will ensure that the blueprint operates as a living document, which means that the blueprint will be capable of accommodating new evidence about youth policy theory as it emerges.

It also means that the blueprint will be capable of accommodating the consequences of national and local social, economic and civic adjustments that may affect children and young people's capacity to move through and in and out of the youth justice system. Overall, ongoing monitoring and evaluation of the youth justice system will be a critical component of the blueprint.

The government is committed to ongoing change within the youth justice system to positively impact on children, young people, their families and the broader ACT community. There will no doubt be a number of challenges to negotiate in developing

a five to 10-year reform strategy with the ACT youth justice system. However, overcoming these challenges is part of the task ahead.

It is in this context that I want to take this opportunity to echo the sentiment in the HRC report and to reflect on the value that a tripartisan evidence-based approach to youth justice would offer not only children and young people but the ACT community in general. We know the negative impact of politicisation of issues pertaining to youth justice in other jurisdictions on outcomes for children and young people, their families and their communities.

I look forward to working closely with the task force as it begins the next important part of developing the blueprint for youth justice in the ACT. I look forward in time to bringing that blueprint to the Assembly once it is complete.

Mrs Dunne: Mr Speaker, if the minister is not going to move that the report be noted, could I seek leave to make a brief statement?

MS BURCH: I move:

> That the report be noted.

MRS DUNNE (Ginninderra) (4.00): I thank the minister for this government response to the Human Rights Commission report, and the Canberra Liberals will be studying it closely.

There are a couple of issues that arise in the comments that are worth noting. I notice that on page 7 of the minister's statement—she did not utter the sentence—it says:

> Literacy tutors who work intensively with students have been brought in.

That is to the Bimberi youth justice system. I hope that that was a slip of the tongue and a slip in the reading and not a sign that the minister is uncomfortable about the extent to which there are literacy tutors working effectively in the Bimberi youth justice system. This will be an issue that I will be pursuing.

The minister's statement on page 7 also reads:

> Significantly … a Deputy Principal has been appointed to lead the Murrumbidgee Education and Training Centre. Support from the Education and Training Directorate for teaching staff has improved markedly as a result.

I think it is a searing indictment of the youth justice system and the operation of the Murrumbidgee education centre that we have to make a comment that now we have seen some improvement in the support for teaching staff who work under very difficult conditions at the Murrumbidgee education centre. I would like at some stage for the minister to expand upon how and in what ways education and training support has increased for staff and what effect that has had so far on the young people at the Murrumbidgee education centre; also what are the expectations and what measures the government will have to measure the improvement in performance of the Murrumbidgee education centre and the improved performance of educational outcomes of the young people who attend the Murrumbidgee education centre.

We know that there are 224 recommendations, some of which the government has not agreed to and some 23 that the government claims to have completed. Without a detailed scrutiny of the very large number of pages—80 or 90-odd pages—that go with this report, the opposition cannot comment fully on these, but perhaps given the importance of such a report it may have been appropriate for the minister to circulate the paper ahead of time to give people the opportunity to comment.

I note on page 10 that the minister says in relation to education:

> The Minister for Education has recently announced major changes through the ACT Youth Commitment to place education at the centre of children's and young people's lives to ensure that young people remain supported and accounted for as they move from school to further education and training or work.

I hope that that is the case—that young people will not be accounted for, that young people will not slip through the cracks, because, as we have seen in the debate this morning in relation to the office of children and young people and in the previous debates and discussions in relation to the Vardon report, it is often the case that young people cannot physically be accounted for, let alone their contribution to the education system and what they are getting out of the education system. I know that the minister for education is very keen on sloganeering—the "earn or learn" stuff—but I think we need more than sloganeering here when we are talking about student engagement amongst those who are most vulnerable and those most at risk of engaging in the youth justice system.

I also note that there is a barb towards the end of this that requires that everyone get on board and sing *Kumbaya* with Minister Burch in relation to the youth justice system. To sort of threaten, as she does at the end of page 12, to say that any politicisation of the youth justice system will be bad for kids, will not stop the Canberra Liberals from continuing to be on the ball, questioning and making sure that the commitments that this minister and this government have made in relation to this inquiry will be met.

This inquiry was brought about because we were on the ball—not because Joy Burch was on the ball but because we were on the ball—and we will continue to ask the questions and to delve into this. We will be going through it, carefully monitoring and from time to time coming back to it. It will become incumbent upon the minister to report regularly on progress on these recommendations because 224 recommendations can easily get lost, just in the same way as apparently children in the care and protection system can easily get lost.

I will not be cowed by snide comments. The fact that the Canberra Liberals ask questions does not mean that we politicised the issue. There is no disagreement: we believe that the youth justice system should be a place where kids do not go. We want to create systems and structures where children do not become primed for the adult corrections system. And we have yet to see evidence from this minister that she is capable of delivering on that community aspiration.

I have people in my office on a regular basis talking about their family, their kith, their kin, who are at risk of ending up in the youth justice system and then ending up in the adult corrections system, and they have no confidence in the government and the directorate delivering services that will save their kids from that path. I had someone in my office yesterday that said, "If things don't improve, my kids are going to end up in the corrections system." And that is an indictment of this minister. I will not be cowed, and my colleagues will not be cowed. We will not stop asking questions about what is going on in the youth justice system. Minister Burch can just hold on for the ride, because we will be keeping her accountable.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (4.06): I am pleased to have received the government response to the Bimberi report. I look forward to reading and analysing this document. It is quite a large one. It could have been quite useful to have received it earlier so we could have had a more considered response at this point, but I note that the minister has moved that the Assembly takes note of the paper so that we can come back and have another debate about that.

A range of stakeholders were engaged to allow the commissioners to bring forward some 224 recommendations to improve the outcomes for children, young people and staff within youth justice services in the ACT. The inquiry into the youth justice system by the Human Rights Commission—that was, of course, the review and the human rights audit—produced a range of findings, as we have said. It revealed that being human rights compliant and achieving quality outcomes is not something you attain once; it is about constant reflection and understanding of your practices. It is asking questions about how to do things better to improve the system and to make sure that rehabilitation and wellbeing of young people is always our primary focus.

Preventing young children and young people from becoming involved in the youth justice system should be a priority. The minister has just spoken about the diversionary framework that is being worked on. We do need to see that diversion from the youth justice system is really the main game.

I would argue that the Bimberi report demonstrated that the current youth justice system is lagging behind Australian research and evidence and indeed international practice around prevention. I think there is no argument about the huge value of prevention programs and the ability to cost savings in other areas of the justice system and the broader community. There are challenges as we move through times of increasing pressures on financial resources, and we need to ensure that the value of targeted youth crime prevention programs is appreciated by all levels of government and in particular those making funding decisions. The ACT Greens will actively pursue this case very loudly in order to make our community safer and provide support to young people at risk of offending.

During my recent visit to the UK I met with the Youth Justice Board for England and Wales, which had recently published figures which showed a dramatic reduction in the numbers of children and young people entering the criminal justice system, as well as a notable fall in the reoffending rates. The justice board described how these successes would have not been possible without the input of non-government agencies

and they also acknowledged that these agencies were able to provide innovative and flexible provision in the community.

I was encouraged by this attitude, as I strongly believe that the community sector has a large role to play; it has expertise, experience and knowledge that can be drawn on to enhance our youth justice system. I hope this strength is acknowledged in the government response and that this process will not simply be managed internally with no opportunity for community services to have input. I would argue that the community sector needs to be an equal partner in implementing the recommendations and of course also needs to be properly resourced to do it.

Within the 224 recommendations there are a number of changes that were able to be made quickly and easily, including issues such as changes to strip-search procedures; the use of conjoining rooms, as recommended by the Royal Commission into Aboriginal Deaths in Custody; the housing of remandees and sentenced young people separately in the Coree unit; the use of segregation; and a range of other issues. When we sit down to read and analyse this response I will be paying particular attention to what changes have been implemented immediately, to move these issues along and to improve the day-to-day running of and conditions at Bimberi.

The ACT Greens will continue our commitment to being part of the solution in enhancing the youth justice system through the implementation of the recommendations within this report and also are committed to being part of the solution, I guess, to find better outcomes for our youth justice system.

The minister mentioned in her tabling statement one recommendation for the same case manager to be used throughout the system to improve through care. On the face of that I do welcome it. I think it makes a lot of sense for a young person to be able to develop that rapport and relationship and for a case manager to follow them right through the system.

There was also talk about an agreement with the AFP about referring Aboriginal and Torres Strait Islander young people into restorative justice; again an important thing. An area where I want to see further work done, and I will be raising it again, is around the diversion. That first contact with police is an incredibly important contact and it is at that point that a whole life can be changed.

I have mentioned in this place before, and it was mentioned when I spoke to the Youth Justice Board for England and Wales, that the UK have in place a system where youth workers are embedded in or attached to a range of police stations in a number of councils around the London area. That means that, when a young person comes into contact with the police, the police are able to contact that worker who comes in and does an assessment at that point. So, if it is found that the young person is homeless or there are issues going on at home—there could be a whole range of matters—they can get onto it at that point and start bringing in the services and start the diversion. So I certainly do want to continue to raise that and to pursue it to see if it would be appropriate for something like that to be included in our system here in the ACT.

I note the minister also spoke about the Department of Education and Training, and this was a very important part of this inquiry. This was not just about the Community Services Directorate; this was also about the Education and Training Directorate. In fact many of the concerns that were raised, certainly with me and I am sure with Mrs Dunne, did come from those who were working within the Murrumbidgee education centre. I am pleased to see that there is far more support put in, but I think it is concerning that that support was not in there from the beginning.

Again, we know that there are many, many dedicated workers out at Bimberi, the teaching staff amongst them. It is good to see they have finally got some support. It is good to see that there are improved services being given to young people, regardless of whether they are in there for a week, two weeks or a year. The assistance of literacy programs being put in place is so important. We know that being illiterate does have a massive impact on your life outcomes.

I also note that there has been talk about the Department of Education and Training putting on a second suspension support team. Again, the first one was a pilot that has now been put in place. I am hoping that we now have coverage of all government schools across the ACT or we are moving towards coverage of those schools that need this service and the students that need this service.

From my understanding, many of the young people in Bimberi said that the first time they had been, if you like, rejected or excluded from an institution was when they were suspended from school. For many of them that was from primary school and it should have been at that point that there was a greater focus on what was happening for that child and what was happening for that child's family.

We need to do more work in this area. I am concerned by the numbers of children in government schools in the ACT—I do not have the non-government numbers; they may be very similar—who are being suspended in primary school. I think we need to put a focus on this. We need to change what is going on there. If that means putting in more programs, putting in more resources, that is what we need to do. It is an early indication that something is not quite going right, and sometimes it can be that those are the first steps on the pathway towards interaction with the youth justice system.

