Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

25 OCTOBER 2011

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Tuesday, 25 October 2011

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

Justice and Community Safety—Standing Committee
Scrutiny report 44

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

> Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 44, dated 24 October 2011, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report 44 contains the committee's comments on 24 pieces of subordinate legislation, three government responses and proposed government amendments to the Education and Care Services National Law (ACT) Bill 2011 and the Working with Vulnerable People (Background Checking) Bill 2010.

In relation to the amendments to the Working with Vulnerable People (Background Checking) Bill provided by the government, the committee was concerned that it did not appear that the amendments provided were a complete set and that there may be matters the committee has not been able to consider or comment on. The report circulated to members when the Assembly was not sitting drew this to members' attention and, in future, we have asked that if there are large sets of amendments, all of them should be provided to the committee, not just a select few. I commend the report to the Assembly.

Orders of the day—postponement

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

> That orders of the day Nos 1 and 2, Executive business, relating to the Working with Vulnerable People (Background Checking) Bill 2010 and Working with Vulnerable People (Consequential Amendments) Bill 2011, be postponed until a later hour this day.

MRS DUNNE (Ginninderra) (10.03): The Canberra Liberals will be opposing this. At the government business meeting last Wednesday, this was the order that was agreed upon, and this is the order in which we have been prepared to debate these matters. I understand that the minister's office has come to the realisation this morning—only this morning—that they have technical problems with the fact that not all the amendments have gone to the scrutiny of bills committee and that they will need to declare some amendments urgent to have them debated today.

The Canberra Liberals are not minded to agree to them being dealt with urgently. We have asked on a number of occasions that all amendments go to the scrutiny committee, and the fact is that this would be an abuse of the standing order on the need for declaring something urgent, because this minister has had over a year to deal with these matters.

Mr Speaker, you would think that after last week's debacle, when this minister was so embattled, she would want to come in here this morning and put on a stellar performance to show that she has got whatever it takes—the stuff—to be a competent minister. But what we are going to see here today is yet another debacle from this minister, this incapable minister.

It just beggars belief that we got to half past nine this morning and somebody realised that they had not ticked all the boxes in relation to these amendments—for a piece of legislation that has been on the table for over a year, which was agreed to in principle in April this year. It is a sign—yet another sign—of the incompetence of this minister that we are now in a situation where my staff and I were preparing for the day in a particular way and we were told, after half past nine this morning, that all bets were off and everything was going to change because this minister cannot get her act together. This minister and her staff cannot get their act together.

How many people are there between the minister and the lowest filing clerk in her directorate who should know how the procedures of this place work and should know what is required of them, and they cannot get the message? We have seen that this minister cannot manage care and protection, and we see now that she cannot manage the simple procedures of this place. That is why we are not supporting this adjournment today.

There are ways that we should be dealing with this. We should not be having the manager of government business standing up and trying to cover for her; she should come into this place and profusely apologise to this place for messing up the program, because she has messed up the program. And that is why we will not be supporting this adjournment.

Question put:

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

The Assembly voted—

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

Question so resolved in the affirmative.

Education and Care Services National Law (ACT) Bill 2011

[Cognate bill:
Children and Young People (Education and Care Services National Law) Consequential Amendments Bill 2011]

Debate resumed from 7 April 2011, on motion by **Ms Burch**:

> That this bill be agreed to in principle.

MR SPEAKER: I understand it is the wish of the Assembly to debate this bill cognately with order of the day No 4, Children and Young People (Education and Care Services National Law) Consequential Amendment Bill 2011. That being the case, in debating order of the day No 3, executive business, members may also address their remarks to order of the day No 4, executive business.

MRS DUNNE (Ginninderra) (10.11): The opposition will not be supporting this bill. We will not be supporting it because of what it does to Canberra families already struggling with cost of living pressures. This Labor government, along with its federal Labor mates and its Green coalition partners, does not care if its policies drive up the cost of living of Canberra families.

We will not be supporting this bill because this ACT Labor government washes its hands of any responsibility for the impact of its policies on the cost of living, and the cost of childcare in particular. We have seen the minister's pathetic attempts to answer questions in this place about the cost of childcare and the impact that that has on family budgets.

We will not be supporting it because the increased cost of childcare may drive people from the workforce because they can no longer keep their children in childcare. The ACT government does not care. We have seen the research from Treasury that shows that an increase in costs for childcare does have an impact on female participation in the workforce and we know that in the ACT we have the highest rate of female participation in the country and it will have a significant impact upon the workforce of the ACT.

We will not be supporting it because this will result in children not having the start in life they deserve. They will miss out on social interaction; they will miss out on their early education; they will miss out on their daily fun. The ACT Labor government does not care.

We will not be supporting this legislation because it provides a regulation for only 50 per cent of the childcare provided in this country and 50 per cent of the childcare provided for in the ACT. We know, from figures provided by the Bureau of Statistics year on year, that 50 per cent of children in care are not in the formal regulated system; they are in informal care arrangements with grandmas, aunts, cousins and neighbours who are not in the system, who are not regulated and who are not supervised in any way. They are there because of cost. They are there because working families in Canberra and across the nation cannot afford the high price of childcare. We do not believe that it is appropriate that we should legislate so

rigorously in one area when 50 per cent of the children who are supposed to benefit from that regulation will never see the benefits of that regulation.

We will not be supporting it because it puts viability pressure on childcare centres, especially small childcare centres which are run by community-based organisations. This ACT Labor government does not care about that.

We will not be supporting it because it may result in reduced childcare places available in the community. This ACT government does not care about that.

We are not supporting this legislation because it provides no solution to the real problem of recruiting and retaining staff in the ACT in the childcare sector. This ACT Labor government does not care about those things.

We will not be supporting it because it runs the risk of encouraging backyard operators, putting more children at risk. The ACT Labor government is only interested in how far it can regulate the regulators.

We will not be supporting it because of the regulations that go with the legislation. I will draw members' attention to the regulations. These are the regulations. This is about the fifth iteration of the regulations. They are onerous and they go against the Canberra Liberals' policy of cutting red tape.

We will not be supporting the bill and the regulations that go with it because all of the offences and penalties duplicate one another. They have the potential for causing confusion and fear that multiple charges could be laid for one offence. This ACT Labor government does not care. I raised specifically the issue that there are in many places in this legislation and through the regulations multiple offences for the same misdemeanour; when I asked for some guarantee that people would not be on multiple charges for a single misdemeanour, the only thing I got back was an assurance that the DPP would not do that. But there is nothing in this legislation that would prevent people from being confronted with multiple charges for a single offence.

I am not the only one saying these things about what is wrong with the legislation. Based on experience in Victoria, whose government hosts the national law, the Australian Childcare Alliance tells us that while the industry generally supports the quality framework, the sector is not ready for it. The alliance says that the government has offered little support to implement its new regime. When you hear, for instance, the extent to which this minister is at sea about the implications for this—the cost implications, the day-to-day implications and whether childcare centres will have enough space or enough staff to implement these things—you realise just how at sea the childcare sector in the ACT will be under the administration of this minister.

Further, the Australian Childcare Alliance says that the new framework will adversely impact on families in terms of cost of living and force families to seek other options for childcare or leave the workforce. The Australian Childcare Alliance says that the new bill will put pressure on an already chronic shortage of educators in the industry and that the new child to educator ratios will result in a reduction in the number of childcare places that the sector can offer.

No-one suggests that providing the best quality education and childcare services that we can for our children is a bad thing. No-one thinks that; clearly quality childcare is important. But if real reform is to be made, it must be done holistically. This legislation does not do that. Its lack of a holistic approach is demonstrated by the concerns expressed by the Australian Childcare Alliance. This legislation sets up the standards but does not provide the solution or the assistance for the education and childcare services sector to implement them.

This is typical of Labor's approach—not just in the ACT but nationally. There is an attitude of no care and no responsibility. They will sit here and say, verballing me, that Mrs Dunne does not support quality childcare. Mrs Dunne, as a mother of five, supports quality childcare. I heard the minister on the radio this morning saying, "We will do whatever it takes to provide quality childcare." That quality childcare comes at a cost that the people of the ACT, the families of the ACT and, nationally, Australian families cannot bear.

We see already that childcare in the ACT is, on average, $65 a week dearer—$65 a week dearer—than it is anywhere else in the country. These changes that we will see here today will add to that cost. Depending on which childcare centre it is, somewhere between $5 and $15 a day has been reported to me as the amount that costs will go up as a result of the changes to the child to staff ratios and the requirement for further study. This is on top of the fact that we are already seeing that we pay $65 more than the national average, and that rises every year.

