Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

19 OCTOBER 2011

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Wednesday, 19 October 2011

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

Petition
Ministerial response

The Clerk: The following response to a petition has been lodged by a minister:

By **Mr Barr**, Minister for Education and Training, dated 17 October 2011, in response to a petition lodged by Mr Doszpot on 29 September 2011 concerning proposed relocation of the early intervention unit from the Waramanga preschool campus.

The terms of the response will be recorded in *Hansard*.

> In 2008 with the amalgamation of preschools with the local primary schools both Weston Preschool and Waramanga Preschool came under the governance umbrella of Arawang Primary School. All preschool students in the Weston and Waramanga campuses are enrolled at Arawang Primary School.
>
> On 5 September 2011, the Arawang School Board ratified the decision to relocate the Early Intervention Unit to the Weston Preschool campus and transfer the Monday, Tuesday and Wednesday Weston preschool class to the Waramanga campus. The decision was in response to evidence from the Australian Early Development Index study and to improve the student transitions process into kindergarten.
>
> A public meeting was held at Arawang Primary School on Wednesday 21 September 2011 to allow parents and community members to express their view on the School Board decision of 5 September 2011. Following the meeting the Arawang Primary School Board announced that the decision to relocate classes would be upheld but would delay implementation of the decision until 2013.
>
> In 2012, Arawang Primary School will continue to run five mainstream preschool classes; two at the Weston campus and three at the Waramanga campus. The Early Intervention Unit for students with special learning needs will also remain at the Waramanga campus.

Government office building

MR SESELJA (Molonglo—Leader of the Opposition) (10.02): I move:

> That this Assembly:
>
> (1) notes:
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> (a) the ACT Labor Government's plan to spend $432 million on the Government Office Block in the city;

(b) the new ACT Chief Planner's recent statements calling for the decentralisation of government departments in the ACT;

(c) the proposed Government Office Block is the most expensive project in the history of the ACT Government;

(d) the importance of allocating capital to the most important projects to the community; and

(e) the high vacancy rate in the ACT office market; and

(2) calls on the ACT Government to immediately abandon this $432 million project.

This motion that I have moved today is about priorities and is about values.

Mr Barr: It is the same motion you moved two months ago, is it not? The government is now going to have an opportunity—

MR SESELJA: I am getting the heckling already. I can see the sensitivity of the minister on this. I reckon deep down he knows it is a dud. I reckon deep down the minister knows it is a dud. That is why he is already interjecting. He does not want to have to vote again in favour of a government office building that he knows in his heart of hearts this government should walk away from. We can make it really easy for him. Walk away today. Vote for the motion. Walk away. Cut your losses and get on with serving the people of Canberra in the way that they deserve to be served instead of pursuing this flawed, overpriced government office building.

The motion has a number of aspects to it and I will talk through them individually. But clearly the government has signalled its intention, its plan. It is committed to spending $432 million on a government office block that it will own, build and run. I will get to (b) in a second, but before I get to (b) I will go to the other aspects of the motion.

This government office block is the most expensive project in the history of the ACT government. Let us reflect on that for a moment. This government's priorities, ACT Labor's priorities, are to spend the largest capital allocation that it has ever spent, not on delivering services to the community, not on, say, roads or on public transport, not on ovals or on schools; the largest single capital project that this government is committing to is a government office block that we do not need and cannot afford. Let us just put that into perspective for a moment.

The motion also goes on and talks about the importance of allocating capital to the most important projects to the community. There is only so much this government can spend, that any government can spend, on capital projects. If you devote $430 million of it to an office project you do not need, there is less for the things the community needs and for the things the community wants and deserves.

It also notes the high vacancy rate in the current ACT office market. The proposal is taking an important part of industry in the ACT and making things worse in that

industry. Mr Barr might like to play the sort of class warfare issue where he is happy to attack the property industry, but the reality is, like it or not, the property industry is a very important employer in this territory, it is a very important part of our economy, and any responsible government, any responsible Treasurer, would recognise that and would take that into consideration in making decisions such as this.

But I do want to touch on recent events in relation to this, because we know that this government are committed to this project. They are committed to it, and I will talk through how they are expressing that commitment in different ways at the moment. But they are committed to this project.

I found it interesting to read the comments recently from the new chief planner. The new chief planner had some interesting things to say. I am not sure whether Ms Le Couteur has had the opportunity to read it in the *Chronicle*. It is interesting, the case that he made. And let us listen to it. This is in last week's *Chronicle*. This is what the chief planner had to say:

> "Five townships is a good idea and we should stick with it and make it work …
>
> "There is a basic planning tenet that is you should try and create an environment where people can work where they live …"

That is a good idea. I continue:

> "And to get [them to consider] decentralisation of government departments is like getting blood from a stone, and it is the same in every city …"

He is really expressing some frustration at the government's failure to decentralise its departments. He is expressing the principle that actually the ACT and Canberra was founded on, that we would have town centres, that each of those town centres would be vibrant and that the government plays a significant role in helping those town centres to grow. It does so in part by where it puts its government offices. He goes on to say, and this is most interesting:

> "While we are looking at moving some ACT Government departments to Gungahlin, we need to have bigger thinking. The Department of Climate and Efficiency should not be in Civic, it should be in one of the town centres. It should be a living, breathing example of climate change sustainability, not another energy-sapping building in the centre of the city."

The chief planner is of course talking about the federal government but if it is good enough for the federal government's department of climate change to be in the town centres, surely it is good enough for the ACT department of climate change to be in the town centres. Surely it is good enough for ACT public servants to be working in the town centres.

If the government goes ahead with this $430 million office block in the centre of the city, we will get a few results. One of those results is that the people of the ACT will have the biggest capital project spend ever on an office block instead of on the things that they need and that they want. It will come at the expense of things like their roads,

their local ovals, upgrades in their schools. The local services that Canberrans pay their taxes for will be denied them as a result of this.

It will also undermine the ability of people to do what the chief planner has said this city was designed to do and we should be supporting. The chief planner is saying people should be able to, where possible, work where they live, work in the town centres. The ACT government, if they put thousands and thousands of public servants in this government office building in Civic, will be undermining the ability to do that.

They will have no credibility when they then approach the commonwealth and say, "What we would really like is for the commonwealth to put some of its government departments in Gungahlin or in Tuggeranong or in the other town centres." The commonwealth are likely to turn around and say: "What are you doing? It's your city. If you believe it's a good thing, surely you should be showing the example." And they will point to the 500 nondescript office workers, but they cannot tell us who they are or where they are or when it is going to be delivered in terms of a Gungahlin office. The chief planner has blown the whistle on that and he has said:

> "While we are looking at moving some ACT Government departments to Gungahlin, we need to have bigger thinking …"

Yes, hear, hear! The chief planner has blown the whistle and, given the experience of the last chief planner when he spoke the truth to the government, I suppose this chief planner might want to be careful. He might want to be careful about putting out ideas that are actually contrary to what the government is doing. But we will support the chief planner in his independent role if he wants to make input into planning. If he wants to give frank and fearless advice to the government we will support him.

We will not do what ACT Labor did and sell him down the river. We will not do what ACT Labor did to Neil Savery and treat him in the most contemptible and disgraceful way. Of course Andrew Barr bears the bulk of responsibility for that. Yes, it was Jon Stanhope who was driving it but it was Andrew Barr who was letting him. It was Andrew Barr as the planning minister who just stepped aside and pushed Neil Savery in front of a bus and said: "Off you go, son. Do your best."

I would make the comment that the chief planner has been courageous, I think, in saying this. I think he is speaking common sense but unfortunately for the government that is common sense that they are not actually following at the moment. That is not a policy that they are following at the moment.

Let us have a look at a number of other aspects of the government office block. This was originally to be a 30,000-square metre, 12-storey office building to house 1,500 public servants, to cost approximately $100 million to construct and roughly $30 million to fit out. It was a $130 million project when it started. Since as early as 2007, the Canberra Liberals' position has been consistent. The co-location of a large number of ACT public servants makes relocating staff to the town centres unlikely. But of course it has morphed from what was a much smaller project, which would have taken fewer public servants away from the town centres and would have cost taxpayers much less, into a wholly owned government office building to accommodate several thousand public servants at a cost of $430 million.

If we want to see some extravagance, let us look at the extravagance of this. This is a rolled-gold, expensive way of delivering office accommodation for public servants. It is doing so at a time when vacancies are high, when there are good rental deals to be had and there are numerous options for the government to actually be housing people in the right places and housing them in appropriate accommodation.

But let us have a look at some of the largesse. We have got the $11 million ministerial wing made complete with private ministerial suites, lounge, crisis room and a reading room and a $2 million fit-out. That is a fair amount of money. There have been whole office complexes that have been delivered for less than that but that is just the ministerial wing. Of course there is a ministerial wing here in the Assembly at the moment. Let us not forget about the $2 million sky bridge which is about ensuring that ministers do not have to walk on the same level as everyone else, that ministers do not have to go down in the lift or down the stairs, across to the Assembly and vote in the chamber—a $2 million sky bridge.

Let us look at the shoddiness of the government's case. We can look at the macro, as I have, but let us look at some of the micro. Let us look at how they have actually made their case. They have spent, reportedly, something like $5.7 million in consultant fees. This is before they decided that it might be a good idea to go out and test the market. The problem with that idea of now testing the market is that they have given their price. They have gone to the market and said, "We would like to build a $432 million office building." It is like going to an auction. It is like taking your house to auction and telling them the reserve. It is like going to auction and telling them beforehand what you are prepared to accept. That is not how you negotiate. You actually need to be sensible about these things.

But we looked at this during estimates, trying to get the information, trying and trying. We asked about these savings. We asked about the savings that the government were claiming, because they were claiming some pretty big savings. We could not get a clear explanation. We had all these mountains of reports but none of them mentioned the apparent $19 million in savings and the extra $15 million in economic savings. We said, "Where are these numbers?" And we eventually got them. Here they are. This is the government savings case. Here it is on one piece of paper. Here are their savings. These are the claimed savings that the government have been spruiking on this office building. Here it is, an A4 piece of paper.

We can run through it, because it does not take very long. Look at the benefits. There are potential rental savings of $12.7 million. There is a good saving, $12.7 million. When I looked at that I thought, "If you are saving on rent you are probably paying interest when you either borrow the money or it might be revenue forgone by not having the money in the bank." But that is not anywhere. So they are claiming the saving on rent but not the expense that goes with building. It would be like a couple who are renting and saying, "We will save $400 a week because when we buy a house we will not be paying the $400 a week in rent anymore." They will be paying their mortgage repayments. This government will also have to finance this.

Another is workforce efficiencies, $4.6 million. Churn is another. Apparently $2 million will be saved with churn because there will not be so much churn because you have got this one massive building. This will be a white elephant.

There is a reason why offices this big are rarely built. The reason is that it does not add up. It is not efficient to have buildings with a floor plan that is as big as is being proposed for this. It would take you a long time to walk from one end of the floor to another. You are losing a lot of your efficiencies. What you will get is something that would be very difficult to let out in the future because the demand simply would not be there for it.

In the brief time I have left, I would simply say this to the government: cut your losses now. You have wasted a lot of taxpayers' money on this project already. It is a dud. It does not make any sense. The chief planner has blown the whistle. It does not make sense from a planning perspective. It does not make sense from a financial perspective. It is a reflection of this government's priorities and we would say to them: "Abandon it. Abandon the project now and save taxpayers $432 million."

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (10.17): It is groundhog day. We debated this exact motion, save for one sentence, only a matter of months ago.

Members interjecting—

MR BARR: The government's position has not changed. We will not be supporting Mr Seselja's motion today. Our decision to locate new office accommodation facilities in Gungahlin and in the city influences the overall government accommodation strategy. The decision is to see significant consolidation of current office accommodation and changes to our previous requirements for refits, refurbishments and relocations.

It is important to note—after hearing Mr Seselja's presentation, people could be forgiven for thinking that these buildings will accommodate all of the ACT public service—that the proposed buildings will accommodate approximately 4,000 of the approximate 20,000 people who work for ACT government. The balance of those who work for the ACT government, 80 per cent or thereabouts, will continue to be located throughout Canberra, in town centres and in various suburban locations, in hospitals, schools, depots, health and community centres, shopfronts and the like. It is very important that this is clear. The overwhelming majority of ACT government employees work throughout the ACT community: they are not centrally located; they are located delivering services directly to Canberrans in each and every suburb of the ACT.

Our public service is diverse, but the government remains committed to accommodating it in buildings that maximise productivity and provide safe and professional workplaces for the staff who serve our community—something that the Leader of the Opposition obviously is not committed to—that provide more efficient

services to the community; that meet our responsibility to the environment and to our greenhouse gas reduction targets; and, importantly, that deliver the most financially and environmentally responsible option for the budget and for the territory's taxpayers. These principles underpin the government's office accommodation strategy. And they apply to the Gungahlin office accommodation, which, as I have said on a number of occasions, is the government's immediate priority.

An office building is an important development for the Gungahlin town centre. It will be important in the development of that town centre, important for the people of Gungahlin. It will bring new employment opportunities to the district. It will bring more people and more activity to the Gungahlin town centre. And it will increase the patronage of the businesses and services that are already on offer in that growing centre. Also, importantly, it will act as a catalyst for more developments in the centre, more opportunities for small business to take advantage of the increased activity. It will create options for the people of Gungahlin to work closer to where they live.

A registration of interest process will commence shortly, in parallel with the feasibility study that is currently underway for the Gungahlin office block. The registration of interest process will allow organisations interested in providing accommodation in Gungahlin an opportunity to be part of the procurement process. It is anticipated that construction can begin on the Gungahlin office block in calendar year 2012.

An office block in the Gungahlin town centre will be the first step in realising the government's accommodation strategy. The government is committed to that strategy to support its public servants and to house them in appropriate accommodation.

As I said at the outset, the government will not be supporting Mr Seselja's motion today. We went through this debate only about eight weeks ago. We will not be supporting the Canberra Liberals' disregard for the ACT public service. However, we will continue to support the motion that was passed in this place only a matter of two months ago, and that remains the government's position—the priority being the delivery of the Gungahlin office block.

MS LE COUTEUR (Molonglo) (10.22): The Greens also will not be supporting this motion. Basically it comes under the category of tedious repetition. We have already had this. As Mr Barr said, we already had this debate a couple of months ago.

Mr Coe interjecting—

MR SPEAKER: Order, Mr Coe!

MS LE COUTEUR: That having been said, most of the points which Mr Seselja notes in the motion are uncontroversial. The government has got plans to spend money on office building and the Chief Planner did make some statements—

Mr Smyth interjecting—

MS LE COUTEUR: Mr Seselja, I have got my copy of the *Chronicle*, so I have read them.

Mr Seselja interjecting—

MR SPEAKER: Order! One moment, Ms Le Couteur. Stop the clocks, thank you. Mr Seselja, except for Mr Barr's earlier interjections you were heard in silence, and I expect you and your colleagues to deliver Ms Le Couteur the same courtesy.

Mr Seselja: Sorry, Mr Speaker. Sorry, just on your ruling—

MR SPEAKER: There is no ruling, but—

Mr Seselja: If I can respond, you did not bring Mr Barr to order when he was heckling me earlier. I seek your explanation as to that treatment. You did point to the heckling of Mr Barr just now, but I do not recall you actually calling him to order.

MR SPEAKER: No; nor did I call you to order when you heckled at the start of Mr Barr's speech. I let that go in the spirit of equality. Now I want to lift the standard a little bit here. Ms Le Couteur did not heckle anybody, and I think she could be shown a little bit of respect. Ms Le Couteur, you have the floor.

MS LE COUTEUR: As I was saying, the things that Mr Seselja notes in his motion are basically unexceptional. We are up to the ACT Chief Planner's recent statements calling for decentralisation of government departments in the ACT. This certainly is an issue, particularly, for Gungahlin. The Greens are very pleased to see that the government has changed the plan of the government office building from the original plan of the former Chief Minister. We spoke about this with him many times in annual reports and estimates hearings and more privately—about the importance of having some ACT public servants in Gungahlin. We are very pleased that the government has changed its mind and will be putting some public servants in Gungahlin.

Yes, it is a fact that the government office building is planned to be the most expensive project. Obviously we would all agree that it is important to allocate capital to the most important project in the community. That is the job of this Assembly—to work out what are the most important projects. I remind Mr Seselja that no budget has yet been passed allocating $432 million on a government office building; that decision has yet to be made.

Lastly, the Greens have been talking about the high vacancy rate in the ACT office market for a long time and the fact that—from an environmental point of view, from an economic point of view and from the point of view of the government, which should be concerned about the interests of the ACT as a whole, not just their own short-term financial self-interest—the high vacancy rate in the ACT office market is an issue. One of the things it means is that there is a real possibility that the best solution could be reuse of one of the many existing buildings in Civic or potentially elsewhere. There is a real possibility that existing buildings could be effectively retrofitted. We are of course aware that there are a few buildings very close to this one that are expected to become vacant in the comparatively near future.

Then we go to (2):

> … calls on the ACT Government to immediately abandon this $432 million project.

I was really quite surprised to see that. The Liberal Party, or at least Mr Smyth from the Liberal Party, has been calling for the government to develop a government office accommodation strategy. That is something which the public accounts committee called for. What we need is a strategy rather than a particular decision about a particular project.

I would draw members' attention to the motion which we passed on 24 August this year. It was moved by my colleague Ms Hunter. It noted:

> … that the 2011-2012 Budget appropriated $500 000 for further evaluation of options for government office accommodation …

That is where we are up to at present. We are spending half a million dollars this year to look at the issues. Given that there clearly is an issue of government staff accommodation, that would seem to be a quite reasonable thing to do. We also note that funding for the final project has not yet been approved by the Assembly. The government has committed to market testing the delivery of a government office building.

All of these things aside, the government has a commitment to house public servants in buildings that can achieve and maintain a minimum 4.5 NABERS rating and to pursuing carbon neutrality in ACT government operations by 2020. These are goals which I would hope have the approval of all of the Assembly.

Unfortunately, we also have to note that resource management plans were supposed to be completed for all agencies by 2009 but most remain outstanding. The reason that is important is that the government is not actually doing the job that it could be doing with its existing accommodation. One of the things that we would like the government to do is look at its inventory a bit more clearly. Potentially some of the inventory of buildings should be retained. There is Dame Pattie Menzies, for instance. That has recently been refurbed. My understanding is that it is quite energy efficient. It is well located. It is not clear to me why the government would want to dispose of that.

At point (f) we noted:

> … ACT public servants should be provided with accommodation that:
>
> (i) provides safe and professional workplaces;
>
> (ii) provides more efficient services to the community;
>
> (iii) meets our responsibility to the environment and our legislated greenhouse gas reduction targets; and

> (iv) delivers the most financially responsible option for the ACT budget and taxpayers …

Again, I would hope these are things that all of the Assembly agree to.

This motion also called upon the government to do things much more usefully than Mr Seselja's motion, which just says "no, we don't like it"." The motion of the Assembly on 24 August called upon the government to:

> (a) ensure the feasibility studies and market testing both include:
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> (i) examination of the adaptive reuse of existing office buildings; and
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> (ii) consideration of the options for an ACT Government office precinct, as opposed to just a single building model …

We said: "Government, go away and look at what is out there. Look at better options than what you have been looking at, better options than a single monolith."

Point (b) said:

> … ensure that whole of life cycle analysis of the environmental impact is considered …

The Greens are on about whole of life cycle analysis. We have always been on about that. For a project which potentially will spend this much money and potentially, as the Liberal Party have said, is the most expensive capital project this government or any ACT government has ever embarked on, it is important that we do a whole of life cycle analysis.

Then we said:

> (c) finalise the government office accommodation strategy …

I would like to emphasise that this is something that the government should do, instead of having debates about one bit or another bit, instead of having the situation where for years the government vehemently says, "No, we could not possibly put something in Gungahlin," only to turn around—I do not know why; it was hopefully for planning reasons, possibly for electoral reasons—and decide, "No, everything we said before was not quite right; we will now do Gungahlin." What we need is a strategy. I am really surprised that the Liberal Party, in their motion, did not call on the government to do a government office accommodation strategy.

Finally, the motion passed on 24 August said:

> … report back to the Assembly on progress by December 2011 …

We are in the middle of October now, so we are going to be having a report back in the order of two months time. I would think that this Assembly should say, "Yes, the

government office building is an important project. Yes, we do have some concerns about it. But we dealt with these in August. We told the government what our concerns were and we said, 'Government, go away, do some more work on it and report back to the Assembly by December 2011.'" The appropriate thing to do is let the government do what we asked the government to do and see what the government has to say in its report back. It is possible that then there will be some further motions on the subject. We have asked for information; let us see that information before we make any more decisions.

MR SMYTH (Brindabella) (10.31): The minister in his address said that the great big government office building and the office facility in Gungahlin influence the government's office accommodation strategy, and that is the problem. Surely the strategy should guide the location and size of public service accommodation in the ACT into the future. That is the approach the chief planner wants. He wants the diversification of employment consistent with the Y plan that was adopted in the 60s, the town centre plan, so that we get a spread across the territory. Indeed, the government have upstairs their draft plan for the future of Canberra which is saying, "Let's have employment corridors and support the town centres." This great government office building flies in the face of that.

You have to ask the question about priorities, and the minister confirmed it again today. He said: "It's not a priority for the government. Gungahlin is, but this building is not." And he said it on ABC radio on 30 May this year when Ross Solly asked him, "Why do you need the new ACT government building first off?" Andrew Barr: "Well, it's not a particular priority, Ross." So we have got a $432 million item on the agenda that is not particularly a priority. The reason it is not particularly a priority is that they have not done the work.

We do not have a government office strategy. It was clearly the pet project of the previous Chief Minister, but what we do not have today and what we have not had since Mr Stanhope left is the sort of leadership this territory deserves, this public service deserves and the people—the taxpayers—of the ACT deserve. Again, Mr Barr makes the case, "Gungahlin is the strategy, but we're going to spend $432 million anyway." And there is the flaw.

We all know what happens when this government makes decisions on major capital projects without having done the work. I do not have to go over them; I will just give you some of the names—the Gungahlin Drive extension, the hospital car park, the Tharwa bridge, the prison, the Emergency Services headquarters. All were debacles in their own way because the government did not do the work. That is why it is quite appropriate that Mr Seselja moves this motion today and why it is quite appropriate that the members of this Assembly should pass it.

You have to ask the questions: what do the Greens stand for? What do the Greens believe in? When will the Greens stand up for what they say? Are there divisions in the Greens? Are they divided on issues like this? How long will they continue to kowtow to the government, their coalition partners who get whatever they want?

Remember the history. Ms Le Couteur and I have sat on two committees—the public accounts committee and the estimates committee—that both said, "Do certain things

before you go ahead with this." What did the government say? "No." The public accounts committee, the committee charged with looking at the finances of the territory, made three recommendations. What was the government's response? Not agreed, not agreed, not agreed, "We're going ahead with it." What did Mr Barr say? "Well, we've made the decision. It's in this year's budget."

We have a majority of members who believe this should not go ahead until certain works are done. The government has basically said: "Well, we're not going to do those works. We don't believe you." And the majority of members will not stand up for what they believe. Well, the Liberal Party will.

In a way, we are almost forced to move this motion because the government refuses to listen to the majority. But the Greens will kowtow, as they so often do. They will acquiesce; they will fall over; they will hasten to assist the government rather than be the third-party insurance they promised to be. It will be to Ms Le Couteur's eternal shame that she does not vote for this today, as it will be to yours, Mr Speaker, and the other Greens, because what did you say? What did the Greens member on the public accounts committee say? What did the Greens members on the estimates committee say? Do certain things, and the government has basically said they will not do them.

There are 19 or 20 recommendations in the estimates report about this. In the time I have been here, I do not think an issue has drawn as many recommendations and as many good suggestions from the committee about what the government should do. The government accepts four of them, agrees in principle to one, notes 13—which is just thumbing its nose at the Assembly—and does not agree to two. That is the standard. We know how the government plays. But I go back to three recommendations from the public accounts committee. Recommendation 1:

> The Committee recommends that the ACT Government make no final decision with regard to the whole-of-government office building project until the Standing Committee on Public Accounts has received a copy of the business case, and the economic and environmental analysis, together with any other relevant considerations, and had time to consider this information and report to the ACT Legislative Assembly.

Well, that will not happen because the Greens will not stand up for it. It is disgraceful that we put recommendations on the table supported by a majority of members in this place but the majority of the members will not back it up. That is why the Greens are not third-party insurance. That is why the Greens do not stand for anything. That is why this motion is on the table today—to bring this government to heel. But, of course, the Greens will not do it.

Recommendation 2 from the public accounts committee:

> The Committee recommends that the ACT Government provide the Standing Committee on Public Accounts with an assessment of the opportunity cost of a whole-of-government office building project against other significant infrastructure projects, such as the Majura Parkway, a light rail network, a new convention centre, or a third major hospital.

They are not going to do it, Ms Le Couteur. They are not going to do it, Ms Hunter. They are not going to do it, Ms Bresnan. They are not going to do it, Mr Rattenbury. It is what the Greens believe in, but they do not have the courage to call this government to heel. That is what happens when you are a partner in a coalition and you do not stand up for what you believe. You end up believing in nothing because you continually acquiesce because you do not have the courage to get this right.

Again, I go back to the litany—Gungahlin Drive extension, hospital car park, Tharwa bridge, the prison, the Emergency Services headquarters. They are all failures that the ordinary person of the ACT has had inflicted on them. The costs of those projects have been taken out of their pockets because the Greens will not stand up to the government.

Recommendation 3:

> The Committee recommends that the ACT Government whole-of-government office accommodation strategy should be finalised, and considered by the ACT Legislative Assembly, prior to any final decision, or awarding of any contract, with regard to the whole-of-government office building project.

Do the Greens believe in that or not? They supported it in the public accounts committee; they supported it in the estimates report because they said this work should be done. The Greens hold themselves up as the party of good process who say: "We want to work towards a better future. First, do no harm. Economic sustainability. Triple bottom line." They are out the window when you are held to account by a vote in the Assembly. It is charlatanism to stand up and say you stand for something and then, when the crunch comes, you do not do it. That is what is happening here again today.

The Greens are exposed for believing in nothing but glib slogans and catchphrases like "third-party insurance", but when somebody calls on the insurance policy, unfortunately, they are probably the worst of insurance companies because you do not read the fine print—"We'll only do this as long as it doesn't jeopardise our cosy relationship with our coalition colleagues, the ALP." It is like those little clauses in the fine print in the insurance policy that we all hate. If you stand up and say you are third-party insurance, well, stand up and mean it. They do not mean it today.

We do not have a whole-of-government office strategy. Indeed, we had Mr Barr say it—the big office building and the Gungahlin office influence the strategy. Whoever heard of projects influencing a strategy? Surely a strategy in place for the long-term survivability of the ACT, the long-term sustainability of the ACT, the sustainability of the public service, things that will influence the quality of the public service, should come first. It is good planning. The government have a burden on their back of so many projects that have not been delivered and so many infrastructure projects that have failed or not met the test of good governance because they did not do the work. And what do the Greens say? "That's okay. We'll continue to support you in your failures. We'll continue to support you in your ineptitude because we do not have the courage under the leadership of Ms Hunter to stand up to our coalition colleagues and,

in particular, to the Treasurer and the Chief Minister, Katy Gallagher." The ineptitude continues.

We have this vacillating now from Mr Barr. "Well, maybe I will go and test the market. Perhaps the market can tell me how much I get it for when I have already given them the answer. The base price is $432 million. Let the market absorb that and tell me what they could do it for." Great! Put it out on the table, then you change your mind, then you change your mind back. The reality is they are not going to change their mind; that is why they should be held to account today. The third-party insurance policy should be called in.

MR SPEAKER: Your time has expired Mr Smyth. Thank you, sit down. Mr Smyth!

MR SMYTH: This motion should be supported by the majority of the Assembly—

MR SPEAKER: Mr Smyth, sit down.

MR SMYTH: Well, yes, "Sit down," that is right.

MR SPEAKER: Your time had expired Mr Smyth. Let us not make this an issue. Mr Coe, you have—

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth, you are pushing your luck. Mr Coe, you have the floor.

MR COE (Ginninderra) (10.42): Once again the Liberals are in this place trying to bring some order to the public accounts of the ACT government. Once again we have an example of where the ACT Labor Party, with the entrenched support of the crossbench—the Greens—are flippantly spending $430 million to suit their ideological agenda. We have $432 million being spent on something which is not a priority, which is not something the average Canberran wants to see.

In fact, $432 million works out to $1,250 or thereabouts for every man, woman and child. I think if you went out into my electorate—into Dunlop, Macgregor, Spence, Melba—and you said "You've got $1,250 to invest in the future of your family and our city," and you asked them, "What do you want to spend that on," I wonder where a government office building would rate in their list of priorities. I wonder where it would rate in their list of things that they thought would return a tangible benefit to their quality of life, a tangible benefit for their children or their grandchildren. When it comes down to it, the $432 million the ACT Labor government is proposing to spend on this government office building is not going to deliver a return on investment for the 350,000 people who live in Canberra or the 200,000 or so voters in the territory.

One of the real powers we have in this place and that a government has is vested with taxpayers' money. It is that ability for the ACT government to actually determine how $4.3 billion of taxpayers' money is spent in any given year. I wonder how it could be that $432 million—about 10 per cent of our yearly tax revenue—could be spent on something which would not be seen as a priority for the vast majority of Canberrans.

It is interesting; I really wonder whether cabinet is in complete agreement on this issue. Because either you have five people in cabinet who all agree to this $432 million expenditure and they are all equally irresponsible, or we have one of the biggest rifts in cabinet that self-government has ever seen—a rift on $432 million of expenditure. Do we have five members opposite from two or three factions all in agreement on this huge expenditure?

Look at the other priorities in Canberra. Look at how they have squandered money and look at what that money could have been spent on. Look at the Gungahlin Drive extension promised in 2001 at a cost of $53 million. Here we are, 10 years on, and the road apparently just opened at a cost of over $200 million and about five, six or seven years too late. Look at what the alternative could have been. Had it been built at early 2000 prices, had it been built six or seven years ago, how many millions of hours of productivity would the ACT have gained? How much more money would the ACT have had to invest in other infrastructure projects or, better still, return to taxpayers?

When it comes down to it, I wonder whether that $1,250 per person—man, woman and child in the ACT—is best spent on a government office building which really is nothing more than a trophy for the ACT Labor government. It is all about self-indulgence. It is all about them having something that they can point to and say they have done. Well, that is where we differ on this side of the chamber. We actually want to empower individuals. We will measure our success when we get into government not by what we do but by what we enable individuals to do. We want to return the choice, return the freedom, return the ability to spend money to the individual. It should not be for those opposite, the greedy members of cabinet, to foolishly and flippantly decide that $432 million of taxpayers' money is better spent on their grandiose schemes rather than returning it to individuals or properly investing it in infrastructure that this city so desperately needs.

We have already heard from Mr Seselja and Mr Smyth that not only does the whole project not stack up but nor does the actual process. When you do not have an output that stacks up and you do not have a process that stacks up, what is actually left? All that is left is an input of $430 million; $430 poorly invested. It is a very poor decision to spend $430 million in this way. In effect, a $430 million project was done on the back of an envelope in terms of the planning of it. The story changed. During the estimates process we saw that every day or two the premise of the argument was shifting, and it is still shifting. I wonder how it can be that a proposal is dreamed up, is put into a cabinet submission, goes through apparent cabinet scrutiny and then comes out as a budgeted item with so little scrutiny and with so little in the way of tangible documents giving credence to this level of expenditure.

Here at the Assembly, if you want to get something approved from your discretionary office allowance, that probably requires more of a business case than the government did for this $430 million office building. You can rest assured it would get more scrutiny as well. At least it is put up on the web—parliament.act.gov.au—and people can see it. That is more than happens over there. I would like to see the one page the government have put up on their website—act.gov.au—as their way of disclosing what they are doing.

When it comes down to it, this government does not scrutinise itself. This government does not have standards. This government is on automatic pilot. We saw that yesterday when Ms Burch was censured. We have seen that time and time again this term and in the previous two terms of this Labor government. It is a government that is tired; it is a government that has lost direction; it is a government that has no respect for the taxpayers it represents.

Before any government expends $432 million—or $1—it needs to make sure that that money is being spent on a priority of the community it represents. In this case the government office building is not a priority for the people of Canberra.

MR SESELJA (Molonglo—Leader of the Opposition) (10.50), in reply: I thank particularly my colleagues Mr Smyth and Mr Coe for their excellent contributions to the debate.

As a result of the vote that is about to happen we will have a very clear point of difference between the Labor-Greens coalition and the Liberal opposition. The Labor-Greens coalition are today voting to go down this path and build this office block. They are voting today to spend $430 million on an office block we simply do not need. I think we now have a key distinction between us and a Labor-Greens coalition that is intent on spending money on things we do not need, like a government office block, instead of the things that the community does need.

Instead of focusing on core local services, the cost of living and the serious issues affecting Canberra families, this coalition today are voting for an office block—a $430 million white elephant that we do not need. And next year, in October, people are going to have a choice. Whether or not Andrew Barr walks away from this before the election, we can just see that in about March, April, May, we will hear the government say: "Actually no, no, we weren't serious about that. We're not going to spend this $432 million." Rest assured: they cannot be trusted. They are committed to this.

If this government are re-elected the people of the ACT will be saddled with this white elephant. That is what they will be getting. They will be getting an office block we do not need and, as a result of that $432 million spent, the people of the ACT will miss out on the things that they need. There will not be the money for the road upgrades, there will not be the money for their local sporting facilities, there will not be the money to invest in their schools—because you can only have so much capital and when you devote so much of your capital to a project like this, a $432 million project, other things miss out, and a lot of things will miss out if this government are re-elected and are they able to implement this plan.

Mark my words: regardless of what they say now and between now and the election, they are committed to this; it will happen if they are re-elected. When they walk away from it prior to the election, we can take that with as much seriousness as their promise not to close schools, or their promise that all their plans were on the table—when they had a secret plan to buy Calvary Hospital. Here we have the priorities of this coalition government. They want to spend taxpayers' money. They want to slug families—families in the suburbs who are already doing it tough. Labor and the Greens are today saying to them: "We are going to continue to tax you more and more

and more. We are going to take tens of thousands of dollars in stamp duty, we are going to continue to up your rates, we are going to charge small businesses"—so that they can build an office building that we do not need.

The government will be judged on this. The community will come to understand, and are coming to understand, just how out of touch this government now is and I think today's vote is a reflection of that. And the Greens' blind subservience to the government on this does them no credit; I think it is why we are seeing such a turnaround in the Greens' fortunes. You only have to look at the *Canberra Times* poll this week; I think the Greens are polling at about nine per cent. I do not think that is any accident; people are seeing that they are just part of the coalition.