We really want to start at early intervention and prevention. We need to look at how we can keep them out of that system but, if they do enter the system, that we have in place the best programs, the best responses, so we can ensure that we live up to that goal of having that framework around human rights; that we make sure we provide the best opportunity for a child or young person to rehabilitate. Not only is it good for them for better life outcomes but certainly it also benefits the wider community.

I was a little concerned that there was mention in the minister's tabling statement that the commission provided a detailed and somewhat aspirational report with their 224 recommendations and that no youth justice system in Australia would fully meet the very high standards of service provision championed by the commission. I do not think we should be stepping back and saying that it was all just too much, that they are asking too much and all the rest. We need to take on board what the commissioner

is saying. So what if there is not another system in place in Australia that meets these high standards? We are a human rights compliant place. We do pride ourselves on being progressive and having high standards of service provision. We should be aiming high. Let us not just take the mediocre road.

I am sure that, as something like 180 recommendations were agreed with, there is a lot of work going on. I look forward to sitting down and putting more time into analysing the response to the Human Rights Commission's report and seeing what the government has agreed to and I look forward also to further discussions on this issue in this place.

Question resolved in the affirmative.

ACT carers charter
Paper and statement by minister

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), by leave: I present the following paper:

Caring for Carers—Charter—Pamphlet.

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

Leave granted.

MS BURCH: Today I have tabled the ACT carers charter. Carers are often family members or friends of people with needs associated with a disability, ageing, ongoing physical or mental illness or substance misuse. Carers can also be approved kinship or foster carers caring for children and young people in care in the care and protection system as well as grandparents caring for their dependent grandchildren. The ACT carers charter recognises the valuable contribution carers make to the fabric of our society, and it is important that I take this opportunity to thank the carers of the ACT for their significant contribution to the community.

The government has recognised this through the ACT government's caring for carers policy in 2003, which provided a framework to recognise and support the diverse needs of people providing unpaid care and support. Whilst the relevance of this policy has been confirmed, the charter provides a refreshed focus on a clearer and more concise means for publicly expressing the intent of the policy.

Last year the government agreed to recommendations made by the Aboriginal and Torres Strait Islander Elected Body that would require recognition and support for grandparents providing informal care for children and young people. In March last year the commonwealth government tabled the Carer Recognition Bill to provide recognition and support for carers.

This charter broadens the definition to ensure all caring relationships are included in the charter, including grandparents, aunties and uncles providing informal care, foster

and kinship care placements. Already the ACT provides legislative rights for carers. This charter provides an accessible and easy-to-understand document that outlines what carers can expect from ACT government and government-funded community organisations. The charter is a policy statement and not a legislative statement of rights. The carers charter is written to be accessible to as many people as possible, to be concise and to be simple.

The five principles of the charter are: carers are engaged in matters that affect them as carers; carers are valued and treated with respect and dignity; carers are supported to sustain their caring role; diversity of carers needs to be acknowledged, and appropriate supports provided; and carers share a quality of life that is in accordance with the community standards.

Implementing the charter requires that the key audiences are informed of their roles and responsibilities, and this must include involvement across ACT government, community partners and carers. The charter has been uploaded onto the Community Services Directorate website along with explanatory notes and fact sheets aimed at particular caring communities.

The government will continue to work with community organisations to ensure the principles of the charter are upheld and to ensure the work of carers is valued as it should be in our community. Carers ACT recently commenced a new carers advocacy service, enhancing services already available to carers in the ACT.

Finally, I would like to thank the carers of the ACT for the courageous and outstanding job they do. I hope this carers charter raises awareness of the vital role they undertake and affords them the much-needed recognition they require and deserve.

Papers

Ms Burch presented the following papers, which were circulated to members when the Assembly was not sitting:

> Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2010-2011—Community Services Directorate (2 volumes), dated 1 September 2011.
>
> Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2010-2011—Cultural Facilities Corporation, dated 23 August 2011.

Mr Corbell presented the following papers, which were circulated to members when the Assembly was not sitting:

> Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2010-2011—
>
> ACT Public Cemeteries Authority, dated 28 September 2011.
>
> Territory and Municipal Services Directorate (2 volumes), dated 22 September 2011, including a corrigendum.

Food production
Discussion of matter of public importance

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

> Food production in the ACT.

MS BRESNAN (Brindabella) (4.23): Thank you for the opportunity to speak on this vital matter of public importance—food production in the ACT. There are a number of elements to a discussion about food production which I would like to touch on today, including food security, the role of land planning in rural and urban environments and what the ACT government can do to assist increased food production.

Food security exists when all people at all times have physical, social and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy life. Unfortunately, global and regional food insecurity has the potential to dramatically disrupt our livelihoods, our economies, our ecosystems, our biodiversity, geopolitical security and vital life support systems. While the issues surrounding food security are complex, the options for Canberra are simple—Canberra can either not make adequate preparations and remain vulnerable in the face of inevitable future food shocks, or it can become a world leader in its preparations, showing innovation and embracing measures to improve food security in a global and local context.

Many inherent food security risks are already being realised, such as broad-scale food contamination from pathogens and poisonous chemicals and food product recalls. Natural and human-induced disasters are becoming more frequent. Large areas of land and sea near both Japan and Chernobyl are contaminated with nuclear pollution and now threaten multiple food supply chains and the economies of these neighbouring regions.

There are various trends in the food production value chain that currently threaten our food security, including climate change. All these threats present a multiplicity of problems for food security. We also raised the issue of food security after the Pakistan floods and referred to a paper published in the journal *Science*, which estimated that climate change will threaten the food security of approximately 60 million people in Asia by the year 2050.

Growcom, the peak Australian horticultural body, released its own food security report on 17 March 2011. The organisation's chief executive officer, Alex Livingstone, said that the general public was largely unaware that up to 34 per cent of fruit and 19 per cent of vegetables consumed in Australia are imported. Mr Livingstone said on release of the report:

> A nationally co-ordinated food industry strategy is needed which includes sustainability regarding water, waste, energy and carbon; a focus on the protection of prime horticultural lands (particularly arable lands close to urban centres of population); key investment in research and development, innovation and labour force development and training; and on the supply chain side, a need for action on retailer domination, predatory behaviour and cost competitiveness.

The report concluded:

> Government, particularly the Commonwealth, appears to be out of step with every other stakeholder in the area of food security. It appears to be complacent and unwilling, or unable, to acknowledge that food security is a serious concern.

Peak oil and peak phosphate will emerge as major issues with the declining stocks of cheap oil and rock phosphate. Peak phosphate is dubbed as the sequel to peak oil. I refer you to our MPI on peak oil earlier this year in relation to agriculture's dependence on oil. Our modern agricultural systems also depend on phosphate fertilisers. These are obtained from phosphate rock, a finite resource with current reserves projected to be depleted this century. Phosphate rock reserves could see a global peak estimated to occur in the next 30 years. Finding alternatives will be necessary, with sustainable agriculture using significantly less fertiliser.

We will need to capitalise on any opportunities for improved efficiency throughout the system. Capturing used phosphorus in human and animal waste and in food and crop residues will need to be a part of the ACT's waste treatment processes, and we will need functional improvements of our systems to achieve this.

Scarcity of clean water has had an impact with a decade or more of protracted drought conditions in our region. Although water restrictions have since been relaxed, we know that a longer term vision for the ACT's water resources needs to be central to any food security plan.

Other major trends that impact on food security include soil erosion, soil fertility decline, increasing poverty, hunger and the propensity for regional epidemics of malnutrition and obesity. Domestically we are also seeing a loss of sustainable food production knowledge in the ACT with the decline of our agricultural college based activities, teachers and venues across most of our schools. This loss is also reflected in the loss of knowledgeable rural workers moving into the urban areas or retirement.

We must produce food sustainably for ourselves and exports to help meet global demand utilising clean organic waste in soils in the ACT to improve soil fertility, food production and food quality. Being the nation's capital and a planned city the size that we are, we are well positioned to showcase best practice innovations, training and measures to improve food security in a global and local context. That challenge is before us and the price of failure is too high to contemplate.

I note that through the government's community engagement process, time to talk, issues around food production were raised and discussed. As a consequence, I believe the government has now acknowledged that food production needs to be integrated

into the ACT planning for land use and in creating opportunities for local participation. This is reflected in the ACT draft planning strategy released yesterday, and we need these thoughts to trickle through to ensure security for agriculture areas and appropriate zoning, for example, making best use of the areas along the Molonglo River, giving security to rural lessees in food production, and tailoring our water restrictions policy to ensure people can continue to water their gardens.

I note that the ACT government in response to Ms Le Couteur's motion on community gardens earlier this year has committed to undertaking a scoping study to investigate local food production in the ACT. I am not sure what stage the strategy is at. I understand that the matter was referred to the strategic board for advice. It would be appreciated if the minister were able to provide an update on progress.

Other issues that the government correctly identified as being pertinent to food production in the ACT include: consideration of the territory's ecological footprint; the real environmental and economic costs of where Canberra's food is sourced; a regional definition of the ACT's local food production catchment, for example, a 100 or 200-kilometre catchment; food security and other means available for local food systems such as city farms, farmers markets, community supported agricultural enterprises and direct farm sales. The government also noted the wider issue of maintaining productive landscapes around Canberra which protect the landscape setting of Canberra, at the same time allowing for sustainable management of the land.

As I have noted, I am pleased to see that food production has finally been mentioned in the ACT government's draft planning strategy. This is a big step forward and recognises the fact that we need to ensure that we set aside land for food production and cannot continue to rely so heavily on interstate and other more far away markets.

I note that the background paper on food released in conjunction with the draft planning strategy also recognises that land use planning can play a significant role in providing opportunities for localised food production, such as city farms, farmers markets and community gardens, including those for public housing and schools and other commercial intensive horticultural businesses.

I would like to note some of the health and social considerations around food production. I believe it is beneficial for people to have a greater understanding of where and how their food is sourced and grown. This can be quite difficult, but there are significant social benefits to people taking more interest in the food they eat, including where it is from, its nutritional qualities and how they can grow it themselves.

There are some wonderful local projects which involve people at a community level in producing food for themselves and their family and friends. Some of the projects through school kitchen gardens and social housing gardens also play an important role in community building and growing social networks. There are also considerable health benefits in people eating and cooking with their own fresh produce.

There are a number of areas where the government can support increased food production in the ACT, and many of these have been outlined in the government's

background paper on food, as I mentioned. My colleague Ms Le Couteur will also discuss some of these issues. The Greens believe increased food production opportunities include community gardens, better use of nature strips, wise increased plantings of fruit trees, better use of compost through our waste strategy, support for a city farm, and working with the federal government to speed up the progress on a national food security plan.