This minister says that she is not responsible for that, that there is nothing that the government can do that can impact on the cost of childcare. She just throws up her hands and at the same time says, "The research that we did four years ago about this shows that it will drive up the cost of childcare by the cost of a cup of coffee a week." It is a pretty expensive cup of coffee for most families in the ACT. I would like to know where the minister gets her cup of coffee from and whether she thinks that it is reasonable that families will see at least a $25 increase every week in their childcare. That is $25 after tax. That is $50 that they have to earn before they have to pay that.

This is the problem that we see over and over again. The costs are going up because of this and other aspects of changes in the childcare sector. And this minister, this government and Labor federally do not care.

I have had lengthy communications with Minister Burch. When Minister Burch became the minister, one of the first things I said to her was "Let's sit down and work out what we can do to facilitate the transition to this arrangement." She said, "We will have a meeting." We had a meeting about that and other things and we never got on to this issue. I kept saying to her, "I would like to sit down and work with you and talk through what I think needs to be done to enable people in the ACT, childcare centres in the ACT, to make these adjustments." I made that offer in February last year. The meeting has not been held.

This minister does not want to engage. She is afraid to engage because she does not know her brief well enough to really stand up for the policy and she does not know

what is going on in the sector well enough to understand the implications that this will have. She says: "The sector talks to me. We have steering committee meetings." But when we hear about the culture of bullying in her directorate, I defy the average childcare centre manager to stand up in one of those meetings and be able to say, and get away with saying: "I have real problems with this. I have real problems with what is going on and I have real problems about how we are going to implement it."

I visit childcare centres on a regular basis and I have childcare centre managers and their representative groups through my office on a regular basis. There is a chorus of "We are all in favour of better childcare, but we cannot justify the costs." We cannot justify the costs. The cost pressures in the childcare sector are enormous. There are wage pressures because the people who are working in the sector are not very well remunerated, especially by ACT standards, and there is a big leakage out of the sector into the public service and elsewhere.

These are real problems, but all of them come home to roost to Canberra families, who will have to foot the bill. Everyone says, "We are all in favour of high quality childcare," but when you talk to Canberra families when they have children in childcare, especially if they have more than one child in childcare, one of the things that they are constantly looking at is how they can reduce the drain on the family budget caused by childcare. They all want the best, but they do not have the capacity to pay for what Minister Burch thinks is the best.

As a result of that, parents will cut back their hours and will leave their children with their parents when their parents probably are not feeling that they are in a position to be regular care providers for long day care. Grandparents want to have grandparent lives; they do not want to be looking after their grandchildren from eight in the morning to six at night on a regular basis. But there are plenty of grandparents who do it because they know that their kids cannot get on and cannot pay their mortgage unless they do that. It is not good for the grandparents; it is not good for the family relations; it is not good for the kids; it does not necessarily provide the high quality childcare that Minister Burch says we need.

Minister Burch thinks that passing legislation is all you need. Minister Burch thinks, "If we pass this, it is all done." All the little pink pigs—their wings are flapping and they are all fuelled up and ready to go. It will not change anything except that it will cause some childcare centres to close; it will make smaller childcare centres less viable than they already are; it will see a reduction in places, particularly places in infant rooms; it will see costs go up; and it will see people withdrawing from the workforce. And it will see more children going into informal care that is not supervised by anybody except the parent, where there is no-one there to second guess and there is no-one visiting those homes to ensure that those children are getting the childcare that Minister Burch thinks that everyone should have.

I agree with Minister Burch that childcare should be of the highest quality. But these changes today will not do anything for at least 50 per cent of the children who are in childcare in the ACT, because they are in the informal childcare sector. While we are regulating the life out of the formal childcare sector, 50 per cent of the children who are outside the sector will not have the same benefits. That shows that this is a piece

of flawed legislation that does not look holistically at the provision of childcare, the needs of families and how they interact. That is why the Canberra Liberals will not be supporting it.

I know that Minister Burch will come out and say: "Mrs Dunne and the Canberra Liberals don't care about quality childcare. If they cared about quality childcare, they would sign up like lemmings to this piece of legislation." We are not lemmings. We look at the whole issue. Looking at the whole issue shows that there are considerable problems with this legislation—real problems with this legislation—which will only come home to roost after 1 January next year.

Minister Burch has had plenty of opportunities to ease the transition. Minister Burch has had plenty of opportunities to go out and really make the sector aware of what the implications will be. When I talk to the people in the sector, they are really not switched on to what is going on. They all know that it is coming; they all know that it is a problem. But very few centres are in a position to actually address the real, everyday issues. They know that they are going to have to put up their charges; they know that that is going to have a big impact. But there are very few childcare centres, especially in the community sector, who have the time to really concentrate on the impact that this will have.

We have to remember that many of the community childcare sectors are run by parent-run boards. They are busy people. They usually have two jobs in the family, if not more. They usually have young children. And then they take on the responsibility of running a multimillion dollar childcare centre in their spare time. On Thursday nights after dinner when the kids have been put to bed, they do the books, they go to meetings and things like that. These organisations have not had a chance to focus, and they will not really focus on this until it comes home to bite them on 1 January.

Quality childcare is something that we should all aspire to. I believe that, for the most part, in the ACT we have quality childcare already and that these changes will not make a great deal of difference to the way childcare is actually delivered on the ground or the interaction between a worker, a child carer or child educator, and the young person they are looking after. The people who are there are there because they love kids and they want to work with kids. But it will make it difficult for the administration; it will make it difficult for families.

The level of regulation is quite unbelievable. There have been some improvements. It is now not the case that Christmas will be banned. We will be able to have Christmas carols, if everyone agrees to it, and we will probably be able to have an Easter egg hunt. There are some improvements there, because the community was outraged by the level of regulation. But there are still onerous levels of regulation there. Ticking off whether a child has a pleasant toileting experience or the nappy changing experience is fulfilling for both the child and the carer—it makes you wonder about the priorities amongst the regulators. That childcare providers will be marked on how appropriately they deal with the nappy changing experience is a real problem and shows that the priorities are wrong.

The Canberra Liberals will not be supporting this bill, because it is the wrong bill at the wrong time and it will not provide the quality of service that this minister maintains that it will.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.29): The Greens will be supporting the bill, and we have one amendment. The central point to this debate and the single most important factor for anyone wishing to evaluate the merits of this bill is the quality of childcare and early education outcomes. The most important question to ask is: are we giving our kids the best start in life and ensuring that they are receiving high quality childcare and beginning their education in the best way possible so that they have the best chance at success in life? I have no doubts that this bill will ultimately lead to a better standard of childcare, and it is primarily on this basis that we are happy to pass this bill today.

I have spoken a bit before about the importance of the reforms. Constituents have approached me to say, "Could you please ensure that this does go through, because there is nothing more important than ensuring the quality of childcare for our children," and a number of those people have worked in the childcare industry.

I think the key parts of the bill will be the child to staff ratios and also the ongoing evaluation provisions for centres to demonstrate how well they are performing against the benchmarks. Introducing the seven quality areas is a good thing. It is not an end in itself, of course, but it is an effective means of evaluating what is being provided to our children. The seven quality areas ensure that children are getting quality programs in a safe and positive environment. The carer programs add value to what parents provide to their children in a way that they can be involved in their child's learning and confident that they are being cared for by qualified staff in a well-run centre.

The seven areas are educational program and practice, children's health and safety, physical environment, staffing arrangements, relationships with children, collaborative partnerships with families and communities, and leadership and service management. The Greens support use of these measures and look forward to the ongoing evaluation mechanism assisting centres to continually improve their practices.

In regard to workforce issues, which have been raised this morning, the Greens appreciate that there is a workforce shortage and that we need to develop strategies to attract and maintain staff. Some have been put in place, and that is waiving of fees for those who want to go to CIT to do their childcare qualifications. The big steps campaign supports the change as part of the move to better recognition of the work of those who work in childcare centres. Thousands of children and parents value the skills and dedication shown by so many childcare workers. There is an issue that, despite improving their qualifications, the salary remains low.

People working in the childcare sector should be fairly remunerated for the work they do. Proper remuneration would go quite some way towards attracting and retaining staff. This needs an ongoing look at how we improve the wages and conditions for staff. We have more and more children coming into childcare, and we need to make sure we have the dedicated and qualified workforce to provide that care.