The Greens are in coalition with a bad government. They are propping up a government that has been there too long and is showing the signs. They are propping up a government that does not care about cost of living pressures, that does not care about core service delivery. They are propping up a government that simply cares about itself. As we see the Greens starting to realise this, again today they do not get it; they do not get that simply saying yes to no matter what ridiculous scheme is put forward by this government is not the way to serve the community. That is not the way to serve the community, but they have done it and they are locked in. They are locked in to this government. They will be locked in to this office block. They are locked in to the failures of this government across the board because at every turn they support it. They support ministers no matter how bad they are. They support policies no matter how ridiculous they are. They support budgets whether they fund areas of need properly or not. They fund the financial and fiscal irresponsibility. The Labor Party and the Greens are going to be held accountable for where this city is and the lack of service level in this city. Today we have a marker with the Labor Party and the Greens again voting for this project.

We will not support this project. We believe there are far more important things that this money can and should be spent on. We believe that the people in the ACT who pay so much in tax deserve a return for that. We believe that they deserve to have some of those cost of living pressures removed and we believe that when the government spends money its focus should be on core local services. That is why this motion should be supported and that is why the Labor Party and the Greens stand condemned for voting against it.

Question put:

> That **Mr Seselja's** motion be agreed to.

The Assembly voted—

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

Question so resolved in the negative.

Community legal centres

MR RATTENBURY (Molonglo) (10.59): I move:

> That this Assembly:
>
> (1) notes:
>
> (a) the motion passed by the Assembly on 30 June 2010 relating to Community Legal Centres (CLCs);
>
> (b) the improvements made in 2010 to the structure of Havelock House to enable CLCs to make the most of the space available;
>
> (c) the short term accommodation found at the old Gunghaleen School house in North Lyneham for sections of the Women's Legal Centre;
>
> (d) despite (b) and (c), the office accommodation shortage for CLCs remains a problem and that they cannot supply a work desk for all funded staff positions and continue to be forced to reject offers of additional pro bono legal work;
>
> (e) the capacity of CLCs to meet their full potential is being constrained due to the office accommodation shortage; and
>
> (f) recommendation number 132 from the Select Committee on Estimates 2011-12; and
>
> (2) directs the Government to undertake the actions set out in recommendation number 132 of the Select Committee on Estimates 2011-12 and report to the Assembly by the first sitting day in December 2011.

The Greens are pleased to bring this motion on for debate today because we believe that increased government support for community legal centres is an investment that simply adds up. Community legal centres provide unique legal support to people who would otherwise go without advice when they need it the most. In doing this they help close the gap on unmet legal need. Unmet need arises when people in need of advice cannot afford a private lawyer but also do not qualify for legal aid. These people literally fall through the cracks in our legal system and risk going unassisted.

Community legal centres play an important role in catching those people at risk. Having the ability to speak to a lawyer and get their advice is one fundamental way to ensure that individuals can uphold their rights. Any legal issue that arises can be an unexpected and highly stressful life event for the individual involved. Where legal need is unmet and people go without advice, the quality of justice and of our society is diminished.

Research has shown that for every dollar spent in a community legal centre the government saves $100 at later points in the justice system. This makes government

investment in CLCs an exciting opportunity. The reason community legal centres deliver such an incredible return on investment is that in part they give legal advice and represent in court those people who slip through the coverage provided by private law firms and legal aid commissions. However, in addition to giving advice, community legal centres also perform community legal education and awareness work, participate in law reform activities and produce materials which the public rely on. This work is preventative and reduces future strain on the legal system. Community legal centres are uniquely placed to increase the amount of advice and also take a proactive approach to resolving disputes before they end up in court.

However, the problem of unmet legal need cannot simply be solved by providing more lawyers. We need to encourage a different style of professional legal work that prioritises early resolution of disputes. This was highlighted well in the 2009 Senate inquiry into access to justice, which reported that despite the growing number of lawyers practising in Australia there are increasing numbers of people who fall through the gaps and cannot secure legal assistance.

The ACT is certainly not immune from the problem of unmet legal need. As the Greens' attorney-general spokesperson I can certainly vouch for the fact that constituents often contact my office with legal problems. They cannot afford a private lawyer but they also do not qualify for legal aid. So the question then becomes: how can the ACT best invest in community legal centres to help close the gap?

The most urgent issue facing ACT community legal centres is the lack of adequate office space. It is quite a startling fact that community legal centres are struggling to provide a desk to all paid staff and are also being forced to turn away offers of volunteer pro bono legal work. This is another unique element of the community legal centres; because of their public interest work, lawyers are drawn to them to offer their services free of charge because they want to give something to people in need. The Greens' approach to this is that the government should harness the energy and capacity of community legal centres through providing a community legal centre hub. That is what this motion directs the government to do. Opportunities to address unmet legal need should not be missed for such simple reasons as a lack of a desk or a phone.

The language in the motion of directing the government is intended to be forceful, because this is not something we have sprung on the government without warning. There is something of a history developing with the proposal for a CLC hub. In April 2010 the Greens released a five-point action plan on closing the gap on unmet legal need. One of the actions identified was the advantage of a community legal centre hub. Since then questions of the government have been asked by both the Canberra Liberals and the Greens at budget estimates and annual report hearings. The community legal centres themselves have invited MLAs to tour their offices and see the cramped conditions firsthand. And most recently, and certainly one of the foundations for today's motion, there was a recommendation from the budget estimates committee for 2011-12 that the government undertake a feasibility study into a hub.

When this issue has been raised by the Greens in the past, the attorney has stated his view that he does not believe it is the role of the ACT to assist in providing a hub to

the community legal centres. Put simply, the Greens disagree and, as I understand it, the Canberra Liberals disagree with that too.

There is good will and energy in the community legal centres and the private lawyers who donate their time. The Greens believe it is part of the role of government to support and harness this to the highest extent possible. The attorney has also said that community legal centre accommodation is a matter for the commonwealth. I partly agree that the commonwealth may have a role to fund a proportion of the cost or play some other part, but that is something for the feasibility study to look into in detail. The important point, however, is that the ACT government also must have a role.

Finally, the attorney has also said that some improvements have been made to Havelock House and that the Women's Legal Centre have been provided with additional accommodation at north Lyneham. These are both statements of fact which we acknowledge and have noted in the text of the motion. However, we do not believe that the government should stop there, because it remains a fact that volunteer lawyers offering their time pro bono are still being turned away. I note also that, for example, I think it has taken in the region of three months to get the telephone and internet connected at the facility at north Lyneham since they moved in. It is certainly not ideal. We now see a small staff split over two sites, and because some parts of the Women's Legal Centre have been moved to north Lyneham some administrative costs are duplicated across their two venues at Havelock and north Lyneham. For a centre operating on limited funding, that kind of duplication is best avoided and we are hopeful this will not be a long-term solution.

In conclusion, a feasibility study into a CLC hub is very important and I am pleased the Assembly is having this debate today. My feeling very much is that this is an issue of opportunity. It is about acknowledging that we have a tremendous service being provided that fills a gap that clearly is there in our community. We have the capacity to increase that service through a bit of, perhaps, imagination, a bit of careful thinking and certainly a bit of commitment to finding the best possible way to assist these community organisations to ramp up their efforts and, I guess, unleash their full potential.

My intention in moving this motion is to ensure that we have some focus, that we actually get the work done so that we can then come back to this place and further discuss what the solutions might be. Certainly in earlier discussions the attorney has said that the government should not have to provide the accommodation. But I think the first step we need to take here is to work out what the options are and then we can have a debate about whether there is a role for government or not. Right now we are not delivering the best possible service we can, Canberrans are falling between the gaps in the legal system and I think it is warranted for this Assembly and for the government to make some focused and endeavoured steps to address those problems. I commend the motion to the Assembly.

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) (11.08): The government is committed to improving access to justice, and community legal centres play an important role in

delivering access to legal services to many people who may not otherwise be able to afford them. On 30 June last year the Assembly passed a motion that noted the important role CLCs provide in improving access to justice and the accommodation problems that are currently being felt by them.

The motion also called on the government to provide assistance to CLCs by evaluating accommodation options, considering the proposals for new accommodation in the budget process and to have regard to the national legal needs survey to quantify unmet legal need in the ACT. The government has supported the broad thrust of this motion, as it was adopted on 30 June 2010. CLCs do provide a valuable service to the community and have an important role to play in developing the law in their particular areas. The government will continue to support them to ensure that they can continue their important work.

The government has been active in providing assistance to these centres, working with each centre to find the best possible solution to their problem. Practical assistance has been provided in the past, including payment for renovation and fit-out work to Havelock House, which houses a number of these community legal centres. The government has also assisted by providing the Women's Legal Centre with additional accommodation in North Lyneham at discounted rental rates. Most centres currently benefit from a subsidy in terms of the rentals they are required to pay for accommodation that they occupy.

Despite this, CLCs continue to face issues with their accommodation. To that end, my directorate has been consulting with these centres to try to find practical solutions to the housing needs that they still face. A working group has been established under the ACT Legal Assistance Forum. This working group has already been engaged to help identify solutions. Last month officers of my directorate met again with representatives of the Women's Legal Centre, the Welfare Rights and Legal Centre and the ACT Tenants Union. A representative of the Community Services Directorate was also present to contribute to these discussions.

The government has agreed in principle to recommendation 132 from the select committee on estimates report. Community legal centres receive funding from a number of sources. The ACT government provides funding through the Justice and Community Safety Directorate and the Community Services Directorate. In addition, they are supported in part by grants from Legal Aid ACT, the Law Society and from the commonwealth.

The government has shown a continuing commitment to provide funding and support to CLCs. The fact is that the commonwealth government has provided little additional funding under the national partnership agreement on legal assistance services. We believe that there is an obligation on the part of the commonwealth to provide further assistance to these centres and I have written to the commonwealth attorney to raise these matters with him.

I am also expecting to raise this issue of funding with the federal member for Fraser, Dr Leigh, who I know is taking a close interest in these issues. The government expects to work closely with community legal centres when they make funding applications to the commonwealth to try and address these issues.

It is important to remember that community legal centres are private not-for-profit organisations. They are not government organisations. If the government spends a substantial amount of money, it is not just about goodwill, Mr Rattenbury—through you, Madam Deputy Speaker. It is not just about goodwill; it is about cash. If the government spends a substantial amount of our budget on a large, new office complex for these centres, that money cannot be spent on providing legal services or, indeed, other services.

These centres exercise independence in choosing their accommodation. They have boards of management and they make their decisions about the services they provide and their accommodation requirements. However, the government is committed to providing assistance wherever possible to improve their current accommodation.

It is worth noting that the national legal needs survey, commissioned by National Legal Aid, has not yet been released but it is now expected early next year. When it is released, the government will further consider the best ways to continue to support CLCs in the ACT.

Additional funding for CLCs must be considered through the normal budget process. In the most recent budget framework the tight financial environment saw that it was not possible to provide substantial funding for accommodation purposes when there was significant pressure on the delivery of legally-aided services to the community. I took the view in the most recent budget that given all the funding pressures, the most appropriate and the most direct form of assistance the government could provide was further funding to Legal Aid to improve its delivery of legally-aided services.

Additional money for rent will not deliver any substantial improvement in the delivery of legally-aided services to the community. It may assist to a degree in allowing for more pro bono services to be available, but that difference will not be significant. The fact is that money spent on rent means money not spent on services for legal aid and legal advice to poor and disadvantaged people. That is my fundamental concern in a tight budget environment.

That said, the government is committed to continuing to work with CLCs to find long-term accommodation solutions to meet their growing needs. There is no contest, in my view, between providing funding for additional legal aid services and providing funding for paying for rent and buildings. It is clear to me that in a tight budget environment access to justice funding should be directed primarily at delivering additional resources for legal aid services. That is the practical assistance that people need. The government will continue to provide assistance to community legal services within the appropriate budgetary constraints, and the delivery of additional legal aid services and legal advice will always take priority over rent or buildings.

There are a couple of elements of Mr Rattenbury's motion that the government has concern with. Obviously, it is clear from my foreshadowed discussions with Mrs Dunne and Mr Rattenbury that this motion will pass today. That said, the government will, of course, endeavour to work within the spirit and the letter of the motion. However, there are a couple of concerns.

The first is the requirement in the motion directing the government to do certain things. Mr Rattenbury should understand that it is the convention in this place not to direct the executive in the performance of its functions when it comes to matters such as this. The more appropriate course of action is to call on or to request that the government do certain things. I am pleased that that point has been acknowledged by Mrs Dunne in her foreshadowed amendment. The government will be supporting that amendment.

Secondly, I have concerns, if the Assembly is to pass this resolution today, as I understand it will, with the reporting date. A reporting date of December is simply not practicable. It would be much more reasonable to allow a proper time for this work to occur. My preference would be for a reporting date in March. Again, I acknowledge that Mrs Dunne has taken that view on board and I would like to thank her for that.

Whilst we do not believe that this motion is necessary today, in light of the fact that the motion has been put forward and will be adopted, I think it is more feasible for the government to accept the passage of this motion with the amendments proposed by Mrs Dunne. I can foreshadow that the government will be supporting those amendments.

MRS DUNNE (Ginninderra) (11.17): I think the juxtaposition of the motions just concluded about the government's big new office building, known in my office as the house of hubris, and this motion here today is ironic. It is interesting to look at the way the parties will vote on these things. The Canberra Liberals will be supporting the thrust of Mr Rattenbury's motion but with two amendments which the attorney has touched on. I seek leave to move the amendments circulated in my name together.

Leave granted.

MRS DUNNE: I move the following amendments to paragraph (2):

(1) Omit "directs", substitute "calls on".

(2) Omit "December 2011", substitute "March 2012".

I was a little reluctant to change the reporting date because the reporting date in Mr Rattenbury's original motion was the reporting date in the estimates committee report. But it is quite clear that the government have not done anything in relation to the estimates committee report, although they said that they agreed in principle. It would be unreasonable to require them to do a proper job of work in the time that is left. However, it would have been preferable if the government had taken up recommendation 132 in the estimates report in June when it came down. Then we would have been in a position to have some progress on this issue this year.

I did welcome the estimates committee recommendation. It was a matter that I had an opportunity to discuss with my colleagues who were on the estimates committee. I think that the recommendation as it went into the estimates committee report pretty much represents the views of the Canberra Liberals about the job of work that needs

to be done if we are to address the issues of appropriate accommodation for the government legal services.

I think what we are seeing here today is another act of desperation on behalf of the Greens. The Greens came in here at the peak of their political potency—

Mr Coe: Top of the bell curve.

MRS DUNNE: Top of the bell curve, thank you, Mr Coe. They are sitting there saying: "We came in here as third-party insurance. We are going to keep these people honest." We are a year out from the election. Yesterday was the third anniversary of the 2008 election, and what have we got to see from the Greens since then? There is a lot of "we're gonna; we're gonna do this". We had Ms Le Couteur yesterday lamenting the fact that we did not have a green bin system.

What has it done for them to be in coalition with the Labor Party? They spend their time being fobbed off. Mr Rattenbury, to his credit, has been on the ball in relation to community legal centres. He has had papers and he has had motions. He has got another motion here today but it does not amount to a hill of beans because he has not actually achieved anything for the community legal centres. So the community has not ended up with anything out of this arrangement with the Greens and the Labor Party, and the Greens are starting to get nervous.

What we are going to see is Mr Rattenbury go out with a little press release. There will be a pamphlet that goes out that says what they have done for the community legal centres and what it is is a whole lot of talk. It is the same as when the Greens went out after six months or a year and saying what they had achieved in the Legislative Assembly. One of their big achievements was in fact a piece of legislation drafted by me.

They claimed that they had instituted FOI reform in the ACT. Yes, they did vote for it—some of it—and they did support some of it, but it was not their work. They have very little to show for being in the Legislative Assembly for three years, and they are nervous. They are nervous about their record. For some of those people who know that they will not be back at the end of 2012, they are very nervous indeed.

Mr Rattenbury is there trying to show how much he can achieve for his faction within the Greens and really all he wants is a few platitudinous motions. What we actually need for the community legal services is action. What we actually need is action. The attorney needs to be condemned for this as well, because in 2008 and 2009 he was hot to trot. He was going to do something about community legal centres. It was the next big thing he was going to do.

I have written to him on this matter on a number of occasions. He wrote back to me before the budget last year saying that this again was the next big thing. He said, "I agree that in order for the centres to provide an effective work environment for staff and the best services possible for clients, the centres need appropriate accommodation, but unfortunately there are no community or government premises available at the present time to meet the needs of the community centres." He went on to say that the

government is committed to access to justice and is exploring short-term and long-term options to address this situation.

We have a short-term option for the Women's Legal Centre, which is a very undesirable option. We do know that the Women's Legal Centre was in a situation where they had to hot desk—rostering people off to make sure that they were not there at the same times as their colleagues because there was not enough space for them. It is an entirely unsuitable arrangement. It was difficult for all staff of the community legal centre to be in the same building at the same time, even to meet. There was no collegiality.

The short-term solution which they were forced to accept—extra accommodation in Lyneham—does not actually address those issues. They are not hot-desking people anymore, but because they are divided between two sites they do not get to meet. They do not get to have the ebb and flow of ideas around the coffee table or any of those sorts of things. It is hard to consult with your colleague about what might be the best approach in a particular case because your colleague is in another building quite some distance away.

These are the problems. There have been some works done at Havelock House. But as any of us who have visited Havelock House and seen the conditions under which the community legal services operate—the Tenants Union, the Women's Legal Service and others—will know, they are unacceptable. They are deplorable.

Members of the Tenants Union had to vacate some of their offices because the showers on the next floor up were leaking into their offices. This is deplorable. This says a whole lot about the government's management of its built asset. They do not do it very well. Just like the situation we had in relation to Housing ACT and the property on the Barton Highway, we have the same thing with Havelock House where there are not enough resources to make sure that it is managed appropriately.

That said, we are in support of moving forward. We believe that there needs to be a feasibility study done. We believe that as a community we need to have a conversation about how best to house these people. Mr Corbell says that money spent on rent or money spent on a new building is money that is not spent on legal services.

At the moment the resources of the legal services are being frittered away because they are no co-located. Every way you look at it, resources are not being spent on legal services because of the accommodation. At the moment we have inappropriate accommodation which makes it hard for people to do their job. We can have better accommodation and we may pay more for it. The attorney seems from time to time to be having a problem with the difference between capital expenditure and recurrent expenditure. If we put money into a building, that would be capital expenditure and that is the sort of thing that he would criticise us for.

I think that this is an important motion. I think that the community legal services deserve the attention of the Legislative Assembly. They deserve the recognition of the Legislative Assembly for the work that they do. But let us get serious about this. Let us not have another platitudinous paper and another platitudinous motion. Let us get

the government to do the work and then have a conversation about how to progress this.

I expect from the government that they will do a serious job of work about the options. I do not expect to see, when this comes back, a paper that says that it is all too difficult. In the conversation I have had with the attorney, and he knows that I am as good as my word, I said to him this morning: "I have a real problem with the notion of 'direct'. My party room has a real problem with the notion of 'direct'".

But if the attorney does not do the job that he is called upon to do today, he will be back here and he will be censured. I reminded the attorney of the experience of the Nettlefold Street trees when he did not do what the Assembly told him to do and he was censured. I think that was probably about the last time a minister was censured in this place before yesterday. The minister knows, because I have already promised him, and I am promising here on the public record, that if a proper job of work is not done we will be back here to censure him for his failures.

That having been said, I think that we do need an appropriate time frame. I think it is regrettable that the government did not take up this job of work in June when the estimates committee reported on this. But I do believe that they need some time to deal with this.

I also have a reservation, as I have said, about the notion of directing. I cannot recall an occasion when anyone has directed the executive to do something. I discussed this with Mr Smyth, who has been here longer than I have, and he cannot recall it either. There have been occasions in the life of this Assembly where the Liberal Party has attempted to get the executive to do things and it was interesting that we got no support from the Greens.

After they committed to reopening schools during the election campaign, when it actually came to the crunch in this place they could not bring themselves to call on the executive to do such a thing. But here today, on Mr Rattenbury's little pet project, we want to depart from the conventions of this place and direct, and I am not prepared to do that.

That said, the Canberra Liberals support improved accommodation for the community legal centres. We expect the government to do a proper job of work in relation to a feasibility study and I look forward to seeing that materialise early next year.

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) (11.29): I understand the points that Mrs Dunne is making in relation to this matter and I can assure Mrs Dunne that it would be the government's intention to engage and, as I have already said, comply not just with the spirit but with the letter of the motion. But I think it is important to make the point that I cannot give any guarantees about whether there will be any subsequent action once those matters have been completed—that is, that there will be funding.

Mrs Dunne: I did not say that.

MR CORBELL: I acknowledge that Mrs Dunne did not say that, but it is well worth putting it on the record. I cannot commit the territory to expenditure in relation to the delivery of a particular outcome ahead of the budget process, nor can I give any guarantee that the budget process will deliver these things. At the end of the day, this is the problem that members have to understand. There are conflicting and competing requests for expenditure in the legal services area, particularly significant demands from Legal Aid as the main provider of legal support to the poor and disadvantaged of our community.

We face continually rising pressures for the delivery of legal aid services, predominantly for criminal matters. Protecting and giving legal services, legal advice and legal representation to the poor and disadvantaged who face criminal sanction and possible sentences of imprisonment are the first priority. It must be the first priority for the government, because those are the circumstances where people face the greatest disadvantage and the greatest impact on their lives if they do not get support. I make it very clear that, as attorney, if the choice is between money for rent or money for legal services, legal aid and legal representation so that people can argue and defend themselves when they are facing criminal charges, it will be the latter that will get my priority. That is the only responsible course of action to take.

There are lots of nice things that we would like to do. I am in full agreement that it would be nice and it would be desirable for community legal centres to have improved accommodation—you will find no disagreement from me on that matter—but this is about priority. This is about where scarce dollars go. Where do we make the best investment when it comes to money available for legal aid and community legal services? Where should that money best go?

The fact is that the territory has not fared well when it comes to the national arrangements for funding for legal aid services. As the attorney, I fought very hard to make sure that there was no net reduction in our funding from the commonwealth for legal aid services. I achieved that and managed to maintain the status quo. The alternative was, in real terms, a cut in the amount of funding the commonwealth would have otherwise provided under the national partnership agreement for legal aid services. We have held our ground; we have protected the Legal Aid Commission's budget. But we have not been able to significantly increase this budget in terms of national funding under the national partnership arrangements. That is a real disappointment for me.

The fact is that the commonwealth's national funding formula has meant that large jurisdictions have got more and small jurisdictions have got less. In the ACT I have managed to protect the Legal Aid Commission to ensure that there has been no cut in its funding, no reduction. But there has not been growth, and there is growth in the demand for legal aid and legal representation from the commission.

It is just worth making the point that that is the context in which we are operating. We are operating in a very tight fiscal environment for legal aid services. I will use my best endeavours to fulfil the requirements of this motion—I make that quite clear—but I cannot guarantee that there will be dollars at the end of this process, for the reasons that I have just outlined.

MS LE COUTEUR (Molonglo) (11.34): I will speak very briefly on the subject. What we have been talking about in terms of legal aid for criminal cases is of course incredibly important and very much deserving of this Assembly's support. I would like also, though, to touch on some of the other work of community legal centres, specifically EDO and potential planning issues.

As you are probably aware, the EDO is funded basically not by the ACT government but by the commonwealth and deals with environment and planning issues. This is an area where we have some of the best paid lawyers working on planning issues. They are working to make sure that they can get the absolute most out of anything in the planning system. They put a lot of money on this. Unfortunately, the community, if they wish to try and preserve the amenity of their neighbourhood or disagree with planning decisions, are not, generally speaking, in a position to employ the sort of firepower that the other parts of the planning industry can. It is a real lack which should be considered in the context of community legal centres.

The community needs access to some sort of independent, impartial advice about legal issues with respect to the physical parts of our community, not just the human parts. I agree that the human part, the criminal law part, is vitally important and needs to be supported, but the environment and our planning system do too. I would just like to put that forward in terms of any further discussion about community legal centres.

MR RATTENBURY (Molonglo) (11.36): I want to speak briefly on the amendments, Madam Deputy Speaker. The Greens will not be opposing these amendments, although I would like to make a couple of observations about remarks that have been made during the course of the debate.

When it comes to changing the date of reporting back to the Assembly to March 2012, I have some sympathy for that. But it is interesting. We have had the minister stand up and say: "We have done all this work on it. We have a working group established. They are identifying solutions. They met with stakeholders last month." They are all positive things, but the estimates recommendation was made in May—May this year—and it suggested a response by December. That is an extensive period of time in which to get back. And now we are finding that we need an extension because we have not really done the work. It is one of those questions: which is it? Is all the work being done? Does the government have a commitment to doing it? Or has it had it on the back burner and it has taken another motion of the Assembly today to get it done?

The other concern I have in pushing it out to March 2012 is that we all know what the budget cycle is. We know that by the time we get to March next year, frankly, most of the work has been done. Budget cabinet meet right through the early part of the year. In fact, they have probably already started, I suspect. If we are serious about trying to get this into next year's budget, we are already up against the wall now, because we are not going to get the information.

Suddenly, we will get this great report back that says that if the government just had this amount of money we could do something really successful and innovative. That might be an outcome, and that would be terrific. We would all be sitting here thinking,

"That is good; that is really helpful." And the attorney will sit there and wring his hands and go: "I'm sorry; it is too late. I had to have submissions in by such and such a date for this year's budget process. We will have to leave it another 12 months."

That is the concern I have with pushing it out to March next year. It reflects poorly that, despite an estimates recommendation in the middle of this year, it is going to take us until March next year to even identify possible solutions that we might consider funding in the budget. Sure, the budget pressures are there, but we are setting it up so that we will not even be able to consider them. If there was some really useful way that we could proceed that would, perhaps, provide both a short-term solution and also a longer term solution—I will come back to that in my closing remarks.

I found the contribution from Mrs Dunne a little surprising. It is clear that up in the Liberal party room this morning they passed around the angry pills and said: "It's only 12 months until the election. It is time we came in here and really gave the Greens a good solid bollocking today." That is all it has been this morning. Mr Smyth got up and had a real go in the discussion about the office building. It is all about the Greens today. We are flattered by the attention, but the issues deserve more attention than we do. I would suggest that members try to focus on the issues on occasion.

The irony is this. Mrs Dunne stood up here, thumped the table and said: "What we need is action. The Greens are all just talk. They are just motions." The fact is that I have been persistently campaigning on this for 18 months from the crossbench, pushing as hard as I can to get something happening and actually sticking to it—like Mrs Dunne has claimed she does on Bimberi. You slowly but surely ease your way forward and you try and make progress. Mrs Dunne stands up and gives us the big table thumping speech, but then she says: "But we are not going to direct the government. We are going to strip that bit out because it is not the convention."

There is a whole lot in there. She says, "But I have threatened the attorney that if he does not do something I will be back here next March and I will censure him." Rather than getting it done now, she would rather come back here and give the attorney a political slap around next March, because that is far more effective in getting a result! But hey, let us talk about platitudes, Mrs Dunne. It is all politics and no action from the Liberal Party.

Then there is the issue of whether "direct" is an appropriate form in this place. She says that she had a chat to Mr Smyth. I recall Mr Smyth last year—either late last year or early this year—imploring me on a matter related to the tourism portfolio, which Mr Smyth and I share. Mr Smyth implored me to support his desire to use the word "direct" in a motion. At the time I declined, because I felt the circumstances did not warrant it.

That is a debate that is there to be had, but do not come in here and give me some sort of lecture about "direct" being an inappropriate form of the house. It is rank hypocrisy for it to be good enough for Mr Smyth on a tourism matter but not good enough now. I did not agree with Mr Smyth. Mrs Dunne may not agree with me here that it is appropriate to "direct", but do not tell me it is an inappropriate form of the house. Please have a little bit of consistency rather than using the sort of stuff we have seen this morning.

Those remarks made, let me say that the Greens will not be opposing these amendments, because it is clear that we do need the time extension because the work has not been done.

Amendments agreed to.

MR RATTENBURY (Molonglo) (11.42): I rise briefly to thank members for their support for the content of this motion today. As I have made my earlier remarks, let me say that I do think that we have a great opportunity to amplify the capacity, skills and unique strengths that the community legal centres bring to the justice system in the ACT. We do have some work to do here. I am hopeful that—I think this is a fair point that Mrs Dunne did make—we do not simply see a report next year that says that it is all too hard.

There is room for some innovative thinking. I do not think that the community legal centres are saying, "We need a palace." They are not saying, "We need something specifically." There is a range of opportunities that we should be open to. They may take a number of different forms. They may not be all about the government putting in a big bucket of money, but may be about thinking about whether there is vacant space somewhere or whether it is worth putting up the capital injection in the short term to create a long-term saving.

That is at the core of some of these discussions—the short-term thinking versus the long-term benefits. It may be that spending a slab of capital money now to create a suitable facility could avoid the need to pay a whole lot of rent in the future. It could also consider—they are harder to measure—avoided legal issues and avoided social problems that do not arise because we have put in place a preventative approach. That is where we need to break out of the immediate issue of there not being enough money in this budget. Of course, that is an issue, and I know that the cabinet faces a significant challenge in trying to get the budget to meet the constraints. But this false dichotomy being set up by the attorney is unhelpful to the conversation—this idea that it is either rent or services.

I do not think that dichotomy is a true one. As I have just touched on, it may be that if we spend some capital money now, the improved provision of services and the possible avoidance of future rent may, over a five-year time frame or a 10-year time frame, deliver the territory significant benefits that are directly measurable in economic terms, and some others that are harder to measure in terms of social and legal outcomes, so that people in 10 years time will be looking back and saying, "That was a great investment by the ACT government in 2012, to set us up so well for the next decade"—or the next 20 years, 30 years or whatever it turns out to be.

I thank members for their support of this motion. I look forward to seeing the report back next March to, hopefully, provide us with the next step to moving this issue forward to resolution of some useful form.

Motion, as amended, agreed to.

Commonwealth territories legislation—proposed amendments

DR BOURKE (Ginninderra) (11.45): I move:

> That this Assembly:
>
> (1) acknowledges the importance and timeliness of the debate now taking place in the Australian Parliament in relation to the Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Bill;
>
> (2) calls on coalition and all remaining crossbench MPs to vote to pass the bill, thereby removing historic and unwarranted constraints upon the legislative powers of the elected ACT Parliament and according proper respect and deserved independence to the people of the ACT; and
>
> (3) looks forward to a continued debate and dialogue between the ACT and Federal governments regarding other aspects of ACT self-government that warrant review and possible amendment.

This is an exciting time for the parliament and the people of the Australian Capital Territory. The bill being debated by our fellow Australians not far from here in the nation's parliament is important symbolically and also practically. If passed, it will mark something significant in the maturing of our own legislature here in the ACT. It also marks a deepening understanding by men and women elected by other Australian communities of what genuine democracy and equality in citizenship actually require of us.

It does not require that I, as an MLA in this parliament, agree or approve of everything legislated by, say, the Western Australian parliament or the New South Wales parliament, or even our national parliament. It does not require that individuals elected to any of these parliaments must necessarily agree with or approve of everything decided in this place on behalf of this community. All it requires is that we respect the rights of each legislature to pass laws, under the powers available to them, on matters that concern them, without undue interference by anyone unconnected with the business.

At its core, that is what the bill being debated federally is all about: respect. Respect for the right of Canberra residents to have the same democratic rights as those across the border in Queanbeyan. Respect for the right of the men and women they elect to their parliament to have the same power to legislate as the men and women elected to the parliaments of the states.

What is being sought is nothing extraordinary, no special treatment, just a simple acknowledgment that we Canberrans are every bit as capable as other Australians of making decisions about the way we should lead our lives, run our city and conduct our civic business.

It is a pity that until now the Liberals in this Assembly have squibbed on the chance to say categorically whether they do or do not agree with this proposition. Does

Zed Seselja believe he is less competent than other opposition leaders around the nation—less able to be trusted when he casts his vote on legislation? Does he think his Liberal team should not be trusted?

It is simply avoiding the issue to say, as the Liberal Party has said in the past, "Let's not get drawn into a proper debate about the disallowance powers of the commonwealth until we have had a broad-ranging review of every aspect of the self-government act." Everyone in this Assembly would like to see such a broad-ranging review, and we will keep agitating for one. But some of us do not believe we should pass up the opportunity to achieve incremental change, incremental reform, when it presents itself.

What the Liberals have previously argued on this subject is that if they cannot have everything at once, they would prefer nothing at all. It is churlish and juvenile, but worst of all, it allows the Liberals to avoid ever coming clean with the Canberra people and telling them whether or not they are happy for us all to remain second-class citizens of this great democracy.

I am more than happy to stand here and say that I do not believe that a senator from Western Australia or an MP from country Victoria should have the right, at the stroke of a pen, to overturn a law passed by the ACT Legislative Assembly; any law, on any subject, without debate, without rationale, on a whim. I am happy to stand up here and say that I do not believe it is fair for ACT laws to be vulnerable to that kind of interference, when the laws of the states are not. And I am happy to see this matter dealt with now.

It is instructive, in the context of this motion, that committees of both houses of the federal parliament have looked at this issue and have recommended that the bill be passed. In the Senate, the Legal and Constitutional Affairs Legislation Committee, and in the House of Representatives, the Standing Committee on Social Policy and Legal Affairs, have both deemed the bill to be an important reform. Interestingly—and perhaps the Liberals in this place ought to heed this—both committees concluded that dealing with this particular reform now, in isolation, would not impede further reforms in the event of a broader review of the self-government act.

That is why I hope today the Canberra Liberals will be able to say that they are also happy to see this egregious fault within the self-government act resolved, even if other unrelated matters remain unresolved for the time being. Indeed, this motion allows for us to explicitly acknowledge that there is unfinished business. It explicitly states that this is not the end of the matter and that this legislature will persist in its endeavours to have a broader ranging review of the self-government act. There is in fact a growing sentiment for such a review. The most recent calls have come just this month from Dr Allan Hawke, calling for a review in his report on the future of the National Capital Authority.

The Assembly has debated many times in the past some of the individual issues that might be incorporated into such a review. These include the power of the Assembly to fix its own size—again, a matter of principle. Every other parliament in the country can determine its own size. We too should have that power. It may be difficult for us to agree on precisely what size that ought to be—

Mr Coe interjecting—

MADAM DEPUTY SPEAKER: Mr Coe!