Although the government commends the role of the 20 or so existing community gardens in the ACT, this is not a large number for a city of over 300,000 people spread out over 93 or so suburbs. It would be pleasing to see this number increased substantially over the next few years. I would also like to see a more concrete commitment to community gardens being provided in all new suburbs. This is something that should be established from the start of a new development.

I note that the government states that they are currently implementing a range of initiatives to support community gardens in the ACT, and I look forward to hearing more from the minister on progress in this area and progress by the government's interdepartmental committee on community gardens generally.

Although the ACT is only a small jurisdiction, it is important that we tackle the issue and coordinate regionally and nationally, as we will never be able to be 100 per cent self-sufficient in the ACT. We simply do not have the land or the appropriate resources. This is where the ACT government can provide the initial levers to progress a national food security plan with its own regional model that could stand to facilitate an ideas bank for advancing a COAG process on it. Members may recall Ms Le Couteur's statements about food in the peak oil MPI a few months ago, and I will go to some of those:

> At the supermarket, grocery prices will have skyrocketed. Most of Canberra's food is trucked here from interstate or flown in from overseas. With the price of oil, and consequently the price of transport fuels, escalating, the price of our food will too. What about growing the food? Major food production systems use diesel to run the machinery and they use oil-based fertilisers and pesticides. They use oil-based pharmaceuticals to treat dairy and meat animals. What will the cost of food be when all of that is factored in?

This scenario only touches on some of the ways that peak oil will impact on our lives. The complexity of this issue will require government, the parliament, business and all in the community to work together. I believe we can all agree in the Assembly that food production needs a multidisciplinary, cross-party, community and business response that is timely and effective. The ACT Greens believe it is vital to pursue this collaboratively and pioneer a way for the ACT to take a leadership role for the ACT community on food security.

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) (4.36): I would like to thank Ms Bresnan for bringing forward this matter of public importance today. Yesterday I released the draft ACT planning strategy for public comment. Amongst other things, this draft strategy recognises the importance of food security and food production not just for the territory but for our region.

"Valuing the land by using it efficiently, protecting areas of good biodiversity and agricultural food production" is one of the nine proposed strategies in the strategy. Retaining and protecting good agricultural land in the territory and across the region from urban expansion are a critical objective. A key action proposed under the draft strategy is to prepare a regional plan that identifies this prime land and how it can best be protected under the various planning systems.

Already I have announced that the government intends to prepare a scoping study on local food production. This is the first step towards a regional plan. It is envisaged that the scoping study might address the following matters: what is known about current local food production in the territory; where food is currently sourced; what the characteristics of the local food economy are; what needs to be considered; and where the knowledge gaps are.

Taking a strategic, regional perspective to food production is necessary to address the environmental, social and economic issues associated with producing, transporting and consuming food. Carbon emissions from the transport of food are only part of the environmental challenge. Modern food production is highly mechanised and consumes a great deal of water and energy. And we have to include in this the amount of food that we, as a community, end up wasting.

It is alarming to consider that at a time when we cannot feed the world's current population, food waste per capita is increasing. It is estimated that in America food waste now accounts for approximately 300 million barrels of oil per year and more than a quarter of fresh water consumption. Also, diabetes and obesity are key social issues. To a greater rather than a lesser extent, these reflect the high level of processed food in people's diets and the level of separation that now exists between consumers and those who produce our food.

Until the late 1960s Canberra enjoyed a high degree of local food production which was focused around the Molonglo Reach and Pialligo. We can take the opportunity to restore this balance and again increase the proportion of food produced locally.

Taking a regional approach can also add to our economic resilience. In 2006 ACT food production alone was valued at $17 million per annum. If we consider the agricultural diversity of the Canberra region and how we might more efficiently and effectively move and distribute produce, it is clear that we can significantly improve the regional economy. There is an opportunity to expand local employment with business associated with food and even with tourism activities associated with food and wine.

Working collaboratively and in partnership with our regional neighbours to use our land wisely is a priority for the government. However, within the territory we also need to take the opportunities and initiatives to use the land we place under urban development more efficiently and to meet more of our food needs.

The peri-urban areas provide almost all of the fresh fruit and vegetables that are consumed in Australia's cities. Canberra does not have these extensive market garden

areas on its own urban fringe but it does have the potential to grow more of its own food. Backyard vegetable production, vegie gardens, fruit trees, community gardens and city farms are all options we need to make provision for into the future.

The inclusion of community gardens in greenfields estates is widely recognised as contributing to sustainability and community development. I am aware that the Land Development Agency is exploring how it can begin to incorporate these types of initiatives into its estates. Last year, the LDA sponsored the Canberra Organic Growers Society, COGS, community gardening conference at the University of Canberra. This sponsorship assisted in the organisation of the conference. The positive benefits of the LDA's sponsorship of the community garden conference include strengthening the LDA's relationship with COGS and promoting the LDA's environmental and community building credentials as well as embracing innovative approaches to greenfields development.

COGS currently administers 11 community gardens across the ACT. The LDA has held several preliminary discussions in relation to its interest in running a community garden in Coombs, site selection and possible models of governance. These discussions have been positive, and the LDA is looking for a suitable site in Coombs for a community garden. The COGS management committee has agreed in principle to establish and run a community garden in Coombs. The approved business plan for Wright and Coombs contains the action of investigating forming a partnership with COGS to provide this community garden.

Community gardens are being promoted by a range of other stakeholders, including the Planning Institute of Australia and the ACT and region conservation council. At the same time, Territory and Municipal Services is discussing the proposed formation of a community garden in Forde. The government will continue to support the establishment of new community gardens, as it has already done for many years.

Beyond facilitating licence arrangements to use land, the government has and continues to directly support the establishment of new community gardens. In order to facilitate the appropriate allocation of land for community gardens in the context of other recreational pursuits, the Environment and Sustainable Development Directorate has established an interagency work group responsible for drafting policy that will inform the Canberra spatial plan, or indeed the ACT planning strategy, the territory planning codes and the recreation strategies. The government is looking at a number of initiatives to facilitate community gardens in the ACT, including a one-stop shop approval process, exemption from development approval, waiver of licence fees, preparation of site selection criteria and information about community gardens on a centralised site through the ACT government's web presence.

It is the government's intention to establish and manage gardens until a group is ready to take over management of the site. The government will, however, support the identification of suitable land for such future community initiatives as the demand rises.

The government is also proceeding to implement the range of initiatives that I announced on 28 June this year in my response to the resolution of the Assembly of

March this year relating to community gardens. On 7 October a definition for community gardens was included the territory plan through technical amendment 2011-23. The Environment and Sustainable Development Directorate is working on an amendment to the planning and development regulations to establish an exemption for community gardens from requiring development approval in most cases. New community gardens will still require a licence from the land custodian. This is particularly the Territory and Municipal Services Directorate for unleased land. The government is currently progressively implementing the full suite of initiatives on community gardens that I announced in June, including the scoping study on local food production.

The government has also received the report from the ACT landholders association in collaboration with the Molonglo Catchment Group called "Sustainable farming in the Majura valley". The report raises a range of issues which impact on rural lessee activity in the Majura valley. These include the long-term certainty of rural leasing, the potential impacts of the proposed Majura parkway and proposals discussed in the government's eastern broadacre study. The government appreciates the work that has been undertaken by these groups in the preparation of this study and we will be taking those into account as we seek to develop our own policy initiatives further.

In conclusion, the government recognises the importance of food production in the territory. From what I have just outlined, it can be seen that the government is working to ensure that our interests in this area are well protected and advanced.

MS LE COUTEUR (Molonglo) (4.44): I was assuming that someone from the Liberal Party was going to speak, but no.

MADAM ASSISTANT SPEAKER (Mrs Dunne): I am scheduled to speak; I am just waiting for someone to come and relieve me.

MS LE COUTEUR: This is one of the most important MPIs we will consider. I think that is true, so I must admit I am a little concerned that the Liberal Party is not taking part in this debate. Food security, of course, is necessary for life—

Mr Hanson: She is waiting to come down from the chair, Caroline.

MS LE COUTEUR: Right. I am pleased to see the Liberals are.

Food is, of course, necessary for life. With a growing human population, food security is becoming a significant issue. We are all aware of the appalling situation in east Africa. I was pleased to see that the Treasurer's advance today was for money for east Africa. It is facing its worst drought in 60 years, affecting more than 11 million people. This has led to the United Nations declaring a famine in the region for the first time in a generation. Even in Australia we have food insecurity. I have read that one million children go to school without breakfast or go to bed without dinner in Australia and that two million people rely on food relief at some time each year in Australia.

To make matters worse, we are adding more human beings to the world. As of 31 October 2011, according to the UN Population Fund, there will be seven billion

people sharing the earth's land and resources. By 2030, the world's population is expected to hit 8.3 billion, which will cause further stress. I did not put the figures in here, but that is going to be, I think, about another 30 per cent to 40 per cent increase in food demand.

At the same time, we are reducing the world's agricultural productive capacity. There is a litany of abuses—deforestation, urbanisation, industrialisation, mining, pollution, overgrazing, extensive monocultures, acidification, salinity, pests, overfishing, droughts, floods, severe weather and climate change. And the world's situation sets the context for local population. As a world, we are short of food, so we cannot say that the rest of the world can solve this issue.

Another reason for local food production is just supply chains. At the beginning of this year, we saw floods in Brisbane which led to local food shortages there, and we have just been through the second banana shortage caused by Queensland cyclones. As fuel and transport costs rise, imported food—probably all food—will become more expensive, as my colleague Ms Bresnan has touched upon. Local food inherently can be fresher and tastier. If done appropriately, local food production will have less environmental impact.

How can we improve Canberra's food production? The Greens are very pleased with the new draft planning strategy, which now at least recognises agricultural production. One of the fact sheets is called "Food", and it has a very good discussion of the various issues. Target 8 in the draft strategy even says:

> Valuing the land by using it efficiently, protecting and enhancing areas of good biodiversity and agricultural production.

This hopefully signals a major change in direction for ACT planning to seriously look at food production in ways we have not done for at least 40 years, as Mr Corbell said. I say 40 years ago because I grew up in Canberra in the 1950s and 1960s, and it was all about local food production. Most people lived on suburban blocks which were big enough for serious vegie production and to have a small orchard. We had local dairies; we had local apple production. As Mr Corbell said, we had a lot of local food production.

I believe that we can still produce significant quantities of fresh food, despite our increased population. Most households in Canberra are still detached on-ground residences which have some arable space, and many apartment residents have pots on their balconies. Gardening and vegie growing have become a popular hobby, and backyard or balcony growing can make a difference to food production. For instance, even one square metre, intensively maintained, can produce all the lettuce that the average household consumes.