In regard to improving child to staff ratios, the issue of what this will cost parents has been the subject of some concern. My understanding is that these changes will involve only a modest cost and that the ultimate return will be through better learning and

development outcomes for children in care, which will far outweigh the increased cost. Nevertheless, it is an issue that we should be aware of and we should not be pursuing initiatives that needlessly place additional costs on parents.

In this case there is a need, and the better quality education outcomes, I believe, will balance or compensate for that cost. The simple fact is that childcare has always been a significant part of a family's budget. Over the years my children have been in long day childcare. They have been in after school programs. But with having children in long day care at a centre, it is a significant part of your weekly budget and has been for some decades now.

As for national consistency, there is some merit in having many things being nationally consistent. We are very pleased that we will be part of this consistent scheme, and it should make things easier for centre operators as well as parents. It does, of course, mean a compromise on some things and everything may not be always exactly as we would like. However, ultimately, there are more benefits in cost, and it is in our best interests to adopt the scheme.

That said, I have an amendment that addresses the concern that a bit too much is being conceded. It is important that we clearly maintain this parliament's role in making the laws that govern the territory. I will return to this issue when I move an amendment in the detail stage, but it is important at this stage to be aware of what weight we are according national consistency, the cost that it comes at, what benefits it brings and what this parliament will and will not agree to so that the executive clearly understands during the negotiation process exactly what framework we should be pushing to set up these schemes.

In relation to other territory acts, it raised concerns for me when I saw the list of acts that would not apply to this act. However, I am satisfied that, on balance, there are mechanisms to replace these and that it is okay to support the exclusion.

In relation to the ousting of the Criminal Code, I have some particular concerns that we have moved to lowest common denominator in some ways. The Criminal Code has a range of advantages that are of particular benefit, particularly the criteria for strict liability offences and our practice of clearly articulating strict liability offences rather than relying on judicial interpretation under the common law. Parliament should expressly articulate the nature of the offences it wishes to prescribe.

In relation to the Legislation Act, there are a number of interpretive provisions in the national law, and I understand the argument that this is needed for consistency to ensure that the provisions are interpreted across jurisdictions in the same manner.

Section 13—that is, matters to be taken into account in assessing whether someone is a fit and proper person—also raises a concern for me in that it provides for a person's medical condition to be taken into account when determining if a person is suitable to be a childcare provider. Subsection (2) provides that:

> Without limiting subsection (1), the Regulatory Authority may have regard to—

> (a) whether the person has a medical condition that may cause the person to be incapable of being responsible for providing an education and care service in accordance with this Law."

This is problematic, and the issue is not raised in the explanatory statement that discrimination on the basis of disability is prohibited under the Human Rights Act and the Discrimination Act. After careful consideration, the Greens accept that, on balance, this is okay as there may well be medical conditions that genuinely limit a person's ability to provide these services. We will be monitoring the application of the criteria and would certainly encourage anyone who feels they have been discriminated against to make a complaint to the discrimination commissioner.

Also in relation to human rights, on a number of occasions throughout the explanatory statement, limitations on rights are said to be reasonable and therefore proportionate under section 28 of the Human Rights Act. Section 28 provides that human rights may be subject only to reasonable limits set by territory laws that can be demonstrably justified in a free and democratic society. It then sets out five criteria which must be evaluated to assist in the determination of whether or not the limitation meets this test.

Whilst I agree that, in this case, it is consistent with the Human Rights Act to limit a person's right to privacy to ensure the safety and wellbeing of children in the care of these providers, it is not sufficient to simply assert that the limitations are proportionate and to leave it at that. We need to be very proactive in ensuring that in our negotiations in these national processes we are cognisant of the human rights impacts, aware that we work in a better framework than many other states and territories, and ensure that we hold proposals to the same high standards that our internal work would be held to rather than falling into the lowest common denominator trap.

There will be some transitional problems, issues and difficulties, and I know some centres are concerned that they will not be able to comply. There are provisions that allow for this, and we will discuss this matter more extensively when we consider Mrs Dunne's amendment in the detail stage. But I do not believe this is a reason not to pass the law. We have to simply recognise that particular assistance, which may be financial or some other form of assistance, may be required for certain operators. We should be doing our best to ensure that all centres can meet the new requirements rather than giving up on them before they have even started. I note that money was handed out to those operating out of government buildings to make the adjustments to those buildings. I still think more can be done for the very small number of community-based providers who own their own buildings. In fact, I think we are only talking about two cases.

To finish, I thank the department staff who provided me with a number of briefings on this bill and who were very helpful in answering the questions that I had. Again, I reiterate that the most important question to ask is: will these changes provide better childcare provision for our children? I believe they will. It is on that basis that the Greens will support the bill today. But to go back to the issue of costs, as I said, it has always been the case for those who have had children in childcare that it has been a

significant part of the household budget. I do not think that is necessarily something that we should support into the future, but, at this point, I believe we need to look at how we can ensure affordable childcare, and there are a range of options.

Today we are talking about centres, but there is family day care. Many families, because of the number of children they have or because they have an arrangement with another family, may well employ their own nanny, for instance. Mrs Dunne spoke about extended family—grandparents, aunts and uncles—who may provide assistance and care, and that is not always done under duress. For many, that is a very important part of a child connecting and spending time with loved ones, with family members. But we need to be aware that it is a cost issue for a number of families. We need to look at how we can ensure that families are not driven out of the formalised care-giving system because of that issue.

I will finish with a little bit more focus on the workforce development issues. It is something we are going to have to get a handle on. If we are looking at increasing the number of childcare spaces—we have had some increases in funding and there will be more childcare spaces available—we are going to have to have the qualified workforce in place. We need to be looking at that issue of how many exemptions are being given to centres across Canberra at the moment because of issues around people not having qualifications or centres not having the staff numbers needed.

It is important to have that exemption provision, but if organisations are consistently asking for exemptions then we really need to get to the heart of the matter. Much of that goes back to ensuring that we look at remuneration for workers in this area, particularly as we are asking them to improve their qualifications. It is important that that goes hand in hand with a wages schedule that reflects the work that they do.

Having been a mum who used childcare, I have a lot of time and respect for those people who choose that as their vocation, because it is a bit of a vocation to be in a childcare centre all day with a range of different children. I think it is similar to being a teacher. Again, we need to keep a very close eye on what is happening with the workforce issues, particularly with this change and increase in the child to staff ratios.

To reiterate, the Greens will be supporting the passage of this bill today, and I will return to my amendment in the detail stage.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (10.44): I am very pleased to have the opportunity to support the Education and Care Services National Law (ACT) Bill. As my colleague Minister Burch has already outlined, the purpose of this bill is to implement national law within the territory which will integrate the territory's approach to early childhood education and care and outside school hours care into a standard national quality system.

As members of the Assembly would be aware, on 7 December 2009 the Council of Australian Governments signed a national partnership agreement on the national quality agenda for early childhood education and care. Under the national partnership,

all states and territories and the Australian government agreed to establish a jointly governed, uniform national quality framework for early childhood education and care. It covers long day care centre-based services, preschools, family day care schemes and outside school hours care services, including vacation care services.

This was a critical first step in the work of all jurisdictions and the first time that, as a nation, we have said that children across Australia accessing care and education services, regardless of the setting, deserve a system that enshrines quality as a value. As minister for education, these initiatives fit neatly under the education portfolio as preschool in the ACT has long been a priority area for investment by this Labor government.

All members would be aware that across the world there is increasing recognition of the importance of the early years of life. Research across the medical, behavioural and social sciences provides the evidence that the early years are critical in setting the foundation for learning, behaviour and health throughout the school years and on into adult life.

According to experts, the early period of brain development is critical to the wellbeing of our community, not just in physical and mental health but also, importantly, in literacy and numeracy. The value of early childhood education programs is undisputed and well substantiated. Short-term benefits include improved cognitive function, school readiness and social skills. Longitudinal studies have demonstrated positive effects on school completion, further education participation, employment outcomes, earnings and general social wellbeing. Each dollar invested in early childhood development can save up to $7 in later public expenditure.

There is no doubt that all children in the ACT have the right to be all they can be. They should be able to enjoy and experience a full and supported childhood. Children have the best start when their early learning experiences are guided by professionals with expertise in early childhood development and are delivered in caring settings. The importance of strong connections to their family and their community cannot be understated. High quality education programs boost cognitive development, social and emotional skills and generally prepare children for success at school.