DR BOURKE: or how the electorates ought to be configured, but the principle surely is sound and unarguable. Why should it be up to senators and MPs from Queensland or Tasmania to determine the size of the ACT's parliament?

Mr Coe interjecting—

MADAM DEPUTY SPEAKER: Mr Coe!

DR BOURKE: What rationale could there be?

Mr Coe interjecting—

MADAM DEPUTY SPEAKER: Mr Coe, remain silent.

DR BOURKE: I know that the Liberals are on the public record as saying that they too believe we ought to have the power to fix our own size. But this motion today—

Mr Coe interjecting—

MADAM DEPUTY SPEAKER: Mr Coe, I will warn you next time.

DR BOURKE: asks that they also unequivocally support the push to abolish the commonwealth's executive override power, because this is an issue that is important in isolation—fundamentally important. It asks us to say that we believe that we are as mature, trustworthy and capable in our capacity as public officials as those who sit on the government benches, on the opposition benches or on the crossbenches of any state parliament in this country. I believe we are, individually and collectively. I believe our record as a parliament bears out that belief.

Of course there will be those who, for mischievous reasons or out of ignorance, will portray the Brown bill as a stalking horse for individual issues. Mr Seselja has come close to lending credence to that view by accusing Labor and the Greens of being "obsessed" with this particular reform, to the exclusion of other potential reforms of the self-government act.

I do not call it "obsession" to expect this Assembly to focus on an opportunity that is real, actual and imminent, rather than turning away and wistfully hoping that another opportunity might arise at some undefined point in the future. In fact, to reject a real, actual and imminent opportunity for reform like the one in front of us actually gives oxygen to the reactionaries with their conspiracy theories. Why can't we, in our own parliament and in front of our own community, simply say, "No, this is not about euthanasia or gay marriage or any other single issue; it's about principle; it's about democracy"?

Today I hope the Liberal Party will put aside the churlishness that has prevented them from supporting previous motions along the lines of today's, and say unequivocally that they embrace the potential gift being offered to our democratic processes by the bill that is now before our federal colleagues in the national parliament.

MR SESELJA (Molonglo—Leader of the Opposition) (11.54): If Dr Bourke is planning on improving on his 13th place in Ginninderra from the last election, he is going to have to do a little bit better than this, Madam Deputy Speaker. He is going to have to take up issues that the people of his electorate actually care about. And perhaps it is because of Wally motions like this and ideas that have been put forward by Dr Bourke that he achieved such an overwhelming amount of support that put him in 13th place in the last ACT election.

Let us look at what Dr Bourke is asking us to support today. He is actually asking us to support a motion that says, not that the legislation should go through in the federal parliament; today he has come into this place, representing the people of Ginninderra, and instead of calling on the government to deliver on core services or address the cost of living, he is saying that we should support a motion—he has taken his one slot. Dr Bourke does not get that many slots on private members' day but he has taken his one slot for this week and he has said, "We should vote not to call on the commonwealth parliament to pass something but we should have a vote that says, 'Given the commonwealth parliament is going to pass this legislation with the Labor Party and the Greens, we also want Nick Xenophon, the coalition and the DLP senator to all vote for this legislation.'"

That is what this motion calls on us to do. It says: "The legislation is going through. The Labor Party and the Greens federally have made a decision to push it through. But what we really need and what is most important to the people of Ginninderra is a unanimous vote in the federal parliament because Dr Bourke has brought this motion forward today." This is ridiculous. These kinds of ridiculous motions do no credit to the member and they do no credit to the Labor Party.

The other aspect of this, apart from putting aside the core service delivery and cost-of-living issues that I am sure Mr Coe could tell us exist in Ginninderra as much as they do in Brindabella and Molonglo—and in parts even more so—and the saddest part of this motion is that we see, let us face it, a once-great Labor Party reduced to begging for the scraps. They are reduced to saying: "Look, we couldn't get a review through. We couldn't get a genuine look at the self-government act so we really need Bob Brown's legislation to get up."

It is the Greens tail wagging the Labor dog. And this once-proud Labor Party is now reduced to this kind of language. We are being asked, "Please, please, please, let's call on the coalition, let's call on Senator Xenophon and let's call on the DLP to support Bob Brown's legislation because we couldn't get a genuine relook at self-government." That is because the Labor Party could not get it done. It failed, so it is reduced to begging for the scraps.

This legislation will go through, and I think it will make very little difference to the lives of ordinary Canberrans. I think that, with this legislation going through, the

federal parliament will look at this and say: "We're done. We're done now with the self-government act for a long time." That will be the attitude, and that is the attitude of those on the hill. They have looked at this and they have said, "This is all you're getting." I think that is why it is actually counterproductive to those who believe that, after 20-plus years of self-government, it is time that we had a look at all of those other issues.

Dr Bourke talked about the ability to choose the size of the Assembly. This does not do that. I do not know if he has read the legislation but it does not do that. It does not allow for that. It simply changes the procedure for if and when the legislation of the ACT should be overridden by the commonwealth.

We see the sad spectacle today of a once-proud Labor Party just begging at the Greens' table, begging the federal parliament to give a unanimous level of support to a Greens bill, because the Labor Party could not get it done. They could not get it done. They could not get a review. We will not be able to determine our own size.

The Chief Minister claims that she wants more ministers. That is the main game—that we should be able to choose the size of the Assembly, increase the size of the Assembly, so that she can have more ministers. And she is so keen to have more ministers that she has chosen to make do with four instead of five. Let us just consider that for a second, Madam Deputy Speaker. This Chief Minister has said to us on numerous occasions: "We don't have enough ministers. We're overworked. There's too much for us to do." So much so, that she has chosen to have one less minister than she used to have. She has chosen to make do with four ministers.

Perhaps in this motion today we get a clue as to why that is. Perhaps today in this motion we get a clue as to why she is making do with four ministers, because this government are lacking the ability to even make up the numbers of those four. They are lacking the ability to even make up four competent ministers, as we saw yesterday, where they had to desperately hold on and defend the indefensible in relation to Ms Burch. They defend the indefensible because they are not prepared to go to their backbench. The Chief Minister does not believe that her backbench is up to the job. And we see an example of it today. We see why I think that is the case.

We continue to believe that these things should not be looked at in isolation. We continue to believe that if you are going to make changes to what is the constitution of the ACT, two things should happen. Firstly, you should do it properly and you should do it comprehensively, not in this piecemeal, Greens-led way that we are seeing the Labor Party backing. Secondly, you should do it in consultation with the community. I think it is reasonable, if you are going to change the community's constitution, that you might want to actually consult with them about it, not just on questions that are before the federal parliament at the moment but on the broader question.

There is no doubt that through the Greens' grandstanding we will, as a result of this, see the federal parliament move on, and for many years we will not see any other changes to the self-government act—changes that I think should occur, but that should occur in genuine consultation with the community.

The Canberra Liberals do not support these types of motions. We will not support a motion that is designed to seek a unanimous vote in the federal parliament. We think that Dr Bourke and all members in this place should start focusing a little bit more on the things that the community is really concerned about. Instead of talking about fait accompli votes at a federal level, perhaps the people of the ACT, whether they be in Ginninderra, Molonglo or Brindabella, would actually like to see a focus on core services, on addressing the cost of living and on dealing with the day-to-day issues that the community cares about. These kinds of irrelevant motions do nothing to further that, and for that reason we will not be supporting it.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (12.03) The Greens will of course be supporting this motion, and again I will take the opportunity to reiterate the importance of affording this parliament, to the greatest extent constitutionally possible, equality of legislative power and responsibility with the parliaments in the states. I will say again just how astounding I find it that a party represented in the parliament is arguing that they are not worthy of the democratic autonomy and ultimate responsibility afforded to all their colleagues in the states.

We have of course discussed this matter before, and the Greens' view on the matter is very clear. I think that everyone is very clear about the arguments in support of the bill. So I do not propose to revisit those in any great detail, but I will just briefly make a couple of points in support of the bill which would, as the motion notes, remove the historic and unwarranted constraints on this parliament. I would add to that list "undemocratic".

The current section 35 is clearly undemocratic and I do not think that anyone has attempted to argue that that is not the case. It is offensive to the fundamental principle of democracy that a person who is not accountable to the people for decisions that affect those people can make a decision that does affect those rights and interests. It is undemocratic. I am astounded that the Canberra Liberals would think that would be okay. To make it worse, the idea that it is okay for a member of the commonwealth executive who is not accountable to the people of Canberra to make a unilateral decision to overturn a law that has been validly made by a parliament is fundamentally offensive to all the basic values that our society is premised on. I think those who oppose the bill have an obligation to tell the people of Canberra why it is that a proposal that it is okay for them to have fewer rights than the citizens of the states and to have a provision that is so clearly undemocratic should be supported.

Since the previous debates, we do of course have the benefit of the extensive range of submissions made to the Senate inquiry, 203 in all. The Senate has since supported the bill, which is why I was confused when Mr Seselja started talking about the DLP and Senator Xenophon. It has passed the Senate. What this motion is about is saying that we want all of those in the House of Representatives, and that would be all of those independents, to support this. So he is a little confused there.

Submissions to the inquiry strongly supported the passage of the bill. Submitters in favour of the change included professors George Williams, Tom Faunce, John Williams, Geoffrey Lindell and Cheryl Saunders, Civil Liberties Australia, the Law

Council of Australia, the Law Society of the Northern Territory, the Canberra Business Council, the Northern Territory government and the parliamentary committee for legal and constitutional affairs.

During that inquiry the point was made that there are other matters in the self-government act that also need to be addressed, and that is certainly true. I understand that we are the only parliament that cannot set its own size. This is a matter, amongst others, which should be the subject of ongoing dialogue with the federal government, and the motion appropriately reflects this.

I did have a look at the *Hansard* of the commonwealth debate just to try to understand why the Liberals objected to this bill. There are really no substantive reasons, but there was one particularly interesting reason given by Senator Brandis. Senator Brandis said:

> There is another reason why the coalition opposes this legislation. We look with a very sceptical eye on anything that comes from Senator Bob Brown and the Greens.

This reminded me of a comment by Mrs Dunne when she said:

> The reason I say that if Andrew Barr supports this we should be very afraid is quite simply that.

It really does raise a different issue about the Canberra Liberals. Perhaps this is the first consistent policy from the Canberra Liberals, to oppose anything based solely on who the proponent is without even bothering to properly consider the merits of the issue.

There were a few other gems in the Brandis speech. Most importantly, there was his conclusion that the Liberal Party would not be supporting the bill because it would lead to gay marriage. Apart from being discriminatory and bigoted, this is of course a very ignorant argument, particularly from someone who is a senior counsel.

Without going through the detail of it, I think most of us understand the rules covering the interaction between inconsistent territory and commonwealth laws and the covering-the-field principle where the commonwealth has intended to exhaustively cover a particular issue to the exclusion of all other legislation. It was particularly curious that Senator Brandis would put this as his primary argument for opposition to the bill as he, in the Senate committee hearings, argued the very opposite, that the states and territories had no capacity to legislate in this regard because of the commonwealth Marriage Act.

I will turn to the argument that we should not pass this because we need a more comprehensive review. There is absolutely no reason why we cannot do both. I invite proponents of that argument to tell me why it is that we cannot do both. The reality is that there is no reason at all.

The argument that Senator Humphries tried to advance as to why this is not a good idea was his mistaken view that the proponent is a hypocrite. In fact, in his own

speech he articulated why this is not the case and the fundamental distinction between Senator Brown's actions and the substance of the bill. This of course has absolutely nothing to do with the issue and simply again goes back to the point I was making previously, that the opposition to this is either simply because of its proponent or because of ignorant bigotry on a phantom issue that really does not have anything to do with the fundamental issue, which is of course the basic democratic rights of territorians.

I do note that the current Liberal position is in stark contrast to the principled position the Liberal Party took back in June 2006 when a valid law of this place was disallowed by the commonwealth executive. At that time the Liberal Party supported the address to the Governor-General essentially asking that the Governor-General not disallow a law validly made by this democratically elected parliament.

Mr Coe: On a point of order, Mr Speaker.

MR SPEAKER: One moment, Ms Hunter. Stop the clocks.

Mr Coe: Mr Speaker, I draw your attention to standing order 57 with regard to the Speaker determining offensive words and ask whether Ms Hunter calling Senator Brandis bigoted is indeed parliamentary.

MR SPEAKER: Sorry, I do not—

MS HUNTER: I did not call Senator Brandis bigoted.

MR SPEAKER: One moment, thank you. Mr Coe, on your point of order, there is some uncertainty. I am actually going to reflect on this over the lunch break and I will come back to the Assembly this afternoon. Ms Hunter, continue.

MS HUNTER: Thank you. At the time the Liberal Party supported the address to the Governor-General essentially asking that the Governor-General not disallow a law validly made by this democratically elected parliament. So why have the Liberal Party changed their minds? Why is this parliament no longer worthy of the democratic autonomy it deserved five years ago? At that time Mr Stefaniak said that he did not agree with the policy but he did agree with the principle. The principle is of course that this parliament should stand up for itself and fight against the interference of the commonwealth executive that is not elected by the people of the ACT and has no interest whatsoever in the day-to-day life of the people of the ACT.

It is a principle worth fighting for and I think it is a real shame that again we cannot all agree that this parliament should be free from commonwealth executive interference. The control of the commonwealth parliament is a different matter and a constitutionally entrenched one.

I do believe that this is a very important piece of legislation. I again applaud my colleague Senator Bob Brown for being such a great representative of the people of the ACT, for taking this bill up, for fighting for it; and the Labor Party for supporting it in the Senate.

This motion of Dr Bourke's today is to, again, highlight the importance of what is happening here, the importance of this legislation as far as democratic rights for people in the ACT are concerned. It is urging all members of the House of Representatives—

Mr Seselja interjecting—

MS HUNTER: Not in the Senate, Mr Seselja—it has passed the Senate—but the House of Representatives. It is talking to the Liberal Party and it is also talking to the independents in the House of Representatives, to say that this is actually an important issue for the people of the ACT. When it was a media issue some months ago when it first came up, you may recall that there were quite a lot of people who did have an opinion, who felt that it was unfair that the ACT did not have the same democratic rights as other folk who live just over the border in Queanbeyan, just down the road in Yass, all around the country—it was unfair for the Northern Territory and for the ACT to not have those rights.

People in the ACT were a little upset about that. They do not like the thought that they go to the polls once every four years, they vote in their representatives here in this parliament to make laws, and to then have an executive member, behind a closed door, write off a law and say: "No, I am not elected by the people of the ACT. In fact I do not really know what goes on there but I am going to use that power to wipe out a law that has been passed by the democratically elected representatives in their local parliament."

Most people do not think that is okay, and that is what this bill is about. That is why it is important that we support this motion by Dr Bourke today, to say that we do not agree that that should happen; that it is not okay. We believe it is important for this legislation to pass. We believe it is important for the people that we represent to know that the work that we do will be able to be carried out and will not be ridden over by a behind-the-doors strike of the pen. That is what this is about and I would urge all members of this place to support this motion today. I thank Dr Bourke for bringing this motion on.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (12.17): I too thank Dr Bourke for bringing this motion before the Assembly today. It is one worthy of unanimous support by this Assembly and it is deeply concerning that it is not going to receive that support today.

I know this is a topic that we have spoken about at some length on a number of occasions, but with the imminent and hopeful passage of the legislation before the House of Representatives in the next few weeks I think it is timely that we remind those who will be taking a vote on this matter—and it does not include federal senators—of the reasons they should support the territories bill. One compelling reason is that their own systems of inquiry in both houses of parliament have recommended that they do so.

As Dr Bourke pointed out, both the Senate Legal and Constitutional Affairs Legislation Committee and the House of Representatives Standing Committee on

Social Policy and Legal Affairs which reported on 12 October have recommended support for the bill, and they did so after listening to arguments for and against by some of the most eminent legal minds and after taking into account the views of all who cared to make a submission to their inquiries.

It is worth reminding ourselves of some of the views. The Law Council of Australia's view was that the commonwealth's override power in the territories significantly undermined the democratic legitimacy of those territories. It went on to say that it was an:

> … affront to the democratic process in which Territorians participate if legislation lawfully passed by their elected representatives is rendered invalid by the operation of Commonwealth laws, which are not of general application, but which are exclusively targeted at the Territories for the express purpose of interfering in their legislative processes.

Professor Cheryl Saunders from the Melbourne Law School supported the bill and called it "an overdue change to correct what has become an anachronism in the Australian system of government". Associate Professor Tom Faunce from the Australian National University said the repeal of the executive power to override was a measure that can and should be taken now. He went on to say that the geographical accident of being a resident in the territory should not be a ground for discrimination in terms of basic rights under the Australian constitution. Mr Seselja disagrees, I think, with all of those eminent views. The Castan Centre for Human Rights Law at Monash University said the bill would enhance democratic rights in the ACT.

The inquiries conducted by the federal parliament also knocked decisively on the head any suggestion that the extension of proper respect and democratic rights to the people of the ACT should be seen as a stalking horse for single issues such as marriage equality or euthanasia, however worthy of debate and discussion each of those issues is in its own right.

The advisory report that has been provided by the House of Representatives Standing Committee on Social Policy and Legal Affairs recommends the passage of this bill although it does have a dissenting report from, surprise, surprise—members will not be surprised—Dr Sharman Stone MP and Mr Ross Vasta MP, who seem to have given a very similar speech to that Mr Seselja just gave. Maybe they are all reading from the same Liberal handbook.

But I do note that paragraph 1.13 of the report says:

> At public hearings, the Senate inquiry heard evidence from Members of the Legislative Assembly from both the ACT and the NT who expressed strong support for the Bill and for parliamentary, rather than executive, override of territory legislation.

I have to say that that is slightly incorrect. Yes, members of both parliaments went and appeared and indeed I think all but one of the members of those parliaments spoke in favour; but I do not think it is fair to say that everyone, although it does not use the word "everyone", expressed strong support for the bill, because Mr Seselja

went up to federal parliament as Leader of the Opposition, as a member of the ACT's elected parliament, and argued against this bill—something that I still cannot believe he got away with without the criticism he deserved. He sat there, all dressed up, all scrubbed up, ready to give evidence to argue against this bill, which simply removes the executive veto over laws passed by this place. It was unbelievable. You could not imagine it was happening—but it was and it was televised.

The issue here reminds us that we have the most conservative Liberal leader of any Liberal Party in the country, leading the most conservative Liberal Party in any parliament. Unless they feared other conspiracy theories associated with this bill, unless that was an anathema to them, you could not imagine any other reason why any person reading the legislation that Senator Brown has put forward would oppose the bill. It simply removes the executive veto.

But we know what the opposition are all about. We know what they stand for and what they fear. What anyone who witnessed it saw that day was the Leader of the Opposition of this parliament going to the federal parliament and arguing against any increase in the territory's right to govern for itself. It was simply unbelievable. And the shameful speech that he has given in here this morning, which did not concentrate on any of that—did not concentrate on his submission or his appearance or the evidence he gave or his own views on this legislation—was simply to point the finger at the Labor Party. How tired and old is that?

This is not about the Labor Party. Yes, I wish it had been my colleagues that brought this bill forward in federal parliament. Indeed it is something that I had hoped for. But they did not; Senator Brown did. So does that mean that we should all go, "Senator Brown has done it; therefore we cannot and do not support that"—similar to the philosophy taken by the Liberal Party that if Andrew Barr supports it they cannot? That is not the response of mature leaders in a mature parliament who look at issues as they come before them, which is what this government has done. I have met with Senator Brown about his bill. I have written to all senators and members of the House of Reps urging them to support this bill and providing them with reasons why I think they should. That followed on from the previous Chief Minister having done that, and I have had a number of responses, some positive, some negative.

This is all about leadership. It is not just the Chief Minister who is the leader; every single member in this place is a leader for the people of the ACT. One thing I will agree with, Mr Seselja, is that this is not day-to-day bread and butter stuff; it is not the stuff that concerns Canberrans the most and governments should concentrate on all of those issues. But that does not mean you cannot do both. It does not mean that you cannot chew gum and walk at the same time; that you can look after the bread and butter issues that concern all Canberrans but you dare not have a view about a matter as significant as the democratic processes that govern the territory. You have to have both if you are going to be an effective leader.

Mr Seselja had a massive fail this morning in that regard and a massive fail when he went up to federal parliament and argued against any increase in rights for this Assembly to govern for itself without the fear of executive veto. We see the failure of leadership right across the opposition. But it does not mean that leaders cannot have

views on all of these things. Indeed our community expects us to have views on all of these things and to manage those views and to articulate and advocate them in the interests of Canberrans.

I cannot see one logical reason why it would not be in the interests of Canberrans, every Canberran regardless of where they live, that the people that they elect to represent them in the Assembly should be able to determine laws and pass those laws throughout the democratic processes established in this chamber without the fear that one minister in federal parliament can override those laws with a swipe of the pen, just because we live here in the ACT and because of the way the constitution and the self-government act are established.

We believe more change needs to happen, we believe this is a continuous piece of work, but we also believe that Bob Brown's bill is worth the support of the federal parliament and indeed at the very least it is worth the unanimous support of members in this place.

DR BOURKE (Ginninderra) (12.27), in reply: The territories self-government legislation amendment bill is about genuine democracy, genuine equality in citizenship, for Canberrans. Mr Seselja used his speech this morning to indulge himself in personal invective and negative attack on those representing the interests of territorians. This continues the Liberals' total reliance on negativity and refusal to offer a positive idea.

I thank Ms Hunter for her support for this motion and her reiteration of many of the points of my speech. The Chief Minister brought to our attention the eminent views of legal experts supporting this amendment and that the public hearings held also evidenced strong support for this amendment.

This motion is about respect for the rights of Canberrans so that we have the same democratic rights as our neighbours in Queanbeyan. It is disappointing that the Liberals cannot categorically state that they support this proposition. Our laws can be overturned by the stroke of a pen—any law, on any subject—with no debate, no rationale, on a whim. The Senate and House of Representative committees have already said that there is no impediment to further reforms. They acknowledge that there is unfinished business. I would urge all MLAs to support this motion.

Question put:

> That **Dr Bourke's** motion be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Sitting suspended from 12.33 to 2 pm.

Unparliamentary language
Statement by Speaker

MR SPEAKER: Members, just prior to the lunch break I was asked to rule on the use of unparliamentary words. Mr Coe raised an issue with me. He asked whether Ms Hunter's use of the word "bigoted" was unparliamentary. I have reviewed the *Hansard* over the lunch break. Ms Hunter said: "Apart from being discriminatory and bigoted, this is of course a very ignorant argument …" My view is that she did not refer to an individual as being a bigot but described an argument in such a way. On that ground I do not believe it is unparliamentary.

Questions without notice
Children and young people—care and protection

MR SESELJA: My question is to the Chief Minister. Minister, in answering questions about your performance in the Vardon review, you said: "In hindsight I should have picked up on this issue earlier as should have staff within my office. This is an area where I should have done better."

Minister, are you concerned that after you completely denied any responsibility in this affair, the community is hearing the same sort of problems again and the same excuses from another Labor minister?

MS GALLAGHER: Of course the opposition seeks to link two very different issues and try to make them the same. My comments related to the fact that I was told—not necessarily in a clear way around reports being provided to the department—

Mr Smyth interjecting—

MS GALLAGHER: Mr Smyth, if you could just give me the respect of allowing me to answer the question that your leader has asked me.

Mr Smyth interjecting—

MS GALLAGHER: Give me the time to answer the question that your leader has asked me. Then you are given the opportunity to ask a subsequent question, and I can answer that.

It was around my performance in relation to information provided by the former Department of Education, Training and Youth Affairs, as it was, around reports being made to the Public Advocate—a very different situation from the one Ms Burch faced. And might I say that Ms Burch responded appropriately with that information that she was provided with. She asked further questions. She asked for more information from her department. That information was provided. A review was instigated and we will now respond to that review.

I would say that we have a view from the Public Advocate that there has been a breach of the Children and Young People Act. We have also been provided with additional information from the Government Solicitor which the government is now considering. The minister will make a further statement around that when all the information is provided.

I would not say necessarily that the jury is in on this. I think there is more to understand. But the community can be confident that their minister in charge of care and protection is doing what ministers are required to do. She is asking her department the right questions and she is getting information and responding when that information becomes available.

MR SPEAKER: A supplementary, Mr Seselja.

MR SESELJA: Minister, how can the community have any confidence in your government when every time something goes wrong it is no-one's fault?

MS GALLAGHER: That is simply not true. It is simply not true. I know the opposition would love everything to be black and white, heads roll and an individual needs to be responsible for everything, but in human systems, where they require teams to work together and make decisions—and included in that team is the minister at the top, the director-general and then a whole range of people—it is not always clear to be able to say, "That individual was responsible, and they must pay the price."

We have taken responsibility. We have always taken responsibility for care and protection. We are the ones that have reformed it. We are the ones that work continuously to improve it. We are the government that has done all that. We will continue to do that. We are the ones that provide the information and, in this case, the review that has led to further discussion in this Assembly. This is the work that is being done. Nobody is not accepting responsibility. This is a community responsibility.

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth, you will have a chance in a moment.

MS GALLAGHER: It is not any individual's responsibility. Child protection is a community responsibility. It requires a community response. As much as the opposition would like to make it about one individual and see their head on the chopping block, that is not the reality of the world in which care and protection systems operate. You are simplistic and you are disrespectful.

Mr Smyth interjecting—

Mr Hargreaves: On a point of order, Mr Speaker, Mr Smyth interjects across the chamber that the Chief Minister is a joke. That is an imputation on the Chief Minister. I would like you to ask him to withdraw.

Mr Smyth interjecting—

MR SPEAKER: Order! Mr Smyth, that is enough, thank you. Mr Smyth, I would ask you to withdraw the imputation you made across the chamber.

Mr Smyth: I withdraw.

MR SPEAKER: Mrs Dunne, you have the floor.

MRS DUNNE: Minister, do you have full confidence in Minister Burch?

MS GALLAGHER: Yes.

MR SPEAKER: Mrs Dunne, yes.

MRS DUNNE: Why?

MS GALLAGHER: Because she is fulfilling her responsibilities as required by a minister and she is fulfilling them to a very high standard—

Mr Hanson interjecting—

Mr Smyth interjecting—

MS GALLAGHER: a much higher standard than any single one of you could ever dream of performing. You are pathetic. Look at you; look at you! Pathetic!

Members interjecting—

Mr Hanson: Point of order, Mr Speaker.

MR SPEAKER: One moment, Mr Hanson, just before you start. I will come to you in a second. Members, the level of interjection across the chamber is unacceptable. Shouting the Chief Minister down is inappropriate and I will take steps if it continues. Mr Hanson, on a point of order.

Mr Hanson: On the point of order, the Chief Minister was leaning over yelling at the Leader of the Opposition, "You are pathetic, you are pathetic." If you are asking comments to be withdrawn saying, "You are a joke," I would ask that the Chief Minister withdraw the "you are pathetic" comment that was levelled at members of the opposition.

Ms Gallagher: I am happy to withdraw, Mr Speaker.

MR SPEAKER: Thank you. The purpose of my hesitation was that, frankly, the level of conduct was so poor that I did not know what to do either way. Let us hope that we can improve from here.

Public housing—energy and water efficiency

MS HUNTER: My question is to the Chief Minister and is in relation to open government transparency. Chief Minister, you have previously said:

> As a government we are taking a broad approach to enhance the openness of the way we govern, encompassing transparency, participation and collaboration.

Yesterday the Attorney-General refused to table in this Assembly government figures that he has used to publicly assert that it would cost one-third of private landlords up to $20,000 to achieve a three-star EER and that it would cost the government more than $200 million to upgrade public housing to a three-star EER. Chief Minister, is the attorney's decision not to table these figures consistent with your and the government's commitment to transparency, participation and collaboration?

MS GALLAGHER: I thank Ms Hunter for the question. I think the answer provided by the Attorney-General yesterday was that that information was being collated for the purposes of advice to the government on a Greens bill. The issue of openness and transparency and information in government—I am sure all members will have been to the open government website—is about providing information that the government has, including datasets, FOI applications, government reports and information that the government has commissioned, available on a website and for the community.

I do not think there would be any reason, once the government has considered the Greens' bill, that that information will not be made public. I imagine that would be very in line with the attorney's thinking at the right point in time to support the arguments that will be had in this place. But certainly the view of the government is that for reports that we commission and datasets that we own we are making that information available to the community for their use.

MR SPEAKER: A supplementary, Ms Hunter.

MS HUNTER: Chief Minister, will you direct the attorney to table the figures that he is relying on to publicly make these assertions?

MS GALLAGHER: Again, I was not in the chamber for the whole of that discussion yesterday but I do understand that the attorney said he would make that information available. But at this point in time that information is being used to support government decision making around this bill.

The information that we are putting out on the open government website is being made available. The FOIs are being made available 15 days after they have been provided to the applicant, as is, I think, the standard. Many of the reports that have been provided are being provided after adequate cabinet consideration. The cabinet summaries that have been provided, again, are provided after the meetings have been held, two weeks following that time.

It is not just a free-for-all of putting up all this information immediately or on a day that someone requests it. There is a process that we have established around providing this information in an orderly time. I imagine that, as the attorney said, at the right time, once cabinet has considered all of that information, that information will be made public.

MR SPEAKER: A supplementary, Ms Le Couteur.

MS LE COUTEUR: Chief Minister, what is the government's policy about making available to the community information and modelling that have been developed by the public service so as to collaborate and engage in a meaningful way on an issue, and under what circumstances is it appropriate not to share modelling?

MS GALLAGHER: That is not the case. We are providing more information than we have ever provided before to the community. But there are time frames that we put around that, and there is an orderly process. For those matters that are currently before the government for consideration, to assist in the cabinet's consideration, the majority of that information is kept confidential whilst that decision-making process occurs.

MS BRESNAN: A supplementary?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Chief Minister, do you agree that providing the details of the figures asserted by the Attorney-General would assist in informing the public debate on this matter of public importance?

MS GALLAGHER: I would have taken the view that perhaps the Greens could have done a bit of this work themselves for their own bill and provided some of that information to the community to assist the community. It is the Greens' bill. The government are constantly required in our legislation to go through extensive processes and provide all that information. I am not sure necessarily the open government website and information process were established in order to facilitate the community's understanding of Greens' legislation, to be fair and to be honest with you.

But I am sure that once the cabinet has considered what we need to consider as part of our own thinking and the Attorney-General is in a position to provide that information to the community to assist before that bill passes the Assembly then we will be more than happy to do so.

Open government

MS PORTER: My question is to the Chief Minister. Chief Minister, earlier this year you advised the Assembly of the practical steps the government will be taking towards greater openness and transparency.

Members interjecting—

MR SPEAKER: Order! Thank you, members. Ms Porter has the floor.

Members interjecting—

MR SPEAKER: Order! The joke has been had, folks; let's move on.

Members interjecting—

MR SPEAKER: Order! Ms Porter, you have the floor.

MS PORTER: Can you tell the Assembly some of the steps you have taken recently to enable greater participation by Canberrans in the working of government?

MS GALLAGHER: I can. I do not actually know what is so funny about two questions of similar nature being asked considering that you six pretty much ask the same question every time you walk into question time. I am not entirely sure why it is so funny when this is your question time strategy—six questions to the same minister on the same subject.

MR SPEAKER: Chief Minister, the question, thank you.

MS GALLAGHER: Indeed, Mr Smyth, yesterday, reading Mrs Dunne's question out, was almost to completion before he realised.

MR SPEAKER: Chief Minister, the question.

MS GALLAGHER: But—

Members interjecting—

MR SPEAKER: Order, members!

MS GALLAGHER: Thank you, Mr Speaker. It gives me great pleasure to talk again on open government. I enjoy it enormously and I have talked about it since becoming Chief Minister. It is important that I update the Assembly on the steps that we have taken and continue to take towards greater openness and transparency in government. As members would know, we have the most open legislative framework for access to cabinet documents of any state or territory in the country.

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson!

MS GALLAGHER: Indeed, we have them made available after 10 years, which is unlike the standard 20 years in the commonwealth.

Mr Hanson interjecting—

MR SPEAKER: Ms Gallagher, one moment, thank you. Stop the clocks. Mr Hanson, I have now asked you a number of times. You are warned for repeated interjections. Ms Gallagher, you have the floor.

MS GALLAGHER: Thank you, Mr Speaker. We also have a very proactive approach to communicating government information through initiatives such as the ACT government notice board and our community cabinet meetings. Of course, the second Twitter cabinet was very successful, and that is another new way of engaging with the community.

I am also pleased to advise the Assembly, and I am sure that all Assembly members have been to the website already to check it out, that the new open government website is now operational. I think it is a very good initial step in providing extra information to the community on the work that the government is doing and the information that we have available to us.

I do not know—I have not had any feedback from members on what they think of the open government website already, but the feedback I have had from the community has been very positive. We will continue to build the content on that website as information becomes available. I understand that some of the data around FOI will be ready in the not too distant future to go on that website.

This is a very important first step. I would like to congratulate all the staff who have been involved in putting the specs together for the website and for listening to the response they had through "time to talk" and from other interested people about how we needed to present that website to make it as effective as we could. I hope that it is useful to other Assembly members in the course of their duties as well.

MR SPEAKER: Ms Porter, a supplementary.

MS PORTER: Chief Minister, you talked about the open government website. What other information will be available on that site and can you enlarge on the access to material issued through freedom of information legislation and access to government data?

MS GALLAGHER: As members will be aware, if you go to the website—I am sure some people will be on it right now—the cabinet summaries are on there as a place to go and click onto those summaries. There are media releases from all directorates and ministers, and live streaming of the Legislative Assembly proceedings—so let us hope nobody has been watching question time today. There are the social media links to all directorates through ACT government Twitter, Facebook and other social media pages. There are links to the community engagement "time to talk" website, and Canberra Connect. Another important step is the datasets available on data.gov.au, including maps, services location, information about bus timetables and location of schools and community facilities. Over time we will get more reports and strategic plans in place, and they will all go on there.

A new FOI policy came into place after 4 October. This means that all government directorates are now required to publish material released to applicants under FOI on the open government website. It is anticipated that the first material under this arrangement could appear as early as next week. It is just taking a bit of time to electronically provide all of those applications, as they are often quite extensive.

The FOI legislation contains a number of exemptions about the release of information which will be honoured by the approach on the open government website. We do think it is important to be able to provide community access to all the information we are releasing through FOI. I think one that might be the first one up has 300-odd separate folders to it, so it is an extensive amount of information that will be provided.

But I think it will be important and, indeed, it will stop the practice of selectively leaking FOI material.