And of course there are community gardens. There are around 20 in Canberra. We had a motion supporting those earlier this year. I would like to recognise the contribution of COGS in promoting them. These gardens grow food, and they can also group people and community. My dream is that they will become widespread in Canberra. I would like to see that everywhere we have multi-unit development we

have community gardens. They are also a great supplement to schools and aged-care accommodation. I know that more are being proposed by the community, but we need a bit more government support to get them off the ground.

I was recently at a meeting of around 100 people looking at developing a city farm or city hub which would probably be modelled on the very successful CERES project in Melbourne. It would be a place where community gardeners and farmers could get together and grow food and ideas. It may be a place where there are allotments. It is a concept which has been around for a few years; it would be great for Canberra if it took off. It is really important that the government takes on food production in planning and allocates space for community gardens, encourages backyard production and ensures that our scarce agricultural land is not alienated.

Another important area for government action is organic waste. Organic waste—food scraps and garden clippings—is what is needed to create compost and thus improve our soils. Our local soils are in general very poor, apart from around Pialligo and Dairy Flat and that area, but we are importing a lot of food the waste from which we can turn into compost to improve them. The key to good compost is just composting organic matter. It is separating out the organic matter. This has been done very successfully locally in Goulburn with the city to soil program.

Many people in Canberra compost at home, and there are a number of businesses that take organic waste and compost it or grow worms in it commercially. I was talking to one yesterday with the wonderful title of Global Worming—not "Global warming"; that is the pun we were making. While I should not be supporting a particular company, I thought it was such a good name that I could not resist it. The Assembly uses one such company. And at ANU, for instance, all their food wastes are processed in a system called HotRot, which produces gorgeous compost in just a bit over a week.

At present, the ACT sends a lot of organic waste to landfill. About 24 per cent of our landfill is organic. This is an important issue that the Greens have sought to address in our parliamentary agreement with the Labor Party. We sought a domestic organic waste trial and organic waste collections for the commercial sector. Unfortunately, the Labor Party has not yet acted on these commitments.

Unfortunately the ACT's draft waste strategy does not propose to separate out organic waste to feed our soil and thus produce food. It plans a waste to energy scheme, which would appear to have a low-grade output which may be able to be used as a soil conditioner and coat landfill sites, but it does not appear that it will produce real compost that actually can be used for food production. It is likely to have the same sort of problems that ones near Sydney have had. The Greens call on the government to take food production seriously and therefore stop wasting our local organic waste, our local organic food scraps and garden waste. There is a better use for it.

Talking about better use, another local food initiative that is important is reducing food waste. The Australia Institute found that Australians are throwing out about $1.1 billion worth of fresh food and vegies every year, and a similar amount is spent on restaurant and takeaway food that is ordered but not actually eaten. It is in the order of 20 per cent of all food. According to these figures, ACT residents waste more

than the average Australian. We can all reduce that waste by buying better and by storing things better so that they do not go off. And as a community we can reduce it by initiatives such as OzHarvest, who have just started up a third van in Canberra. OzHarvest provide the administration and logistic support to go around and collect food from restaurants, supermarkets and food wholesalers that would otherwise be wasted, and distribute it to people in need though multiple charities.

Another way of improving our food supply from a global point of view is eating less meat. While our local region produces a surplus of meat, this is not true for most of the world. A 2006 report from the world Food and Agriculture Organisation found that livestock production is one of the major causes of the world's most pressing environmental problems, including global warming, land degradation, air and water pollution and loss of biodiversity. It estimates that livestock are responsible for 18 per cent of greenhouse gas emissions, a bigger share than that of transport, and that livestock account for 20 per cent of the terrestrial animal biomass. Most meat is produced using factory farming methods, which compromise animal welfare. Locally, we do this with battery cage eggs, a situation the Greens believe is inhumane and should stop. *(Time expired.)*

MRS DUNNE (Ginninderra) (4.55): Food in the ACT is an important issue and it does, I suppose, bring out the crunchy con in me. There is an interesting dichotomy. There is a lot of discussion, there has been a lot of discussion here today, about supporting community farms and allotments and neighbourhood food production, which is beneficial to the community because it is through those mechanisms that we maintain the diversity of our food production. But it does not create the quantity of food that is necessary to feed the community, our community, and if everyone, as a result, went back to backyard food production, we would return to a subsistence society, which is not where the world has been taken in the 21st century.

A lot of the worthy and meritorious things that have been spoken about by members have to be dealt with with a little dose of reality. While we want to maintain our biodiversity and our heirloom tomatoes and the quality and taste of the food that we might eat, in a way this is a luxury. It is a point that I have touched on before when members extolled the benefits of community and farmers markets. Often community and farmers markets produce high-quality and individualistic food, but at a very high price compared to other sources of food, for instance, buying it in the supermarket. An experience that I have when I visit farmers markets is that I get a warm feeling about buying organic or buying heirloom or something like that, but I go away with a somewhat larger hole in my pocket than I do when I buy fruit and vegetables from a greengrocer or from a supermarket. And this is a practical issue that we have to take into account.

That said, I would like to concentrate my comments on food production in the ACT. I would like to begin by reflecting upon the proud history of the ACT region in food production. I was reminded of this last week when I had the opportunity, with others, of spending some time at Lambrigg Station. As students of history and the readers of New South Wales effective social studies circa 1966 would recall, Lambrigg was the site where William Farrer, who was immortalised for some years on the back of the $2 note, conducted his research into rust resistant wheat in Australia and turned

Australia from a net importer of wheat to a net exporter of wheat about the turn of the last century. His most famous strain of wheat, federation, which was not only widely used in Australia but at one stage was the most widely planted strain of wheat in the world, was the historic contribution of the people of the ACT and region to the development of food, not just food production here but food production across the world. These are important issues.

The minister did talk about how we had a thriving horticultural industry in the past and although it is not as big as it was, it is still there and it is changing. The minister touched on this. We still have a thriving orchard industry in and around Pialligo. We used to have dairy farms, but that is now given over to grass production. We also have a wine industry, both in the Majura valley and around Pialligo, and new industries are emerging, such as the very successful truffle industry that we have seen developed, some inside the borders of the ACT and some outside. But perhaps the harbinger of the truffle industry in south-eastern Australia was in the Majura valley.

There are many issues in relation to food production that need to be addressed. One of them was something that I have been very proud to have been involved in, which was the process whereby we ensured the tenure of rural leases and the security of tenure of rural leases in the ACT. When I first came to work in this place as a humble adviser I got the job of being the rural adviser to the then minister for the environment and was immediately confronted with a number of issues that hinged upon food production and other sorts of production as well. Although we do have some food industries, we are mainly a fibre-producing area in the form of superfine wool. But the big problem confronting rural lessees when I first came to work in this place in 1996 was the lack of security of tenure. That was a little history lesson.

Most, but not all, of this area used to be freehold land and at the creation of the ACT there was a process of turning freehold land in residential areas into leasehold land. But most of the rural land continued to be freehold land until 1972, when the Whitlam government came along and decided that it would complete the process of converting all the land from freehold to leasehold. And there are constitutional reasons why that should have happened. But in the process of doing so the rural lessees in the ACT were left high and dry. They did not have security of tenure, and that continued for years and years. When I came to work in this place in 1996, most rural lessees in the ACT were working on three-month leases, from three months to three months.

It was the work of Gary Humphries at the time, who instituted a rural task force that consisted of rural lessees and others, which came up with the solution, which means that now most rural lessees in the ACT operate on 99-year leases. It was not said to me directly the other day but one of the rural lessees said, "Back then we did not think that anyone could solve the problem." But the problem was solved, and the ACT is better off for having solved that problem. Security of tenure is one of the most important things that we have when we are looking at agricultural industries.

I do note that the Greens speak a lot about the importance of food production. We have had community gardens and peak oil debates and all these sorts of things about agriculture, but there are a few things that we really need to put on the record. It was the Greens who proposed closing down the ACT's major food production enterprise,

that is, Parkwood Eggs. It was the Greens, through motions in this place, that proposed the closing down of the Murray-Darling Basin. As Mr Rattenbury said: "The science is in. The science is good. We just have to implement it." And we know that in fact the science was bad and if we implemented it we would close down much of the basin.

It was the Greens and Greenpeace who destroyed crops recently, in contravention of the rule of law and with support of the Greens, particularly the Speaker in this place. They went out and destroyed crops. Would they have done it to William Farrer 120 years ago? I hope not. And it is the Greens who are always there wistfully saying, "We really like organic waste and it is a great shame that this government is never going to do anything about it."

At the last election the Greens had a choice. They could go with a party that provided them with their aspirations in a whole range of areas because our policies were so similar. One of them was the one in relation to green waste, which Ms Le Couteur unwittingly extolled today when she extolled the HotRot program that was run by the Australian National University. The Canberra Liberals' election policy at the last election was based principally on the application of the HotRot system across the ACT. You could have had your green bins and they could have been operating and they could have been producing compost right now, but the Greens made the choice to go with their Labor mates and they have been rewarded for it.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): It appears the discussion has concluded.

Terrorism (Extraordinary Temporary Powers) Amendment Bill 2011

Debate resumed from 30 June 2011, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (5.04): The Canberra Liberals will support this bill which in the main extends the operation of the current act for five years to 2016. I am aware that Mr Rattenbury intends to propose some amendments to exclude preventative detention orders as a tool to be used in counter-terrorism strategies. After consideration, the Canberra Liberals will not be supporting those amendments, and I will be speaking about that during the detail stage.

The act which the bill amends was passed by the Assembly in 2006 as part of a national response to terrorist attacks in the United States and elsewhere in 2001 and 2002. Only a few weeks ago, we observed the 10th anniversary of those vicious and cowardly attacks. The bill also recognises the special risks that face Canberra as the seat of the national government and the host to a diplomatic community.

In addition to extending the period of operation of the act, this bill makes a number of other amendments. Firstly, it calls for a statutory review of its operation to be undertaken after 19 November 2014, and the minister will be required to report to the Assembly by 19 November 2015. Most other jurisdictions are doing similarly.

It also extends the responsibility of police in releasing a child from a preventative detention order once the officer has concluded that the person is a child. Currently the officer must simply release the child. The amendment in this bill requires the officer to arrange for a police escort of the child to his or her home or arrange for a person with parental responsibility to collect the child or, as a matter of last resort, simply release the child. The officer must inform the Director-General of the Community Services Directorate that the child has been released.

In the broader sense, the bill also inserts a note to the effect that a preventative detention order that is set aside by the Supreme Court ceases to be valid. The implication is that the person held under an order must be released immediately.