The ACT has a proud history of support for preschool. It was in the 1940s that the government, in partnership with the community, began to develop preschool sites and the first preschools in the territory were born. At this time, the preschools were considered to be revolutionary in design, being north facing and located in the heart of their respective communities. They showcased the start of investment in education for children under five in the ACT.

From that time, we have seen significant changes across the preschools in the territory. From those very humble beginnings, there are now 76 preschool sites across public schools in the ACT delivering quality education to over 4,100 children in the ACT each year, as reported in the most recent ACT schools census. In recent times, the ACT government has invested in the preschool year to increase hours from 10.5 to 12 per week. This meant that preschool delivery changed from a short sessional focus to being able to have days that were the same length as the school day. This was a

critical step forward for preschool education in the ACT, as it recognised that children in the year before kindergarten were capable of and benefited from sustained learning periods. It also supported families being able to improve the work-life balance.

This legacy left the ACT in a position to be able to implement another of the COAG initiatives—universal access for 15 hours of preschool education. Currently we have 16 public preschools delivering 15 hours of preschool education across the ACT. In 2012, a further 28 schools will deliver 15 hours of preschool education, with the remaining 20 schools commencing at the beginning of our centenary year, 2013.

This further increase has proved to be popular with families and children across the territory and reflects the changing needs of families in managing work and family commitments. The ACT is taking a leading role in the implementation of these initiatives. The Education and Training Directorate, working with the Community Services Directorate, has been on the front foot in responding to changes that will be required under the education and care services national law.

This bill allows for the seamless inclusion of our government preschools within the new framework. Provision has been made for preschools, like other education and care services, to transition into the new system with provider and service approvals that are ongoing. As with all other education and care services, the Education and Training Directorate will be spared the regulatory burden of having to complete new applications for approvals.

As Minister Burch noted, the regulations will include some changes to the current child ratios and qualification requirements for teachers and assistants. ACT public preschool units will be required to move to a ratio of one educator to 11 children from January 2016 from the current ratio of two educators to a maximum of 25 children. This change has already been implemented in schools where the preschool unit is delivering universal access to 15 hours of preschool education.

Other public preschool units will move to the new ratio of one educator to 11 children from the beginning of 2013. Again, as noted by Minister Burch, from January 2014 all educators will be required to hold, or to be actively working towards, a certificate III in children's services and 50 per cent of educators will be required to hold or be actively working towards a diploma level qualification.

Mr Speaker, last year the ACT government invested $215,000 in certificate III in children's services qualifications for all interested assistants in ACT public preschool units. It was pleasing to see that 117 preschool assistants successfully completed a certificate III in children's services through this initiative. The completion of a certificate III in children's services is an important step as an early childhood educator. A further 18 assistants have commenced a certificate III in children's services through traineeships this year.

Preschool assistants facilitate opportunities for young children to expand their knowledge and understanding of the world, to develop a sense of belonging and to engage in learning that is rich in wonder and awe. That so many of our assistants took up, and were successful in gaining, the qualification and continue to take up this opportunity is testament to their professionalism and dedication.

The improvement of educator qualifications and child ratios will help ensure that the environment in which children are being educated and cared for is stimulating. An improved ratio and higher education requirements will improve the experience of educators as well. Educators will be able to focus more on their time spent with individual children, which will encourage positive relationships. Educators who experience greater job satisfaction will be more likely to remain in the sector.

As has been noted already, the education and care services national regulations establish the national quality standard. The standard is divided into seven quality areas: educational program and practice, children's health and safety, physical environment, staffing arrangements, relationships with children, collaborative partnerships with families and communities, and leadership and service management. These quality areas dovetail very neatly with the areas of school improvement, which includes learning and teaching, student engagement, community engagement, and leading and managing.

Schools will use the existing school improvement processes of the school board report and the school strategic and operational plans to identify strengths and areas for improvement within their preschool units. The assessment and rating process is designed to allow for continuous improvement for education and care services. This will allow schools to focus on better practice for children. One of the main objectives for the assessment and ratings process is for parents and carers to be able to access information about the quality of their education and care facility.

ACT public school preschool units continue to remain fee free, as do all the years of education in public schools across the ACT with only a voluntary contribution being requested from families. I do note how this contrasts with the policy position of the New South Wales Liberal government as announced in their most recent budget. This is a fundamental principle for public school education in the ACT and ensures equity of opportunity for all.

As Minister Burch has noted, the legislation will be formally reviewed in 2014. As this is the first time that ACT public school preschool units will come under such legislation, it is critical for the ACT to provide advice as to the effectiveness of the law and if any amendments need to occur to achieve the objectives of a national quality framework.

The review will also consider the inclusion of those services that are currently out of scope. For the Education and Training Directorate, these services could include Koori preschool programs and the early childhood intervention programs. As Minister Burch has indicated, any amendments that come out of this national review process would be tabled in the Assembly.

The Education and Care Services National Law (ACT) Bill 2011 introduces a new national approach to regulating early childhood education and care services that for the first time includes ACT public school preschool units under a national regulation. I commend the legislation to the Assembly.

DR BOURKE (Ginninderra) (10.55): The ACT government is committed to providing quality education and care services for children. The introduction of a unified national regulatory system through the passing of the Education and Care Services National Law (ACT) Bill 2011 in the ACT will ensure quality services are available to all of the ACT's children.

The ACT has been working closely with the Australian government and other jurisdictions in order to implement the national quality framework from January 2012. This close partnership is to make sure that children can access consistently high quality education and care no matter where they live and no matter what service they are accessing.

The ACT government recognises the importance of providing education and care for children from birth and through their childhood. As we have heard here today, current research indicates children are born ready to learn. Children learn through nurturing relationships and environments created by their care-givers. A child's brain will grow and develop through ongoing stimulation and through play-based activities. The national quality framework makes it explicit that children are valued as citizens in their own right and are able to participate in their community. It acknowledges that children will be supported to learn and develop, that children will be happy and engaged and that children will be safe and healthy.

The framework also ensures that families will be confident and secure in the knowledge that their children are safe and being cared for by educators who have the knowledge and skills to ensure children's education and care needs are met. Families will know that the educators caring for their children will be supported, resourced and qualified to exercise professional judgements to ensure positive outcomes for children.

The ACT government is committed to providing quality education and care because of its long-term benefits for our society. We have already today heard that the first five years of a child's life will strongly influence their longer term future, including their physical and mental health and social and cognitive abilities. We should also recognise the important role that education and care services play in our community, in particular providing the capacity for parents to return to the workforce with the knowledge that their children are being well cared for.

The national quality framework recognises the significant role of educators in the care and education of children. The framework will build a stronger sector with improved educator qualifications. This reflects the emphasis on the important role education and care services play in child development and learning.

The Education and Care Services National Law (ACT) Bill 2011 will require all educators to have a minimum certificate III in children's services. It also provides for an early childhood teacher to be employed by education and care services to contribute to improved educational programs and practice. These qualification requirements will lift the bar. An education and care service will no longer be able to be perceived simply as a place to drop off children for babysitting. Through the implementation of a national quality framework these services and the professional

staff that work within them will be recognised as positive and vital key contributors to the health, development and wellbeing of ACT children.

Provisions have been made in the national regulations that recognise the workforce issues currently facing the sector. The regulations allow for educators to be working towards a qualification which includes making satisfactory progress in their studies. It is recognised that upskilling the sector takes time and effort and is not a process that can be rushed. To further support the sector, there are also provisions in the national regulations that allow for services to apply for short-term waivers to maintain compliance while recruiting appropriately qualified educators.

These provisions will function in a similar way to the temporary standard exemptions that are currently provided for within the Children and Young People Act 2008. These provisions are currently utilised in minimal circumstances and have been appropriately supported in the sector to date.

The ACT government is contributing to national work being undertaken in relation to workforce issues in education and care services through the participation in the national early childhood reform agenda and increasing delivery of children's services courses, assisted by the Australian government's removal of regulated course fees. The ACT sector has been engaging in the conversation about workforce for some time now. It is seen as an issue which will require ongoing and sustained work.

Some of the key activities the sector would like to progress include the development of a combined government and sector marketing campaign—a campaign seeking to promote the education and care sector as a valuable profession. The sector have also recognised this reform as an opportunity to work better together, to share ideas and learn from each other and to provide opportunities for their educators to gain work experiences in a planned and supported way. It is encouraging to see the commitment, innovation and professionalism that we have here in the ACT education and care sector.