MS LE COUTEUR: A supplementary.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, using the example that we used earlier of modelling, why was it appropriate to give edited highlights to the *Canberra Times* but not to give the full modelling to the public?

MS GALLAGHER: I cannot speak about what information may have been provided to the *Canberra Times*. What I can say is that in relation to all of the information that is commissioned by government, reports for government—and this is separate to information commissioned for Greens' legislation—the commitment I have given is that, as a default, that information should be made public.

If in the course of our work we are compiling information about Liberal legislation or Green legislation and that requires modelling and regulatory impact statements and all the rest of it, once cabinet has considered that information or even as part of our cabinet decision making has seen that, then I am sure the minister will make that information public at an appropriate time. But I also think cabinet should be given the opportunity to consider the submissions, based on legislation that is not our own, before we release all the information around that.

MR HANSON: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, in 2001 ACT Labor went to the election with a promise to release cabinet documents after six years. Why do you continue to break that promise?

MS GALLAGHER: I do not recall that promise in 2001. I am happy to check it but I do not trust anything Mr Hanson says. I know that we had a 10-year arrangement in place. That will mean that the first summaries of this government's decision making will be released later this year, early next year.

Mrs Dunne: I raise a point of order, Mr Speaker. The Chief Minister has said, "I do not trust anything that Mr Hanson says." That is an imputation that Mr Hanson is untrustworthy and it should be withdrawn.

Mr Hargreaves: On the point of order, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

Mr Hargreaves: There was no actual imputation. The Chief Minister was merely expressing her view, and there is nothing to take from that. There was no accusation. There was no direct statement.

MR SPEAKER: Yes, there is no point of order. Chief Minister, you have the floor.

Ms Gallagher: I have finished the answer, thank you.

Children and young people—care and protection

MRS DUNNE: My question is to the Minister for Community Services. Minister, the Foster Care Association today issued a media release in which it warned that the problems within the child protection service identified in the Public Advocate's report released on Friday last week were "just the tip of the iceberg". The release also noted:

> We have been raising issues of real concern for carers and kids in care with Care and Protection management over a number of years, with promises that there will be action. However, we continue to see carers being threatened, lied to and being treated disrespectfully throughout the system.

Minister, this is coming from an association that clearly has come to the end of its tolerance in its dealings with your directorate. Minister, do you condone the behaviour of your directorate in making threats, telling lies and treating carers with disrespect?

MS BURCH: I thank Mrs Dunne for her question, Yes, I have read the release by the Foster Care Association, and I put on record now that any threats or behaviour that are not in the best interest of supporting carers or children would not be the practice that I would condone.

MR SPEAKER: Mrs Dunne, a supplementary question.

MRS DUNNE: Minister, what is your response to the Foster Care Association's press release and what are you going to do to ensure that threats, lies and lack of respect do not continue?

MS BURCH: We have made contact with the Foster Care Association to arrange a meeting with them next week to discuss these matters.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Minister, how many times do you have to be told about problems in your directorate before you take action?

MS BURCH: The kinship carers and foster carers I meet with regularly through the year and they raise a number of matters with me. And on a number of matters I follow through with the department. So it is not that I sit idly by and ignore their commentary and their concerns. It is stuff that I move on.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, in Mrs Dunne's question to you she referred to the department telling lies. Have you any evidence that the department had been telling lies?

MS BURCH: I thank Mr Hargreaves for his question. I think this commentary from Mrs Dunne just adds to her ongoing vile language use and condemnation of people that are doing—

MR SPEAKER: Minister, the question, thank you.

MS BURCH: Pardon?

MR SPEAKER: The question that Mr Hargreaves asked.

MS BURCH: I am responding to the question. The question was: is there any evidence in front of me to say, as Mrs Dunne has quoted, that staff of care and protection are lying? What I will go on to say is that Mrs Dunne continues to show appalling care and attention to the care and protection workers that are over in Moore Street and out in our community each and every day.

Mr Seselja interjecting—

MS BURCH: All Mrs Dunne can do is condemn their practice.

Mr Coe: A point of order, Mr Speaker.

Mr Hargreaves: A point of order, Mr Speaker.

MR SPEAKER: Ms Burch, one moment, thank you. Stop the clocks. I have Mr Coe, and then I will come to Mr Hargreaves.

Mr Coe: Mr Speaker, the supplementary question from Mr Hargreaves was: do you have any evidence that your department has lied to you? It did not involve Mrs Dunne. It was simply about the department.

Mr Hargreaves: On the point of order, Mr Speaker, I actually did refer to Mrs Dunne's question of the minister—that the directorate had told lies.

MR SPEAKER: Is that your point of order as well, Mr Hargreaves?

Mr Hargreaves: No. That is in response to Mr Coe's.

MR SPEAKER: Is your point of order related to this?

Mr Hargreaves: My point of order is that Mr Seselja interjected across the chamber, saying, "It is your breach of the law." Mr Speaker, that is an imputation that the minister has broken the law. That has to be withdrawn.

Mr Seselja: On the point of order, Mr Speaker, there is a report now that says this government has broken the law. Joy Burch is the responsible minister. If we are being

asked to now say that it was not anything to do with Joy Burch, her directorate acts on her behalf. That is how our Westminster system works. So when I say that, when the directorate breaches the law, the minister breaches the law.

Mr Hargreaves: On the point of order, Mr Speaker, Mr Seselja did not say that somebody else breached the law; he said "you breached the law". He was directing that remark at Ms Burch. He was directing that remark quite deliberately to Ms Burch. Indeed, his command of the—

Mrs Dunne: Do you really want to prosecute this, John?

Mr Hargreaves: I am trying to get this point of order through. The legislation actually does not name the minister, anyway.

MR SPEAKER: On Mr Coe's point of order, minister, I do not think the question was an invitation to run an extensive commentary on Mrs Dunne. I would ask you to turn to the question of any evidence you may have quite quickly.

On Mr Hargreaves's point of order, I think there is an imputation. I would ask you to withdraw, Mr Seselja.

Mr Seselja: I will withdraw, Mr Speaker, and I just ask for your clarification then. Is it your ruling that, because I am saying that the minister broke the law through her directorate, that is unacceptable? Is that the aspect that makes it unacceptable or is it that we should use different language to determine whether or not the directorate broke the law?

MR SPEAKER: As I understood it, Mr Seselja, the way it was expressed was directed towards the minister personally. The subtlety that you are suggesting, whilst I think it is a valid one, was not clear from the way you interjected.

Minister Burch, would you like the floor any more to answer this question? No? I will take further questions without notice. Ms Le Couteur.

Planning—draft strategy

MS LE COUTEUR: My question is to the Minister for Environment and Sustainable Development and concerns the recently released ACT draft planning strategy. Minister, the draft planning strategy sets out targets of 50 per cent greenfield and 50 per infill development for the ACT, and these are the same as in the 2004 spatial plan targets which have not come close to being achieved so far. How is the government ensuring that these targets will be achieved in the coming years, and how will it evaluate whether the resulting development is consistent with the ACT's legislated climate change targets?

MR CORBELL: I think an answer to that question would take considerably longer than three minutes; nevertheless, I will do my best. It is the case that the 50-50 split, if you like, between greenfields development and redevelopment or infill development or housing development in existing urban areas is a challenging target. It has been a challenging target since it was first adopted by a territory government in the mid-1990s.

The reasons for this are obvious: the development of higher density housing often involves redevelopment proposals. Redevelopment proposals attract greater levels of community concern, interest and objection, and these processes have to be managed through what are often lengthy planning appeal processes. So I would have thought that those matters are self-evident.

That said, the government believe the 50-50 split is a reasonable one and, indeed, an appropriate one if we are to take better advantage of existing infrastructure capacity, if we are to create more liveable and more sustainable environments and if we are to create opportunities for more people to live closer to where they work, to where they play, to where they are able to shop and to enjoy other urban amenities. So that is why we believe it is an appropriate target.

In relation to the second part of Ms Le Couteur's question, while obviously the delivery of the built housing stock will need to meet relevant standards in terms of energy efficiency in particular, in terms of tackling greenhouse gas emissions, the territory has legislated to mandate certain levels of performance in relation to the built environment for both single dwellings and, in the future, for multi-unit dwellings as part of nationally agreed reforms.

We are also pursuing a range of other measures which will contribute towards the achievement of that target, such as the mandated energy efficiency obligations on the part of electricity retailers, which the Chief Minister has foreshadowed in the spring legislation program as a piece of legislation the government will shortly be bringing forward.

MR SPEAKER: Ms Le Couteur, a supplementary question.

MS LE COUTEUR: Minister, when can we expect to see the regulations for remissions of the lease variation charge which would support the draft planning strategy's proposal to densify around town and group centres and along transport corridors?

MR CORBELL: Considerable work is occurring in relation to those matters currently. Those regulations are matters that I and the Treasurer are discussing right now and we would expect to make announcements in due course. Certainly I would expect that later this year and into early next year would be the sort of time frame we are looking at in relation to those matters

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, given the long-lasting legacy of the outcomes of this planning strategy, are you considering community feedback urging an extension of the community consultation period until next year?

MR CORBELL: I am aware of a request from one organisation in relation to that matter, and it is something I am continuing to consider. I think it is worth making the

point that the consultation period that has been proposed is generous for this strategy, 11 weeks. That exceeds the requirements of the Chief Minister's protocols in relation to community consultation periods.

I think it is also important to stress that this draft strategy is based upon an extensive community consultation process that has occurred over the last 18 months, which has involved a whole series of community workshops, community comment sessions, engagement on specific elements of the draft planning strategy. So it is not as though there has been no consultation to date. There has been 18 months of work and of engagement with the community throughout that time. And we are now providing 11 weeks for public comment.

I think if the Assembly wants to see this draft planning strategy finalised before next year's election, it would be problematic to extend the consultation period beyond that which has been proposed. But obviously we keep these issues under review.

MS HUNTER: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, how is the proposal to develop Kowen consistent with the government's greenfield, infill, transport and legislated climate change targets?

MR CORBELL: It is interesting that it seems to be implicit in that question that the Greens are criticising the possibility of development at Kowen. Why don't they criticise future development in Gungahlin or why don't they criticise any future development in Molonglo? The fact is that a 50-50 split is a responsible course of action. We do need to see appropriate opportunities identified for future greenfields development. That is a form of housing for which there is market demand and we do need to make provision for it in our future land use planning strategy.

The issues in relation to Kowen specifically are that Kowen is identified as an area that needs further consideration because there are a range of technical limitations that would make it either difficult or potentially cost prohibitive for the territory to develop Kowen as a stand-alone urban development site. What the draft planning strategy says is that Kowen is more feasible for development if it is developed in conjunction with development across the border in New South Wales.

The reason for that is that it would provide for infrastructure and other services to be delivered from the New South Wales side of the border which are, from a technical perspective and therefore also from a cost perspective, a much more feasible option. So that is why Kowen is identified as an area that should be subject to further review in the draft planning strategy. I think that is a sensible and considered position.

Children and young people—care and protection

MR SMYTH: My question is to the Chief Minister. Chief Minister, when the Vardon report was handed down, including damning indictments of child protection, the then crossbench member Kerrie Tucker said:

> If the community is to have any confidence that this will not be repeated, they have to know that the buck stops somewhere.

Chief Minister, in relation to the problems identified in the Public Advocate's interim report on care and protection, where does the buck stop?

MS GALLAGHER: The government takes responsibility for addressing all of the ongoing continuous improvement required in care and protection.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Chief Minister, as you cannot clearly name who will take responsibility, are not Ms Tucker's comments true and there can be no confidence that these problems will not be repeated?

MS GALLAGHER: I have clearly said the government takes responsibility. I have said that a number of times. So I do not know what you do not accept about that. Responsibility does not necessarily mean chopping off someone's head or seeking some other punishment or pointing the finger at one individual. You can take responsibility, and the responsibility is to reform and continuously improve a system that will never be faultless. It will never be faultless. It is a human system involving the most traumatised and vulnerable families in our community, often at times with intervention that many people and individuals do not accept as being a realistic response.

Let us put it in context. Let us accept that. The government accepts the responsibility of the need to continuously improve the system and support the workers who are providing those emergency decisions, support the carers who are providing the care to the children and young people in the territory. But I think we also need to accept, as a parliament, that it is the job of all of us to ensure that the care and protection system in the ACT works to the highest possible standard.

Mr Smyth: So nobody is responsible.

MS GALLAGHER: That is not what I said.

MR HARGREAVES: A supplementary.

MR SPEAKER: Mr Hargreaves.

MR HARGREAVES: In terms of the care and protection services, and given that there are more than 550—

Mrs Dunne: Preamble.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: I understand that, Mr Speaker; I am trying to phrase it to keep Mrs Dunne happy, because that is my life's work. Given that there are over

550 people in the custody of the territory parent, is this current campaign by the Liberal Party sapping the confidence in those people who are parents of those remaining children in the care of the territory parent?

Opposition members interjecting—

Mr Hargreaves: I bet if you'd shut up for long enough, you'd listen to it!

MR SPEAKER: Mr Hargreaves.

Mr Hargreaves: No, but—

MR SPEAKER: Order! Mr Hargreaves.

Mr Hargreaves: Well, you get old.

Mr Smyth interjecting—

Mr Hargreaves: Yes, I don't go to sleep like you did.

MR SPEAKER: Mr Hargreaves, you are warned. That was a quite inappropriate intervention, and I had to ask you several times.

Mr Hanson: On a point of order, is this question out of order or not, Mr Speaker?

MR SPEAKER: Are you taking a point of order, Mr Hanson?

Mr Hanson: Yes, I am. I ask you to consider whether the supplementary question was in order or not.

MR SPEAKER: On what grounds?

Mr Hanson: Relevance, and there was an extensive preamble, and the preamble would preclude the question from being in order.

Mr Hargreaves: On the point of order, Mr Speaker, the supplementary may have been a bit long, but there was no preamble and it was on care and protection services, which was the substantive subject of the question.

Ms Gallagher: Mr Speaker, on the point of order, just to assist, the actual question was: am I concerned around the staff and the stress on the staff in care and protection services? Ultimately, that was the question that was asked. It was not about the Liberal Party.

Members interjecting—

MR SPEAKER: Order! Chief Minister, I am prepared to accept that interpretation of the question. I do not think the answer is going to involve a dissertation on the Liberal Party's role in this. The question is in order. You may proceed.

MS GALLAGHER: Thank you, Mr Speaker. I am conscious of the stress under which the directorate is being placed at this point in time. This is the same directorate, of course, that has been managing the response to and the review of Bimberi. They are also working with significant staff shortages. There have been intense recruitment efforts undertaken in the last year, which will alleviate some of that by the end of this year. I understand 20 additional staff will be arriving before the end of this year and some new staff in the new year, which should alleviate some of the stress.

Every time the issues are raised in the political heat they are raised in—perhaps we cannot get away from that—we should be aware of the fact that the staff in the directorate feel particularly vulnerable as a result of statements that are made by members in this place. I just say that we should be conscious that, whilst we are having the debates in here, there are still children being removed every day, there are still emergency orders being dealt with, there are still placements being needed to be made. We need to keep the care and protection system going and support the staff as much as we can.

MR SPEAKER: A supplementary, Mr Seselja.

MR SESELJA: Chief Minister, will you now apologise to those children and families who have been so badly let down by your government in care and protection?

MS GALLAGHER: Again Mr Seselja seeks to simplify what are very complex situations, and it is not a matter of the government apologising for particular decisions that others may have disagreed with.

Mr Seselja interjecting—

MR SPEAKER: Mr Seselja, you have asked your question.

MS GALLAGHER: I certainly regret any additional distress that has been placed on families and children through their intervention with care and protection that could have been better. I certainly do; I regret it enormously and we need to be better. This is a system that needs to continuously improve—

Opposition members interjecting—

MR SPEAKER: Order, members! The Chief Minister is answering.

MS GALLAGHER: but there will always be issues with care and protection; it is the nature of the business. There always will be and—

Opposition members interjecting—

Mr Hargreaves: Point of order, Mr Speaker. Surely your patience is starting to run thin—surely. Certainly patience on this side of the chamber is running thin.

MR SPEAKER: Yes, Mr Hargreaves, thank you. Chief Minister, you have the floor.

MS GALLAGHER: As I said yesterday and I have said a number of times today, we need to be better. The minister is doing the job. She is getting the reforms in place.

Opposition members interjecting—

MR SPEAKER: Order, members!

MS GALLAGHER: She is responding to issues as they are brought to her attention, as is required by her in her job and in accordance with the ministerial code of conduct.

Children and young people—care and protection

MR SPEAKER: Mr Coe.

Mr Seselja interjecting—

MR COE: The question is for the Minister for Community Services. Minister—

MR SPEAKER: One moment, Mr Coe. Mr Seselja, your repeated interjection is interrupting question time. You are now on a warning for repeated interjection. Mr Coe, you have the floor.

MR COE: Thank you, Mr Speaker. The question is for the Minister for Community Services, and I preface this question by stating that we have permission to use the material contained in this question. Minister, an email was sent to your office on 8 July this year from the parent of a child who was placed in foster care by child protection services but who had been removed by child protection services to another state to be with their other parent. Two other children are involved, both of whom remain in foster care in Canberra. Minister, are you aware of this case?

MS BURCH: I appreciate, Mr Coe, that you have permission to provide that, but I get numbers of emails and letters to my office, so without further detail I cannot say yea or nay. If you want to discuss that case in confidence, I am quite happy to have that arrangement made.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, by your answer, does that mean you are not aware that the child was removed to another state without the knowledge of the parent in Canberra?

MS BURCH: I have answered that question in the first part. I receive a number of correspondence. I have no idea of the individual and the details around that case. If you want to know that and you seek a meeting, a briefing in confidence, I am happy to share it with you.

MRS DUNNE: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, are you aware that the parent who remained in Canberra found out about the removal of their child to another state via Facebook?

MS BURCH: I am not commenting on that, Mr Speaker.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, how does this treatment sit with your government's carers charter, which you tabled in the Assembly yesterday?

MS BURCH: The carers charter does set out a very clear policy position about the regard and respect that we offer carers, whether they are foster carers, kinship carers, carers caring for people with disability, aged family members or those with a mental health issue. As I have said, I do not know the detail of that. I think it is quite unfair and it just goes to show how you want to politicise it and get some grubby politics where you come in here with some words, read off a piece of paper, that provide no context to the details of the case involved.

Arts—funding

MS BRESNAN: My question is to the Minister for the Arts and concerns the provision of arts services to diverse and disadvantaged communities in Canberra. Minister, why have you proposed to discontinue funding to the ACT Community Arts Office after 2012, which would disband the specific arts advocacy positions for people from diverse and disadvantaged communities—that is, the Indigenous arts officer, the ArtsAbility officer and the multicultural arts officer?

MS BURCH: I thank Ms Bresnan for her question. We in this place are aware of the Loxton review that did a broad, sweeping review of arts across the ACT. One of the recommendations in that was to regionalise the community arts sector, and the government has supported that. I met with the Community Arts Office a couple of weeks ago, with a view to, rather than being centralised on a target focus, putting that resource into the regions. They would cover very broadly while still having a very strong aspect of community arts focus in the ACT. They would cover all the aspects of inclusion for multicultural affairs, multicultural targets, those with a disability, those who are Indigenous, and also more broadly about youth, those with mental health issues and others. So this is just about a realignment and a reinvestment in community arts.

MR SPEAKER: A supplementary, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, are you satisfied that a generalist arts officer can work just as effectively with Indigenous communities, culturally and linguistically diverse communities and people with a disability as do specific arts officers who have special experience in these individual and unique communities?

MS BURCH: Community arts are driven by the competency and capacity of individuals in that role. Just because you have a label of being a multicultural community arts officer does not necessarily mean that you do that particularly well. There is good sense—

Opposition members interjecting—

MS BURCH: There is good sense—

MR SPEAKER: Order, members!

MS BURCH: The question was: does the label make the function work?

Mr Coe interjecting—

MR SPEAKER: Mr Coe, that is enough.

MS BURCH: The question was: does the label make the function work? I am saying that it is the capacity and competence of the worker and their connections with the community if you start moving into a regional base.

Ms Bresnan: Mr Speaker, a point of order.

MR SPEAKER: Mr Bresnan, you have the floor on a point of order.

Ms Bresnan: My question was not "does a label make something work better?" It was "are you satisfied that a generalist arts officer can work just as effectively with those target communities as those specific arts officers do?"

MR SPEAKER: Minister Burch.

MS BURCH: We will work with the community arts office over the next 12 months—through the latter part of this year and over the next year—setting up a model and making sure that they are integrated into a regional arts hub.

MR HARGREAVES: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, is it true that you have invited the community arts officers to propose any alternative model they may consider appropriate and is it true that you have actually had discussions with the arts community through the regional arts centres in Belconnen and Tuggeranong?

MS BURCH: I thank Mr Hargreaves for his question. Absolutely. At the meeting when I met with representatives from the Community Arts Office, I spoke with them about the move. It was clearly articulated in the Loxton report and I said to them that, allowing 12 months of transition, there is no question that the funding will end in 2012; there will just be a new way of doing business following the end of 2012.

In that part of that discussion, I spoke with them about the need for community connection and how the opportunities for them to continue working with Indigenous communities and those with a disability can be maintained but with a more generalist regional-based focus.

We have also had conversations with the arts centres at Tuggeranong and Belconnen. They are quite excited—very excited—about aspects of working with the Community Arts Office in those regions.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, do you support the recommendation in the most recent access and equity report from the Federation of Ethnic Communities Council of Australia that funding should be allocated to ethno-specific organisations to support service delivery that is tailored and person centred? Minister, if you do, why are you planning to disband these services in the ACT's arts sector?

MS BURCH: I thank Ms Hunter for her question. Moving community arts officers from Civic and putting two officers in Belconnen and two officers in Tuggeranong does not exclude them from being people centred in their practice.

Roads—segways

DR BOURKE: My question is to Minister Corbell. It is a wonderful day out there in Canberra this afternoon, which allows me to slide into my question: would the minister please provide an update on the government's action to ensure that segways are able to be used in the ACT?

MR CORBELL: I thank Dr Bourke for the question and I will try to avoid the cliche of segues, transitions from one subject to another, as I answer it. It is the case that currently under the Australian road rules the motorised device known as a segway cannot currently be used on roads or road-related areas here in the ACT, including footpaths, bicycle paths or shared paths. That is the case not just here in the ACT but indeed right across Australia. This is because segways are defined as an L group or motorcycle type vehicle and they fit within the moped category. This is because they are a motorised vehicle with two wheels, they are electrically powered and they have a maximum speed of not more than 50 kilometres an hour.

The government, as members will be aware, has received a number of requests from individuals and businesses to operate segways here in the ACT. Members would also be aware that a business established itself in operation, contrary to the provisions of the relevant national road rules, around Lake Burley Griffin. As a consequence of this being brought to my attention, after significant work within my directorate and with the ACT Insurance Authority, I am very pleased to advise that the government has of course granted an exemption to the operation of this particular business, and indeed any other business that wishes to operate in the designated area around the central basin of Lake Burley Griffin, until a further and more detailed review about the

appropriateness of the current prohibition on the use of segways in the ACT has been completed.

The exemption started on Saturday, 17 September and will remain in place until 30 June 2012. The exemption is quite detailed. It requires any commercial operator, including the current operator, to comply with a number of conditions, particularly conditions in relation to insurance cover to protect users of the devices as well as the broader community and indeed the ACT taxpayer who might otherwise face some further exposure through the nominal insurer.

I think it is the case that there is strong interest in the use of these devices here in the ACT. I know the business has been very well patronised since it first came into operation, and particularly since the exemption was put in place. The exemption has allowed the business to operate for the bulk of the Floriade period. Obviously, as we head into the rest of this beautiful spring season and into early summer, I am very pleased that the exemption has been put in place so that this important and potentially valuable tourist operation can continue here in the ACT.

The fact is that if we are able to provide for bicycles to operate on shared paths here in the ACT with an exemption from the national road rules we should at least consider whether or not it is possible to do the same for segways, and that is something that the review that I have commissioned will help us in reaching a conclusion on.

MR SPEAKER: A supplementary, Dr Bourke.

DR BOURKE: Can the minister further outline the issues surrounding the use of the segways to support the ACT tourist industry?

MR CORBELL: Again I thank Dr Bourke for the question. I think it is worth making the observation that the use of these devices within the central parliamentary area has been of significant interest to visitors in Canberra. The fact is that there are not many places in Australia where you can use these devices and, obviously, the wonderfully scenic nature of the central basin area serves as a great opportunity for these devices to be used on public land, on what are effectively public road-related areas.

The Seg Glide Ride business, which is the business currently operating in the central basin, is providing an innovative way for visitors to look at and visit the iconic areas of the basin and to view them in a new and different way. The business certainly complements existing bike hire and boat hire business also operating in the central basin area and is another great way in which life is being brought into the basin.

Obviously it is important to recognise that the exemption that has been granted is temporary in nature and it may not be possible for it to be extended. But at least for the duration we have the opportunity for this business to continue its operations whilst we look at the more detailed issues and undertake consultation with other users of that area, such as pedestrians and cyclists, before reaching a final conclusion as to whether or not the exemption can continue or whether it should come to an end.

MRS DUNNE: Supplementary.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what representations have you received from the disability community about using modified segways for all-terrain access for people with disabilities, and what consideration have you given to allowing the use of segways in these circumstances?

MR CORBELL: I am aware that there are some individuals in the ACT who wish to be able to use the segway for the purposes of their personal mobility because of their disability. I have certainly received at least one representation in relation to that matter. These are matters that will be dealt with as part of the review. Obviously now that the exemption has been granted the question is legitimately raised: if you are prepared to exempt there, are you prepared to exempt in other circumstances?

I understand that, while that question is being raised, the obvious issues that need to be addressed around that are the issues that arise from why segways are not currently permitted on roads or road-related areas here in Australia—because of their speed and because of the interaction that potentially they could have which is unsafe with pedestrians, cyclists or others.

I think it is worth testing some of those assumptions. I think it is worth looking at those issues. That is why I have commissioned the review. The issues that Mrs Dunne raises in relation to the use of these devices by those with mobility problems are ones that I think and expect will be dealt with as part of that review.

MS PORTER: A supplementary.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Could the minister tell the Assembly what steps will be taken to give long-term certainty for segway use in the ACT?

MR CORBELL: I thank Ms Porter for her supplementary. I think it is worth reiterating that of course the process of the review will allow us to reach a definitive conclusion about the operation of segways in some form, either in the current form or in an expanded form. That is the process that will help us to reach that decision. The review is designed to engage with a broad range of stakeholders because there will be a variety of views about the appropriateness of the use of these devices. Obviously the reason they have not been permitted to be used in road and road-related areas in Australia is concerns about their potential impact on pedestrian safety as well as on cyclists' safety and that of other road users. But that is a matter which I think deserves to be more closely looked at.

Obviously the exemption that has been granted for the devices in the central basin tries to address these issues to a degree by limiting the speed that the devices are able to travel at, so limiting them at approximately, if I recall correctly, 10 or 12 kilometres an hour. Their maximum speed is 20 or so kilometres an hour. So there are steps that we have already taken to take account of pedestrian safety and these are issues that will be further addressed as part of the review.

Children and young people—care and protection

MR HANSON: My question is to the Attorney-General. Attorney, the ACT Public Advocate, in her report on her review of the emergency response strategy for children in crisis in the ACT, released on Friday last week, found that the Community Services Directorate had breached the Children and Young People Act on several occasions and that it knew it had so breached the law. The Minister for Community Services has told the Assembly that she became aware of the breaches in late July. She apparently allowed the breaches to continue until early August. Attorney, will you, as the first law officer, be seeking advice on whether these breaches have occurred and on what action you should take as a result?

MR CORBELL: Any suggestion that there has been a failing or a breach of the law in relation to a particular statute would fall, in the first instance, to the minister responsible for that statute. In this instance the responsible minister is Ms Burch, and she has outlined what steps she is taking to ascertain what those circumstances are. As the Chief Minister indicated in question time earlier today, that is a matter where the minister is seeking advice from the Solicitor-General and the Chief Solicitor, and that is an entirely appropriate course of action. It would not be normal for me as the attorney to seek to second guess the decisions of ministers in relation to the operations of pieces of legislation that they are responsible for. Ms Burch is taking the entirely appropriate course of action.

MR HANSON: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Attorney, as the first law officer, do you condone repeated breaches of the law by government directorates?

MR CORBELL: I do not condone any breach of the law, Mr Speaker. The circumstances of this matter, as the Chief Minister has indicated, are subject to further analysis on the part of the government's legal advisers. It is appropriate to allow those matters to run their course.

MR SESELJA: A supplementary.

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: Attorney, will you, as first law officer, be seeking advice on the role of the Minister for Community Services and her complacency in allowing her directorate to continue to breach the law after she became aware of that practice?

MR CORBELL: I do not accept any assertion that Minister Burch has been complacent. The fact is I think at all times, certainly from what I have seen today, Ms Burch has operated entirely responsibly and has taken the steps that a minister should take when matters of concern are brought to her attention.

In relation to the other part of Mr Seselja's question, I have already answered it.

MRS DUNNE: A supplementary question.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, if there is no legal sanction for 24 breaches of the law, what is the point of the law?

MR CORBELL: That is a rhetorical question, Mr Speaker.

Children and young people—care and protection

MR DOSZPOT: Mr Speaker, my question is to the Chief Minister. I refer to your comments on ABC radio today about Ms Burch:

> In terms of her own responsibilities, she has fulfilled them and fulfilled them to a very high standard.

That is from ABC 666. Chief Minister, how can you claim that Ms Burch fulfilled her responsibilities to a very high standard when the Public Advocate found that her department broke the law 24 times, resulting in children being left highly traumatised?

MS GALLAGHER: My comments on ABC radio this morning were true and accurate at all times.

MR SPEAKER: Mr Doszpot, a supplementary question.

Mrs Dunne interjecting—

MR SPEAKER: Mrs Dunne, you do not have the floor. Mr Doszpot has the floor.

MR DOSZPOT: Minister, who should be held accountable for the Community Services Directorate breaking the law 24 times, resulting in children being left highly traumatised?

MS GALLAGHER: The government has not accepted that the directorate has broken the law 24 times, as I said and alluded to. I know the opposition are salivating at the advice they have got in the Public Advocate's report.

Opposition members interjecting—

Mr Hargreaves: On a point of order, Mr Speaker.

MR SPEAKER: Stop the clocks, please.

Mr Hargreaves: My point of order is not about the raucous noise, it is about Mr Smyth's comment suggesting that Ms Burch had misled the Assembly. I would ask you to ask him to withdraw.

MR SPEAKER: I am afraid I actually did not hear Mr Smyth's interjection.

Mr Smyth: The Chief Minister said the government does not accept that the directorate has broken the law but Ms Burch has told us that the directorate has broken the law. So which is true? The disarray within the government is quite amazing. I simply asked the question.

MR SPEAKER: Thank you, Mr Smyth. There is no point of order at this time.

Mr Hargreaves: Mr Speaker, on the point of order, Mr Smyth did not preamble his interjection in that way. He just said "and she misled the Assembly". That should be withdrawn. It should be withdrawn or be the subject of a substantive motion, which I thought was dealt with yesterday.

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

MR SPEAKER: Mr Smyth, I am fine, thank you. Sit down. There is no point of order. I did not hear it. Whilst the point you raise is correct in theory, Mr Hargreaves, I did not hear it and, given the amount of shouting that was going on at the time, the tape is not going to have picked it up. So I cannot undertake to review it. But I will keep an ear open. Chief Minister, you have the floor.

MS GALLAGHER: Thank you, Mr Speaker. I find it easy to block Mr Smyth's interjections out as well. Sometimes when they all shout, it is easier to get on with the answer. As I said earlier in question time, there is advice coming to government around the issues raised in the Public Advocate's report.

Mrs Dunne interjecting—

MS GALLAGHER: It is a matter of ongoing consideration, Mrs Dunne. I know the opposition is excited and is salivating at the issues raised in the Public Advocate's report. The government takes further advice.

Mrs Dunne interjecting—

MR SPEAKER: One moment, Chief Minister, thank you. Stop the clocks. Mrs Dunne, you have repeatedly interjected and you are warned for repeated interjections. Chief Minister, you have the floor.

MS GALLAGHER: The government is taking further advice on this, and the minister, when appropriate, will make a further statement around it.

MR SPEAKER: Supplementary, Mr Seselja.

MR SESELJA: Minister, how low are the standards of ministerial responsibility in your government when you can claim that, in a situation where children have been left highly traumatised and the law has been breached on multiple occasions, the minister has fulfilled her responsibilities and fulfilled them to a very high standard?

MS GALLAGHER: Because, Mr Seselja, if you actually accept the reality of what occurred, when Ms Burch was provided with information from her directorate—and not in a clear way, as I said—she responded, as ministers are required to do. Under the Children and Young People Act, the minister does not have the power to remove children.

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth!

MS GALLAGHER: She does not have the power to place children. She gets advice from her department. The advice is unclear about what is happening.

Members interjecting—

MR SPEAKER: Order! Chief Minister, one moment, thank you. Stop the clocks.

Members interjecting—

MS GALLAGHER: She responds. Unbelievable. Your behaviour today has been unbelievable.

Members interjecting—

MR SPEAKER: Order, members!

Mr Smyth interjecting—

MR SPEAKER: Order! Mr Smyth, you are now warned for repeated interjecting. And, Mr Doszpot, you are not far behind him. Let us just have some silence and let the Chief Minister answer the question.

MS GALLAGHER: The minister did exactly what she is required to do. If you are looking at standards, look at your own standards.

Mr Doszpot interjecting—

MR SPEAKER: Mr Doszpot, you are now warned.

MS GALLAGHER: You are a disgrace the way you have behaved and continue to behave.

Mr Coe interjecting—

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

MS GALLAGHER: The ministerial code of conduct—

Mr Seselja: Point of order, Mr Speaker.

MR SPEAKER: Stop the clocks, thank you.

Mr Seselja: You have just warned Mr Coe for responding to Ms Gallagher saying, "You are a disgrace." If you are going to allow the Chief Minister, who is defending the indefensible, to be hurling abuse across the chamber at us, then you should be calling her to defend herself. This is a minister who is defending the indefensible. We should not be the ones being warned for it. She is calling us a disgrace; we will respond. She is a disgrace and she deserves to be brought to account.

MR SPEAKER: There is no point of order. There are two things. Mr Coe has interjected numerous times today and I have called him four or five times already and asked him to tone it down.

Mr Seselja: On that point of order—

MR SPEAKER: Order! I have not finished, Mr Seselja. I will call you in a moment. The other thing is that I did not hear the Chief Minister's comment because I was in the process of warning Mr Doszpot, who I had just asked not to interject any further. He immediately interjected again. He does not leave me with a lot of choice, I am afraid.