Secondly, the bill removes an ambiguity in relation to special powers to enter and search premises. Currently the act, on one hand, requires a police officer to inform the person of the reason for the action and, if not in uniform, to show identification. On the other hand, the officer must only take this action if asked to do so by the person. The bill makes it clear that it is a requirement and not an option for the police officer to provide this information.

Finally, under the act a person may request from the Chief Police Officer a statement that an enter and search action was conducted in accordance with the act. The bill places a reasonable time test on the CPO to provide the statement or to provide a written statement explaining why the requested statement cannot be provided.

As one might expect, the act engages significant human rights provisions. I note there is extensive discussion in the explanatory statement justifying the engagement on proportional grounds. In essence, the argument is that this legislation is designed to protect the human rights of the community at large and that the rights of persons involved in terrorism activity are secondary to those of members of the broader community.

The explanatory statement also notes the special and therefore relatively more vulnerable position of the ACT as the national capital and the host for the diplomatic community. Nonetheless, there is discussion on the impact of this legislation on the rights of persons engaged or accused of engaging in terrorism activities. In addressing those issues, the amendments made in this bill create more clarity and certainty. Thus they reduce the risks of laws being held invalid on the grounds of vagueness or over-broadness.

It is appropriate to consider the bill in the context of the terrorist attacks in the United States 10 years ago and in Bali in October 2002 where Australia suffered loss in those attacks. Australia suffered further from the attacks in Bali in 2005. These events, along with the so-called war on terror, principally in Iraq and Afghanistan, and Australia's peace-keeping efforts in East Timor will serve to underscore the need to be vigilant.

Australia itself has largely been free of terrorist attacks but that in no way diminishes the need to be prepared to act swiftly. Australia and Canberra in particular are

potential terrorist targets. So our counter-terrorism law is a crucial tool in being ready for action. The safeguards it carries in the way of review and reconsideration are important in keeping that tool sharp and ready. This bill seeks to achieve those outcomes and consequently we will be supporting it.

MR RATTENBURY (Molonglo) (5.09): The Greens have serious concerns about this bill in principle, and I will be moving amendments in the detail stage which we believe make the laws better. Debate on this bill is an important occasion because the bill proposes to extend the sunset clause for another five years. It is rare for a parliament to debate such a proposal and it is important to remember the history of how the ACT got to this point today.

Five years ago, in response to the July 2005 London terrorist bombings, Australian premiers, chief ministers and the Prime Minister agreed to ramp up counter-terrorism laws. Just as the September 11 attacks in the United States have led to wide-ranging new counter-terror laws, so too did the London bombings. The response in 2005 was for state and territory leaders to meet with the then Prime Minister, John Howard, to agree that Australian laws needed to empower police to preventatively detain terror suspects.

The Prime Minister was barred from implementing the legislation through federal parliament because the Australian constitution prevents the federal executive imposing punitive sanctions without a person firstly being tried or convicted by a court. So, as a way of getting around the constitution, on 27 September 2005 Australian state premiers and territory chief ministers agreed to legislate instead of the commonwealth.

The proposal to implement preventative detention was met with sharp criticism from groups such as the Law Council of Australia, human rights academics, civil libertarians, religious organisations and unions, not to mention regular members of the community who were not experts but who saw that there was something wrong with allowing police to take someone off the street without an explanation of what they had done wrong and what they would be charged with. A key concern raised was that preventative detention strikes against fundamental freedoms. The concept does not sit easily within the Australian legal system because it allows the state to detain people without explaining what specific charge they are suspected of committing. The then ACT Chief Minister, Jon Stanhope, attracted national media attention when he posted a confidential draft of the national bill on his website and cited human rights concerns.

Eventually, the ACT government settled on a version of the bill and it passed into law in 2006. Some of the comments made at the time warrant repeating. In the lead-up to debate the then Chief Justice of the ACT Supreme Court said:

> … what is brought in with a dramatic bang, often stays with an insidious whisper; these laws are like the dubious party guest who refuses to leave.

The then Chief Minister and Attorney-General, Jon Stanhope, said during the Assembly debate:

> The debate we ought to be having is how our rights can be secured and our democracy can be protected from the threat of terrorism, not the extent to which we are prepared to do the terrorists' job for them by inciting fear and giving up our democratic freedoms and human rights without a whimper.

What the Chief Justice and the Chief Minister were saying was that we should not give up our freedoms lightly. Later in the debate I will be moving, on behalf of the Greens, amendments that act on those urgings from five years ago. With the benefit of hindsight, we can now see that the laws are an unjustified intrusion into our civil liberties and that conventional criminal law provides all the power necessary to take a preventative approach to terrorism but from a more robust and respected legal footing.

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) (5.13), in reply: I would like to thank members for their comments in relation to this bill. The bill is the culmination of the review conducted by my directorate into the operation and effectiveness of the terrorism act that began with the first statutory review which I tabled in this place in November last year.

The recommendations arising from the first statutory review are the foundation of this amending bill. As the specific amendments proposed by this bill have been aptly described previously, I will simply try to address a couple of points. Firstly, there are the issues and considerations arising under the Human Rights Act and the questions raised by the scrutiny committee in its report No 40 regarding the necessity for the continuation of the act.

As I stated when I introduced this bill in June, in arriving at the decision to propose the continuation of the terrorism act, the government has undertaken a robust human rights analysis in the context of the current threat of terrorist activity posed to Australians and to the ACT community. The government has concluded that terrorist activity is a real, significant and continuing threat. The evidence underlying this conclusion has been discussed in the first statutory review of the act and in the explanatory statement that accompanies this bill.

Following the conclusion that the continuation of the act is necessary, the government has then considered whether the continuation of the powers created by the act is a proportionate response. The question is whether the specific counter-terrorism measures contained in the act are proportionate from a human rights perspective, and this was extensively canvassed during the development of and debate on the initial bill in 2005.

The independent legal advice of Ms Kate Eastman considered the interaction between the initial 2005 bill with the right to a fair trial, privacy, arbitrary detention, freedom of movement and assembly under the Human Rights Act. This advice concluded that the bill was compatible with the Human Rights Act and that it satisfied the reasonable limitation requirements of section 28 of the act. It is important to note that nothing has changed since that assessment. Therefore, the question for the government is whether

the continuation of the act is a proportionate and appropriate response to the ongoing threat of terrorism.

The answer to that question is yes, and the reasons for this are as follows: the preamble to the act notes that few rights are absolute. It states that human rights may be subject only to the reasonable limits in law that can be demonstrably justified in a free and democratic society. I draw to the Assembly's attention the fact that recent judicial interpretation on the interaction of counter-terrorism measures with human rights legislation has not significantly changed in the period following the introduction of the act.

International jurisdictions, including Europe, the United Kingdom and Canada, have continued with their counter-terrorism schemes. However, some aspects of these schemes have been amended to ensure that they are compatible with human rights obligations. This is evident in the UK, where the UK government's recent review of their counter-terrorism laws determined that some aspects of this scheme were neither proportionate nor necessary. Importantly, the UK powers referred to as neither proportionate nor necessary are powers that either do not exist in the ACT statute or are structured differently in the ACT to ensure they provide appropriate safeguards.

For example, the UK review recommends that the length of time for the detention without charge powers, which are similar to the ACT's preventative detention powers, be reduced from 28 to 14 days. From the inception of the ACT's terrorism act, the government provided that a person could only be detained for up to 14 days. The amendments proposed by this bill, in particular clauses 4, 7 and 8, support compatibility with the Human Rights Act. These clauses provide for greater clarity and certainty and will recognise the rights of families and children.

I would like to now turn to the most relevant section—that is, 28—in this bill. This is a question of whether there are any less restrictive means reasonably available to achieve the purpose the limitation seeks to achieve. This consideration is also relevant to the scrutiny of bills committee question regarding the necessity for the act, suggesting that the existing general criminal law and its processes for enforcement are adequate to deal with terrorist activity in the territory.

As the title of the terrorism act indicates, these are extraordinary powers. The purpose of the act states that the powers are only to be exercised in extraordinary circumstances, to allow law enforcement agencies to respond to prevent, investigate or reduce the impact of a terrorist act. The government has determined that the continuation of the powers is necessary and there are not any less restrictive powers that would enable our law enforcement officers to appropriately respond to terrorist acts.

I draw the Assembly's attention to the fact that preventative detention powers are to be used as a measure of last resort. This is enshrined in section 8 of the act. The terrorism act's preventative detention scheme allows the ACT Supreme Court to make a preventative detention order if it is satisfied on reasonable grounds that it is reasonably necessary to detain a person to prevent a terrorist act or where it is reasonably necessary to preserve evidence following a terrorist act.

This ability to preventatively detain a person, and the consequences that flow from that detention, is what distinguishes this power from the existing powers of arrest in the ACT. The ACT's powers of arrest without warrant allow for a police officer to arrest a person where they believe on reasonable grounds that the person has committed or is committing an offence. These powers and the application of the investigation powers currently contained in part 1C of the commonwealth Crimes Act would only allow for a suspected terrorist to be detained for a period of up to 24 hours to allow for the investigation and prevention of a terrorist offence.

With the increased complexity of and continually changing terrorist environment, 24 hours may simply be an inadequate period of time to allow our law enforcement officers to investigate and to prevent a terrorist act. That is why the ability to preventatively detain a person for up to 14 days is a necessary inclusion in the law. In effect, it provides police officers with sufficient time to prevent a terrorist act.

Given the potentially catastrophic consequences of a terrorist act on the people of the territory and the fact that there are appropriate safeguards in place requiring that the Supreme Court order that a person be preventively detained, the continuation of these powers is necessary to ensure that the ACT is adequately prepared to deal with a terrorist act should it arise. Likewise, the special stop, search and seizure authorisations provided by the act can be ordered by the court where it is satisfied on reasonable grounds that a terrorist act has happened within the last 28 days, is happening or will happen sometime within the next 14 days, and the authorisation will assist with the apprehension of a person responsible for the terrorist act, investigating the act or reducing its impact.

Like the preventative detention powers, these powers provide police with greater scope to investigate a terrorist act than is ordinarily provided for during a conventional criminal investigation. The scope of the ordinary police criminal investigative powers is limited to an individual person, vehicle or premises. However, due to the nature of terrorist activity, the terrorism act empowers police to apply for an authorisation to allow for police to undertake protective measures.

The key message in the international response against terrorism is preparedness and vigilance in the face of what is a continuing threat. A continuation of the terrorism act forms a key part of the territory's role in maintaining this preparedness and vigilance. With the existing security climate, this obligation is ongoing, as the threat of terrorism is ever present.