In the time I have left, I also seek to clarify that the Education and Care Services National Law (ACT) Bill 2011 excludes a number of ACT laws so far as they apply to the education and care services national law or to the instruments made under that law. Specifically, the bill excludes the application of the Criminal Code 2002. The Criminal Code 2002 codifies the general principles of criminal responsibility that apply under territory law. As such, the Criminal Code 2002 has an effect on the way a court in the ACT is required to interpret legislation, including the offence provisions in the national law. This means that the offence provisions in the national law could take on a different meaning when interpreted in the ACT, as compared to other jurisdictions that do not have a codified approach to criminal law.

Currently, the only jurisdictions that have a codified approach for the application of the criminal law are the ACT, the commonwealth and the Northern Territory. The bill proposes that the Criminal Code 2002 be excluded in its application to the national law so that the approach to the interpretation of the offence provisions in the ACT will be consistent with the other jurisdictions that are implementing the national law. The underlying rationale for this exclusion is to achieve and maintain national consistency

in the administration and interpretation of the national law, which is one of the key objectives for introducing the national scheme.

In the other circumstances where ACT laws are excluded, the following will operate in their place. In place of the Freedom of Information Act 1989, the education and care services national law provides for the application of the commonwealth Freedom of Information Act. In place of the Legislation Act 2001, the education and care services national law contains provisions that relate to the interpretation of this law.

Today I would also like to support the consequential amendment to the Children and Young People Act 2008. It is clear that this amendment is an uncontroversial minor amendment that is intrinsic in supporting the adoption of the Education and Care Services National Law (ACT) Bill 2011. The Education and Care Services National Law (ACT) Bill 2011 will allow the majority of the ACT's education and care services to be regulated under a single nationally unified system and encourages services to focus on quality improvement.

The ACT's education and care services are welcoming of the reforms, including a number in the sector who have been calling for reforms to children's services for many years. They are ready to adopt the changes under the Education and Care Services National Law (ACT) Bill 2011. For many years now, ACT services have been focusing on quality improvements to ensure better outcomes for children and they are working well to adopt the proposed reforms.

Many services have already moved to the new ratio and qualification requirements and they have reported improved outcomes for children and working conditions for educators. In conclusion, the ACT government is committed to supporting the education and care sector, build capacity and increase the quality of their service delivery.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (11.05), in reply: Today I am pleased to have the opportunity to debate the Education and Care Services National Law (ACT) Bill 2011. I also present the following papers:

> Revised explanatory statement to the Bill.
>
> Education and Care Services National Regulations—Draft.

The bill will provide improved educational and developmental outcomes for children through the application of the national quality standard. It will build a system that will continue to ensure the safety, health and wellbeing of children in regulated education and care environments.

The bill will create a single uniform national regulatory system to reduce regulatory burden and improve the efficiency and cost effectiveness of the regulatory framework. It will allow information to be provided to the community about services' performance against the national quality standard, allowing families to make informed decisions about the services they access.

By way of background, in December 2007 COAG agreed to a partnership between the Australian government and states and territories to pursue substantial reform. In 2009 COAG launched the national early childhood development strategy, with a shared vision that by 2020 all children would have the best start in life to create a better future for themselves and for the nation.

All states and territories signed the national partnership agreement on the national quality agenda for early childhood education and care. This agreement committed all jurisdictions to implement the national quality framework. The national quality framework will deliver a higher quality standard of education and care for children in the critical areas of education, health, environments, relationships with children and partnerships with families and communities.

The national quality framework includes the national law, national regulations, national quality standard, the early years learning framework and the school age care framework known as *My time, our place*. Research shows that from birth to five years significant learning occurs. The national framework creates a regulatory framework which supports the research and places a priority on the importance of children's development. The quality of education and care provided in the early years has a direct influence on a child's brain development and will lay the foundations for life.

The national partnership agreement provides for an application of a national applied law across all jurisdictions. Victoria is the host of the Education and Care Services National Law Act 2010, which was passed by the Victorian parliament in October 2010. In New South Wales, application of the applied law is through the Children (Education and Care Services National Law Application) Act 2010, which was passed by the New South Wales parliament in November last year. Other jurisdictions have progressed in a similar way to the ACT and will pass their bills in time for the 2012 commencement.

The Education and Care Services National Law (ACT) Bill 2011 was introduced into the Assembly in April. Government amendments to the bill have been identified to allow for a more seamless transition to the national quality framework. I would like to take some time to go through some of the amendments.

The first amendment is to facilitate the transition of ACT government preschools into the new system without individual preschools having to make applications for provider and service approvals. The second amendment is to permit a greater number of educators currently working in the education and care sector to obtain supervisor certificates. This will ensure education and care services are compliant with the national law from the date of commencement.

The third amendment will remove the provision for directors and senior teachers to automatically become declared nominated supervisors. The amendment will allow approved providers to ensure directors or senior teachers understand their responsibilities under the law and to consent to become nominated supervisors.

Furthermore, in response to the Standing Committee on Justice and Community Safety Scrutiny Report No 37, I have provided the Assembly with a revised Education

and Care Services National Law (ACT) Bill 2011 explanatory statement. I appreciate the committee's comments and I wish to inform the Assembly that the explanatory statement has been revised to provide further analysis of the application of section 28 of the Human Rights Act 2004.

To enable the effective operation of the national system the Education and Care Services National Law (ACT) Bill 2011 sets out the functions and responsibilities of the governing bodies accountable for the implementation and administration of the national quality framework. These governing bodies are the ministerial council, the national body and the regulatory authority.

Firstly, the ministerial council will oversee the operation of the regulatory system, including ensuring that national uniformity is applied and enforced. The council will provide policy direction for the national and regulatory authorities. Secondly, the legislation establishes a new national body known as the Australian Children's Education and Care Quality Authority. The key functions of the national authority are to guide the implementation and administration of the national quality framework, report to and advise the ministerial council, and establish consistent, effective and efficient procedures to promote and foster continuous quality improvement.

Thirdly, the national law provides for a regulatory authority in each state and territory. For the ACT the Community Services Directorate will be the lead regulatory authority. The Community Services Directorate will work in partnership with the Education and Training Directorate to support government preschools within the new regulatory system. The function of the regulatory authority includes responsibility for administration of the national quality framework, the assessment and rating of services, and monitoring and enforcing compliance with the national law including complaint investigation.

As this bill is an applied national law, future amendments will occur through the ministerial council. Any member of the ministerial council or the national authority may propose amendments to the legislation and regulations. Endorsement of any changes will be made by the ministerial council. The host jurisdiction, in this case Victoria, will pass agreed amendments and, once passed, the legislation will be amended in the ACT and other jurisdictions.

The ministerial council makes regulations for the purposes of the law. Once regulations are made, the law provides for a process whereby the regulations are subject to parliamentary scrutiny in each participating jurisdiction. The regulations are to be tabled in each house of parliament and may be disallowed in the same way as for regulations made under the acts of the jurisdiction. The adoption of the national law in the ACT, and applied laws more generally, deliver the benefits of certainty and consistency which flow from a unified system.

Today I am providing for your information a copy of the regulations. They have just been circulated, Mr Assistant Speaker. The bill will reduce the regulatory burden for education and care services. Services are currently required to comply with licensing and regulation requirements and quality assurance processes, administered by two different agencies, being the National Childcare Accreditation Council and the

Children's Policy and Regulation Unit. The focus on quality improvement and reduction of regulatory burden for services will only enhance the experiences of children and families.

The regulations establish the national quality standard. The standard has seven quality areas. These are: educational program and practice; children's health and safety; physical environment; staffing arrangements; relationships with children; collaborative partnerships with families and communities; and leadership and service management. These areas are the basis for assessment and rating under the new system. One of the main objectives of the assessment and ratings process is for parents to be able to access information about the quality of their education and care service.

From January 2012 children in the birth to two age range will experience an improved level of individual attention, with a move from a one to five to a one to four educator to child ratio. The ACT already meets the one to five ratio in the two to three-year age group and the one to 11 ratio in the three to five age group in long day care centres. A majority of ACT government and independent preschools already meet the one educator to 11 children ratio or are moving to do so well before the requirements come into force in January 2016.

From January 2014 ACT children will be experiencing improved outcomes with a requirement for services to employ educators with a minimum certificate III level qualification. Our children will experience improved educational programs and practice with a requirement to employ an early childhood teacher from 1 January 2014. There will be a minimum requirement for education and care services to provide educational leadership for all of their educators.