Mr Seselja: On the point of order, on several occasions today the Chief Minister has quite hysterically attacked the opposition. She has called us pathetic and a disgrace. We understand that she was defending the indefensible, but we should be entitled to respond when we have got a Chief Minister hurling abuse.

Mr Corbell: On the point of order, Mr Speaker, there is no entitlement to respond in the standing orders. You and members in this place know that all interjections are highly disorderly. Obviously there is a level of banter and cut and thrust across the chamber during question time. Every member of the opposition is now on a warning because of their behaviour today. The only people that need to reflect on what has occurred today are those opposite.

MR SPEAKER: Mr Smyth, on the point of order.

Mr Smyth: Thank you, Mr Speaker.

MR SPEAKER: We are not starting a debate here, by the way.

Mr Smyth: There are a number of standing orders that relate to this. Most of the problem arises from the violation of standing order 42 by most of the ministers, who direct their comments directly at the opposition. Out of courtesy, they should be speaking to you, as is the form of the house. It is a form that they disregard. They seek your shelter when they do not like it, but they do not abide by the rules themselves.

If the members opposite would then look at standing order 118(a) and 118(b), they would see that standing order 118(a) says that all their answers "shall be concise and directly relevant to the subject matter of the question". Very rarely are they. Standing

order 118(b) says that they "shall not debate the subject". When they are in difficulty, they genuinely just attack the Liberal Party, which of course is debating the subject, and they do not abide by the standing order.

There are also degrees of the language which is used. I was asked to withdraw "joke"—"You're a joke"—earlier. I did it. That is okay. But the Chief Minister has used "you're a disgrace" several times today and she is never asked to withdraw these words. If there is not going to be a standard applied equally to all, of course this place will deteriorate. But if—

MR SPEAKER: Thank you, Mr Smyth. I think you have made your point.

Mr Smyth: It goes to 118(a) and (b) as well—

MR SPEAKER: Thank you, Mr Smyth. Chief Minister, Mr Seselja raises a reasonable point. I expect you to focus on answering the question and not on commenting on the members of the opposition.

MS GALLAGHER: Thank you, Mr Speaker, and I will adhere to your ruling in that. I would just say that it is very difficult, when you are being shouted at by six people very loudly, to not respond, but I will try. And now that the entire opposition are on a warning, I imagine that I may indeed be heard in silence.

Mr Coe: Point of order, Mr Speaker. This is not relevant to the question.

MS GALLAGHER: On to the question—

MR SPEAKER: Chief Minister, I am sorry but I will have to deal with the point of order. Stop the clocks, thank you. Mr Coe, I—

Mr Coe: You did tell us that we were not to debate this issue.

MR SPEAKER: Yes.

Mr Coe: We asked her a question; she should respond to the question with relevance.

MR SPEAKER: Thank you, Mr Coe. That said, on the point of order, I did also give Mr Smyth quite some space. I think it is not unreasonable for the Chief Minister to take a few seconds of her resumed answer to continue the discussion. But as she was just going to the question when you interjected, I think that it was perhaps unfortunate timing. Chief Minister, let us continue with the question.

MS GALLAGHER: Thank you, Mr Speaker. In regard to the standards required of a minister, I would say that the standards required—indeed, it is very clear from the ministerial code of conduct—far exceed the standards required of a member of this place. Indeed, in the members' code of conduct there is no requirement not to mislead or to tell the truth in the Assembly, which is something that we see a little bit happening in this place. The ministerial code of conduct sets the standard. It sets very high standards.

Mrs Dunne: Point of order, Mr Speaker.

MR SPEAKER: Yes. Stop the clock, thank you.

Mrs Dunne: The slur from the Chief Minister that the ministerial code of conduct requires people not to mislead and to tell the truth in the Assembly, which is not something we see all the time, is a slur against other members of the Assembly and it should be withdrawn.

Mr Hargreaves: On the point of order, Mr Speaker.

Mrs Dunne: Including Mr Hargreaves.

Mr Hargreaves: There have been these points of order raised in the past in my time here and the ruling has been that where there is an imputation on an individual member the member making that imputation has been asked to withdraw, and where it has been a global one addressed to a party or a grouping within the Assembly the point of order has been ruled out.

MR SPEAKER: My advice is that Mr Hargreaves is correct in that the collective reference has a history of not being picked up, but I must express my discomfort at it, Chief Minister, and I think that you should be specific if you are going to make those sorts of comments or not make them.

MS GALLAGHER: Thank you. Just with the nine seconds left to me, I was merely saying that the not misleading part or telling the truth part of the ministerial code of conduct is not contained in the members' code of conduct.

MR SESELJA: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: Chief Minister, when will you step in on this issue and show leadership to protect vulnerable children rather than simply protecting your ministerial colleague Ms Burch?

MS GALLAGHER: I reject the question outright. I work collegiately with all my ministers across all of their portfolios to ensure that we provide the best service that we can to the people of the ACT, and I certainly will not be taking lessons on leadership from the Leader of the Opposition.

Housing—nation building stimulus program

MR HARGREAVES: My question is to the Minister for Community Services on the nation building stimulus program. Minister, with the nation building stimulus program coming to an end, could you outline the main achievements of the program, please?

MS BURCH: I thank Mr Hargreaves for his continued interest in housing in the ACT. As members will be aware, the commonwealth Labor government has made

significant investment into social housing across Australia as part of the successful stimulus plan for the Australian economy. This provided $6.4 billion, and locally $87 million was provided for construction of new social housing properties, requiring 290 properties to be delivered.

As part of the government's commitment to ensuring a sustainable social housing sector it contributed eight sites from the territory-owned land, an investment of land valued at about $30 million. We put that across eight sites in the territory. The houses built on this were located close to shops, pharmacies, doctors, bus stops and major transport links. Based on the supply of this free land and some additional financial contribution of Housing ACT, the number of properties that we have developed is 421—this is a 45 per cent increase from the commonwealth's original commitment—of which 297 dwellings have been provided for older Canberrans. The new developments provided a substantial increase in affordable housing in the ACT and provided improved housing options for older persons, with energy efficient accommodation and lower living costs.

The government has been acutely aware of the need to provide housing that is energy efficient, and our ambition is not only to contain energy costs for people on low incomes but to assist to reduce carbon emissions and to contribute to the ACT government's climate change strategy, weathering the change. The developments utilised a range of energy efficiency strategies, including gas-boosted solar hot-water systems. Properties have met a six-star energy rating of 6.5 stars or above.

With the development of purpose-built housing for older persons there has been a flow-on effect of freeing up larger homes and making them available for vulnerable families on the waiting list. To date over 200 properties have been returned from older persons moving into new units and this has been of great benefit in allowing additional families and vulnerable tenants to be housed. Of the 200 properties returned, 178 have already been reallocated, offering accommodation to around 100 people for specialist homeless services, 40 people living rough or couch surfing, and another 40 who were previously at risk of homelessness and who had a disability or were experiencing complex problems. The provision of accommodation for these vulnerable people has prevented them from returning to homelessness.

A report by the ACT Regional Building and Construction Industry Training Council on the impact of the economic stimulus package for the period from February of last year to May of this year provided positive data on the impact of the stimulus program on trainees and apprenticeships. Throughout this period 135 apprentices and trainees were employed. That equates during that period to over 12,000 days of work to many Canberrans.

I would like to congratulate Housing ACT, the architects and the builders involved for executing a job and doing it so well. I would also like to acknowledge the former minister for housing that implemented and was at the beginning of this project and had such a significant input into how it was run.

MR SPEAKER: Mr Hargreaves, a supplementary question.

MR HARGREAVES: Minister, what feedback did your directorate receive regarding the developments completed under the nation building program?

MS BURCH: Whilst I have attended most of the launches of the completed programs, it has provided me with a great opportunity to hear and witness first hand some of the benefits of these new developments. The responses have been overwhelmingly positive.

Indeed, just last week I had the pleasure of launching a 10-unit social housing development in Narrabundah which was developed under this package. Just this morning, incidentally, there was a Nican launch of the *Know before you go* booklet, which was about supporting people with a disability to participate more in the community. At that Nican launch I happened to meet a young man who had just moved into a unit. So there was a young man with a disability in a class C adaptable new unit, built through a partnership between ACT Labor and the commonwealth government, and it was a very good story indeed. He is very pleased to be housed in purpose-built, suitable accommodation.

Another great story I heard was about two tenants who both lived in the same street in Fraser, who have been friends for over 30 years. They were absolutely delighted to find that they had both been selected to relocate to the same site and were once again neighbours. Another couple who have lived in the same home for 37 years recently took up housing at a Chapman site and, again, were so happy with the timing, as both of them had been experiencing difficulty in managing their family home and now they are both together in Chapman.

Another great story of the benefits realised through this was the story of a young Indigenous mum with two young children who moved into a free-standing home in Tuggeranong. The home was vacated by an elderly gentleman who could no longer maintain the house and garden and had moved into an older persons unit. The young mum and her kids had been residing in a women's refuge and they now have their own home for the children to establish themselves in and to have what in many ways is their—*(Time expired.)*

MR SPEAKER: Ms Bresnan, a supplementary.

MS BRESNAN: Will the end of the stimulus funding be reflected in the asset management plan, and is that plan still due to be released this year?

MS BURCH: Yes, the department is working on the assets management plan, and this government has made a commitment to have it ready at the end of the year.

DR BOURKE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Dr Bourke.

DR BOURKE: Minister, could you update the Assembly with the latest figures on the number of public housing tenants helped through this program?

MS BURCH: I thank Dr Bourke for his interest in housing. As members will be aware—I think I have covered some of this, but again for the information of members—421 properties, or 45 per cent more than the commonwealth's original requirement, have been developed under this program.

Of these 421 properties, 297 have been built for older Canberrans. I am advised by Housing that to date, 419 of the 421 properties have been completed and handed over. The remaining two properties, which are located in Ainslie, are expected to be completed in November of this year. Of the 419 completed properties, 362 are occupied and many of the remaining properties have either been matched to people or are awaiting their allocation.

The new developments have provided positive benefit for many of the most vulnerable in our community and they have provided a significant boost to the number and range of affordable houses and purpose-built accommodation. With the development of purpose-built accommodation for older people, over 200 larger family homes have been returned to stock for allocation and 87 per cent of the re-allocated properties have been used to house vulnerable families, young people afflicted with a disability and those with complex needs.

Finally, with the 421 new homes for Canberrans, this will have a significant impact on Canberra families but also we note that 135 apprentices have been employed and the additional benefit through building and subcontractors here in the ACT.

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

Rostered ministers question time
Minister for Multicultural Affairs

Services card—asylum seekers

DR BOURKE: Minister, last month you launched the services card to facilitate access to ACT government services by asylum seekers residing in the ACT. Can you advise whether the rollout of the card has commenced?

MS BURCH: I thank Dr Bourke for his interest in the access service card. I can advise that on 5 September I was very pleased to launch the government's new ACT service access card. This is a card designed for one purpose: to help asylum seekers in our community gain smoother access to a range of important government services, including transport, education, health care and legal assistance. We know that asylum seekers can experience some difficulties or confusion when trying to use such services, because of language barriers, lack of understanding about their rights or for any number of other reasons.

The ACT government's policy is to provide the same access to services for asylum seekers as for refugees where appropriate. After consulting with key stakeholder groups such as the ACT Refugee, Asylum Seeker and Humanitarian Coordination

Committee, we were told that such a system for asylum seekers could be better facilitated. So it is very positive to have a card that will streamline and significantly improve access to the services that people are currently entitled to in the ACT.

In regard to the rollout, I am pleased to inform the Assembly that Companion House has agreed to administer the access cards through the 12-month pilot program. It is great to be partnering with a local organisation that is so respected in the field of asylum seeker and refugee support.

I understand that there has been a high level of interest in the community about the access card, and the department has already received numerous requests for further information from members of the ACT community.

We know that many asylum seekers have been through very difficult experiences in their lives. I genuinely hope that this card will make a difference to them here in Canberra when accessing services.

DR BOURKE: Minister, can you advise when the access cards started being issued and how they are being promoted in the community?

MS BURCH: I thank Dr Bourke again. As I have said, there has been a lot of interest in the community already and the implementation of the access card is progressing well. The first batch of cards has been printed and was provided to Companion House for distribution late last week. I understand that they have already provided four asylum seekers with cards and that a number more have an assessment meeting scheduled for this week.

Dr Bourke: Hear, hear!

MS BURCH: It is a good outcome. I am sure that that will take up continuing increases as information on the campaign continues. In regard to this information campaign, it includes the release of a fact sheet to all government directorates and has also been provided to point of contact locations, such as Canberra Connect and ACT libraries, for distribution.

I am pleased that, in addition to this, a broad information campaign is being organised within the local community sector to help reach clients in need. Fact sheets are being provided to community groups and migrant and refugee services. The cards also have website addresses on the back in case service providers or asylum seekers wish to double-check any details about their entitlement.

This is a card that will make a real difference to asylum seekers in our community. I look forward to updating the Assembly again in the coming months about the positive outcomes.

Live in Canberra campaign

MR SMYTH: Minister, how many non-English-speaking countries has the Live in Canberra campaign visited since it was initiated?

MS BURCH: Mr Speaker, the Live in Canberra campaign is not in my portfolio, so I cannot answer the question.

MR SMYTH: We obviously do not care. Perhaps you could take this on notice: as the multicultural affairs minister, what steps have you taken to ensure that non-English-speaking countries are fairly and appropriately represented in the campaign?

MS BURCH: The Live in Canberra campaign is a very successful, well-thought-out and well-implemented campaign.

Register of multicultural advisers

MRS DUNNE: Can the minister advise when the register of multicultural advisers was first established, what its purpose is and how many people are currently listed on the register. Can you answer that one, Joy?

MS BURCH: The register of multicultural advisers, known as ROMA, was first established in 2006. Since that time, approximately 70 Canberrans have applied to be registered on the register. The aim of ROMA is to promote cultural diversity in the ACT. It has three objectives: to increase the multicultural perspectives of decision-making boards and committees across the ACT government; to provide an opportunity for multicultural Canberrans to participate in government processes; and to build the capacity of the multicultural community members in developing communication, networking and personal skills.

MRS DUNNE: Minister, what is the cost of the register and how is it administered?

MS BURCH: It is administered through the Office of Multicultural Affairs.

ACT Chinese Australian Association

MR HANSON: What funds are provided to the ACT Chinese Australian Association, on an annual or one-off basis, and for what purposes?

MS BURCH: I thank Mr Hanson for his question. The ACT Chinese community association received $1,900 from the 2010-11 round of the multicultural grants for the establishment of a website for the communication link project; production of the organisation's newsletter; and purchasing resources for the seniors having fun project. It also received $1,800 from the 2010-11 round of the ACT multicultural radio grants program to contribute towards the cost of the CAA Tuesday evening Chinese Cantonese radio program on FM 2XX.

MR HANSON: Minister, what arrangements does this association have for office accommodation, and is the cost of this provided by the ACT government?

MS BURCH: The Chinese association is supported through access through the various multicultural language and community support grants.

Mr Hanson: On a point of order on my supplementary, Mr Speaker, I am not sure that that was relevant to the question. My supplementary question was about the office accommodation, the cost of that and whether it was provided by the ACT government or not.

Mr Hargreaves: On the point of order, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

Mr Hargreaves: Mr Speaker, it is normal that questions be asked of ministers around issues which they can control according to their administrative arrangements orders.

Mrs Dunne: She is the minister.

Mr Hargreaves: Do you mind?

MR SPEAKER: One moment, Mrs Dunne. Yes, Mr Hargreaves. I will come to you in a minute, Mrs Dunne.

Mr Hargreaves: Thank you very much, Mr Speaker. I would contend that the arrangements of a private organisation, be it a non-government organisation or otherwise, are not necessarily within the minister's power to influence.

MR SPEAKER: Mr Hanson, to clarify, your question was about whether there was government funding?

Mr Hanson: Yes, certainly. The element of that is that I want to find out whether there is government funding. If the minister is unaware of the office arrangements because it was privately provided, she could take it on notice or say that she does not know. I am particularly interested also to find out, as I said in the question, whether the cost of this is provided by the ACT government. I would have thought that would be within her remit.

Mr Hargreaves: Mr Speaker, I will just ask, for the sake of clarity, for Mr Hanson to quote verbatim what that supplementary question was.

MR SPEAKER: Yes. Can we have it again, Mr Hanson. Thank you.

Mr Hanson: Sure. The question is: what arrangements does this association have for office accommodation, and is the cost of this provided by the ACT government?

MR SPEAKER: Minister Burch, do you wish to add anything?

MS BURCH: No, Mr Speaker.

Community language grants program

MR SESELJA: Minister, how much has been allocated to the community language grants program over each of the past five years?

MS BURCH: Over the last five years the community language grants have been allocated for 2007-08 at $50,000; 2008-09, $60,000; 2009-10, $60,000; 2010-11, $65,000; and 2011-12, $75,000.

MR SESELJA: How many schools are involved in the program, and how many languages are taught and has this number moved up or down over this time?

MS BURCH: I understand there are 42 schools. At the last advice there were 42 schools. I add that recently the government has provided an additional $40,000 to what was the Ethnic Schools Association on top of the $90,000 it had.

Personal explanation

MR HANSON (Molonglo): During question time a question was asked by Ms Porter to which I asked a supplementary. This was about open and accountable government. The question that I asked was related to the fact that in 2001 ACT Labor went to the election with a promise to release cabinet documents after six years. I asked the minister, "Why do you continue to break that promise?" The Chief Minister said that she had no knowledge of that. I would like to provide to members—

MR SPEAKER: Is this a point of order, Mr Hanson?

MR HANSON: Provide information to members that I have—

MR SPEAKER: Mr Hanson, no. It is not in the standing orders for you to stand up and give an additional speech on this.

MR HANSON: I seek leave to do so then.

MR SPEAKER: Is there a point of order or do you want to seek leave?

MR HANSON: Under 46 I would like to seek leave. If it is not granted under 46 then I seek leave.

Leave not granted.

MR SPEAKER: Leave is not granted, Mr Hanson. Sit down, thank you.

MR HANSON: I move to suspend so much of standing orders—

Members interjecting—

MR SPEAKER: Order, members! I am actually mistaken. I am reminded that leave is granted by the Speaker in this instance under standing order 46. My mistake there. At this point I do not see grounds to grant the leave, Mr Hanson, in the sense that it is not a personal reflection on you whether the Chief Minister gave an incorrect answer or not.

MR HANSON: It is—

MR SPEAKER: There is no point of order so I would ask you to resume your seat.

MR HANSON: On the point of order, Mr Speaker, I would just clarify that the Chief Minister, in refusing to answer the question, cast aspersions on my integrity. She said, "I am inclined not to believe anything Mr Hanson ever says." I would like to clarify the point that what I said in asking the question was correct.

Mr Hargreaves: He is debating the issue, Mr Speaker.

MR HANSON: I think that she has cast aspersions on my integrity through her answer; I want to clarify the point that my question was valid.

MR SPEAKER: All right. We will just sort out the point of order. Mr Hargreaves, were you seeking to—no, that is fine.

Mr Hargreaves: Yes, I was.

MR SPEAKER: No, I will move on. It is okay.

Mr Hargreaves: The point I was making was that the issue was being debated. That was all I was going to say.

MR SPEAKER: Mr Hanson, you reminded me that, on the grounds that the Chief Minister did make those comments, it is fair for you to receive leave under standing order 46.

MR HANSON: Thank you, Mr Speaker. I will be brief. I asked the question, as you will recall. I would just like to point out for members' information that I have forwarded an email to the Chief Minister and a link to a website from ACT Labor in 2001. On that website it says "Labor's commitments". It states, "In government Labor will," and there is a list of 26 points. Point 17 is "release cabinet papers after six years". Thank you, Mr Speaker.

Supplementary answer to question without notice
Children and young people—care and protection

MS BURCH: During question time yesterday I stated that each time information about a placement emergency arrangement was provided to the Public Advocate. I just want to correct my language on that if I may—when a child or young person is removed through emergency action, not an emergency placement. It is somewhat semantic, but I just wanted to be clear. The detail of this action is notified in writing to the Public Advocate and a subsequent care application affidavit is served to the advocate after it has been filed with the court. I just wanted to be absolutely clear about that.

Crimes (Sentencing) Amendment Bill 2011

Debate resumed from 21 September 2011, on motion by **Mr Rattenbury**:

> That this bill be agreed to in principle.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (3.36): The government will not be supporting this bill. As we have already heard, Mr Rattenbury's bill would amend the Crimes (Sentencing) Act 2005 to require the government to report on recidivism rates in the ACT as part of the annual report process and to undertake a review into the operation of sentencing in the ACT. I do not consider there is a need to legislate for these matters. Mr Rattenbury said both the government and the Liberals have been taking an "ad hoc approach to sentencing" and that the bill I have previously introduced in relation to sentencing for a number of offences is "a rather over-speedy response to one-off situations and to be incident based rather than evidence based".

I reject Mr Rattenbury's claim that the government bill represents a knee-jerk reaction. The government bill addresses concerns that the DPP raised with me in relation to the penalties for these five offences and after careful consideration of what appropriate penalties should be. The analysis took into account other jurisdictions and the model Criminal Code but also considered the ACT context.

The government does not support either of Mr Rattenbury's proposed amendments to the Crimes (Sentencing) Act. I will first discuss the amendment relating to recidivism and then the amendment relating to sentencing. In relation to recidivism, the government has a number of concerns about this amendment. Firstly, the proposed legislative amendment is not needed. This is because the government already provides information on repeat offenders as part of its reporting obligations under the Productivity Commission's report on government services.

In addition, my directorate has already committed to reporting upon recidivism in the territory in its annual report. This commitment is a result of recommendation 33 from the Select Committee on Estimates 2010-2011 into its report on the appropriation bill of that year. In tabling the government's response to this report in this Assembly on 29 June the government committed to report on recidivism indicators in the 2011-12 annual report. This commitment is repeated on page 123 of the 2010-11 annual report of my directorate.

This amendment would see the government required to report on data it has already committed to report on through the Productivity Commission's report on government services and has subsequently agreed to extend to annual reports. I think this highlights that there is already an agreed reporting framework in place. It is a consequence of a recommendation of the select committee on estimates in this place and the government has agreed to the recommendation. In that context, I see no need for a statutory requirement given the commitments that have already been made.

In relation to the issue of sentencing, Mr Rattenbury proposes an amendment that would require the government to undertake a six-yearly review into sentencing in the ACT. The government gives in-principle support for a sentencing review but does not see why such a review needs to have statutory effect. There are two reasons for this.

Firstly, such a review, in our view, is not appropriately conducted by statutory force. Such a review will be highly resource intensive. This very fact is acknowledged by

the Greens in the explanatory statement that accompanies the bill. Mr Rattenbury's bill represents a significant cost and obligation on the government, and if the review proceeds outside normal cabinet budget processes it would require my directorate to make significant changes to its otherwise planned activities. When you consider the time line set out in the bill, it is clear that, regardless of who forms government in the Assembly, commitments will have to be reprioritised in order to meet the requirements.

However, the second reason as to why this amendment is not necessary I think is the one that members should have closest regard to. The fact is it would be difficult, if not impossible, without improvements to the collection of sentencing data to capture the historical sentencing information required for such a review. The currently limited data that is available will significantly fetter such a review at this time. A review for the sake of a review is simply not good policy. As I have said, the government is happy to support a review in principle but believes such a review would be better conducted after the establishment of a sentencing database and appropriately supported with the resources that are needed.

I would like to address the reference that Mr Rattenbury made in his bill and in relation to the proposed review that the proposed review would meet the government's election commitment to create an ACT sentencing council. The government is still considering its options on how best to meet this commitment, including discussions with the New South Wales Judicial Commission on the possibility of adaptation of the New South Wales Judicial Commission's sentencing database. These matters are subject to further budget consideration, but, from our analysis of the New South Wales Judicial Commission's sentencing database, this would give us the capacity not currently available in the territory to have clear data and trend analysis of sentencing in the territory to allow such a review to take place.

I would also like to take the opportunity to remind members that the government has already undertaken a review into suspended sentences and their operation in the territory through the Law Reform Advisory Council and that further references relating to sentencing can potentially also be made to the Law Reform Advisory Council. For these reasons, the government does not support the bill proposed by Mr Rattenbury today. We will not be supporting the bill in principle.

MRS DUNNE (Ginninderra) (3.42): The Canberra Liberals will not be supporting the Crimes (Sentencing) Amendment Bill 2011. This bill would require the government to collect sentencing data and use the data to report on the effectiveness of the ACT's sentencing law. The report would provide analysis against legislated purposes of sentencing, including recidivism rates for people who have been sentenced in the ACT.

It would also set up a review of the Crimes (Sentencing) Act 2005 to begin on 2 June 2012. This would be six years after the act commenced and would require the minister to report to the Assembly within 12 months of the review starting. The bill sets out what amounts to terms of reference for the review process as well as a range of people with whom the government would consult. It leaves scope for the minister to consider other relevant matters and require the review to include recommendations about ways

to improve the effectiveness of sentencing imposed in the ACT in meeting the purposes of sentencing.

One could be positive about the intent of this bill when taking its aims on face value. There certainly is a gap in our justice system currently with data collection, and reviews can be very useful tools in finding better ways forward. But the ACT is in need of sentencing reform, not more reviews. In considering sentences for convicted criminals, ACT judges quite correctly seek guidance from a range of sources. This can be local and interstate case law and it can be local and interstate offence penalties set out in legislation.

Indeed, in the recent Creighton appeal, the Director of Public Prosecutions asked the Court of Appeal to consider the sentences handed down in the Supreme Court and to look at the sentences in the light of what may have occurred in New South Wales. The Court of Appeal declined to do so because the ACT's penalties were not comparable with those applied in New South Wales legislation. The penalties in New South Wales are considerably higher. On this basis, the court concluded that the ACT legislature did not consider the offences to be as serious as they were considered by the New South Wales legislature.

This is a very simple test and one that my office has been considering carefully over some time in a process of reviewing the offence penalties that currently apply in the ACT. Another simple test is the public view, so often expressed in the media. Victims of crime in particular can be very vocal about the adequacy of sentences handed down by courts. We saw such response in the Creighton matter, which I have referred to earlier.

The only gap in garnering the kind of guidance I have been referring to is the views of jurors when they hand up their decisions and come to a view as to the adequacy of sentences handed down by presiding judges. Perhaps Mr Rattenbury is seeking to undertake a similar exercise as happened in Tasmania where some research was undertaken along these lines. According to Mr Rattenbury's presentation speech, the results of such research was that jurors in that state are fairly equally divided as to the severity or leniency of sentences. He concluded on the basis of this information that sentencing judges were "hitting the place exactly".

The Canberra Liberals consider there is enough evidence to suggest that our offence penalties need to be reviewed upwards. Indeed, the JACS committee in its inquiry into the laws relating to murder offences said as much. In particular, it called for manslaughter penalties to be increased and made recommendations about that at the time and for the government to consider a more general review of penalties. The government in its final report tabled in the Assembly only in May this year largely declined to pick up those recommendations, giving only highly qualified undertakings. Nonetheless, barely weeks later, the government introduced a bill partly in response to a bill I introduced and partly in response to the Creighton case, seeking to review culpable driving offences and also to reduce the range of aggravated offences. I understand from the attorney that this will be brought on for debate next week.

In short, I believe the work has largely been done to warrant a comprehensive review of offence penalties in the ACT. In the main, these bills are driven by response in the

first instance to the Court of Appeal in the Creighton case, but it is not the Creighton case alone that causes this work to be done by the government and the opposition. The bottom line is that the ACT is out of step and needs to be drawn back into step. Enough information is available both in the territory and across other jurisdictions to inform that process.

I only make a brief comment on the review process, and I make this comment on the back of the current need for reform. The bill provides for a period of 12 months from June next year. This is a very reasonable review period, but its timing means that it will not start for nearly a year. On top of that, there are inevitable bureaucratic processes that naturally have to follow even the minister's report to the Assembly, for the bill does not require the minister to table reform legislation at any time; it only requires the minister to make recommendations. I cannot imagine that any real substance would emerge by way of legislative reform for another two years after the minister reports to the Assembly. By my reckoning, the people of the ACT could not expect under this regime to see penalty reform until 2015.

I believe and the Canberra Liberals believe that reform is needed now. There is enough information available to do it now. The government recognises that and so does the opposition. It is only the Greens that want to put the brakes on in the ACT. It is only the Greens that want to deny the community the right to expect their courts to deliver penalties that are appropriate to offences and that meet public standards. We will not be supporting the Greens because this is a stalling tactic when what we actually need is reform.

MR RATTENBURY (Molonglo) (3.49), in reply: It is clear that this bill will not be successful and that the ACT will not have the benefit of a six-year review of our criminal sentencing regime. I think this is an example of a good idea not being taken up by the two old parties because of politics.

Members interjecting—

MR RATTENBURY: There is a lot of love in the chamber today. They have let political interest trump a practical suggestion that has broad community support. I should dwell on that community support for a moment, because it has been quite extensive, and it has been well reported.

The Australian Lawyers Alliance publicly support an evidence-based approach that holds up to the light the assumption that simply increasing maximum sentences will solve problems of offending and reoffending. The national president of the Lawyers Alliance, Greg Barns, was quoted on the ABC today. He described this bill as striking the balance between the need for deterrence and, on the other hand, the need to look at the causes of crime and rehabilitation. He went on to say:

> Unfortunately what governments and oppositions have tended to do in Australia in the past few years is have kneejerk reactions to incidents by simply increasing sentences of various offences when there's no evidence that increased sentences including jail terms have any real impact.

The ACT Law Society have also supported the proposal, describing it as a very sensible and measured approach. Civil Liberties Australia have written to all three parties urging the need for an evidence-based approach, not an incident-based approach. A Canberra-based criminologist, David Biles, who I observe is actually in the public gallery this afternoon, writing in the *Canberra Times* recently, supported the proposal for recidivism data to be reported on as part of the review. Prison stakeholder groups have also indicated support for a sentencing review because they are concerned about what an ad hoc approach could mean to people on the receiving end.

Despite all of the excuses that have been put on the table this afternoon, I think there is a clear sense amongst a whole range of stakeholder groups who acknowledge that stopping and actually looking at our sentencing regime in the ACT, and whether it is meeting the expectations and objectives that are contained in the sentencing act, is a sensible, considered and ultimately worthwhile approach.

It seems that the only people in Canberra who do not think this is a good idea are the Attorney-General and his shadow. That seems a shame because, as I have tried to convey in putting this proposal forward, the Greens do believe there is room to review sentencing. I will come back to this later. There may well be places where we do need to increase our penalties, but there may be places where simply increasing the penalties is not the answer, where we actually need to look at alternative approaches if we consider that the objectives of the sentencing act are not being met.

The simplistic approach of thinking that increasing the penalties is somehow going to work does not really do it. Of course, Mrs Dunne particularly has recognised this in the past. In 2009 the justice and community safety committee had a tripartisan recommendation that the government consider a sentencing review. Mrs Dunne was a member of that committee. In fact, she was the chair of that committee. So I do not know why that recommendation in 2009 that seemed like a perfectly good idea is no longer a good idea.

Mrs Dunne: Because the government did not do it and we have done it. We are doing the government's job, as usual.

MR RATTENBURY: In 2008 the ALP—Mr Corbell touched on this already—had an election commitment to spend $633,000 to create an ACT sentencing advisory council to make evidence-based recommendations to government. I am prepared to accept that times have moved on. Maybe that idea, with the benefit of hindsight, is not such a good one or there are better ways to do things. That is not unreasonable. I do not seek to criticise, but surely we need to look at other options.

The attorney today has suggested that we can do something with the New South Wales sentencing database. That may well provide the evidence but as I understand it a sentencing advisory council would actually look at the evidence and make recommendations. Most databases do not do that. They do not provide the human touch that some sort of sentencing advisory council would. So I do not see how this matches up to the commitment that the ALP made at the 2008 election.

As I have said, the heart of what this bill proposes is to set up an evidence-based way to assess the need for sentencing reform as opposed to simply deciding that there are a couple of offences that need to be addressed based on particular incidents. As it stands at the moment, there are three bills from the government and the Canberra Liberals proposing to increase sentences across four crime categories and more than 20 individual crimes. The Canberra Liberals have also foreshadowed that they have another bill that is close to finalisation. Mrs Dunne in her recent interjection suggested: "We've done the work. The government hasn't."

It would be interesting to see what the basis of those ideas are. Is it going to be based on what is actually happening in the ACT? Have they done an analysis of how effective the current sentencing regime is? Are we meeting the objectives of the sentencing act? Or is it something else where we have just sat down and produced a spreadsheet of what the other states do? Is that what it has come to? We are now going to make sentencing law in the ACT based on: "All the other states do this. Some other state does it this way. They did that in the middle of a law and order bidding war in an election campaign, but that is a sound basis to make ACT sentencing approaches." Personally, I do not think that is a good enough standard. I want to see us actually working out what is working in the ACT, what is not working in the ACT and then make our decisions from there.

This brings me to why an evidence-based approach is important. Taking that sort of approach allows adoption of a smart-on-crime approach rather than falling into the old trap of simply wanting to appear to be tough on crime. Evidence allows us to really tackle the problem of crime in a preventative way that works, not in a way that makes a great headline.

I think this is recognised in the ACT government's own guide to framing offences issued by the Justice and Community Safety Directorate. Here is what they have to say on this issue:

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

This is from the government's own guide to framing offences. I would be interested for the attorney, perhaps when we come to some of the increased penalties that he is proposing in the next couple of weeks, to reflect on that point, the advice from his own department and how that sits with the bill that he has sought to bring forward.

As I say, the Greens acknowledge that there may well be penalties in our laws that are inadequate. There may be areas in which we need to look at alternative approaches. Certainly, recent media reports have shown that 30 per cent of drink drivers caught are repeat offenders. That suggests that we do have a problem in this area. What the review would look at is that data and compare it with other offence categories. If the review shows that the statistics are out of proportion or it identifies a significant flaw in the sentencing regime then the Assembly would be on notice that something is not

working when it comes to the sentences for drink drivers and we would need to consider policy responses to that.

The sentencing review may make those suggestions based on its research or it would be then upon the Assembly to seek out mechanisms that would have a more significant and effective deterrent effect. Frankly, if those figures are correct—certainly, the data presented by the *Canberra Times* seems to suggest that is the case—we have a very significant problem, an intolerable problem in my view, and one that needs to be addressed very rapidly.