Earlier this year the former Chief Minister announced that the territory would join other Australian jurisdictions in hosting the Asian Cup in 2015. The territory is expected to host six group games and a quarter final. Like any international sporting fixture, especially one with a profile like the Asian Cup, the government must ensure that we do everything possible to ensure that that sort of event is not marred by terrorist acts or other acts of violence. Also, we must ensure that sports fans, players and the community are not placed in danger. This is, of course, over and above the overriding and continuing issues we face because the territory is the seat of government and the home to many diplomatic missions.

I would like to thank all members for their contribution to this debate, and I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR RATTENBURY (Molonglo) (5.23), by leave: I move amendments Nos 1 to 6 circulated in my name together *[see schedule 1 at page 4596]*.

As I alluded to in my earlier remarks, the amendments I am putting forward on behalf of the Greens would omit preventative detention from the act on the basis that the powers are an unjustified intrusion into long-held freedoms. I am arguing that the powers are unjustified because once you begin to peel away the layers of arguments, somewhat like an onion, you are drawn to the conclusion that the powers are unjustified.

I think there are two issues here. The first is that preventative detention orders in themselves are an unnecessary breach of our freedoms and civil liberties. The second is the clear argument that there are a range of alternative powers and strong powers throughout the counter-terrorism laws, both in the ACT and at the commonwealth level, that ensure that both the ACT and the commonwealth have all the mechanisms they need in order to prevent terrorist acts.

I have spoken already to some extent as to why I think preventative detention orders are a bad idea, and as to some of the comments that were made previously. When you start to work through some of these things and get into the details, they reveal some very interesting concepts. For example, preventative detention is seen as a powerful tool, but a suspect who is actually taken in under preventative detention is actually, by legislation, unable to be questioned. So if the purpose of taking someone off the streets is to help to prevent the terrorist offence, presumably, we want the police to be able to seek further information from them to draw in accomplices, to garner further information on the possible nature of the offence, how it is going to take place and when it is going to take place. But because the legislation expressly prohibits someone from being questioned, actually taking somebody into preventative detention seems like an odd thing to want to do, aside from the fact that people are not charged in any way.

Of course, it is ironic that the reason the ACT had to legislate for this is because it would not be possible under the federal constitution. I think that in itself should give members pause for thought as to whether they are keen to continue to support this in ACT legislation.

I have argued extensively in the explanatory statement that went with our proposed amendments that there are significant alternative powers. We have identified a

number of them. Again, as you look further into this, the sheer extent of powers available to police and counter-terrorism organisations in Australia becomes clearer. It becomes very clear that preventative detention is so seemingly unnecessary and at the same time so counter to many of the ideas and legal traditions in Australia that it really begs the question as to why we would want to keep it.

The government have outlined a number of arguments against our amendments, both today in the chamber and in conversations I have had with the attorney and with the Justice and Community Safety Directorate. I might say at this point that I do appreciate those conversations we have had with both the attorney and the directorate. It has certainly given us an opportunity to work through the ideas. Whilst ultimately I do not agree with them, I appreciate the spirit in which we had the conversation.

I will touch on a couple of those key arguments as to why these amendments cannot be supported, and I think dispel some of those arguments. One of them is that we need a lower threshold for terrorism in order to be able to act quickly to prevent an offence in a complex and difficult world in which we are under significant pressure to prevent the loss of life. Whilst I agree with that, in all of our discussions and talking about why that lower threshold is more necessary than the standard threshold of a reasonable suspicion by a police officer about an offence being committed, the government has been unable to provide an actual scenario that illustrates why this lower threshold is actually needed.

I have asked for that. I said, "Can you explain to me a situation where, if we remove preventative detention orders, police would not have the power to do what they needed to do?" And I have not been given a single scenario. There is some suggestion that scenarios are classified. I actually do not think that it is such a threat to national security to be able to describe a situation which might identify the holes in the law in such a way that a member of parliament might be able to get a sense of whether we should be supporting these laws or not. So that has been frustrating, and I think it undermines the government's argument in that a single scenario cannot be illustrated.

The next one is one that the attorney has touched on again today—that the criminal law only provides for 20 hours of investigation, or 24 hours, I think the attorney said in the chamber today. But further examination of the law shows that detention can extend to seven days. I will spend a bit of time on this, because the attorney has clearly put this on the table and I simply disagree with the analysis. Perhaps this is a point of debate that we might be able to resolve.

When a suspect is arrested in the ACT on suspicion of planning to commit a terrorist act, an investigating authority may detain that person for up to seven days for questioning. Under the commonwealth Crimes Act, which applies in the ACT, section 23A(6) provides that the act applies to offences against ACT law. The commonwealth Crimes Act provides for up to 12 hours of questioning and seven days of so-called dead time.

Section 23DB(11) contains a specific power that there may be seven days of dead time. So, in effect, this amounts to seven days of detention for questioning before charges are laid. This is an extended time that only applies to terrorism suspects. This

power provides a more comprehensive protection against terrorist attack because, under this head of power, questioning of the suspect is allowed. You will recall my earlier remarks that if you are in preventative detention, you cannot be questioned. So it is a strong contrast where a suspect is strictly prohibited from being questioned under the preventative detention regime.

Clearly, it will be in the public interest to be able to question suspects and gain further information from them, as I suggested before. So I do not accept the notion that somehow the traditional criminal law only allows for a person to be held for around 20 to 24 hours when there are clear indications in the commonwealth Crimes Act that that can be extended in the case of terrorist offences or suspected terrorist offences.

Another of the government's arguments is that a preventative detention order allows for suspects to be stopped from contacting family and friends, but our analysis suggests that the conventional criminal law also allows for this. So once you start to unpick some of these arguments—and certainly we have tested these ideas with legal academics and experts in the field; and there are people looking extensively at these laws—you start to really question why we want to retain preventative detention.

When it comes to the Human Rights Act, we do need to consider whether it is a proportionate and appropriate response. Again, the attorney has touched on these points. But we are also obliged under the Human Rights Act to consider whether there are less restrictive means, and that is where the points that I have just made and the alternative proposals we have put forward underline that. I think they are less restrictive in the sense that we remove that very disturbing element of preventative detention orders and we rely much more on the traditional forms of criminal law in Australia, which are well understood. They are understood by lawyers, by the public and certainly by the police force, and they are well tested. The glitches have been ironed out of them and they provide a solid foundation to the current justice system.

So I think there is an alternative and I think we do need to be vigilant. We need to be vigilant on two fronts. I accept the analysis that the attorney has given us, and I have had the conversation with the Chief Police Officer. There is a threat, unfortunately, to Australia that we are potentially the subject of terrorist attack and we need to be vigilant in protecting our community from those threats. But we also need to be vigilant in ensuring that, in seeking that protection, we do not overreach, that we do not step so far away from the values that we are seeking to protect that we actually, as the previous Chief Minister suggested, help the terrorists to achieve some of their objectives.

Preventative detention is an unnecessary intrusion into civil liberties. We should instead be using traditional and proven criminal law concepts to protect us against terrorist threats. With respect to that vigilance that I was talking about, when these laws first came in they were referred to as "temporary powers". That is in fact the name of the bill. We are now rolling them over after five years. We need to be vigilant and not just say, "After the Asian Cup it will be the next event that we're going to use to justify it."

I would suggest to members that we can do better than this. I suspect I am not going to succeed today, but we have another five years, and we need to use that period to

really question whether these are necessary laws or whether we can in fact offer the ACT the protections our citizens deserve in the context of also protecting the freedoms that we hold so dearly.

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) (5.33): The government opposes Mr Rattenbury's amendments. The amendments proposed by Mr Rattenbury would remove the ability of police to preventatively detain a person for up to 14 days to prevent an imminent terrorist act or to preserve evidence following a terrorist act. These proposals are based on the Greens' assertion that preventative detention is unjustified because the existing ACT and commonwealth criminal laws provide police with adequate powers to respond to a terrorist act. Mr Rattenbury's explanatory statement raises three points to justify this assertion. Let me address these in turn.

Mr Rattenbury's first and second points contend that existing criminal offences and concepts such as conspiracy and the commonwealth criminal offences for planning a terrorist act provide sufficient power to preventatively intervene in the planning and preparation of a terrorist act. However, in some circumstances our existing criminal powers may not be appropriate to prevent or investigate a terrorist act. This is most apparent when you consider the primary distinctions between the general criminal investigative powers and the preventative detention powers in the act.

The key distinctions between the general criminal investigative powers and preventative detention are, firstly, the length and, secondly, the fact that preventative detention orders are preventative in nature. Where an offence is being investigated under the general criminal investigative powers and police are seeking to arrest and detain a person, section 212 of the Crimes Act will apply. Section 212 details the ACT's arrest without warrant powers. These powers allow a police officer to arrest a person without a warrant in circumstances where the police officer suspects on reasonable grounds that the person has or is committing an offence or for a range of other situations, including to prevent the concealment, loss or destruction of evidence.

Following an arrest, part IC of the commonwealth Crimes Act applies. This part specifies the length of the investigation period where a person is arrested for an offence. The investigation period commences when a person is arrested and ends at a time not beyond two hours where the person is under 18 or is of Aboriginal and Torres Strait Islander descent. For anyone else, the period does not extend beyond four hours. Following this period, an application can be made to a magistrate to extend the investigation period. This total extension period must not be for more than 20 hours, which results in a maximum investigation period of 24 hours.

Alternatively, under the ACT's preventative detention powers, the Supreme Court may make a preventative detention order to detain a person for up to 14 days. The reality is that the existing investigation period of 24 hours may simply be inadequate to prevent, disrupt or investigate a complex terrorist plot—reaffirming again that the purpose of these powers is as a last resort.

Thirdly, Mr Rattenbury states that a person may be detained for up to seven days under the commonwealth terrorism investigation powers. However, this assertion

indicates a possible confusion as to how the provisions are intended to operate. If a person were detained for seven days for the purposes of preventing a terrorist act or to preserve evidence following an attack, that detention would be unlawful.

The power that Mr Rattenbury is referring to is located at section 23DB of the commonwealth act. This section refers to the concept of time that may be disregarded during the 24-hour investigation period. The section lists specific circumstances in which time will not be accrued in the 24-hour investigation period. These are specific circumstances that are generally for the health and welfare of the arrested person. These circumstances include where the arrested person requires medical attention, to allow that person to rest or to allow for a forensic procedure to be performed. To detain a person for any other reason, including the continued investigation of a terrorist plot, would be unlawful.