The ACT and Australian governments acknowledge that workforce requirements present challenges for both the government and the sector. However, I believe these reforms are too important for our children, so instead of shying away from these challenges we are taking steps to assist the education and care sector to address these workforce issues. The Australian government is facilitating a national early years workforce strategy. The ACT has been involved in developing this strategy and will play an active role in its implementation.

I have hosted two roundtable events with the sector in April and September this year to discuss the implementation challenges associated with the new framework. I also chair the ACT Children's Services Forum, which is a mechanism to progress issues raised by the sector and provides an opportunity for government and the sector to work together.

In April of this year I announced a new scholarship program to support educators currently in the sector and to encourage new people into the profession. This scholarship will start next year. The government also recognises the importance of valuing and upskilling the existing workforce. The scholarship will be available for educators in the long day care, independent preschools and family day care sectors to gain qualifications in a certificate III in children's services.

We are also developing a workforce strategy that will target the needs of the ACT early childhood sector. There are a number of exciting initiatives happening to attract and retain the workforce, including the development of a marketing campaign being led by the ACT Children's Services Forum.

Such a significant agenda will ensure that the children of the ACT receive improved education and care, but it will come at a cost. Costs for this new system have been modelled by Access Economics on behalf of the Australian government, states and territories. Access Economics have estimated additional increases to fees are in the vicinity—

Mrs Dunne: Oh come on! You're still using Access Economics.

MR ASSISTANT SPEAKER (Mr Hargreaves): Mrs Dunne, that will do, thanks.

MS BURCH: That paper was validated again earlier this year, Mr Assistant Speaker. The Australian government will continue to pay for at least 50 per cent of the out-of-pocket expenses up to $7½ thousand for families through the childcare rebate and the childcare benefit.

It is important to put the increases to costs into context so that there is no opportunity to distort the facts. According to the Department of Education, Employment and Workplace Relations childcare update, in 2010 a family with an income of $75,000 per year spent seven per cent of their disposable income on childcare compared to the 13 per cent that they were spending in 2004. To support quality, affordability and accessibility to education and care services—

Mrs Dunne interjecting—

MR ASSISTANT SPEAKER: Order, Mrs Dunne! That is the second time.

MS BURCH: the ACT government released in April this year the supporting quality early childhood education and care package. This included $250,000 for community organisations to apply for grants of up to $10,000. They were used for design, planning, equipment and fit-out of services.

The government already supports a rolling maintenance program for refurbishment of $800,000 annually. We have also recently announced $9 million over two years to provide additional support to services to transition into the new services. We are spending significant money on supporting the sector and working hand in hand with the sector as we go through this. The national quality framework will be reviewed in 2014. The review will consider the effectiveness of all of this.

The ACT's education and care sector is preparing for and is committed to adopting the Education and Care Services National Law (ACT) Bill. The ACT care sector welcomes the reforms under the national quality framework.

I would like to recognise the representatives of early childhood educators who are here today to celebrate these reforms. I want to thank them personally for the work

that they do for Canberra families. It is a fabulous job but we know it is a hard job. We know that, in partnership with the government and the children's services sector, these reforms will come into place. We will be better positioned to give opportunities for our children, which must be the most important job that any society can perform. So I thank you for that.

In the minute I have left, we recognise the work that is done through the reform. We know that there are challenges ahead, which is why I have been working with the sector. But just to go to some of the misconceptions that Dunne did say, she does not—

Mrs Dunne interjecting—

MR ASSISTANT SPEAKER: Mrs Dunne, that is three. When we get to five, I am going to name you.

MS BURCH: understand or support the wisdom of childcare providers who fully support these reforms. That is why they are here today. She refuses to recognise—

Mr Hanson: A point of order, Mr Assistant Speaker.

MS BURCH: Can you stop the clock?

MR ASSISTANT SPEAKER: Stop the clock, please.

Mr Hanson: The interjection was that Ms Burch had referred to Mrs Dunne as "Dunne". I think it is the normal form of this place that you refer to people by their title, either "Mr", "Mrs" or "Ms". I think it was inappropriate for Ms Burch to have referred to Mrs Dunne as just simply "Dunne". I think it was inappropriate and no doubt it prompted Mrs Dunne's interjection.

MR ASSISTANT SPEAKER: Thank you very much, Mr Hanson. I think the point of order is upheld. Minister, would you please address your remarks and refer to members of the chamber by their proper title or their membership of a given electorate. Thank you.

MS BURCH: Thank you, Mr Assistant Speaker. Mrs Dunne continually refuses to accept that those in the sector actually welcome these reforms. She refuses to accept the investment that this government is putting into these reforms. But, in many ways, we expect nothing less from Mrs Dunne, who continues just to huff and puff. We would expect nothing less from Mrs Dunne when it comes to this debate.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

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

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 5, by leave, taken together and agreed to.

Clause 6.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.25): I move amendment No 1 circulated in my name *[see schedule 1 at page 4942]*.

The Greens are moving this amendment to protect the autonomy and control of this parliament. It is simply not appropriate to delegate out this parliament's legislative function to a national body. It is our responsibility to legislate in the best interests of Canberra. Whilst we recognise that it is often desirable to ensure national consistency and recognise that it is not unreasonable to have mechanisms in place to discourage divergence over time, it is not reasonable for this parliament to accept the decisions of others as binding laws on this community without the clear and express opportunity for this parliament to supervise the process and maintain effective and timely control over the laws of the territory.

To that end, the ACT Greens have proposed this amendment to make any changes to the national law disallowable instruments. This allows national process to continue and for changes to occur without this place passing updated legislation. At the same time, it does mean that all members in this place have a clear and express mechanism to promptly draw to the parliament's attention any provisions that they feel are not in our best interests. Then we can resolve the matter just as when we delegate authority to the executive.

Effectively, we have taken the lesser of two evils and decided that the Henry VIII clause subject to the disallowance provision is a better option than what is being proposed in the bill. I think that at some point we will need to have a more detailed look at where we are going with national schemes and have a proper framework in place so that we can be sure that every law that applies in the ACT has been determined by this place to be in the best interests of the ACT. That applies whether or not we are talking about acts or regulations.

The amendment ensures that if parliament does disagree with a regulation made by the council we can disallow it as we would any other regulation. Whilst it is true that

we could, of course, pass an act giving effect to that intention if the majority so wished, just as would be required to disallow it, it is not appropriate for this place to pass a law adopting a provision that purported to oust the role of this parliament in determining the laws that apply to the people of the ACT.

On the technicality of the bill, it is not designating any amendments to be disallowable instruments. As the minister mentioned earlier, it is creating a disallowance process the same as the process we have in place for disallowable instruments, and this is perfectly consistent with the provisions of the Legislation Act.

There have been significant concerns expressed about the amendment increasing the capacity to diverge from the national framework. I do not believe that to be the case and I am confident that all members will be mindful of the benefits of national consistency when considering whether, on balance, changes to the act or regulations are in the best interests of the ACT.

The ACT Greens support the proposed regulations. This does mean that the act will be nationally consistent and that we are adopting the national law. Nothing, I believe, will change for childcare because of the amendment today that I am proposing, other than to ensure that this parliament does—and I believe should—have a role to play.

The national agreement that we have agreed to will come into law. It is, as I said in my previous speech, important to have some consistency right across Australia. But we do need to be careful about how we engage in those negotiations at the federal level to ensure that we do not take away the place this parliament has in passing laws and looking at the laws that would be in the best interests of the territory. I commend my amendment to the house.

MRS DUNNE (Ginninderra) (11.30): I welcome Ms Hunter's amendment to this bill. It shows a keen awareness of one of the problems that we have in Australia with template legislation of various sorts. It is an issue that has occupied the thinking of the scrutiny of bills committee in a number of contexts over the past few years. As I experienced when I attended the Australia-New Zealand Scrutiny of Legislation Conference, it is an issue that occupies scrutiny committees across not just Australia but also New Zealand in relation to the way that we deal with template legislation and the way that we ensure that people in the ACT who are affected by changes in legislation are made aware of it.

Real problems arise with template legislation where a particular jurisdiction has carriage of it. When they pass legislation in the Victorian parliament, the Queensland parliament or the New South Wales parliament—in this case the Victorian parliament—and the changes come into effect in the ACT, the people who are responsible for its application may not know about it. Childcare operators in the childcare centres may not know about it and they may be breaching the law unwittingly. We need to do everything to ensure that, first of all, this legislature consents to that change. Secondly, we need to do everything to ensure that people who are affected by the changes know and understand those changes and have the capacity to act according to law.