The government has outlined a number of arguments. Mr Corbell has come in here and talked about that. He said that a review was done in 2004 and it is too soon to revisit the matter. But I think it is important to be clear about what that 2004 review covered. That review only looked at non-custodial sentences and options for the sick or elderly. In case there is any suggestion I am cherry picking, let me read out the terms of reference for the 2002-04 review: first, to consider expanding the number of non-custodial sentencing options in the ACT; second, to assess sentencing options for specific offender groups such as the elderly or chronically sick; and, third, in light of the first and second points, to make recommendations about the consolidation of relevant legislation.

The result of the review was the consolidation of 12 separate pieces of legislation into the Crimes (Sentencing) Act and the Crimes (Sentence Administration) Act 2005. All of that is worthwhile progress. All of that is worthwhile reform. I think the terms of reference for that 2002 review were perfectly fine at the time and they were obviously worthwhile studies to undertake. But this is not the comprehensive review proposed in this bill, which would look at how effective those sentences actually are in meeting the goals of punishment, deterrence and rehabilitation as the primary ones in the sentencing act, in my mind, but there are, of course, others—community expectations being yet another.

I think that for the attorney to suggest it was all done in 2004 sells that review short, because that review clearly had a limit to what it was to achieve. We need to do more than that. I was interested in the attorney's observation that he was uncomfortable in some way with a statutory requirement for review, given that those provisions exist in a range of other acts, including the compulsory third party act that was done in 2008, I believe. Mr Smyth inserted into that legislation a legislative requirement for review.

I think there is a time and a place for these things. I think simply setting out an expectation that the legislature or the parliament expects a review is quite valid, because otherwise it is simply left to the executive to decide to do it when it wants. I think it is quite appropriate for the parliament to express its desire to see a statutory review and not have to simply rely on the executive to decide whether it can be bothered or that it has finally got around to it.

I was also disappointed in Mrs Dunne's suggestion that it would take too long to do this and we need to get on with it. If we do not start it now, it is going to take even longer. At some point this needs to be done. I think that we should be getting underway with it now. If we think this is important, if we think there are issues with

penalties in the ACT, then we should get this started. If Mrs Dunne laid out a time line, maybe that is a fair reflection of how long it would take. Maybe it is not. That is not the important point.

Whatever that time line is, the sooner we start, the sooner we are going to get to the end of it. That would certainly be my observation. Now seems to me as good a time as any to get on and look at our sentencing, given the level of concern that certainly some members of this place have expressed. If they are accurate in their views, that reflects community views. So the sooner we get started the better.

All in all, I think it is very disappointing that there is not support for this bill today. I think this bill is the constructive approach to some concerns that have been raised. I think it is a proactive approach on areas that perhaps have not been touched on yet, but on which the Assembly would benefit from receiving expert advice.

As I seem to recall, I said in my introductory speech on this that the Greens are very much of the view that a group such as the Australian Institute of Criminology could be engaged to undertake this sort of review. Perhaps not specifically them, but they are the sort of organisation or institution I had in mind—an organisation that does not have a specific agenda, but that has a great deal of expertise.

I think the Assembly would strongly benefit from receiving the sort of information that would come from an organisation with that level of expertise that took the time to sit down and work through it, took the time to sit down and look at the data and draw out the evidence in a way that would inform the Assembly and give us the best possible information to proceed.

It is a shame that we are not going to take that opportunity, but that simply means that we will now have to continue to address sentencing on the ad hoc basis that it seems we are doing at the moment. I think that is a disappointment. It is a disappointment for many of the community organisations who have supported an approach that the Greens have put forward in good faith in order to ensure that we have the best information. Mrs Dunne said that this is some sort of stalling tactic. Quite the contrary; I see it as a direct response to the level of concerns that have been expressed.

As I said, we should be stepping back and taking an approach that says that we want to do this in a considered way and in an evidence-informed way, in a way that gives the Assembly the best possible information when we come into this place to seek to make decisions on what the appropriate sentencing regime is for the ACT and whether our current laws are meeting expectations or not. I commend the bill to the Assembly.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 4		Noes 13	
Ms Bresnan	Mr Rattenbury	Mr Barr	Ms Gallagher
Ms Hunter		Dr Bourke	Mr Hanson
Ms Le Couteur		Ms Burch	Mr Hargreaves
		Mr Coe	Ms Porter
		Mr Corbell	Mr Seselja
		Mr Doszpot	Mr Smyth
		Mrs Dunne	

Question so resolved in the negative.

Alexander Maconochie Centre—needle and syringe program

MR HANSON (Molonglo) (4.07): I move:

> That this Assembly:
>
> (1) notes:
>
> (a) that the Chief Minister, Katy Gallagher, has been pushing for a needle exchange at the ACT prison;
>
> (b) that the Chief Minister commissioned the Public Health Association of Australia (PHAA) to report on how a needle and syringe program (NSP) could be implemented at the prison;
>
> (c) that the Community and Public Sector Union submission to the government following the PHAA report makes it clear that prison staff do not support a NSP at the prison;
>
> (d) that the Australian Nursing Federation submission to the government makes it clear that nurses do not support the NSP models of delivery as proposed by the PHAA report; and
>
> (e) that the submission by Mr Bill Aldcroft, an expert with many years experience working with prisoners, makes it clear that prisoners do not support a NSP; and
>
> (2) calls on the Chief Minister to abandon her push to introduce a needle exchange at the prison and publicly announce that the ACT Labor government will no longer pursue a NSP at the Alexander Maconochie Centre.

The motion calls on the health minister to immediately stop her push for a needle and syringe program at the Alexander Maconochie Centre. If you question whether she is pushing this issue or not, let us be very clear. She is. She commissioned the Burnet Institute report, she commissioned the Michael Moore report and as recently as 2 September on ABC radio she said:

> I think we should go ahead with a needle and syringe exchange program at the Alexander Maconochie Centre.

We have had the debate in the community, we have had the reports, we have seen the submissions and it is time to make a decision. That decision is that we should not have a needle and syringe program at the Alexander Maconochie Centre. Allowing this issue to drag on is distracting everybody from focusing on the myriad other problems at the AMC.

Having researched the issue extensively, I do not believe that an NSP would have any significant reduction in hep C transmission at the ACT's jail. I also believe an NSP would create safety issues for staff and prisoners and would seriously degrade efforts to rehabilitate prisoners. My conclusion is that any possible benefits of an NSP would be significantly outweighed by the problems it would create.

To prevent prisoners from being released back into the community with the same drug habit that provoked their crimes and to reduce the chance of hep C transmission, the objective must be to prevent drugs from entering jail and provide well-coordinated drug policies that are effectively implemented. Strategies should include detoxification, medical treatment, rehabilitation programs, effective testing for drugs, effective testing for hep C and other blood-borne viruses, thorough searching for drugs, counselling, case management, education programs, good access to primary health care, employment, education and recreational options and effective through-care.

The two questions to be asked are, firstly, whether these activities are currently being conducted effectively at the ACT jail and, secondly, whether an NSP would assist or detract from these strategies required to treat and rehabilitate prisoners and to reduce hep C transmission. With regard to the first question, it is obvious from the Burnet Institute report, which this year evaluated the drug policies and services at the jail, that the strategies in place and the implementation of those strategies have been appallingly bad. For example, Burnet found:

> The current governance structure and lack of coordinated leadership in relation to drug policy and services at the AMC appears to be a major barrier to coordinated and complementary harm minimisation practice.

And:

> This lack of leadership has, in part, resulted from a lack of clear policy guidance for the AMC as a whole system …

Burnet found that testing for hep C is so ineffective that:

> … the current system offers no way to reliably estimate the incidence or prevalence of blood-borne viruses …

And:

> … any estimates offered would have to be unreliable.

Worse still, the current testing regime may actually be encouraging prisoners to share needles. Burnet found:

> Inadequate blood-borne virus testing practices at the AMC are likely to have unintended consequences in relation to engagement in injecting risk behaviours among people who mistakenly believe they are HCV positive …

Testing for illicit drugs is equally ineffective. Burnet found no meaningful trend in urinalysis being conducted over time. It appears that tests may also be open to manipulation.

It is clear that the strategies to prevent illicit drugs from entering the jail are failing, with Burnet finding evidence that:

> … slightly less than half of respondents described drugs as "easy" or "very easy" to obtain at the AMC.

And maybe this stems from what Burnet described as "inconsistent rates of searching".

Among the litany of serious problems, Burnet found "inconsistent quality of case management services being provided", "a lack of coordination of services by multiple providers", "no evidence that any discharge planning is occurring", "implementation of through-care has been poor"; there were "limited counselling opportunities available for prisoners", "poorer access to education and employment programs than New South Wales", "expertise is lacking in key areas required to implement programs", "an increasing trend for non-completion of drug programs"; there were "delays experienced by prisoners in seeking medical officers for review of detox regimes", "a lack of non-medication support for detoxification", and "unacceptable delays in accessing health care were reported by both prisoners and staff".

Probably the most disturbing element of the report, however, is that staff may be pushing methadone on prisoners after they have already detoxed. And Burnet found:

> Some prisoners, ex-prisoners, community service providers and Corrections staff were concerned that prisoners experienced undue influence from health staff to commence methadone, especially after they had detoxed from other drugs.

And:

> This practice means that individuals completely withdraw from opiates and then are rendered physically dependent once again after they initiated on the methadone.

It is inconceivable that an NSP should be considered until such time as the serious failings identified in the Burnet report are fully resolved. And I remind members that this is Katy Gallagher's own report. Rather, the focus should be on the policies and services currently in place which, if working as they should, would provide an effective response to drug addictions, criminal behaviours and hep C transmission. An NSP would actually detract from many of the objectives of these strategies.

Implementation of additional strategies and programs to complement those already in place, drawn from experience interstate and overseas, would further reduce drug-

related crime and health issues. For example, I introduced a bill in the Assembly requiring a regime of mandatory drug-testing at the jail, drawing on experience from successful programs in New South Wales and the UK.

When all the strategies should be aimed at rehabilitation, providing needles and syringes to prisoners will simply help them to maintain their addiction until they are released. You cannot have an effective zero tolerance policy for drugs when you are at the same time issuing prisoners with drug-injecting implements. This is accepted across all other jurisdictions in Australia and across the English-speaking world. And calls for an NSP in jails have been rightly rejected by Labor and Liberal governments and oppositions in states and territories.

Advocates of drug liberalisation have recognised that in the ACT the Labor government and their Greens allies have a misguided ideological agenda that promotes prisoners' rights above good prison management and effective drug reduction and treatment policies. As such, these advocate groups are pushing their agenda on the ACT that would result in the jail becoming a laboratory test case for their NSP agenda. However, the ACT is probably the worst jail in Australia to introduce a needle and syringe program because of the massive complexity arising from managing mixed populations of male, female, sentenced, remand, protected and non-protected prisoners.

The ACT jail has also been plagued by a litany of issues. Those issues have been documented well in this Assembly and I will not go through them again. But what I will highlight is that just recently we found out that there are 41 prisoners that are essentially being denied hep C treatment because they are waiting for evaluation or they are waiting for treatment because of a shortage of places at the Alexander Maconochie Centre.

Last sitting week I raised the case of a prisoner who was able to store methadone in a juice bottle, with the intention of self-harm, but the methadone that he had been storing was then accidentally given to another prisoner, leading to that prisoner having an overdose. And in that setting you want to introduce a needle and syringe program!

The advocates of a needle and syringe program often cite the high prevalence of hep C as a reason that an NSP is needed. But the reality is that although the prevalence of hep C is high, every single case at the Alexander Maconochie Centre was contracted outside the jail. In fact, not a single case of hep C has been contracted at the jail and according to academic research, transmission of hep C is actually higher outside jails than inside for prisoners where access to drugs in jails is limited. And I will gladly provide members with a copy of that academic paper.

The corrections staff are also opposed to a needle and syringe program. As well as concerns about the negative impact of a needle and syringe program on drug programs, prison staff have expressed safety concerns about the prisoners being armed with needles which can be used as weapons against themselves and other prisoners. And their argument is legitimate. A Canberra woman was recently jailed for seven years for a series of robberies where she used blood-filled syringes to threaten shop and security staff.

Staff also highlight the contradiction of being asked to rigidly police drug use in jail and being asked to issue drug-taking implements. In fact, expert opinions found that a needle exchange would lead to the quasi-legalisation of drugs. I quote from the recent Hamburger report commissioned by the government, an expert that was commissioned by the government. That report said:

> Stopping the spread of blood-borne disease would not, essentially, be difficult if it were not for the fact that it cannot happen without a quasi-legalisation of drug use within the correctional centre environment …

That is from the Hamburger report, 12.1. The Canberra Liberals do not support the quasi-legalisation of drugs but quite clearly Katy Gallagher and the Labor Party and Amanda Bresnan and the Greens do support the quasi-legalisation of drugs, as found by Mr Hamburger. It cannot be credibly argued that a needle exchange is a health measure alone that can somehow be separated from custodial operations at the prison.

The Australian Nursing Federation have also stated publicly that the jail's nurses do not support the models that are being put forward for a needle exchange at the jail by the government-commissioned report by Michael Moore. And nurses, who would be at the front line of administering such a program, are justifiably worried about a range of issues associated with those proposals.

What of the prisoners who are not addicts, who want to leave drug-taking behind? Prisons are dangerous enough places for prisoners, and a flood of needles and syringes will only worsen an already dangerous environment. Anecdotal evidence I have received from prisoners is that "90 per cent of the prisoners don't want the needle exchange either".

A submission to Katy Gallagher's inquiry into how to implement an NSP was advised by an expert, who worked on a daily basis with prisoners, that 100 per cent of prisoners he asked rejected plans for an NSP. He also cast doubts on the bias of previous surveys conducted at the jail. The submission to the inquiry was made by Mr Bill Aldcroft OAM JP who has worked with prisons and prisoners for over 20 years as both an official visitor to ACT detention centres and for at least 12 years as a prisoners aid counsellor. In his submission he outlined his personal experience and independence and referred to over 150 prisoners who visited his office in 2010-11, all of whom had served at least six months. I will quote:

> I have consistently to ask the following question without elaboration: What is your opinion of the proposal to open a needle exchange in the AMC. I can inform you, without exception, that the replies have been expressed firmly in the negative from every single person I have interviewed.

Mr Aldcroft went further in his submission to question the bias of previous surveys on an NSP conducted at the jail, suggesting that they may have been conducted in a way "that preordained the results of the surveys".

We also saw comments recently in the *Canberra Times* of a prisoner who was recently released from the AMC that he was opposed to a needle and syringe program.

He cited safety concerns and he also, disturbingly, raised the issue that having spent time in New South Wales jails as well as in Canberra's jail, he felt safer in New South Wales jails.

What are the solutions? Firstly, let us recognise that the hep C transmission rates are very low—in fact, zero at the AMC. This is not a problem that is out of control. Secondly, we need to address the shortcomings identified in the Burnet Institute report, to ensure that drug and other programs are run properly. Thirdly, we need to enhance current programs with proven strategies from other jurisdictions. Fourthly, we need to increase the number of treatment places for hep C and, lastly, we need to review the Corrections Management Act and the way it is implemented, to ensure that the focus is on safety, security, treatment and rehabilitation and effective measures to limit illegal drugs entering the jail in the first place.

No other state or territory in Australia has a needle exchange, and for good reason. The welfare, the health, the safety and the human rights of prisoners, staff and the broader community are best served by providing an environment with fewer drugs and better access to effective rehabilitation programs at the ACT prison and not a needle exchange.

When people go to jail, often it is for drug-related crime. Seventy per cent of people at the AMC are there for drug-related crimes. The aim must be to rehabilitate those prisoners, to get them off the drugs that got them there in the first place, and simply maintaining their habit by providing prisoners with a quasi-legalisation of drugs will not achieve that aim.

I call on Katy Gallagher to stop the push for a needle and syringe program at the jail and to today rule out any further posturing by the ACT Labor Party to implement such a program at the AMC.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (4.22): The government will not be supporting this motion. I note the different approach that the opposition take the minute there is something that they find difficult or do not accept: they seek to demand that the government stop doing anything about it, which is completely different from the approach they would take if it was something they were interested in.

The reality is that when you are in government—which is something that you have no idea about, Mr Hanson, and will never have any idea about—you find that difficult issues come across the desks of ministers, and they require a considered and mature response. It is not a matter of standing up and saying, "Some people do not think this is a good idea and it may have consequences on work practice; therefore, we do not do it."

What Mr Hanson does not go to is that needle and syringe exchange programs are standard and accepted practice in the community. They exist across our community. The reason they exist is that we accept as part of any drug strategy—and even the most conservative policies in relation to comprehensive drug strategies have them—three components, none of which Mr Hanson mentioned today. Harm minimisation is

one of them, supply reduction is another, and demand reduction is another. Yes, you have law enforcement practices which seek to stop the supply of illicit drugs. They exist in the community; they exist in the jail. You then have demand reduction. So you have drug treatment programs and you have counselling and support services to try and encourage people off illicit drugs and into healthier lifestyles. The third part of any drug strategy—as I said, this exists in even the most conservative climates—is harm minimisation. That is, where supply reduction and demand reduction have failed or not met the needs of a particular individual, there is an accepted and agreed element, which is harm minimisation. That is, you seek to reduce the harm for individuals through the use of illicit drugs. All three of those operate in the jail; all three of them operate in the community.

What we are talking about here is one small part of a harm minimisation strategy. The issue of blood-borne virus management in a correctional setting is complex. It is not as easy as talking about it in the community, because it is an enclosed environment and there are other considerations that need to be taken into account. What we do know is that hepatitis C levels are high and hepatitis B levels are high. We also know that there is evidence of needles in the jail. I have to say that the evidence that I have been given, from talking to correctional staff and health staff, is that the majority of the activity with needles is not around injecting illicit drugs but around tattooing—that is the majority of the use of needles. When tattooing is going on, that is essentially being done through hand-crafted needles. That issue needs a government response.

Yes, we have got supply reduction. Yes, we have got demand reduction. If you talk to anyone involved in the Alexander Maconochie Centre—indeed, it is reflected in Michael Moore's report—there are very good supply and demand reduction strategies operational in the jail. I think there is universal agreement on that; the correctional officers will tell you that and Michael Moore's report tells you that. But there are still situations where individuals are engaging in risk-taking behaviour, and the government needs to respond to that.

We have a duty of care to prisoners who are in the jail. And yes, we have a duty of care to staff as well. But it is not simply accepting one side of the story and accepting that that has to be the way forward. Apart from alluding to some bizarre left-wing conspiracy between the Greens and the ALP on this, Mr Hanson did not list in detail the many organisations—including groups like the AMA, who for once Mr Hanson does not cite, and eminent and leading physicians, the most highly respected leading physicians in the country—who do support needle and syringe exchange programs in correctional settings.

All of the community agencies that work with prisoners through their through-care and after-care support a program like this. It is not a political conspiracy. There are more people that support the needle and syringe exchange program than there are that do not. Their voices deserve equal consideration, Mr Hanson. And that is what the government is doing. We have a paper before us. Indeed, the submissions that have come to the Michael Moore report are two to one in favour of a needle and syringe exchange program in the jail—hundreds of submissions. The government needs to consider that.

This motion calls on the government to abandon this whilst we have not yet responded to the Michael Moore report and are still actively meeting with stakeholders around the issue of needle and syringe exchange and also the general issue of blood-borne virus management in correctional settings.

I do not know how many people Mr Hanson has met with—I understand he has met with a few—but there are many meetings that I have had, and indeed many that I have still to have before the government will consider a submission on this. As health minister, I have said a number of times that I believe a needle and syringe exchange program under appropriate and agreed conditions within a correctional setting would be beneficial overall to the health and wellbeing of prisoners. As Chief Minister, I accept that there are differing views, and persuasive views, and persuasive arguments being put forward by correctional staff, in particular, who are saying to the government that they do not want it to proceed and indeed would try to stop it proceeding if we did indicate a willingness to go down this path.

In the next few days, or a week or so, I will be releasing the inmate health survey that has been done recently, which will give us the latest, up-to-date figures. But from what I have read of that survey there are no surprises there. We are dealing with very high levels of hepatitis C. Nobody can stand up and say that there have been zero transmissions of hepatitis C in the jail, as Mr Hanson did earlier in his speech. No-one can say that, because not all prisoners are tested. They have the right to refuse testing. We do know that there was one case. Mr Hanson has apparently confused this. There is a case where a prisoner tested positive for hepatitis C after testing negative on reception—testing positive for hepatitis C whilst in the jail over a continuous period of time. The issue is that the prisoner then cleared the virus, Mr Hanson. It is different from not having the virus transmitted, but naturally there are some individuals that can clear the virus.

So just be careful. You cannot come in here and say that there have been zero transmissions. Nobody will say that. The doctors in the health centre would not say that, because they do not have the evidence to say that. I am very pleased to see that Mr Hanson feels that he has available to him all the information on every prisoner's blood test, even those that have not actually agreed to having their blood tested, and has formed that opinion himself.

Mr Hanson also says that this is not a problem out of control. Hepatitis rates are, I think, about one or two per cent in the general community. In the prison setting it is well over 50 per cent. I do not know what part of those figures you do not think is an issue that needs to be responded to, but it is a serious issue. And the other issue is that most prisoners, the vast majority of them, will leave the AMC, reintegrate into the community and have contact with families and friends and children—and my children and your children and relatives. This is a community issue. The government cannot, as Mr Hanson would have us do today, simply ignore it because there are people who think it is a bit hard to deal with.

There are needles in the jail at the moment. The safety considerations for correctional officers exist at the moment. Having a needle and syringe program under appropriate

circumstances and controls would not change that or increase the safety concerns that exist already. But I acknowledge them. That is why I have met with the CPSU and why I will continue to talk to them as the government refines its thinking in this area prior to taking a submission to cabinet. But, Mr Hanson, I have responsibilities other than just backing the correctional officers. I have to listen; I have to respond. The government has a duty of care. The government has a Human Rights Act. The government wants to do things differently in the AMC.

We want to be a better jail than anywhere else. Yes, I think we can get there. There are issues that we need to respond to, and that will continue, but if you have visited the AMC and visited other jails, and if you look at some of the services that we are able to provide there, you will see that they are far in excess—a number of reports have supported this—of the services that are available to our prisoners. Let us face it: Mr Hanson did not even want a prison here; he did not even want ACT prisoners in the ACT. Well, the prison is here. The prisoners are here. The health issues are here. We need to respond to them.

Mr Hanson draws to my attention the fact that he is saying that 40-odd people are denied hepatitis C treatment. That is absolutely incorrect, and Mr Hanson knows that. People coming through the jail are for the first time getting access to the liver clinic at the Canberra Hospital, where they are actually being cured of hepatitis C, where the opportunity exists to be cured of a virus that has been debilitating them through their lives—through their lives in correctional settings and out in the community. For the first time, because we have our jail here, because we have the services that we provide, we are offering those prisoners that help. Prisoners are taking it up. And guess what? They are having successful treatment. They are starting their treatment in jail. Some of them, if their sentence finishes while they are undergoing treatment, are continuing that contact at the Canberra Hospital on release.

There are a number of people who test positive for hepatitis C who may not have any symptoms at the moment, who may not seek the treatment that is offered at the liver clinic for various reasons or who, for clinical reasons, may not be appropriate for that treatment. These are all decisions that are taken. Every single prisoner with hepatitis C at the AMC has a treatment plan with the doctor. Those decisions are made on a clinical basis, as they should be.

Yes, there is demand for spots within the liver clinic, because it is a time-consuming course. It takes months of treatment. It makes people quite unwell whilst they are undergoing that treatment. But once they have completed that treatment, other people can get on the program. That is the way it is for the general community as well. It is done the same way we manage all health services. It is not just that everyone can have this treatment immediately. That is not the way the system can run; we do not have the staff or the capacity to do that. I completely reject the allegation that there are 41 people being denied treatment at the AMC. That is simply not true.

What we have here is a situation where we have a significant health issue in a correctional setting which has a variety of responses required. Harm minimisation is one of them. That is the issue that we are talking about today. Supply and demand reduction strategies will continue. There are a range of other strategies in blood-borne

virus management; I agree with Mr Hanson in this area. It is not completely solvable by an NSP, but an NSP has to be considered as part of it. The issues are complex; they are difficult; there are varied opinions. But I simply will not take the easy way out, which is what Mr Hanson wants me to do, and walk away from something just because it is a bit controversial or just because it is a bit hard.

The government will not be supporting Mr Hanson's motion. I move:

> Omit all words after "That this Assembly", substitute "supports comprehensive blood borne virus management in correctional settings to improve the overall health and wellbeing of prisoners in the ACT.".

The amendment simply replaces all the words of Mr Hanson's motion with a view that I think the entire Assembly can support. That is something that perhaps the Assembly can unanimously support today.

MS BRESNAN (Brindabella) (4.37): I thank Mr Hanson for bringing this topic on again for discussion today because it gives us a chance to address some of the inaccuracies Mr Hanson is putting out there with the information he has been using through the media and other forums, and address some of the key issues around blood-borne virus transmission, which Ms Gallagher has already done today.

First off I am going to start with corrections officers and the CPSU. Ms Hunter, two of my staff and I actually went out to the AMC on Monday morning and had a very constructive meeting with the CPSU and four prison officer delegates. While we had different interpretations about the overseas evidence and how it can be applied locally, we reached points of agreement and discussed steps for going forward. It was a very constructive discussion.

For example, the prison officer delegates were keen to understand the finer details of how overseas models have been implemented. The delegates felt that they had not been included as a part of the task force to examine those overseas models. I explained to the delegates that Mr Moore had in fact sought the approval of the government to take a small delegation of officers with him to Europe so they could examine those overseas models together, but this was not approved through that process of the report. Mr Moore's request to the government was news to the corrections officers. I think they were disappointed that they had not had that opportunity, and they could actually see benefits in talking to their counterparts overseas who have already implemented needle and syringe programs on the ground in those prison settings.

I told the prison officer delegates that I had made a media statement to the effect that some kind of overseas study or facilitated communication with overseas peers was an important process that should still go ahead. I appreciate that corrections staff have concerns about what a needle and syringe program will mean to their role as law enforcers and to their safety. Giving our local officers the opportunity to talk to their overseas peers means they are not just seeing reports or looking at information second hand or having us talking to them about the issue.

Prison delegates also discussed with us on Monday their three main concerns. These were obviously around occupational health and safety, rehabilitation of prisoners and the legality of drug taking. While we were not able to agree on all points, we were able to share useful information regarding their concerns. For example, I was able to cite the increase in uptake of drug rehabilitation by prisoners who had an NSP in their prison—that is from the overseas experience—as well as continued enforcement by prison officials against contraband in those prison settings. Also, NSPs have increased the occupational health and safety of prison staff. I was also able to talk to them about the limits of the hepatitis C treatment process. Ms Gallagher has already addressed that today.

I want to note that this is about prevention. That is part of what we are talking about here in terms of blood-borne viruses. Yes, we can provide treatments, and that is an integral part of it, but it is also about preventing people from actually contracting the disease in the first place. As Ms Gallagher has already noted around the hepatitis C treatment, it is an extremely complex treatment. Some people are not going to be suitable for the treatment because in many cases it requires a specific gene type. There are also extreme and very serious side effects with the treatment, and that all needs to be taken into account. When people receive treatment in the community, extensive counselling goes along with that to see if they are going to be able to cope with the side effects.

Instead of just throwing money at the treatment, we need to be considering all the issues around it, including the complexity of it. As I said, part of the whole program of having treatment is about having harm minimisation, and we need to consider all the factors. We also need to consider the complexity of hepatitis C treatment.

Walking away from that meeting with the prison delegates, I did not get the sense, as Mr Hanson was saying today, that it was time for discussions to end. Rather, both sides acknowledged that the issue of drugs in prisons is not going to go away and that we need to work out a way to go forward on this issue collaboratively.

Moving to the Australian Nursing Federation, I note that, despite receiving correspondence from the ANF, Mr Hanson is still yet to correct his tweet from 9 September and other public statements that have put forward a view about the ANF. His Twitter statement from 9 September states:

> Canberra Libs support the nurses who have joined the chorus of voices in opposition to Katy Gallagher's push for a prison needle exchange

The ANF wrote to Mr Hanson in response, saying that they wanted to consider other NSP models and were frustrated they had not yet come to a point of internal agreement. I note Mr Hanson is yet to correct his Twitter account on this view of the ANF.

Perhaps it would have been useful for Mr Hanson to actually have read the ANF's submission before he put out a media release, made a comment on Twitter and put an article in the *CityNews*. If he had read the submission, he would have seen the wide

range of commentary that was being made by ANF members and the fact that they actually said they needed to keep talking about all the associated issues. There was a wide range of views, including support of the Public Health Association model suggested in Michael Moore's report, support for other NSP models and no support for an NSP. I just cannot see how Mr Hanson can use the ANF's submission to say that we need to stop talking about an NSP when that is not what their submission says at all.

I will read some of the quotes from the ANF submission. One person was quoted as saying:

> I support an NSP. There is an NSP going on right now, unregulated, illegal, and unhealthy-dirty. Infection control is a key concern. A successful exchange or supervised injecting program relies on some level of trust from clients; best practice shouldn't be governed by the lowest common denominator.

Another member said:

> I do the BBV's—

blood-borne viruses—

> and I see all too well the problems associated with IVDU—

injecting drug use—

> in the AMC. Although an injecting room is low on my agenda and would not be my preference there has to be a way to deliver an NSP to our clients. One for one would be my preference with a confidential register to track all outs and returns. A one for one distribution. Run by one person on set hours or days. Clients also put this model forward.

And a final quote:

> I note the report, refers to page 146-147 of the Burnet 2011 report, asserting that there is "overwhelming support for an NSP to be implemented at the AMC. Health staff from the prison also strongly supported the introduction of NSP services." If this statement is designed to imply total support by health staff, then, in my opinion, this statement is inaccurate. To my knowledge, and from limited discussions with other nurses within the Hume Health Centre, it appears there has been little, if any, open discussion on the issue, and informal conversations I have with <u>some</u> of my colleagues working at the Hume Health Centre indicate that that opinions range from total support, to total opposition, and everywhere in-between, including uncertainty.

That needs to be noted, because the ANF's submission does not rule out an NSP. It says they have issues with the model but also that they want to keep talking about it so we can get a model that would be suitable. As I said, I do not agree with Mr Hanson's assertion that we need to stop discussions, because the ANF submission in no way says that.

I would also like to address Mr Bill Aldcroft's submission, which Mr Hanson has quoted a number of times in the media and in his speech today. Mr Hanson issued a media release on 21 June this year, entitled "100% of prisoners reject NSP says Prisoners Aid veteran". Two things need to be noted about this. I am concerned about how Mr Hanson got hold of a confidential submission and used it publicly in the first place. Also, he linked Mr Aldcroft with Prisoners Aid, which Mr Aldcroft did not want to occur, as Prisoners Aid does not have a formal position on this matter.

We must consider the substance of Mr Hanson's allegations that 100 per cent of prisoners do not support an NSP. If prisoners are asked, as they were, just before they appear before the courts whether or not they support an NSP, of course they are going to say no. They need to be able to show to the courts and the people helping them before the courts, like Mr Aldcroft, that they have no association with drugs. If you wanted to get a prisoner to say no to an NSP, there would be no better time to ask them than when they are about to appear before court, hoping for release. However, if you asked a prisoner post release what they thought about a proposed NSP, they would be much more likely to say what they really thought and that they agreed with the idea.

It is important to note that the Canberra Alliance for Harm Minimisation and Advocacy conducted focus groups with ex-prisoners as a part of the Public Health Association of Australia report, and there was overwhelming support for an NSP through those focus groups. As has been noted by CAHMA and AIVL, who have had a great and strong association with this issue, of course prisoners are going to have questions on how an NSP would work, and this would need to be taken into account in developing a model for trial and implementation.

As we have already noted today, it is worth listing all the groups that explicitly support an NSP, as Mr Hanson has paid no attention to those groups at all. I am assuming Mr Hanson includes those groups in his ideological group of people supporting quasi legalisation of drugs. Those groups include the Australian Medical Association, the human rights commissioner, the Health Services Commissioner, ACTCOSS, Anex, Hepatitis Australia, the Burnet Institute, the Alcohol Tobacco and Other Drug Association of the ACT, Directions ACT, Alcohol and Other Drug Foundation ACT, Karralika, Families and Friends for Drug Law Reform, CAHMA and AIVL——whom I have already mentioned—and Northside Community Services. I would also like to specifically mention the Hon Michael Kirby, who very much supports the idea of an NSP.

Michael Kirby sits on the commonwealth Eminent Persons Group, which is due to report back on the state of HIV in commonwealth countries at CHOGM this week. I understand that he will be mentioning the ACT government's efforts in discussions at CHOGM as an example of best practice in terms of efforts to address the spread of HIV among target populations. Given Mr Hanson's claim recently that HIV is not a problem in the ACT prison population, perhaps he needs to consider the views of eminent people such as Michael Kirby.

I would also like to note the late Dr Peter Sharp. He was a strong supporter of the NSP and he actually asked for his support to be expressly stated at his memorial service, which it was.

I also note the evidence from the 12 countries overseas where NSPs operate. All the evidence from those programs has shown there have been no incidents of needles being used as weapons, there has been a decrease in needle stick injuries, an increase in the uptake of drug treatment programs, a significant decrease in the transmission of hepatitis C, to a point where there is almost no transmission, and no seroconversions.

It is interesting to hear Mr Hanson say he has researched this issue extensively, but he still completely ignores the overwhelming support and evidence for the introduction of NSPs in prisons. Mr Hanson again mentioned today the academic research about transmission rates being higher outside the jail than they are inside the jail. In answer to a question in the debate on NSPs at the HIV/AIDS conference recently, Mr Hanson said: "I can provide you with a reference to that. That is from Professor Butler, I think it is. I met him at a needles in prisons conference that I went to at the ANU." According to Mr Hanson, one academic paper outweighs the dozens and dozens of reports that talk to the high rates of hepatitis C in the prison population and the need for prison NSPs.

It is also important to note that at that conference, after we had had the debate, a number of people actually corrected Mr Hanson on some of the statements he had made in his speech, in particular a number of physicians. That was particularly about the issue of transmission, which we have already talked about today. A number of corrections made about the assumptions made about when, how and where transmissions occur.

Mr Hanson's saying that hepatitis C is not a problem in prisons shows an absolutely astounding lack of understanding of this issue. This is a fact: between 23 and 47 per cent of males in prisons have hepatitis C and the figure is between 50 and 70 per cent for female prisoners. For someone to get up and say here that hepatitis C is not a problem in the prison population ignores those statistics and that evidence and it shows an extreme lack of understanding on this issue. We will not be supporting Mr Hanson's motion today, and I am happy to support the amendment that has been put forward by Ms Gallagher.