Finally, I note Mr Rattenbury's position that because the existing criminal investigation powers allow suspects to be questioned, these powers result in the ACT being well equipped to respond to a planned terrorist attack. We need to be clear about the underlying purpose of preventative detention powers. The powers are to be exercised rarely and only in exceptional circumstances. They are not intended for use in a general criminal investigation and provide police with an additional resource to protect our community. So they are additional and extraordinary powers that are only to be used in exceptional circumstances.

Preventative detention will only be ordered in circumstances where the available evidence demonstrates that it is necessary to prevent a person from committing a terrorist act in the next 14 days. Of course, this has to be proven to the satisfaction of a Supreme Court judge. The detention of the person will result in the person being denied the opportunity to execute the act and will isolate them from their terrorist colleagues and networks in order to disrupt the act or to preserve evidence following an attack. Preventative detention powers are therefore distinct from general criminal investigative powers and are necessary to ensure public safety.

The adoption of the Greens' amendments will leave the ACT vulnerable in the event that a terrorist act occurs in the territory. Given the potential catastrophic consequences of a terrorist act on our community and the safeguards that are in place before a preventative detention order can be made—that is, a court order—a continuation of preventative detention is reasonable and necessary to ensure that we are adequately prepared to deal with a terrorist act or a potential terrorist act, should it arise.

Lastly, it is important to note the cross-jurisdictional challenges presented by terrorism and that a national approach has been adopted to combat terrorist acts. Given the evidence that terrorist activity can occur across state and territory boundaries, Australia's domestic response relies on the complementary roles of the commonwealth, state and territory legislation and this should be borne in mind when it comes to the consideration of preventative detention legislation.

MRS DUNNE (Ginninderra) (5.40): I want to note in passing that I felt the comments that the attorney concluded with about the importance of national uniformity in

legislation given the ACT's history in departing from that uniformity were quite ironic.

The Canberra Liberals will not be supporting the Greens' amendments. However, in doing so I want to thank Mr Rattenbury for his briefing on the matter and for the additional material he provided. Boiling it down, there seem to be two elements that drive Mr Rattenbury's amendments to remove preventative detention from the toolbox of counter-terrorism activity.

The first is that preventative detention is unjustified on human rights grounds. The government's explanatory statement goes to some length to justify the engagement of human rights on the grounds of proportionality. The scrutiny of bills committee also considered the question of human rights, but not so much on the question of preventative detention as on the legislation as a whole. The Canberra Liberals are satisfied that the proportionality test is satisfied.

We have all seen the horrors and devastation of terrorist activity around the world. We have seen what this activity does to families and communities, to infrastructure and to the freedom of movement. The impact of terrorism is so profound that it brings fundamental change to our way of life, a change that has lasted a long time. Strong messages need to be sent to those who would seek to bring about that fundamental change. Police should be given every possible power to counter such ambitions, but in saying so that does not mean that they have unfettered powers. It should be every possible power.

The rights of the people of the ACT in general to a safe, secure, free and democratic living environment far outweigh the rights of a terrorist or a suspected terrorist. Preventative detention is the extra arrow in the quiver of the police that, firstly, sends a clear message to a would-be terrorist that we are serious about preserving our safety and security, our freedom and our democracy. Secondly, it gives the community some additional peace of mind that those values are held near and dear.

The second element driving Mr Rattenbury's amendment is his view that the police have sufficient powers under other laws of the territory and the commonwealth to achieve a similar end. In making that assertion, Mr Rattenbury also notes the view of New South Wales law enforcement officers, expressed in an August 2011 report of the New South Wales Ombudsman on New South Wales counter-terrorism laws, that preventative detention is difficult and operationally impractical.

The explanatory statement accompanying Mr Rattenbury's amendments goes to some length to analyse how the existing laws work. But I have also taken a briefing from the JACS Directorate on the matters that Mr Rattenbury has put forward. There are differing views as to the extent of the existing powers and their application. The preventative detention powers in the counter-terrorism law are clear and I am satisfied that the arguments and position put forward by the Justice and Community Safety Directorate, as outlined by the minister in his comments today, are better than the ambiguity or uncertainty that would result from taking away preventative detention powers.

As to whether law enforcement officers find the counter-terrorism law to be difficult or operationally impractical, I would contend that specialist counter-terrorism law enforcement officers would be aware of the powers that are available to them. If they are not aware of them they should be trained, and I am satisfied that any perceived operational difficulties can be overcome in a proactive manner.

Because of this and because of our commitment to the safety and security of our community, the Canberra Liberals will not be supporting the Greens' amendments.

Question put:

That **Mr Rattenbury's** amendments Nos 1 to 6 be agreed to.

The Assembly voted—

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

Question so resolved in the negative.

MADAM DEPUTY SPEAKER: The question now is that the bill as a whole be agreed to.

MR RATTENBURY (Molonglo) (5.49): I do not intend to speak for long, other than to say that the Greens will now be voting against the bill as a whole. We believe that the Assembly has failed in an opportunity to take advantage of the five-year renewal point of these laws in order to improve them further for the protection of the citizens of the ACT both in terms of ensuring a safe environment from terrorist threat and in terms of ensuring the full protection of our values and freedoms that we hold so strongly.

Question put:

That the bill, as a whole, be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Bill, as a whole, agreed to.

Adjournment

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

That the Assembly do now adjourn.

Canberra Southern Cross Club chefs award

MR SMYTH (Brindabella) (5.52): Last evening my wife Robyn and I had the great pleasure to attend the 25th anniversary, and unfortunately the final year, of the Canberra Southern Cross Club graduate cooks award. It is a marvellous night. As the title says, it has been running for 25 years. What it does is to give graduate chefs in the city an opportunity to compete with each other for some fabulous prizes and also to get some very valuable mentoring from some of the great chefs not just of Australia but of the world.

I would like to thank all of those that have had a part in this over the last 25 years. It was started by Michael Foster and Peter Head of the Southern Cross Club in 1986. Indeed, the first winner that year was a young fellow called Gordon Hunt. I am quite curious that Gordon Hunt, 25 years later, works at the Southern Cross Club and is their executive chef. He did not move very far from the nest, as it were.

But it is a fabulous award. It is unfortunate that it is not going to go ahead. It has always been a cooperation with the Canberra Institute of Technology and it has been sponsored mainly by the Southern Cross Club. It seems that it has reached a point in its life where it is just getting a bit difficult to put on. There is a lot of conflict in the courses that the students undertake.

Of course, finding time for them to compete when they are trying to earn a living is also very difficult. If the minister for education who, of course, has an interest in economic development is listening, there might be a way that we could discuss how we can get this to continue past the 25th anniversary dinner.

One of the interesting functions or features of the award is the sponsors. It has some very long-term sponsors. One, of course, is the Canberra Southern Cross Club. The other, of course, is Peter Lehmann Wines. They have been sponsoring the event from day one. It is probably one of the longest wine sponsorships for any event in the country. On behalf of those that have participated and those that have enjoyed it, I would particularly like to thank Peter Lehmann and his company for what they did.

The other sponsors last night were Farm Fresh Fruit Market, Andrews Meat Industries and Game Farm. The major sponsors were Peter Lehmann, ActewAGL, Bidvest, AC&R Canberra, the Bathers' Pavilion, Canberra Coffee Company, Canberra Institute of Technology, the Australian Culinary Federation, Andrews Meat Industries,

Farm Fresh, Chef Works and the Hong Kong Chefs Association. Also, thanks go to the Hyatt Hotel Canberra, Blue Star and Elite Sound and Lighting.

There have also been a lot of personalities involved for a long time. Margaret Reid is the patron and has been for 25 years. People like Lyn Mills from the *Canberra Times* and Hugh Eldridge have been also associated for a very long time. Particular thanks need to go to Serge Dansereau and Don Rowling. Serge Dansereau, of course, runs the Bathers' Pavilion in Sydney and sponsors an award. Through the Bidvest South Australian experience award, a young student is flown to South Australia where they work in some of the large hotels there and then do a tour of the Barossa.

I note that Paul Walshe has probably also been attending for a long time. ActewAGL sponsor a Hong Kong study tour where the winning student actually goes to Hong Kong for a period of time and they go around all of the major hotels. It was just delightful to see last year's winner tell people what a wonderful time he had.

Last night's award graduates were Matthew Breis, Sam Death, Peta Hunter, Daniel Marsalek, Jemma Patat, Cory Pont, Witsawat Sanglub, Aaron Woodford and Maria De Los Angeles Echeverria Marquez. And Maria De Los Angeles Echeverria Marquez was, in fact, the winner on the evening. She is a delightful young lady with not just an immense amount of skill but an immense amount of personality as well. She is a very worthy winner by all accounts.

I think it is important that we have an attitude of supporting excellence amongst our young people and giving them opportunity. This is an award that has certainly done that in Canberra over the last 25 years. I commend all those who have been involved, particularly Helen Bain and Ralph Bain, who have been the MCs. *(Time expired.)*

Mr Andrew Bolt

DR BOURKE (Ginninderra) (5.57): There has been a lot of debate in recent days about the judgement of the Federal Court in the Andrew Bolt case. In that case, Mr Bolt, a conservative columnist—some would say a shock jock of the print medium—was found to have breached the Racial Discrimination Act. Bolt had published articles in the *Herald Sun* newspaper which listed members of the Aboriginal community who had fair skin and suggested they were not legitimate Aborigines. He even insinuated that they had chosen their racial identities to advance their own careers and financial interests. Implausibly, Mr Bolt singled out people like Mick Dodson for this sort of reductionist 19th century bloodline analysis and grubby innuendo.

Justice Bromberg ruled that these articles were likely to offend, insult, intimidate or humiliate fair-skinned Aboriginal people. Importantly, though, this was not the point on which Mr Bolt's case turned. Our society does not outlaw, nor should it, all conduct which might be offensive or insulting. It is crucial to the functioning of our democratic institutions that people are free to speak their minds in good conscience on matters of public interest. The Racial Discrimination Act reflects this fundamental principle. It exempts from liability offensive conduct which is nonetheless considered fair comment, artistic expression, or genuine academic or scientific debate.

Mr Bolt, however, did not speak his mind in good conscience. Justice Bromberg conducted a fine-grain analysis and found that Mr Bolt distorted the truth towards his own ends. He was flat-out wrong in his description of the racial heritages of several of the Aboriginal people he smeared. Evidently, Mr Bolt is not one to let the facts get in the way of a good slur.

Justice Bromberg also found that Mr Bolt intended to be inflammatory. He wrote his articles with all the invective he could muster. He set out to be derisive, inflammatory and provocative. He was not seeking to further public debate but to ridicule a group of people based on the colour of their skin. This is the sort of speech which has no place in a modern multicultural society.