I welcome the amendment. I think it is the sort of thing that we will see in a lot of legislation. It is a matter that, as a legislature, we need to pay more attention to. I congratulate Ms Hunter on the amendment.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (11.32): The government will not be supporting the Greens' amendment. With reference to subclause (2) of the amendment, the government agrees in principle to subclause (1), but it does not alter the policy position of the bill. Rather, it establishes a reasonable time frame and is in line with open and transparent government. However, we do not agree with subclause (3). One of the key objectives is to create a nationally consistent approach.

This amendment changes the policy position and creates a situation whereby over time the ACT can deviate from the national quality framework and create confusion in the sector and loss of confidence from the sector. The current processes will ensure that the ACT will not be a silent jurisdiction. There needs to be an agreement by consensus at the ministerial council and, therefore, there is a safeguard to ensure decisions are made to ensure there is no adverse effect on the ACT. This amendment is contrary to the national partnership and could jeopardise funding arrangements from the commonwealth that may dilute our ability to negotiate future amendments at the ministerial council.

Both Victoria and New South Wales have passed this law without the need for this type of amendment. Both of these jurisdictions have approximately 70 per cent of Australia's education and care services. The ACT will be out of step with these two jurisdictions and it may make the ACT a less attractive place to establish services for national providers. Existing and new national providers may experience an increase in regulatory burden because they will need to be across different versions of a similar law. This effectively creates the exact situation that the national partnership was an attempt to resolve—that is, a unified system.

The government does not agree to subclause (4) for the same reasons as cited for subclause (3). Apart from the fact that the amendment proposed by Ms Hunter is a deviation from the process agreed to in the national partnership, it also has the potential to contribute to the inconsistency nationally. By effect, in such circumstances the ACT would not adopt an amended law, meaning that it would be operating with a different legislative framework to other jurisdictions. This could undermine the objectives of the new system and contribute to confusion in the education and care sector, particularly for providers who operate services across multiple jurisdictions.

There may be further confusion created with the ACT services being required to refer to differing versions of the law. It is important to note that the ACT sector has been calling for this reform for some time and that we may experience a loss of confidence in the regulatory authority and government should this amendment proceed.

In relation to subclause (5), we believe that there is potential that the ACT can on its own disallow certain regulations, in effect leading to the ACT operating with its own

unique set of regulations or standards. This will bring about the same types of issues that have been identified in subclause (3). This amendment, we believe, is a shift in policy and is not consistent with the national partnership.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clauses 7 to 12, by leave, taken together and agreed to.

Clause 13.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (11.36): I have moved the amendments circulated in my name and I have tabled a supplementary explanatory statement to the government amendments. I think I made comments earlier on that.

Mrs Dunne: Just for clarity, Mr Assistant Speaker, Ms Burch has referred to them before, but I do not know whether they have been formally moved. I think they have to be formally moved in the detail stage. Is that right?

MR ASSISTANT SPEAKER (Mr Hargreaves): Thank you, Mrs Dunne. My understanding and advice, Ms Burch, is that your amendment has not been formally moved. I would invite you to formally move it.

MS BURCH: I formally move amendment No 1 circulated in my name and table a supplementary explanatory statement to the government amendments *[See schedule 2 at page 4943]*.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clauses 14 to 19, by leave, taken together and agreed to.

Clause 20.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (11.37): I move amendment No 2 circulated in my name *[see schedule 2 at page 4943]*.

Amendment agreed to.

Clause 20, as amended, agreed to.

Clause 21.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (11.38), by leave: I move amendments Nos 3 to 6 circulated in my name together *[see schedule 2 at page 4943]*. I have made comments earlier.

Amendments agreed to.

Clause 21, as amended, agreed to.

Proposed new clause 21A.

MRS DUNNE (Ginninderra) (11.38): I move amendment No 1 circulated in my name which inserts a new clause 21A *[see schedule 3 at page 4944]*.

I do not do this lightly—and it is a departure from the national scheme—but I do so in response to the real need in the ACT community, especially for small independent childcare providers. This amendment would enable small childcare providers to seek an exemption for the first year of the operation of the act. One of the issues that I touched on in my remarks—and I raised this earlier last year with the minister—is that there are childcare centres that go through the motions of saying, "Yes, we understand this is happening; yes, it's going to have implications," but when you really drill down into it, they are not ready.

Some of the childcare centres that have actually done thinking on this and looked very closely at their circumstances know that on 1 January they will be faced with a very hard decision to either downsize their baby room or upsize their baby room. Sometimes they do not have the physical space to upsize their baby room. They cannot continue to provide services to an odd number of children. Most baby rooms currently have 10 children in them and that requires two full-time carers. If they maintain 10, they cannot have 2½ full-time carers. They have to go to three, but then they may not have the space for the extra two babies to keep the ratios because they do not have enough floor space, enough cot room space or enough playground space. There are rules and regulations about how much space you have when you provide childcare services.

The only option these services have is to go to eight places and maintain the two carers. That means, of course, that they are losing the income from two. They have to turn away two children and lose the income from those two children. That places big cost pressures on the whole of the childcare centre, not just the babies room. This amendment would allow childcare providers to seek an exemption from the one to four ratio for the first year if the need arises. It is not compulsory. It is not saying that everyone will be exempt, but they do have the opportunity to seek this exemption.

One of the more on-the-ball childcare centres, which have spent a lot of time thinking about the implications that this will have for them next year and which have been very active in advocating for the small parent-run childcare centres, have raised this issue with me and have written to me. On behalf of all of the childcare centres like theirs, they are very keen to see this amendment passed. In writing to me they say that

moving this amendment will allow childcare centres an additional 12 months to comply with carer to child ratios for children under 24 months. The president of this childcare centre has written to me, saying:

> As you know—

this particular childcare centre—

> has 10 children under 24 months. The change in ratios will mean that

the centre—

> will now have either 8 or 12 places for children under 24 months in order to remain viable. We feel that moving to 8 children will not be a good outcome for—

the centre—

> or for the community, and as such have made the decision to add two places to bring the number of children from 10 to 12 in the nursery. This will be a good outcome for—

the centre—

> and a good outcome for the community …

However, the president goes on to say that it is impossible to implement under the current regulations until they expand their floor space by approximately seven square metres, which they cannot do before 1 January. He continues: "While we have been aware of the regulatory changes for a year, the centre needs more time to gather the resources needed to make this change. The centre is a community not-for-profit organisation, which is run by volunteers." He goes on to say:

> Despite our best fundraising efforts (this year has been our most successful on record) and the efforts of our volunteers, we do not have the financial resources yet to make the refurbishments to our centre to add the additional floor space.

The president goes on to say:

> I am also concerned that if we rush the implementation that we will end up with a solution that is not optimal, countering the positive outcomes of the reforms. It would be a shame for parents to have their fees raised to add an additional carer only to find that the accommodation for their child is not up to scratch. The reforms are touted as the 'National Quality Agenda'. If we are forced to accommodate them on a shoestring budget then any additional quality may be lost.
>
> While we have received some financial support from the government to date ($25,000), we still need to fundraise in the order of $50,000. We feel that if we were given an additional 12 months that we could do so, and that we could implement quality changes—

at the centre—

> which will ensure its long-term viability.

In summary, the president concludes that, while the centre supports the regulatory changes:

> we would like more time to ensure that they are implemented with sufficient resources to ensure a quality outcome.

The president of the childcare centre urges members to support the amendment proposed today. It would have limited implications for the fewer than 30 childcare centres that meet the criteria of being small and not for profit. It would not actually apply to all of those but for those organisations who do not receive capital funding from the government, who are not eligible to receive capital funding from the government—the touted capital funding. This particular childcare centre misses out on that because of a quirk of history and, as a result, it cannot make it work by 1 January. Even if the money fell out of the sky today it would be impossible for it to make it work by 1 January and to make the necessary physical changes. Therefore, I think that, in recognition of the hard work that childcare centres are doing to try and comply with this, giving the minister the capacity to allow exemptions in very limited circumstances would benefit the provision of childcare across the ACT community.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.46): We will not be supporting Mrs Dunne's amendment today. I take on board the issues she has raised, but I do not think it is the right thing to not implement the overall scheme because of a small number of compliance issues. But those issues should not be swept under the carpet and ignored; I agree there.