MR HANSON (Molonglo) (4.52): The amendment really does not clarify what the Chief Minister is going to do here. We know that she wants to do this. We know that she is pushing for it. As I have said, she said on the radio quite clearly:

> I think we should go ahead with a needle and syringe exchange program at the Alexander Maconochie Centre.

She has also said it is difficult because there is a difference between what she wants as health minister and what she wants as Chief Minister. The question is: was she then saying that as the health minister or as the Chief Minister? You are the Chief Minister and you want this to go ahead. Is it going to go ahead or not, or are you backing down on it?

This is what people want to know: are you going to do this and it is simply now the mechanisms of how you are going to do it, or are you not going to do it? That is a

very simple question, because if you are going to do it, if the executive decision is that you are going to have a needle and syringe program in the jail, let people know and then start implementing it and implementing it in the fashion that you wish to. But do not have this drawn-out debate that you are continuing to go on with because you are too weak to make a decision.

That is the reality of it: on the one hand you say as health minister, "I want a needle and syringe program," and then you change to being the Chief Minister and say, "Oh, well, it's complex; I can't implement what I want to do." You are the Chief Minister, are you not? Are we going to have a needle and syringe program or are we not? You really need to start making that decision.

MR ASSISTANT SPEAKER (Mr Hargreaves): Excuse me, Mr Hanson, could you address your remarks to the chair, please?

MR HANSON: Certainly, Mr Assistant Speaker. I apologise. As the Chief Minister, it is time for you to actually show some leadership on this. The evidence is pretty clear. There have been lots of people cited in terms of their support for it and against. But remember the 10,000 corrections officers across Australia who do not support this. There are about 10,000 represented by the CPSU that do not support this and that far outweighs the list of names I have been provided with.

I will just respond quickly to a couple of comments that have been made by Ms Gallagher and Ms Bresnan. Turning to Ms Bresnan's comments about the research that I cited from the conference that I went to, I will just quote from the paper "Prisoners are at risk for hepatitis C transmission", which was written by Professor Tony Butler, Azar Kariminia, Michael Levy and John Kaldor, and they come from an eminent group of organisations.

Ms Bresnan: How can you quote Michael Levy? How can you quote him?

MR HANSON: It is part of his paper.

MR ASSISTANT SPEAKER: Order, members! So far it has been fine.

MR HANSON: Let me quote—

Ms Bresnan: You know he supports it.

MR HANSON: Of course he supports it.

MR ASSISTANT SPEAKER: Ms Bresnan, come to order, please.

MR HANSON: The point I am quoting is that the academic research points to the fact that the transmission rates for hep C amongst this demographic, syringe-using criminals, are higher outside jail than inside jail. Let me quote:

> A recent study conducted in a French prison reported no hepatitis C seroconversions. … The differences in the incidence could be due to the

> participants' characteristics, selection criteria, geographic variations in hepatitis C prevalence, and detention conditions at the different facilities.
>
> Surprisingly, the seroconversion rate was lower among those who had been continually incarcerated between surveys than those who had spent time in the community. The likely explanation for this is the reduction in injecting due to the limited supply of drugs in prison and some IDU abstaining from this behaviour during their incarceration.

The argument that I have been making is that the academic research—and that comes from Michael Levy and it comes from Tony Butler; they wrote that report—indicates that hep C transmission amongst this demographic is lower outside jail than it is inside jail. That is the academic research. So you can pour scorn on me as you like, and I know that there have been letters written saying that this was based on some corridor conversation I had. That is not the case; this is based on a forum that I went to at the ANU where Professor Butler presented. I then had a conversation with him afterwards. I then referred to the academic paper that he discussed and I used this quote in a very specific circumstance. So stop trying to malign me.

The second point is what the ANF have said. It is quite clear that the ANF members have a mixed view and you have quoted from some of those. If you read their submission there are a significant number of mixed views. But let me quote what they said:

> As can be seen from the comments above, there are a number of quite divergent views expressed by nurses currently working at the AMC. As all the proposed models, excluding NSP Model 1 (Vending Style Machines), require the support and assistance of nursing staff and/or utilisation of the Health Centre resources, the ACT ANF considers their views need to be given considerable weight in any planned implementation of an NSP at the AMC. What is apparent is that currently nurses employed at the AMC do not support the establishment of a supervised injecting room at the AMC.

I am not saying that the ANF are not open to further conversations. I am not saying that they have ruled it out. What I am saying is that the paper that has been provided to them, the report that has been provided which is Katy Gallagher's plan for the implementation of an NSP, has not been supported by the ANF. That is quite clear and let me put on the record that that is what I am saying. So—

Ms Gallagher: Well, maybe you could put it on the twittersphere then.

MR ASSISTANT SPEAKER: Order! Mr Hanson has the floor.

MR HANSON: I know that the Chief Minister is obsessed by Twitter and she thinks that is open and accountable government. But I would rather have my words as they are said here clarify exactly what I am saying. If you are going to take 100-character twitter and then try and twist that somehow, that is not correct. Speak to the ANF. I have made my position very clear, as have they. You may not like it.

This is the first time we have heard about the prevalence of tattooing from the Chief Minister. This is a new part of the debate and I look forward to seeing what she has

got to say about this, but it now sounds as though she is more concerned about tattooing. I know that she said previously, and it is in the *Hansard* during annual reports or estimates hearings—I cannot remember which—that her major concern about health at the AMC was smoking. It was not the fact that drugs are freely available. It was not the fact that prisoners were injecting drugs. Her major concern, when she was asked about this in annual reports hearings, was that they are smoking. What we are getting from this Chief Minister is an incoherent response and it moves as the debate moves.

What we are lacking here is leadership from the Chief Minister. What we have seen is this debate going on for years. You would be well aware of it, Mr Assistant Speaker, inside the Labor Party. The left was opposed to the right. The right did not want it; the left wanted it. This is a debate that has been going on for years. We have seen the Burnet Institute report. We have seen the Michael Moore report. We have seen the submissions. We have had extensive debate in this place and in the community—and it is time for the Chief Minister to make a decision. It seems that she is utterly conflicted in this because she wants it as health minister but is too weak to do it as the Chief Minister.

So we will not be supporting this amendment. The amendment is a "get out of jail" from a Chief Minister who is not prepared to make a decision. It is, "Let's have some words that sound good, that sound supportable, but we are not going to have a decision here about whether we are going to have an NSP or we are not going to have an NSP." The government are going to let this debate drag on in this place and in the community, all the time detracting from the important work that people need to do in the corrections environment. What we will continue to see is the litany of failures occurring at the AMC. So we will not be supporting this amendment.

MRS DUNNE (Ginninderra) (5.01): I thank Mr Hanson for bringing forward this important motion today. It is an issue which should occupy the minds of all of us who want to ensure that the corrections system, and the prison in particular that the people of the ACT have paid so dearly for, has the results that the people of the ACT expect.

One of the most troubling things about the debate about a needle and syringe program for the prison is that which was touched on by Mr Hanson when he said that the creation of a program creates a sort of de facto legalisation for drugs inside the prison. As someone who observes this debate at fairly close quarters, I am somewhat appalled at the notion of the people who are pushing this argument that we must have a needle and syringe program. We just throw up our hands in despair when they say, "You can't do anything about drugs in prison".

We know that keeping drugs out of prison is an extraordinarily difficult thing to do, even when they are not being lobbed over the perimeter in tennis balls to be picked up in the grounds later on; it is an extraordinarily difficult thing to do. But, if we send the message that it is all right, how do you stop people bringing contraband into the prison if once it is in the prison it becomes a situation where prisoners are able to use because they are signed up to the needle and syringe program?

This is a serious problem that no-one who advocates, who pushes, this program has had an answer to. What we are seeing is a counsel of despair: we cannot keep the

drugs out of the prison, so we may as well go with the flow. And I do not think that the people of the ACT expect that sort of defeatism from their leaders. I think that the people associated with corrections, the families of people who are in the ACT prison system and who want to see their loved ones reformed and back on the road to living as useful members of society when they leave prison, do not want that counsel of despair. They want some hope that the large number of people who end up in prison because of their drug addiction, because of their association with drugs, will have that opportunity to get off the stuff.

We see that when there are good programs in place people are able to use the time that they are in prison to get off drugs. There would be no incentive for people to get off drugs in the prison if this minister and the Greens succeed in pushing their proposal for a needle and syringe program. You will be undermining the programs in the prison which are aimed at getting people drug free, aimed at getting people dried out.

There are serious problems; Mr Hanson touched on them in his speech. The litany of things that the Hamburger report highlighted as being wrong in relation to the application of drug policy in the ACT prison system is a very long one. We have to be concerned when we hear that people who have dried out in the prison system then have another opiate pushed their way in the form of methadone. That is appalling. It is appalling that people go through the effort of drying out but because of the way the prison system works they end up back on methadone, the thing that has been described as "liquid handcuffs".

This is a problem that this minister will not address. She wants to be the first to do something: "I want to have something new and innovative," because new and innovative is what the Labor Party thinks we need to have in every area. What we need to have in every area is good, hard work, delivering basic services for the people of the ACT. And the people of the ACT and many of the people who are the inmates of the ACT prison want a clean prison where drugs are not pushed; where drugs are interdicted, where people who push drugs in the prison are found and apprehended and dealt with. They do not want a system where we have a de facto free drugs policy. Once you have a needle and syringe program you have to create this myth that a prison guard taking someone to the needle and syringe program knows what that person is carrying and cannot do anything about it, knows that that person is breaking the rules of the prison but cannot do anything about it because of their special status of being involved in the needle and syringe program. It creates huge problems.

Ms Gallagher said in her comments that by more than two to one people were turning out in favour of a needle and syringe program and that her job was to weigh these things and she was not going to be sort of brought into line by the prison officers. I put it to you, Mr Assistant Speaker, that the prison officers and the nurses who administer this scheme, who have grave doubts about the scheme, are the people at the coalface who are most going to bear the consequences of this. They do not want to see this happen because they are concerned about the consequences for their own personal safety, for the legal position it puts them in.

This is the problem that this minister cannot or will not address. What Mr Hanson has called for today in this motion, the cessation of the discussion about this flawed policy,

is the right approach because we should be tough enough to say, "We want a corrections system that is free of drugs". We in the Canberra Liberals are not going to throw up our hands and say, "It's too difficult and we're going to walk away from the problem." It is difficult and we are going to stick with the problem. We are not going to take the easy way out. We are not going to take an approach that de facto legalises drugs in the prison, when most of the people are in that prison because of their attachment to illegal drugs.

The irony of this should even dawn on Ms Gallagher, who does not seem to get irony very much at all. It is a real problem that we are saying, "You are in prison because of your association with drugs, but while you are in there you can continue to use." This is not the solution that we need in the ACT and I commend Mr Hanson for his motion today.

Question put:

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

The Assembly voted—

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

Question so resolved in the affirmative.

MR HANSON (Molonglo) (5.13): On Monday Mr Smyth and I attended a memorial at Weston Park run by the Families and Friends for Drug Law Reform. It was the 16th annual commemoration of those who have lost their life through illicit drugs. I would like to recognise Brian and Marion McConnell, who are in the gallery today, and Bill Bush, who I know are very active in this organisation. Indeed, Brian is the president of the Families and Friends for Drug Law Reform. It was a very moving ceremony. I think that anybody who attends one of those ceremonies would attest to the overwhelming sense of tragedy and loss shown by friends and families and, in particular, parents who are there to commemorate the loss of a child who has lost their life to illicit drugs.

I think that we all share that sense in this place. There is no question in this debate that there is any sense from the Liberal Party that our opposition to a needle and syringe program should be an indication that we do not understand the overwhelming tragedy of people who lose their life or, indeed, become infected by a blood-borne virus through the use of illicit drugs, in this case the sharing of needles.

I think that we have a different view on the outcome. Our view is that, when we have an opportunity to provide rehabilitation to someone who has been incarcerated, the best way to prevent loss of life is through a rehabilitation program that is effective, by

denying that person access to drugs and by not sustaining their habit through a needle and syringe program and not sustaining a habit that will then mean, when they are released, when they have completed their period of incarceration, that they continue not only with their crime but with the very thing that caused their crime in the first place; that is, their addiction to drugs.

When we make these comments, they are based on the views not just of the corrections officers and the nurses but also of the prisoners and what is in their best interest. In many cases, as has been reported today in the comments from Bill Aldcroft in his submission to the Michael Moore inquiry and in the comments that I have received from other prisoners—and, indeed, one of those was reported in the *Canberra Times* recently—many prisoners are opposed to a needle and syringe program.

So this is a very serious issue. The ramifications are potentially tragic, and there is no one-size-fits-all approach. Contrary to some of the commentary today, I have engaged in this debate. I have attended conferences run by the Public Health Association in Melbourne. I have conducted and attended forums on this matter. I have engaged with those who are opposed to my position in this debate, including Anex, Families and Friends for Drug Law Reform and others.

This is a very serious issue and it is not one to be taken lightly, and it is not a matter of taking a simplistic view of the issue. It is a matter of looking at the evidence, having the discussion and coming to a conclusion. And our conclusion is that a needle and syringe program will not support the aims of what we want to achieve; that is, a reduction in drug use, a reduction in crime and a reduction in the transmission of hep C.

As I said during my initial speech, when being asked to look at whether we should be implementing a needle or syringe program, the first question to ask is: would that actually aid in the reduction of the transmission of hep C? In my view it would not, for the reasons outlined. The second question is whether the other programs that should be conducted at a jail are being conducted effectively at the Alexander Maconochie Centre. I think that the evidence from the Hamburger report, the Burnet Institute report and the absolute litany of problems that we have seen from this jail make it very clear that that is not the case, that the programs are not being run adequately.

I will not go through all of those again. No doubt, given the high rate of incidence of problems that we have seen at the jail, we will be back in this place soon to discuss another failure in the management of the jail.

What I am saying is not controversial. What I am saying is actually accepted by every jurisdiction in Australia, both Liberal Party and Labor Party, oppositions and governments across Australia, across Australasia and, indeed, across the English-speaking world. So what I am saying is not something that is controversial. What I am saying is that established, reasonable—

Mr Coe interjecting—

MR ASSISTANT SPEAKER (Mr Hargreaves): Order! Mr Coe, I remind you your name is on this list.

MR HANSON: I make the point that even if you did believe that a needle and syringe program was the way to go—and I accept that there are many that do, including Katy Gallagher, Amanda Bresnan, people in the gallery here today—the ACT jail is the worst jail in Australia to implement such a program. And there are a number of reasons for that. One is the layout of the jail. It is an open-plan jail. It is not an easy jail to control. It is a point which has been made by Nadine Flood from the CPSU. The layout of the jail does not lend itself easily to implementing such a program.

There is a very complex prisoner population at the jail—male, female, sentenced, on remand and protected prisoners—which makes the management of the jail extremely difficult. As people know, trying to implement rehab programs, for example, is difficult, because you have got some programs available for only sentenced prisoners but not for remandees. Some programs are available for male prisoners but not female prisoners.

Then there are the problems that we have had at the jail, and it is not my intent to re-litigate those but we are all aware of them. The government claims that it is due to the bedding-in of the jail. That may be the case. I dispute that. I think it is a matter of management and negligence from this government. That is probably going to be an ongoing argument. Regardless, even if you were to accept the government's argument that it is about bedding in, let us make sure this jail is bedded in. Let us make sure that all of the problems that can be rectified are rectified before this government tries to run before it can walk, which is essentially what it is trying to do by implementing such an ambitious program.

The other aspect is that this would require a quasi legalisation of drugs. That is not something that I have cooked up. That is a direct quote, and I will say it again:

> Stopping the spread of blood-borne disease would not, essentially, be difficult if it were not for the fact that it cannot happen without a quasi-legalisation of drug use within the correctional centre environment …

We do not support the quasi legalisation of drugs but there are those that do. Anex do. They support a reform of the drug law so that it becomes essentially not a criminal offence anymore. I know that Families and Friends for Drug Law Reform do. But we do not. So it is understandable that organisations like that would support this sort of endeavour within a correctional facility, but we do not support that because we do not support that quasi legalisation within a correctional environment and we do not support it outside a correctional environment. I do not think that is inconsistent with the laws of this land across all jurisdictions and, indeed, the laws of the land in the ACT.

Let us just reflect on what the people on the ground are saying, what prisoners are saying, what many nurses are saying, what the vast bulk of corrections officers are saying. They are saying that they do not want this, and they are the people that have to

deal with this day in, day out, on the ground. We have had this debate now for a long time in our community. We have had a lot of evidence. We have had a lot of submissions. What we have had an absence of is a lot of leadership, and we have seen very little leadership.

What we are seeing, similar to the Calvary debate, is a minister who starts a discussion, pushes an ideological agenda and then lets it drag on in the community, literally year after year, causing distraction and causing disruption. In that case, she then went weak-kneed. We are waiting to see whether she will go weak-kneed on this one. In this case, I hope she does, because I hope she comes to her senses and realises that, despite her ideological obsession, this is bad policy and will not actually achieve the outcomes that she seeks.

Motion, as amended, agreed to.

Education—NAPLAN testing

MS PORTER (Ginninderra) (5.23): I move:

That this Assembly:

(1) notes:

(a) the importance of the National Assessment Program—Literacy and Numeracy (NAPLAN) testing for parents and teachers to receive feedback on students' strengths and weaknesses;

(b) the importance of NAPLAN data in helping improve the educational outcomes in areas of weakness for students;

(c) the strong performance of ACT students NAPLAN testing since 2008;

(d) that ACT students have performed very strongly in the 2011 test results, ranked first or equal first in the nation in many categories, with improvements in other areas;

(e) that under the National Partnership agreements for education skills and workforce development and early childhood education, the ACT is receiving approximately $80 million of Australian government funding over seven years to deliver a range of reforms; and

(f) that the ACT government has also appointed specialist literacy and numeracy teachers as part of a strategy to build teacher capacity and improve student outcomes; and

(2) further notes:

(a) that the ACT Liberals voted against the specialist literacy and numeracy teachers; and

(b) that the ACT Liberals have voted against increasing education funding in successive ACT budgets.

I am pleased to be able to move this motion today. As members are aware, I have a deep and abiding interest in education in the ACT. If you are not aware, the minister is often heard to remind you. The Australian Curriculum and Assessment Reporting Authority, ACARA, recently released the results of the 2011 NAPLAN testing. As members are probably aware, the tests were completed on all Australian year 3, 5, 7 and 9 students during May, providing us with information about how education programs are working and which areas need to be prioritised for improvement.

This has been a successful commonwealth initiative that is improving the educational outcomes for students across the country. I am pleased to report that ACT students have, once again, performed exceptionally well in the latest testing. ACT mean score results for all year groups in reading were the highest in Australia and significantly higher than the national mean, a similar level of attainment to results in 2008 and 2010.

I think that bears repeating, Mr Assistant Speaker. In reading we were the highest in Australia, significantly higher than the national mean, which is a similar level of attainment to results in 2008 and 2010. Across all year levels the ACT had a greater percentage of students achieving in the top performance bands, compared with achievement in other jurisdictions. Between 94 and 97 per cent of students achieved at or above the national minimum standard. Of particular note, the results of year 7 and 9 ACT students place them on an average 12 months ahead of students at the same year level nationally.

This speaks volumes for an education system that is delivering for our students. The results were no different in grammar and punctuation. ACT students continue to achieve excellent results in grammar and punctuation across all year levels, ranking highest or equal highest in Australia on mean score. Between 91 and 95 per cent of students achieved at or above the national minimum standard.

Mr Assistant Speaker, pleasingly, spelling results improved in year 3, 5 and 7 for ACT students. In all years, but for year 5, we ranked equal highest in the country, with significant improvement for year 5 students on previous years. Between 91 and 95 per cent of our students achieved at or above the national minimum standards.

In numeracy, the ACT shared the highest mean score with Victoria and New South Wales across all year levels, with 95 to 97 per cent of students achieving at or above the national minimum standard. In writing, ACT students in year 5, 7 and 9 had the highest results in the country alongside either Victoria or New South Wales. The nature of the writing tasks has changed since the last testing, making it impossible unfortunately to gauge improvement. ACARA has informed the ACT Directorate of Education and Training that the task will be comparable going forward, making it possible to report on growth in writing in future years.

In most categories, the ACT has ranked first or equal first with New South Wales and/or Victoria. This Assembly should be very proud of the achievements of our students and our education system. But while ACT students have excelled in the 2011 NAPLAN testing, there is room for improvement. Year 3 students' score in writing

was equivalent to the national mean score. While this represents equal second of all states and territories, there is definitely room for improvement here. Likewise, with year 5 spelling, which I mentioned before, while there was significant improvement on previous results, there is more work to do obviously.

That is why the ACT Labor government continues to invest in the education of young people in the ACT. We have delivered on a promise to lower class sizes and we have delivered better facilities for our schools across the ACT. We have appointed specialist literacy and numeracy teachers, known as field officers, to build teacher capacity and improve student outcomes in literacy and numeracy.

As members know, we have implemented new gifted and talented programs to help foster our best and brightest. We have worked with federal Labor to deliver building the education revolution capital works and national partnership reforms. The ACT has been acknowledged as having the best implementation of the BER of any state and territory. I can say, after visiting many of these schools in relation to the BER programs, that the results are very impressive and well received by teachers, students, parents and the whole school community.

We need to pay tribute to the hard work of students and teachers, to those parents and those schools communities, to the ACT government officials involved and to all the contractors involved in the BER programs. We need to pay tribute to all of the people that have contributed to these fantastic results. We all should know how important it is for all children to get the best start in life that is possible. This is obviously the pathway for them to reach their full potential. We should congratulate all those who have worked so hard to achieve these results. I call on the whole Assembly to support policies that will allow our students to continue to excel and to make improvements where necessary.

However, it is disappointing to note that in the past members of this place, particularly those opposite, have put political opportunism in front of good education policy, voting against successive ACT budgets that delivered funding for all schools. This Labor government will continue to support our education system. It will continue to invest in an education system that gives all our children the best start in life and the best opportunities.

We will continue to make sure that our children and our young people are given quality teaching and the best facilities so that we continue to see these results and see improvement to those areas where they need improvement, because we know that we will get those pleasing results that we have this year.

I again take this opportunity to congratulate the ACT students, teachers, parents and all our school community and all those that work behind the scenes in the directorate. I also congratulate the minister on these excellent results and I commend the motion to the Assembly.

MR DOSZPOT (Brindabella) (5.31): I rise to speak in this debate with a sense of outrage and disappointment. Mr Barr—my apologies: Ms Porter—

Mr Barr: You are so outraged you have forgotten who has moved the motion.

MR DOSZPOT: I am sorry, but I am very angry, Mr Barr, as you—

MR ASSISTANT SPEAKER (Mr Hargreaves): Order! Mr Doszpot has the floor.

MR DOSZPOT: Ms Porter spoke about political motives. This motion has got to be one of the most outrageous political stunts we have seen in ages. This motion is truly a curate's egg: it is good in parts, but the bad parts are very bad indeed. I am of course referring to part (2) of the motion, in respect of which I flag that I will be moving an amendment.

I am truly disappointed in you, Mrs Porter—that you have been so naive, so ignorant of the true nature of education debate and management in the territory, that you could so brazenly stand here in this chamber today and move to speak to this motion. As far as dorothy dixers go, this is really scraping the bottom of the barrel for the misinformation that it represents. It is as shameful as it is plain wrong.

Mrs Porter, how could you be so used, abused and coerced by this machiavellian spin merchant posing as the minister for education? How could you, Mrs Porter, of all people, allow yourself to be used so cheaply to promote and mask this minister's litany of failures, falsehoods and phoney accusations? Mr Barr is losing his grip on education, so he feels compelled to resort to these cheap and stupid mistruths and stunts.

To suggest that the ACT Liberals have walked away from specialist needs education is absurd and plain wrong. It is not even original. It was at exactly this time last year that Mr Barr made similar allegations. Let me remind the Assembly. This time last year, Mr Barr had yet another crisis within his portfolio as a result of poor consultation and a lack of listening skills. He called it a commitment to restoring a balanced budget. We called it callous, uncaring cuts to the community's most vulnerable.

And what is more, so do people involved in education in this territory. Just ask the parents and teachers of deaf children in the ACT. Just ask the parents and teachers of children with visual impairment in the ACT. Just ask teacher librarians in this territory who just want a fair go and a job. Just ask teachers who were told "tough luck" when they took an administrative issue to this minister for resolution. Just ask parents, who have had to endure two teacher strikes this year because this minister is incapable of negotiating a decent pay rate for teachers.

Just ask the Education Union what they think of him. They have been trying to negotiate with this minister for months; he flips and backflips all over the place but is incapable of negotiation, incapable of conflict resolution, incapable of sensible dialogue. Just ask the parents of preschoolers in Weston Creek, who had to petition the Assembly before this minister would even start to consider their issues. Just ask the parents of children at Woden school who had to endure countless bullying incidents and medical emergencies before this minister was forced to act. How dare this minister—or you, Mrs Porter, for that matter—

Ms Porter: "Ms Porter", thank you.

MR DOSZPOT: I am sorry: Ms Porter. How dare you suggest for one minute that the Liberal Party have stood in the way of funding for specialist education in this place? This minister, Mr "Backflip" Barr, has an atrocious record of non-performance, reversal of policy and lack of concern for those in his portfolio area.

Education policy in this place has been driven by the opposition parties, who do have a genuine interest in real progress in education and do more than merely put out furphy media releases. We have been forced to pull up Mr Barr on no fewer than nine occasions in the three years of this Assembly to date; I will come to these shortly.

Chief Minister—I would like to address the Chief Minister; she is not here, but she is listening—I feel sorry for you. If Mr Barr is, after you, the next best performer in this place, if he is your best shot, you have a problem. If this motion is what he portrays as policy and debate, he is shooting blanks. He tried it last year. He suggested last year that the Liberals had opposed new initiatives in education. He rolled out all these claims last year. Let me refresh the Assembly on some of these Barr-isms. I quote Mr Barr:

> I am determined to give principals … the ability to attract and keep the best teachers in their classrooms, with faster promotions and a salary structure that better reflects the professional standards … that will be part of the education landscape from 2011 on. The key here is … that we continue to attract and retain the very best teachers.

That was what Mr Barr said a year ago. This is a response I received this week from one of those "very best teachers" he is supposedly working so hard to attract and retain:

> Ten years ago, with education under a Labor government I quit the ACT Teaching Service to join the Federal Public Service. I was disillusioned with a regressively run-down education system and poor National teaching salary parity. Things haven't changed even though I returned to teaching last year. How can I really justify my $30,000 pay cut from the Public Service to return to a profession that I love when it is so undervalued by the ACT Legislative Assembly?

The debate last year, in which Mr Barr gave such an insightful view, was a result of an appalling lapse of judgement in trying to drive an efficiency dividend in education. To be more specific, it was special needs education that was targeted. It was a drive that would have resulted in cuts of two early intervention preschool support teachers, two support teachers for early childhood English as a second language program, one early childhood support teacher for behavioural management and four school counsellor positions; reclassification of student management consultants; cuts of two hearing support positions from a head count of 10.3 FTE and one of four vision support teachers; post-school options teachers being discontinued; two disability support officers going; five classroom teachers and one SLC position in the Aboriginal and Torres Strait Islander literacy and numeracy program being discontinued; a cut of one SLC English as a second language position; and closure or break-up of the CTL resource centre.

This year this minister tells teachers to, in effect, suck it up over teacher attendance records. He again promises the six-figure salaries to the media while stalling and dragging out the negotiations. Mr Barr, teachers have stopped listening. They do not believe this minister any more. And why should they? They know he is full of media spin and hot air. They know he is short on commitment when it comes to education. He simply does not care. And, Mr Barr, it is beginning to show.

Prevarication and obfuscation have been the hallmark of this minister. As a result, today we still have no resolution on teacher salaries, the AEU has still not been able to finalise a new pay structure for its members and teachers are still not confident that they have a future in teaching in ACT schools. Parents are equally nervous; we have, for the first time anywhere in Australia, more families enrolling their year 7 students in non-government high schools than government high schools. Is it any wonder the families have lost confidence in this minister and this government when it comes to sound educational outcomes?

When it comes to policy backflips and backdowns, Mr Barr has no equal. As I indicated earlier, I will name just a few of these backflips. There were smaller class sizes; that was to be his great driver of success and reform. Having originally knocked the Liberals for suggesting it, then stealing the policy, he stalled at grade 3, from memory, on this program.

There was the Shaddock review. The initial announcement excluded non-government schools from the Shaddock review of special needs education. After two months of constant pressure from us, he finally included them. There was the Shepherd Centre. He announced that he would be cutting funding for the centre; only after a concentrated campaign from us and the many distraught parents was the decision reversed by this minister.

This minister abandoned Noah's Ark initially and then begrudgingly, after months of agitation from again the same people I referred to before, offered funding to the end of this year. The education efficiency dividend consultation process with teachers was announced in the middle of the school holidays; only after pressure from the Canberra Liberals was the consultation period extended and opened to include parents as well.

After promoting school principal autonomy, he walked away from that notion by not supporting the first opportunity to do it through the Lanyon high school principal's innovative solution to the truancy problem. Where do you stand today on this policy, Mr Barr? For or against it? It is hard to keep up with you on all these many Barr flips.

There are the already mentioned efficiency dividend cuts to hearing and visually impaired children. That will probably go down as Minister Barr's darkest hour and biggest backflip to date. He refused to meet with Weston Creek preschool parents when he was confronted by angry parents at the Woden open cabinet meeting. On why he had not responded to them, he replied with: "I get 1,000 emails a week on these issues from the parents." I am quoting you on this, Mr Barr. If you do get that many—1,000 emails a week—what does that suggest? Does it suggest that you have got a big problem in education and you need to start listening and taking

responsibility for your policy failings? As previously mentioned, the decision at Weston preschool was reversed, but I acknowledge that it is only a deferral for now. Those parents are not about to let you off the hook, Mr Barr; they know who is ultimately responsible for the lack of consultation, and 12 months will not make any difference to their resolve.

Again, there is the ongoing saga of safety for a student at Woden school. Between the Chief Minister and the education minister, this has been an appalling failure to protect vulnerable children. Again I note that the reversal of the earlier decision to not provide nursing staff at Woden is only for the remainder of 2011. But the issue will be at the forefront of debate again in 2012; I can guarantee you that, Mr Barr.

I move to the less fictitious parts of this motion. The motion talks of the importance of the national assessment program known as NAPLAN. In reading the various reports, let me be clear: NAPLAN is a significant tool for parents and teachers in assessing how students and classes are progressing. As an aside, in reading this motion one could be excused for thinking that NAPLAN was the brainchild of the ACT government and Mr Barr.

There is much to commend in this motion. As I said, NAPLAN is important for parents and teachers to receive feedback on student strengths and weaknesses, and our schools should perform well because successive governments have invested significant amounts. But the picture is not all rosy; we need to be careful how NAPLAN is interpreted and what it cannot do. Over the years NAPLAN has had some interesting press, and many organisations and individuals with particular barrows to push have used NAPLAN results, not always appropriately or accurately, to further their cause. There is no doubt that NAPLAN is a valuable tool but, like all tools, it should not be used without instruction.

ACT Labor should not be so complacent as to suggest that NAPLAN is saying that Canberra schools are performing exceptionally, because we can do better. For example, I draw the Assembly's attention to an article headed "Students let down by the system" by Nicholas Stuart in the *Canberra Times* in October 2010. The article talked about the My School website and asserted that our education minister does not really appreciate what it is saying about the state of our schools. My School features students' NAPLAN performance over a number of years and, together with financial information and other facts and figures about each school, is intended to provide parents with some assistance in selecting a school for their child.

Mr Assistant Speaker, I am about to run out of time. I would simply like to say, as I said at the beginning of this debate, that this motion is good in parts but much of it is misleading and some of it does suggest complacency. I move:

> Omit paragraph (2), substitute:
>
> "(2) supports ongoing specialist teacher services for students and schools in the ACT.".

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (5.46): The Greens will support the motion today, and we will also be supporting Mr Doszpot's

amendment. Indeed NAPLAN testing can be a valuable tool for monitoring the progress of our students and ensuring that they continue to develop their skills and get the most out of our education system. As the motion notes, it provides important feedback for students and parents. As a parent myself, I know that my children have sat a number of NAPLAN tests, and it certainly is useful to see how they are developing throughout their schooling.

The NAPLAN tests are an important and useful tool for feedback, but it is very important that we keep the value of the tests in perspective and do not over rely on the results. They are, of course, just one part of the monitoring and reporting of our students so they can continue to improve. The more important factor, as we know, is the ongoing relationship between parents and teachers and, of course, students so that there is constant and ongoing feedback, and this should be our primary focus as a means to ensure we are delivering for our students and that we are just not looking at those biennial test results.

There has been some criticism of the NAPLAN testing, for example Professor Margaret Wu of the Melbourne university has said that NAPLAN tests have a high degree of measurement error as well as sampling and equating errors and are too inaccurate for the determination of individual student improvement over time, changes in school performance from year to year or differences in educational effectiveness between different schools. This is, of course, just one view, but it is something we need to be mindful of in the constant evolution and improvement of the test. As I said, it is that relationship between students and their families and teachers that is the most important one.

The NAPLAN data gives us the opportunity to address particular weaknesses, and the Greens support the tests and further refinement of not only the test but the way we teach our teachers to use the results and better tailor their teaching to those students in their classes who have demonstrated that they need some extra assistance.

I note that, under the improving teacher quality national partnership, the professional experience committee has been established with representatives from both the University of Canberra and the Australian Catholic University to improve the use of standardised testing by our teachers. Of course, this was the first recommendation in the achievement gap inquiry, so I am pleased this is being progressed. I note that the minister has previously spoken about this issue and that the smart tool kit has been developed to address this issue.

It is very important that we use NAPLAN data well and make sure that our teachers have the tools they need to interpret and apply all the learnings that come out of the test and, equally, that those learnings are kept in perspective and add to the tools we have to assist our students rather than just shifting our focus.

NAPLAN gives us the opportunity to address areas of weakness for individual students and schools. While this certainly is the case, the Greens are cautious and have consistently raised concerns about some of the uses of the NAPLAN data. Of course, I am particularly talking about the use of leagues tables and the publication of results pitting schools against each other. It is very important that we provide the most

resources to the schools that need the most to ensure that every child in our community has the best opportunity to receive the best possible education and to meet their full potential. I do not think that rating schools publicly helps to achieve this aim, and there are a range of issues associated with it.