Our courts are willing to enforce the Racial Discrimination Act to defend values of racial tolerance and public civility. No matter their racial background, every Canberran can be heartened by the fact that our society will not brook the mockery and bullying of our fellow citizens because of their race. We can be comforted that the courts are not afraid to draw the line between debate and demagoguery and that they are conscious of the harm caused by powerful voices who wish to foment racial disharmony.

Mr Bolt has made much in his columns of "political Aborigines". Evidently, he considers it a pejorative term. I am proud to be a political Aborigine. I am proud that we have anti-vilification legislation, both federal and in the ACT, to protect all Canberrans from being singled out and ridiculed on the basis of the colour of their skin. Modern, multicultural Australia has no time for racist polemic.

I note, however, that the commitment of those opposite to this legislation is not so concrete. Their federal colleague Liberal Senator George Brandis has indicated that his party would amend the Racial Discrimination Act, so horrified are they by this eminently reasonable Federal Court decision.

I wonder what sort of amendments Senator Brandis has in mind. Under a Liberal government, will Mr Bolt and his ilk only be free to vilify Aborigines, or will their freedom extend to other groups? Does the Liberal Party support the ridicule of Jewish people, Indians, Chinese, Sudanese? What do ACT Liberals think about Senator Brandis's proposals? They should now explain to the people of Canberra exactly what sort of racism they think ought to be permitted by our laws.

Australian Rugby Choir

MR HANSON (Molonglo) (6.01): I rise tonight to congratulate the Australian Rugby Choir on the success of their musical afternoon conducted on Saturday, 15 October at the Hughes Baptist church. I also congratulate the choir on the massive contribution they make to the Canberra community.

The event on Saturday was a sell-out, and I would like to recognise the attendance also of my colleague Mr Steve Doszpot. We both enjoyed the concert immensely. It was wonderful. I also acknowledge Credo, Ken Goodge and Sarah Carvalho, who all

sang beautifully, and the great work done by the master of ceremonies for the event, David Kilby.

The choir conduct many events across our community. You will see them at every Brumbies home match; you will see them at other sporting fixtures and community events. I often see them at war memorial ceremonies where they sing beautifully and always add dignity to a solemn occasion.

To the members of the rugby choir—John Armitage, James Banks, Frank Bergersen, Grahame Blacklock, Max Brennan, Keith Brent, Bill Brophy, Jim Castrission, Jim Cleaver, Peter Cole, Wal Cooper, James Cox, Tony Craven, Alastair Crombie, Ian Culloden, Darryl Cupitt, Dan Dawes, David Dickson, George Dobbin, Rick Dresser, John Eyers, Paul Ferrari, Tom Fitzgerald, Neil Fleming—the president—Geoff Ford, Glenn Ford, Phil Gallagher, Nev Gare, Alex Garnock, Colin Gray, Des Grayson, Paul Green, John Hall, Alan Holland, Geoff Howard, Brian Hurrell, Ian Johnson, Keith Jones, Keith Jones again, Paul James Laffan, Walter Lee, Robert Macaulay, Rod MacKay, Ian Mackay, Fred McArdle, Ian McDiarmid, Ken McInnis, Peter McKay, Tim Mulcahy, Phil Muttukumaru, Ton Nahon, Peter Naylor, Bob Newman, Rob Nickalls, Bob Neild, Albert Orszaczky, Chris Oyston, Malcolm Pascoe, Ross Pettersson, John Prout, Matthew Purss, Mick Rice, Ian Robertson, Peter Scott, Marshall Silver, Dennis Smedley, Eddy Stevens, David Swan, Peter Tedder, Graeme Trompf, Carl Von Stein, Bill Wattam, John Watts, Steven Wedd, Warren Whittaker and John Williams, and not forgetting the musical director for the Australian Rugby Choir, Andrea Clifford, who did a magnificent job on the day and steers the choir so well—congratulations on a magnificent event. They looked resplendent in their new blazers, and everybody that attended enjoyed themselves immensely. Congratulations on the great work you do in the community. Well done, keep up the great work, and I look forward to seeing you at another event soon.

Parliamentary football tournament
Wakakirri Prize

MR DOSZPOT (Brindabella) (6.05): I would like to talk about a number of activities that we have taken part in recently. One was a very enjoyable football tournament that an ACT Assembly team was invited to participate in. We received a letter from the CEO, Steven Persson, saying:

> You may have heard of The Big Issue, Australia's most successful social enterprise, which develops sustainable and creative solutions to homelessness and poverty. As well as the street magazine we co-ordinate a number of other programs, and in 2007 we established—The Big Issue Community Street Soccer Program, which uses the power of sport to promote social inclusion and personal change for homeless, marginalised and disadvantaged people.

Mr Persson told us in this letter:

> We have been invited to co-host the football tournament that will be taking place as part of the Canberra Parliamentary Sports Festival on Monday 10 October 2011.

This is what we attended, and this was the precursor to it. He mentioned:

> Staff from The Big Issue will be assisting with the management of the competition and a group of Street Soccer players from our Canberra program will be attending the event, with one player being encouraged to join in each team.

It is my pleasure to report to the Assembly that we did get an Assembly team together. We sent the invitation out, and there were all sorts of excuses offered from our colleagues in the Assembly as to why they could not make it. I think Ms Porter was overseas at the time, so we will accept that excuse. I think Mr Barr was playing netball on the day in another part of the tournament, and the Speaker, Mr Rattenbury, unfortunately sustained an injury. So it ended up that only Zed Seselja and I were able to play in the team, but we managed to coerce or deputise quite a number of people from the community to assist our team, and I would like to thank them for their contribution to our game.

The first person I would like to mention is Warren Daly, who was one of the street soccer people that were included in every one of the teams that competed. We had Simon Hinde from the Woden Valley Soccer Club; Njgosh Popovic, a former Cosmos player; Manuel Notaras from Caph's restaurant, also quite a notable soccer player back in his day; Louie Seselja, who is Zed's father; and Nathan Galea, who is also a member of the wider Seselja family.

The ACT Assembly team finished in second place in our group, with the highlight of our afternoon being the hard-earned win of Senator Stephen Conroy's federal parliamentary team. Then we played off for the secondary title and beat the Iranian embassy team by five goals to three to finish in overall third place. The win was particularly significant as we trailed two-nil before levelling the scores and eventually winning.

Soccer tragics with long memories will recall the famous encounter of Iran against Australia in a World Cup qualifying match in 1997 where Australia led two-nil before Iran levelled the score and eliminated Australia from the France World Cup in 1998. So the ACT Assembly did sort of level the ledger.

The tournament was won by Latin America in a closely fought match against Capital Football Canberra, who finished in second place. So all in all it was a great day of football, and Andy Turnbull, the Chief Executive Officer of the Australian Parliament Sports Club, needs to be congratulated.

Another event that I had the great pleasure of attending a few weeks ago was the Wakakirri finals which were held just across at the Canberra Theatre. Wanniassa junior school campus won the main prize of the night. They finished first, winning the ACT story-dance division 2 finals, which has now short-listed them for the national Wakakirri Prize where the school will compete against nine other primary schools across Australia for the accolade, with the winner to be announced later on in the year.

My compliments to the teachers of Wanniassa junior school and executive teacher Andrew Bruesnel, who said that the prize was the ultimate one to win and that he was

blown away by how hard the children had worked throughout the storytelling competition. Their story was a reflection of the help they gave earlier to victims of the Queensland floods, the bushfires across Australia and the earthquake in Japan.

The second-placed team were St Thomas the Apostle primary school. They were the runners-up, after some great work by students of year 5. The teachers were Megan Barons and Amy Doszpot, and a parent Tricia Scollen-Smith, while the principal was Mr David Thiele. *(Time expired.)*

MusicACT

MR COE (Ginninderra) (6.10): On 12 October last week I was pleased to attend the launch of MusicACT, an organisation whose aim is the promotion and advocacy of music in the ACT. According to their website, the goal of this new peak body for the music industry in the ACT is to advocate and promote Canberra's music culture. MusicACT provides access to all aspects of the music industry, including legal advice, assistance to launch outside of the ACT or advance a music-related concept as well as political advocacy.

MusicACT, initially called the ACT Live Music Association, formed in the face of a number of government reviews, including the review of arts in the ACT, the interdepartmental committee on barriers to live music, live music stakeholder forum facilitated by Arts ACT as well as the Legislative Assembly review into live music in the ACT undertaken by the planning, public works and territory and municipal services committee.

Prior to the formation of this board, the ACT was the only jurisdiction in Australia without a peak body for music and representation from the Australian music industry network. MusicACT will now fill this void. The board is seeking a broad membership, which will hopefully include musicians, DJs, producers, venues, music label organisations, educators, retailers, businesses and professionals.

Music for the launch event was, of course, provided by homegrown musicians—the Goji Berry Jam fusion band, which comprised local jazz musicians and electronic producers, as well as local funk pop rock trio, Fun Machine.

The president of MusicACT is Gil Miller, who is well known to Canberra as a member of the Australian Institute of Company Directors and who is also on the board of the ACT branch of the AHA. Gil has gathered likeminded individuals with a personal interest in the future of music in the ACT—they include Peter Bayliss, Julia Winterflood, David Caffery, Jacq Rolfe and Sari Nurmi—as fellow MusicACT board members. I look forward to supporting the organisation in the future in their pursuit of promoting the ACT music industry.

Question resolved in the affirmative.

The Assembly adjourned at 6.13 pm.

Schedule of amendments

Schedule 1

Terrorism (Extraordinary Temporary Powers) Amendment Bill 2011

Amendments moved by Mr Rattenbury

1
Proposed new clause 3A
Page 2, line 10—

insert

3A Part 2

omit

2
Clause 4
Page 2, line 11—

[oppose the clause]

3
Clause 5
Page 3, line 4—

[oppose the clause]

4
Clause 6
Page 3, line 17—

[oppose the clause]

5
Proposed new clauses 8A and 8B
Page 3, line 25—

insert

8A Delegation by chief police officer
Section 97 (2) (a) to (c)

omit

8B Annual report on use and effectiveness of Act
New section 98 (4)

insert

(4) Subsection (2) (a), (b), (c) and (e) and this subsection expire on 1 October after the end of the financial year in which the *Terrorism (Extraordinary Temporary Powers) Amendment Act 2011* commences.

6
Proposed new clauses 11 to 13
Page 4, line 15—

insert

11 Schedule 1, section 1.1

omit

section 41 (Search of person taken into custody under preventative detention order) or

12 **Dictionary, note 2**

omit

home address

legal aid commission

13 **Dictionary**

omit the definitions of

Commonwealth Criminal Code

corresponding preventative detention law

corresponding preventative detention order

engage

identification material

interim preventative detention order (or interim order)

nominated senior police officer

part 2 application

preventative detention order

prohibited contact order