The issue of teaching to the test is one particular problem that has been identified by experts in the area, and I think this is an issue that we are all aware of. It is a very important reason why we need to keep these tests in perspective and ensure that they are just part of the broader educational tool kit and do not take up a disproportionate role in our education system.

I am and continue to be concerned about what can be effectively a naming and shaming of the schools that do not perform particularly well, and we have seen some newspapers across the country do this. This is not a productive way to approach the problems facing those schools and it does nothing to help those students and teachers who are facing a range of issues that come about for a range of reasons, most of which stem from outside the classroom.

On the issue of the use of NAPLAN testing, I will briefly turn to the Australian Education Union's submission to the Senate inquiry into this issue. That submission points us to the experience in the United States, where this type of testing has been relied on extensively to the detriment of educational outcomes. The submission quotes Mr Ken Boston, a former chief executive officer of the South Australian education department, a former director-general of education in New South Wales and a former chief executive officer of the United Kingdom qualification and curriculum authority. At a seminar in Melbourne in 2009 he said:

> In England the government's use of the key stage tests has seriously damaged the breadth and quality of primary education. The tests have changed from an essentially diagnostic test for the purpose of school and system improvement, to a high stakes summative test on which depend—amongst other things—the pay and future employment of the head teacher and staff. As a result the school curriculum is narrower and poorer than it was when the tests were introduced in 1997. In many schools, the time spent on areas of the curriculum which are not externally assessed has contracted sharply.

We need to be very aware of these issues and, as I have previously said, particularly vigilant to make sure that while we exploit the benefits of the tests we do not overly rely on them and we ensure that they do not encroach on all the other tools available to us to ensure that student progress is monitored and learning programs tailored to students' needs.

At this point it is relevant to turn to the inquiry into the achievement gap and the evidence given to that inquiry and the committee's findings. Some of the things that came out of that inquiry were issues around some of those students in our community who are not doing as well. But, also, the inquiry's report noted that we have a lot of students who are doing well in the ACT, and we know that. We are doing well compared to the Australian average. We are doing very well compared to other states. We have a very high retention rate to year 12, and we should celebrate the achievements of our students. It is, indeed, very well deserved praise for those

students, their families and teachers. However, we cannot rest on this, as we need to be aware a number of students are missing out and are not doing as well, largely because of other socioeconomic factors outside of their control.

Indeed, while we should rightly celebrate our achievements, we need to be aware that there are some who are not doing so well. I am concerned that we will use the test to identify those students who are not travelling as well, who may be missing out, and, rather than entrenching those problems, we must look at how we can put in the resources and the supports to make sure they can reach their educational potential.

One of the areas was around Aboriginal and Torres Strait Islander students, and there were a number of recommendations from that inquiry. A number were agreed to and are in progress. One which was noted and which I hope is being given some more attention by the government was around the government investigating options for expanding the Gugan Gulwan program to include years 11 and 12 students. This was a program that had been funded. The funding then ceased and some lobbying went on to get that funding reinstated. I understand that recurrent funding has been put in place, but, really, they are saying: "We've got a great program. It really is assisting Aboriginal and Torres Strait Islander students to keep engaged in school because we're working with the schools." This is a way to have that conduit, that pathway, from Gugan Gulwan youth centre out at Erindale coming in through that program to get them into their local schools or to continue with that support from the tutors and workers at Gugan Gulwan.

They really want that program extended and I think it would be a worthwhile thing to do. As I said, the government noted it. I certainly hope they move on it and do that investigation. We need to look at how we can improve the outcomes and the results for Aboriginal and Torres Strait Islander students. I have to say that they are doing better than other parts of the country, and that is welcome news. But we know we can improve on that.

Another very important group that gave evidence to the inquiry was young carers in our community. Having worked at the Youth Coalition, where we did an extensive study and investigation and a series of reports into young carers, we know that young people who are caring for a parent or another family member who may have a mental illness or a chronic illness are regularly missing school. We need to see how we can support them to continue with their education, whether that be online or whether it be a more flexible way of learning.

The ACT has done it incredibly well with the CCCares program for our young mums and also young dads. It is a world-class program. I think we can continue to build and be innovative in the ACT and be bold and look at how we can provide a range of flexible learning delivery, because it really benefits not only those young people but their families, their communities and the whole Canberra community.

I would now like to turn to the issue of specialist teachers. These teachers will, of course, form an important part of our response to help those students who need particular assistance. I note that extra money has been put in through the budget—$11.8 million will be spent on educational reform and enhanced career paths for teachers. As I have said before, the Greens support this initiative.

I am very interested to know exactly how the program is going, the level of resourcing provided and the feedback from the parents, teachers and the students themselves and what mechanisms we have to ensure that the schools and students are getting the assistance they need. As I said, I support the initiative and am very happy to see the money going to it. I will be very interested to see the outcomes that we manage to achieve through the program. Of course, this is something that can be explored during the annual reports hearings.

I would also like to briefly mention the particular needs of students with a disability and the importance of monitoring the ongoing implementation of the Shaddock review. As we know, we have more and more students with a disability coming into our education system. I note that an additional $20 million over forward years, as we know, went through the budget for children with disabilities. We need to be mindful that we have an increasing number of children, and I have received concerns from some parents about the way some of these services are delivered.

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MS HUNTER: These students are among the most in need in our system, and in any debate on the education system it is important that we turn our minds to their needs. Another part will be getting them ready to move into post-school options, and I am not convinced we have got that right. I am not convinced we have got that connection between the education department and the Community Services Directorate right. I think we need to direct far more attention to that area. There needs to be a smoother, more streamlined process that is far more supportive of the parents of those students and the students themselves.

Finally, the Greens will be supporting the Liberal amendment. I note that what is in Ms Porter's motion is true—the Liberal Party has voted against every budget in this Assembly. I am not quite sure what the tactic is. It is a great shame that the Liberal Party chose not to support funding for the services. However, ultimately, those clauses do not really add to the substantive debate, and it is very important that we turn our minds to the important issues. I am happy to support the additional recognition of the specialist assistance program that Mr Doszpot has put into his amendment. Thank you to Ms Porter for bringing on this motion this afternoon. As I said, we will be supporting this motion with Mr Doszpot's amendment.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (6.02): I would like to thank Ms Porter for raising this important matter this afternoon and for being able to deliver a speech focused on the issues at hand. I would also like to acknowledge Ms Hunter for similarly being able to make a contribution in relation to the subject matter of the motion.

I congratulate ACT students for their exceptional overall performance in the 2011 NAPLAN testing program. I put again on the record the very proud history that the

Australian Capital Territory has in performing very well in these national tests since their implementation in 2008. Once again, ACT students have outdone their Australian counterparts across all of the domains that were tested. It is very clear that across all schools—public, Catholic and independent—the education system is performing well. Students are being equipped with vital literacy and numeracy skills that will enable them to further develop their education as they move through our excellent system.

It is not just the students who should be congratulated. Parents should be congratulated for their ongoing involvement in their children's education and for engaging in their school communities. Teachers and principals should be thanked for their significant contribution towards the education of young Canberrans. It is the programs and classes implemented across the school system that have contributed to such strong results for the ACT.

It is no surprise to me that ACT students are performing so well. Only a few weeks ago I had the great pleasure of attending Red Hill primary school, part of the year 4 students' inquiry into civics and citizenship. I must observe that an hour's questioning from year 4 students does provide a refreshing insight into the sorts of issues that really matter and perhaps does contrast greatly with an hour's questioning in this place.

Mr Speaker, the most important part of the NAPLAN testing is the data that comes from the results. The results provide parents with feedback on their son's or daughter's strengths and weaknesses. The results allow schools, the education directorate and, indeed, government at both the territory and national levels to target new resources into education and training and to fix areas of weakness. This is aimed at improving the educational outcomes of all students in the ACT. The data provides us with information about how education programs are working and which areas need to be prioritised for improvement.

There are improvements in many different categories for ACT students in the 2011 NAPLAN data. It is important to note, though, that with ACT scores as high as they are, it does provide a challenge for the education system to find new and innovative ways to improve those outstanding results, but try we do, Mr Speaker. That is why in recent budgets the government has invested in a range of programs to enhance performance in literacy and numeracy.

This initiative included the appointment of specialist literacy and numeracy teachers within the public system, known as field officers. These targeted investments have been focused on building teacher capacity and improving student outcomes in literacy and numeracy. In 2011 a total of 21 field officers are continuing to work across the ACT public school system. The strategy has particularly focused on the expansion of the u-can read program to develop a strong research focus, to deliver professional learning to teachers and to build even stronger partnerships within schools.

Mr Speaker, the government intends to build on these education reforms through the development of further enhanced career paths for teachers and school leavers. This is about maximising teacher effectiveness. There are countless pieces of research that

have been in the public realm and been debated by education ministers in recent years and months around the means to improve teacher effectiveness by providing professional opportunities that will attract and retain the best teachers in the classroom.

One of those key findings from the Grattan Institute is that the teacher evaluation process in Australia is fundamentally broken and needs substantial reform. The focus on salaries is clearly important in terms of attraction and retention, particularly as we look to the future to seek to attract those year 12 graduates who are achieving in the top third of their cohort as they emerge from their education into teacher education at a university level.

It is also the opportunity for accelerated advancement, the opportunity to work within a dynamic education system and to be able to work directly in schools where it makes a difference that will appeal to the younger generation of teachers. Taking a leading role in curriculum implementation and acting as mentors to other teachers are a critical part of the career progression that we are seeking to achieve. We want to target our promotional classroom teacher positions into the schools that most need them so that these teachers will work with the students that need their skills the most.

In the budgets of 2009, 2010 and 2011 the government have allocated significant additional funds into the education portfolio. We have employed 70 additional teachers who commenced in the ACT public system in 2010. Fifty of those 70 are in ACT public high schools, with an additional 10 positions in the primary sector and 10 in colleges. These measures see the student-to-teacher ratio in the ACT the lowest in the country, with the exception of the Northern Territory. As we know, there are some specific circumstances in relation to the Northern Territory and their rural and remote schools.

I think it is important to put on the record that the Gillard government is doing its part as well. Under the variety of national partnership agreements for education, skills and workforce development and early childhood education, the ACT government will be receiving approximately $80 million in additional Australian government funding. This is a level of commitment from the federal government to education that we have not seen for decades. This funding is being used for a range of programs. Through the smarter schools national partnership, the ACT is focusing on meeting a range of specific reforms to address educational disadvantage, improve student literacy and numeracy outcomes and focusing importantly on improving teacher quality.

The early childhood reform partnership aims to achieve universal access for early childhood education for all children in the year before schooling by 2013. Under the digital education revolution, the ACT aims to achieve a one-to-one ratio of computers to students by 31 December this year for secondary school students in years 9 to 12. I can report to the Assembly that as at June of this year 100 per cent of the required computers have been deployed to schools in the ACT.

It is fair to observe, though, that our efforts to provide the best education possible to the ACT's students have met with some opposition. As Ms Hunter correctly identified, and the minutes of proceedings for the Assembly of 26 June 2009, 2 July 2010 and 1 July 2011 will confirm, the Canberra Liberals have voted against all of those additional appropriations in Education and Training.

Mr Hanson: You got 19 per cent in the *Canberra Times* poll, Andrew.

Mr Smyth: What does the online poll say, Mr Hanson?

Mr Hanson: Labor's 19 per cent, the Greens are 10. Have you seen that one—talking about computers?

MR BARR: And it is good to see just how sensitive those opposite are when their voting record is brought to the attention of the Assembly, Mr Speaker.

MR SPEAKER: Thank you, members. Order!

MR BARR: And I simply refer those members opposite to the minutes of proceedings, the formal record—

Opposition members interjecting—

MR SPEAKER: Members!

MR BARR: of how people vote in this place on the issues that matter. What we see from the Canberra Liberals—you can detect their sensitivity on this by the volume of interjection from every single one who has already got a warning, Mr Speaker. You see this time and time again. The Liberals'—

Opposition members interjecting—

MR SPEAKER: Thank you, members. Let us just tone it down.

MR BARR: view on education, particularly public education—Mrs Dunne is the champion of this—is that that investment is throwing good money after bad. *(Time expired.)*

Amendment agreed to.

MS PORTER (Ginninderra) (6.12): I thank members for their contribution to the debate. However, I had hoped that Mr Doszpot could have congratulated ACT students, our ACT teachers and parents, our school communities and our hardworking directorate, if not the minister. It is as though these results do not exist. I sat and listened to Mr Doszpot's spray, which was nothing more than a vindictive attack on the minister who has overseen an education system that has achieved all these wonderful results—not singlehandedly, of course, but with all of those people that we mentioned before, not least the students.

I believe that this is the subject of my motion, although one would hardly have realised that if one had been listening to Mr Doszpot. I can only hope that these very same students, these very same teachers, these parents and these committed school communities and the directorate staff were not listening while Mr Doszpot spent his valuable time denigrating the minister instead of focusing on the motion. Of course, if

Mr Doszpot does not have a good word to say, if he cannot bring himself to recognise these achievements, then I suppose he had to say something in his allotted time. He had to fill the void.

In less than two minutes Mr Doszpot suddenly woke up to the fact that it was the NAPLAN results that we were talking about. Mr Doszpot seems to think that I believe we should rest on our laurels and pat ourselves on the back. However, if you were listening, Mr Doszpot, I actually said that, whilst these were excellent results and whilst they are pleasing, we have areas that need to be improved and we need to build on the results.

Ms Hunter is correct. NAPLAN is a tool, however useful and pleasing it is, and however useful and pleasing the results. It is just part of the information that we need to be aware of in ensuring that our students are getting the best education possible and the best results. As Ms Hunter says, we must ensure that our education system uses all the tools available to it, all the resources available to it, and all the commitment that our quality education can give to our students to make sure that they have the best start in life.

As the minister says, we can do this. We can achieve this through all the commitment that we have already demonstrated and will demonstrate in the future. Obviously, Mr Doszpot's amendment has passed. There is no doubt that we have a strong commitment to ongoing specialist teaching services. We have no problem with that amendment. We understand why Mr Doszpot is uncomfortable with clauses 2(a) and 2(b). These clauses have been removed. They are no longer in the motion. However, they were a statement of fact, as the minister has just outlined.

I think the last word with regard to this motion should be, as the minister said, our congratulations to the students and all those that support them across the education system—the teachers, the parents, their school communities and the hardworking staff in our directorate. Congratulations and thank you, all of you, for what you have achieved and for what you will continue to achieve.

Motion, as amended, agreed to.

Legislative Assembly—commencement of sitting

Motion (by **Mr Barr**), by leave, agreed to:

> That, pursuant to standing order 27, the Assembly at its rising this sitting adjourn until 2 pm, Thursday, 20 October 2011.

Adjournment

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

> That the Assembly do now adjourn.

Australian Philippine Adoptees Festival

MRS DUNNE (Ginninderra) (6.17): On Saturday, 1 October I had the privilege of attending the inaugural Australian Philippine Adoptees Festival. The festival was the brainchild of Michael Murphy, a Canberra father of two adopted daughters from the Philippines, who had long held the desire to bring together Filipino adoptees from around Australia so that they could reconnect with each other, especially those who came from the same caregiving homes, and provide an opportunity for them to make new relationships.

In 2009 Michael came up with what he described as a crazy idea, but everyone whom he dealt with in the Filipino adoptee association saw the potential and they started working towards the festival. The festival came to fruition on the October long weekend, and Minister Burch was also in attendance along with representatives of the office of children and young people and the commonwealth Attorney-General's Department. The festival was attended by 58 families from across Australia, including the ACT, New South Wales, Victoria, South Australia, Queensland and Western Australia, 87 adoptees were there—212 people in total—and 35 care-giving homes from the Philippines were also represented. It gave administrators of the caregiving homes who had facilitated the adoptions to Australia the chance to see where the children that they had cared for had ended up. It was a most heart-warming experience.

The event was a festival—it was not a conference; it was not a talkfest; it was an opportunity for children and their families to get to know each other and make connections. The opening program which I had the pleasure of attending was enhanced by the involvement of the Rondanihan music group of the ACT and the ACT Filipino Australian Social and Cultural Association dance group. They engaged the assistance of the organisation Couples for Christ, who provided afternoon tea for the occasion.

I want to pay tribute to the organising committee, including Michael Murphy and Jocelyn Kidd, who were the organisers here in the ACT. The organisation wants me to pass on their grateful thanks for the funding through the ACT multicultural grants from the ACT Office of Multicultural Affairs. They received assistance from the Adoptive Families Association, and they also raised extra funds through the sale of T-shirts and cookbooks.

The general realisation that this was such a fantastic outcome means that there will be a second Australian Philippine Adoptees Festival in 2013 on the long weekend in October at the Gold Coast. Jocelyn Kidd, one of the organisers, told me about one of the young adoptees who is now 18 and who had come with his family from South Australia but had been a somewhat reluctant participant. But she said at the end of it he left with a new love for his Filipino heritage and a great pride in who he was.

It is very heart warming to see the great love and affection between the adopted children, their adopted families in Australia and the great connections that they made with the caregivers that had provided assistance to them when they were young children. I congratulate the Australian Philippine Adoptees Festival on their

outstanding work in their inaugural festival, and I wish them great success in the future.

Picking up the Peaces
Drugs—remembrance ceremony
SIEV X anniversary

MS BRESNAN (Brindabella) (6.22): I would like to talk about a couple of events I attended in the past weeks. I am not sure if Mr Hanson has already spoken about a couple of these, but I did miss the adjournment yesterday.

The first was the annual post-traumatic stress disorder awareness event of Picking up the Peaces, which Mr Hanson attended. This is a wonderful organisation, one I was aware of through working at the Mental Health Council, because obviously with PTSD mental health is one of the associations with that. I would like to speak about Kate and David Tonacia, who have been instrumental in starting up this organisation. I met David when I was doorknocking for the 2008 election. As I said, I was aware of them from working at the Mental Health Council. I have very much followed their progress. I met with them a couple of weeks ago, talking about what they have been doing as an organisation.

It is amazing how much Picking up the Peaces have progressed in just the last couple of years, becoming a very well known organisation with a lot of support, because there are so many people who have not only experienced PTSD but been impacted by it. I very much praise them and the work they are doing—also other people associated with them, including Biff Ward and Jim Wain, who was the MC at the event.

I did have to leave the event early because I had another event to go to, but it is excellent that we have an organisation like this that is now gaining prominence and getting support from the various emergency services, the armed services and the police. I hope they continue to get that support. They are about to become an incorporated organisation and I hope they are successful in getting some funding to become a stand-alone organisation.

I also attended something which Mr Hanson has already spoken about today, the 16th annual remembrance ceremony for those who have lost their life to illicit drugs. Brian and Marion McConnell and Bill Bush were here today for the debate; I do apologise for not acknowledging them during that debate.

Families and Friends for Drug Law Reform in the ACT have been instrumental in the debate on drug law reform and drugs and harm minimisation in the community. They have been the ones who have led this remembrance for the last 16 years. I would like to pay particular tribute to one of the speakers, Kerel Pearce, who spoke about her brother Patrick. Kerel was very brave in her speech, because she did speak about how we need to take a renewed approach to how we address drugs as a health issue and a harm minimisation issue. As I said, it was very brave of her to get up and speak about that and express some of the views she did.

I would also like to note that it is 10 years since the SIEV X tragedy. It is a day to reflect on how we have progressed in terms of refugee policy since that time as we

remember the men, women and 146 children who drowned on that day and the tragedy that it was with the loss of more than 255 lives. As we reflect on that, I think it is sad to say that we have not seen much progress in terms of refugee policy. We still have the major parties using it as a political issue instead of taking an approach which looks at the issue of refugees, human rights and the circumstances in which people come.

Ms Le Couteur spoke on the ninth anniversary of the SIEV X and I would like to read from her speech. She said:

> We are talking about some of the most vulnerable and persecuted people on our planet. Asylum seekers coming to Australia are overwhelmingly people who have a genuine fear of persecution. They have suffered the kind of torture and trauma that no-one should have to go through. They are also people that show extraordinary courage. And they come to Australia to seek our protection—protection from a country that is supposed to be a beacon of human rights. It is protection they deserve.

We need to remember that on this sort of occasion. The SIEV X and the *Tampa* situation were two events which very much led to me getting actively involved in politics again. When they occur, they are the sorts of things where to stand by and see them happen makes you want to get out, get involved in politics and put forward a different view which shows that refugees should be supported along with their circumstances.

Special Olympics ACT

DR BOURKE (Ginninderra) (6.27): As many Canberrans know from their own experience, sporting activities provide great health benefits. They build social and team skills and above all are lots of fun. Participation in sporting activity should be open to all people, and Special Olympics ACT is one organisation that helps people participate.

Special Olympics has broken down the barriers to participation by developing a sporting program that meets the needs of athletes with intellectual disabilities and their families. Last Friday I played bocce with athletes from the Special Olympics. Have you ever played bocce, Mr Speaker? I have played a few times in various parks around Canberra, but I learnt last Friday that you can also play bocce on a building site. I also learnt that these athletes from the Special Olympics are highly skilled bocce players—and that I need more practice.

Of course Special Olympics does support more than bocce. I am pleased that this year the ACT government has been able to provide $18,000 to develop and grow the popular swimming and cricket programs. I also know that Special Olympics ACT offers 11 official sports ranging from basketball and gymnastics to sailing and tenpin bowling. All athletes have the opportunity to advance from local competition through to national and international events.

Like so many community sporting organisations, Special Olympics ACT relies heavily on its network of volunteers and corporate sponsors. Last Friday I was pleased

to be present at the announcement of a partnership between the CFMEU and Special Olympics which will greatly assist the valuable work of Special Olympics ACT. The CFMEU will donate $100,000 over the next three years.

I commend the CFMEU on their willingness to support community sport and Special Olympics ACT in particular. I also congratulate them on their continuing support for Canberra icons such as the Canberra Capitals, Canberra Raiders and Canberra United.

I am certain that the CFMEU and Special Olympics will enjoy a positive partnership for the next three years. I wish the athletes and volunteers of Special Olympics ACT continued success in their sporting activities.

AIDS Action Council

MR HANSON (Molonglo) (6.29): I rise tonight to talk about the AIDS Action Council annual general meeting conducted on 12 October. I was honoured to deliver the 12th annual Peter Rowland address on the topic of the "Changing landscape of health in the ACT—access and delivery". It was a great night; I got to meet many of the members of the council including the board members: Mr Scott Malcolm, the president; Mr Alan Verhagen, the vice president; Mr Andrew Grimm, the secretary/treasurer; Ms Delia Quigley, board member; Dr Nathan Boyle, board member; and Dr Daryl Evans, board member. I would also like to mention Andrew Burry, the general manager, and Andrew McLeod, the finance manager.

On the evening a number of awards were presented, and I would like to go through those. Fabulous membership was presented to Mr Brendan Smyth MLA. I note that Brendan is not here in the chamber because he knew I was going to mention this and was a little bit embarrassed to have me relate the fact that he is so proud of the award for his ongoing contribution to the AIDS Action Council. He is such a regular attender at their meetings and went to mardi gras on a number of occasions to show his support when he was a minister. I know that he was very touched, very humbled and very appreciative of that award. Fabulous membership was also given to Mr David Mills and Mrs Stephanie Buckle.

The David Widdup award was given to Mr John Davey. The community award went to Mr Ken Teoh and Mr John Kloprogge. The media communication award went to Ms Kate Evans from ABC Canberra, and the president's award went to Mr Peter Hyndal. To all of those people who were given awards by the AIDS Action Council at the AGM, I congratulate you on the service that you have provided to the council in the important work that they conduct.

For those of you who are unaware of the activities and the good work of the council, I recommend that you go to their excellent website. I thank the AIDS Action Council again for the work that they do for our community, and I encourage them to keep up that good work.

Ride to work day
Living Green Festival
SEE-Change

MS LE COUTEUR (Molonglo) (6.31): I would also like to talk about a few activities I have indulged in in the last few weeks, the first of which is ride to work day. It was a glorious day on ride to work day this year, as distinct from the year before, when it was raining cats and dogs. I was very fortunate to be joined by Mr Coe, Dr Bourke and members of Pedal Power. We went round the proposed Civic cycle loop. Unfortunately, it is still only the proposed Civic cycle loop, but we and Pedal Power will keep chipping away on this and hopefully it will soon become the actual cycle loop. This could be a great addition to Canberra. Ride to work day had a record number of registrations around Australia this year—45,000—which is great. It is showing that people can enjoy riding to work and that riding to work can really make a difference to our transport system.

On Sunday I went to the first ACT Living Green Festival. It had as its by-line "a kinder shade of green". For those of you who might not have realised what a kinder shade of green is, it was promoting cruelty-free and environmentally friendly products, services and food. When we say "cruelty-free", basically we are talking about vegan or vegetarian. We are talking food, products and environmental things which do not involve exploitation of animals.

It was really great to be there. I have been a vegetarian for 20 or 30 years or so, so I was quite at home. One of the real achievements there, I would have to say, was vegan cupcakes. If you have not tried making vegan cupcakes, let me tell you that that is one of the reasons I am a vegetarian and not a vegan: it is hard to get a lot of your baked goods really working without the little bit of egg to keep it going. They had some incredibly good ones. And if it happens—

Mr Barr: Egg substitute just doesn't cut it?

MS LE COUTEUR: No, it does not, I am afraid, Mr Barr. If it comes back next year, what I would highly recommend to everyone is the raw food chocolate dessert. They are little things; they are absolutely yummy chocolate.

Anyway, it was not entirely food, although that was a big part of it. There were yoga demonstrations; there were solar panels; there was massage; there were cleaning products. There were a lot of things along those lines. They had a program of speakers. I was one of them; I did speak about how vegetarianism has some really positive environmental pluses as well as the ethical pluses.

The last thing I would like to mention is SEE-Change. Last night I went to SEE-Change's annual general meeting. The "SEE" stands for society, the environment and the economy. It was started quite a few years ago in Belconnen by Bob Douglas. It started off with some incredibly ambitious aims. One of my friends was in one of the original suburbs, and they were aiming to reduce their CO_2 emissions in that suburb by 30 per cent in about five years. I am afraid that it has not managed to quite achieve

all its aims, but there are a lot more of them than there were. They are now throughout Canberra. There is a Tuggeranong group. In fact, there is one in every area apart from Gungahlin. There is an inner north; there is a Woden; there is an inner south. There is a Belconnen group. It is a decentralised group. Its headquarters are now in Downer.

They are doing a number of projects, because they have been fortunate enough to get a couple of grants from the ACT government. They are doing a vision 2020 project, which is a project to go into ACT schools and see what kids think life could be like in 2020 when we have implemented the 40 per cent greenhouse gas reduction. And they are doing a somewhat challenging program for what was going to be a community solar farm; unfortunately, a couple of days after they got the grant, the feed-in tariff changed significantly. But, as they say, it is positive because it means that instead of just looking at solar they are looking at the whole range of alternative energy. They have not been discouraged. They are hoping for some really good outcomes.

I have only got a couple of seconds left. Let me say that it was great to go to these free events, which all showed that Canberra has a lot of people who are out there in their community having a great time and making a difference for a better world.

Carers Week

MR DOSZPOT (Brindabella) (6.36): I rise to highlight that, throughout Australia, 16 to 22 October is Carers Week. The theme for this year is "anyone, any time can be a carer". It is especially apt, because indeed anyone at any time can find themselves caring for a loved one, be it a child, a spouse or a close friend. Being a carer is one of the toughest but possibly also one of the most rewarding jobs anyone can take on because it is so often motivated by love and commitment.

I hear so many stories of people who have said to me, "Who would have thought my life would pan out this way?" Each and every time I meet someone caring for another person full time, and so often on their own, I stand in awe and absolute admiration that so many can give up so much for a loved one.

A line in a recent *Sunday Canberra Times* article said, "Love binds most carers to those they care for." That same article went on to outline the story of a man bringing up his child alone after his wife had lost her life to post-natal depression. He said of his experience, "Love is just not enough," and for him and his late wife, it was not. Indeed, in the standing committee on health's report *Love has its limits* that is exactly the message from so many carers in the community—love, money and government support can so often never be in sufficient quantity to resolve all issues.

I note in a *Canberra Times* article today the story of Kate Agyemang, who is raising and caring for her 13-year-old son, who has a range of disabilities, on her own. She highlights the importance of after-school care for teenagers and the older disabled. The rare ability to have a quiet cup of coffee, the reality that she will be caring for her son for many years to come—her story is repeated in every suburb in Canberra and in every town in Australia. I would like to quote briefly from the *Canberra Times* article where it states:

> … the lack of after-school care options for disabled teenagers, where they receive extra learning and social opportunities, was "a major system failure".

Her opinion is shared by numerous families in similar circumstances. Diana Nasr is a single mother with two disabled children. A few years ago her caring role became too much and, consequently, she gave up work. She, like Mrs Aygemang, is frustrated that the older her children get the less likely they are to get into specialty services. Carers such as Ms Aygemang and Ms Nasr are being celebrated nationally this week.

We need to recognise that without the dedication and support of Australia's unpaid carers and the support they provide to family and friends who are frail, have a disability, an illness or chronic condition, many Australians would not be able to continue living at home or participate in the community.

This week is an opportunity to acknowledge the enormous contribution and dedication that carers throughout Australia make to the quality of life for so many of their loved ones.

Mount Rogers Explorer Day

MR COE (Ginninderra) (6.40): On Sunday, 25 September I was pleased to attend and participate in the Mount Rogers Explorers Day. The Mount Rogers Explorer Day was developed as an information day for residents who live in the area surrounding Mount Rogers to draw attention to the benefits of having such a wonderful asset in their backyard. The Mount Rogers Landcare group, under the guidance of coordinator Rosemary Blemings, organised displays and giveaways on the day. The event was well attended, with up to 60 people attending at some stage throughout the day.

Ginninderra Catchment Group provided a barbecue lunch and information about other Landcare groups within the catchment, while Mount Rogers Landcare group organised a guided walk and provided games, including a horseshoe toss and an egg and spoon race.

The Mount Rogers Landcare Group undertakes activities to improve the biodiversity of the Mount Rogers reserve. Its activities involve weed management, planting native vegetation, erosion control and community awareness and education. Working bees take place twice each month. Since 1999, the group has contributed $100 worth of plants as a lucky door prize and is always keen to encourage participation and new membership.

The Ginninderra Catchment Group is an incorporated umbrella group of community volunteers working in the water catchment of the Ginninderra. There are a number of separate Landcare groups operating under the GCG, operating across the catchment, including the Dunlop Environment Volunteers, Friends of Aranda Bushland, Friends of Mount Painter, Macgregor Landcare Group, Mount Rogers Landcare Group, North Belconnen Landcare Group, Umbagong Landcare Group, Friends of the Pinnacle, Giralang Pond Landcare Group and Holt Community Parkcarers.

I acknowledge the work done by Kelly Behrens, the catchment coordinator for the Ginninderra Catchment Group, and all the volunteers and coordinators for their ongoing work in maintaining and managing the delicate environment in the Ginninderra creek catchment.

All these groups punch well above their weight and often they do work that the government not only could not do unless it had bottomless funds of money but also could not do simply because you cannot buy the commitment and determination that these volunteers possess.

Mr Barry Joseph Cronan

MR SMYTH (Brindabella) (6.41): I wish to bring to the attention of the house the passing of Barry Joseph Cronan. If you went to Marist college, Pearce, throughout the 70s, 80s or 90s or even early into this century you would know Barry well. Barry was a maths teacher there from about 1972. I have to say, I was lucky enough to have him for at least five years of maths from what was, in the old style, second form through to sixth form—years 8 till 12 in the current parlance.

Barry unfortunately died on 2 October of a very rare lung disease. At the age of 74, it was very early for a man who should have had a much longer life and a much greater retirement. Barry was born in 1937, went to boarding school in about 1949 at the Marist college at Mittagong and left there as a brother at the age of about 18. He then spent about 50 years teaching generation after generation of students at Marist schools throughout the country. His teaching was excellent—I think he had the knack of not just looking after the bright kids in the class but meeting every kid where they were and genuinely taking an interest not just in their education but in their development as young men growing into adults. For those of us who had the privilege of knowing him, we will miss him dearly.

I was quite lucky to go through Marist with a group of about eight of us who are still friends and we get together regularly. Mr Cronan would every now and then come and attend our get-togethers. Some 30 years after leaving school, to still be in touch with one's teacher is probably a bit odd in this day and age, but I have to say I am very proud of my friendship with Mr Cronan.

It is a great sadness to me that in all the systems failures we have, and often particularly in the Catholic Church, the things that are pointed out are the evil that is done to people by those who wear the habit of a religious order. When you have a teacher with the dedication of Mr Cronan who can spend almost 50 years continuously teaching, I sometimes think, "Where are their front pages?" He had some time off in his career. He had some difficulties with his career. He graduated as a brother but then left the order. He married his beloved Nola, and we all send our regards to Nola, to his brother Chris and his nieces and nephews and wish them well. It is some regret to me that people like Barry are not remembered for their outstanding service. We have so many excellent teachers, but often all we hear about are the ones that disgrace the profession rather than bring glory to it. And Mr Cronan certainly brought glory to his profession in the way that he behaved.

The ceremony was very moving. We had a funeral at St John Vianney's where a crucifix was placed on Barry's coffin. It was a symbol to his faith and his family. Some books were put on the coffin to symbolise the way that he had taught. There was a symbol of his commitment to the Marist community and his 40 years of commitment to Marist college Canberra, and, of course, there was his beloved golfing cap. This man was a great golfer, he loved his golf.

I just want to acknowledge the love and the attention showed to him by a number of people, particularly his wife Nola. Nola herself is not particularly well and we all wish you well, Nola. Ted Fitzgerald came from the Federal Golf Club; the golf boys came in every Wednesday to see Barry, and that brought him a great deal of joy. He did love that. There were numerous other old boys that turned up, and they turned up because they, too, shared the appreciation of a great man, and I thank them for that. Father Peter Day, who is an old boy, would come regularly and sit with Barry.

I mention Ros and Barry Lewis. All the Marist boys who graduated probably in the last 20 years would know Ros. She was the lady who was the heart and soul and ran the office. Ros and Barry would not just come regularly; they would bring him dinner three or four nights a week just to liven up the fare. We all know what hospital food can be like, and Barry liked a good meal. Ros and Barry were very good. In particular, Carmel Luck, who is deputy principal of Marist, did a wonderful job in ministering to Barry's needs. She also was on the food roster and attended just about every day and showed great love and compassion for this man.

On behalf of Barry, I would like to thank all those who helped him, and I would certainly like to say: farewell, Barry; we will miss you.

Question resolved in the affirmative.

The Assembly adjourned at 6.47 pm.