There are exemption provisions. There are childcare centres across the territory today that have been granted exemptions for certain standards and conditions, having put forward a reasonable argument. I would certainly expect that to be the case for those centres that may not be ready to go on the first day that all of this kicks in. I would expect that there would be some consideration and that exemptions would be allowed so that they could continue to operate. I have met with this particular childcare centre and I know they wanted this amendment to get up today.

We cannot stop the whole scheme for another year, but we need to ensure that these centres are supported to transition. This should not be a system where, if you are not all ready to go on day one or for some months or a reasonable period of time into it, no support is given. Support should be given. We cannot afford to lose childcare places in the territory. In fact, if anything, we have to expand childcare places, and that is why it is so important to ensure that centres can transition, are given support to transition and are not forced into the difficult position of having to close down or cut back on the number of places available, which means that in fact they will close down over time because they are just simply not viable. We cannot have that situation in place. It does not make sense. I urge the minister to give attention to this issue to ensure that they are supported to transition and that those exemption provisions can be put in place.

We know there is value in a national framework and national minimum standards. I do not think it would be in the territory's interests to move away from putting in place the staff to children ratios even before the scheme begins. But as I say, we need to ensure that they are supported and that this transition is not a traumatic time for centres. I know there are many out there that are already ready to go and there are others well on their way. That is why we need to ensure that everybody is supported to go through this process.

I mentioned in my earlier speech that $9 million went out, and it was a good move by government to get money out there. That money was directed at government owned facilities and, in the case of this childcare centre, it is a not-for-profit childcare provider. It has been established in the inner north of Canberra for many years and it has served many families well. It is a not-for-profit group; it is parents who are running it. As Mrs Dunne pointed out in her speech, they need to increase the floor space in order to be able to care for 12 babies, which would make their centre viable into the future. It is also about siblings, where you have a child who goes into the toddler room or into the preschool room and by then another child has been born. It is about being able to ensure that that younger sibling will be able to attend the same childcare spaces as the older child in the family.

We need to look at how we can provide support. I understand that about $20,000 to $25,000 has been given to this organisation to assist with some of the costs. But I urge the minister to ensure that the exemptions can be put in place, if a good case is put up, to ensure that we are not going to have a situation where centres are going to close down, families are thrown into chaos with not having childcare and childcare places are lost when we know that we really need to be moving in the direction of increasing the number of places right across the territory. There is a bit of a baby boom that is going on, and parents need high quality care while they are at work.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (11.51): The government will not be supporting the amendment put forward by Mrs Dunne. We do not think the amendment fits within the bill. Rather, it sits within the national transition arrangements. But, that said, I understand the situation. I have been speaking to a number of services about the transition, which is why we have put a significant amount of effort and work into supporting the sector, particularly around the new ratios. Because of the new ratios, staffing requirements from birth to 24 months have been modified to allow a lower ratio of one to four in recognising that these are the very important years.

The sector itself has been seeking this change for some time, recognising the importance of quality education and care for children and the staff. The government has been working with the sector since 2009 to plan the transition to these new arrangements, and a change in policy to this extent may see the sector lose confidence in the government and in the regulatory authority.

Just to outline some of the consultative process that the regulation unit has undertaken, in October and November 2009 there were information sessions. In March 2010 there

were two information sessions. In November 2010 more information sessions were held. In April this year a roundtable was attended by 80 providers. In September this year another roundtable was attended by 70 providers. Children's services forums are held in March, June and September and December of each year. Advisers visit services four times a year. There are director meetings three times a year, in April, August and November—one is scheduled for next month. Within the unit the sector development position goes out regularly to support the implementation.

I acknowledge the staff here today from the regulation unit who have done an outstanding job in supporting the services as we move through here, particularly those that have represented the ACT very admirably as we have moved through the drafting of the regulations. Well done; a very good job indeed.

But the purpose of the national law and national regulations is to ensure national consistency. That is something that seems to be lost on Mrs Dunne. We are implementing national law to be nationally consistent so that we can fulfil our obligations under the national partnerships. I point out to Mrs Dunne that New South Wales has passed these laws, Victoria has passed these laws, and every other state is passing these laws without making the amendments Mrs Dunne is choosing to put forward.

As to what services and support we are offering the children's services sector, $250,000 in childcare grants went out earlier this year. This was in direct support to services to enable them to get building designs or internal fit-outs to better support them to meet their transition requirements. This week we have announced $9 million that will go to services. It will make a significant difference. The service I was at yesterday, for example, at Forrest early childhood centre will see, effectively, a doubling of their service provision. This is a good outcome for services and for the families of the ACT, and the government will not be supporting the amendment put forward by Mrs Dunne.

Question put:

> That proposed new clause 21A be agreed to.

The Assembly voted—

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

Question so resolved in the negative.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

Children and Young People (Education and Care Services National Law) Consequential Amendments Bill 2011

Debate resumed from 22 September 2011, on motion by **Ms Burch**:

> That this bill be agreed to in principle.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (12.00), in reply: I will be brief. I want to thank members for their contributions and I welcome the passing of this bill in this place.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Working with Vulnerable People (Background Checking) Bill 2010

[Cognate bill:
Working with Vulnerable People (Consequential Amendments) Bill 2011]

Clause 1.

Debate resumed from 26 August 2010.

MR SPEAKER: I understand it is the wish of the Assembly to debate this bill cognately with order of the day No 2, working with Vulnerable People (Consequential Amendments) Bill 2011. That being the case, in debating order of the day No 1, executive business, members may also address their remarks to order of the day No 2, executive business.

Motion (by **Mrs Dunne**) put:

> That debate be adjourned.

The Assembly voted—

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

Question so resolved in the negative.

Clause 1 agreed to.

Remainder of bill, by leave, taken as a whole.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (12.05), by leave: I move amendments Nos 1 to 18, 20, 22 to 27, 29 to 39, 41 to 46, 48 to 50, 52, 54, 56 and 58 to 78 circulated in my name together with a table and explanatory statement to the government amendments *[see schedule 4 at page 4945]*.

This landmark legislation underlines the Labor government's strong commitment to ensuring vulnerable adults and children are receiving the best care at all times and they are as safe as possible.

I would like to make some comments following Mrs Dunne's motion to adjourn the debate and comments made earlier today. There was a late discussion with the Committee Office to ensure that all government amendments had been through scrutiny committees at some point in time. We needed to provide urgent advice to the Committee Office regarding a small number of minor technical amendments as outlined below. This has been an extremely complicated bill with multiple amendments arising over the course of the year.

Up until embargo yesterday, the directorate believed that all material embargoed was cleared for debate. An issue was not raised by the Secretariat until 8.45 this morning, and we have moved to rectify this as quickly as possible. I also understand that the committee is using this as an example, due to the complexity of such amendments, to talk to all Assembly liaison officers across government to ensure that appropriate processes are done in future for complex legislation.

The amendments were amendments 19, 21, 28, 40, 47, 51, 53, 55 and 57. The technical amendments related to working dates and were (a) changing from one month to 20 working days and (b) changing from 14 days to 10 working days. This change was made after the above first round of government amendments went to scrutiny committee for clearance prior to the debate first coming on in the March sitting and was a result of discussions with the ORS around their operational requirements. Unfortunately, they did not get back to the scrutiny committee with the latest round of government amendments provided around 14 October that were inadvertently missed during the timing of delay of the bill in March, so I do apologise to members here.

During the Assembly debate in March of this year, where in principle agreement to the bill was reached, I presented the definition of "vulnerable people" as being children under the age of 18 and adults who are experiencing disadvantage and as a result of that disadvantage are accessing activities or services, and I advised: that regulated activities are those activities or services that will attract background

checking of employers, employees and volunteers; that there will be staged implementation of the background checking system; the cost of the employee checking system; that amendments to the bill would provide advisers being appointed that could provide the commissioner with advice on the potential risk posed by a particular applicant and any other aspects of registration; and that the bill will commence 12 months after it is passed by the Assembly.

We have been on an extensive consultative process since that time. Comments were sought from over 1,300 stakeholders and members of the community. Vulnerable people, government and non-government service providers, private counsellors and psychologists and representatives from the drug and alcohol sector, the mental health sector and the homelessness sector commented on these documents. I would like to thank the organisations, agencies and individuals who have provided comment. They have been invaluable in improving the whole framework that we are debating here today.

The government has considered these comments received during the consultative process, including the scrutiny of bills committee's comments in reports 27 and 33 and the issues raised by my colleagues across the chamber. The bill's risk assessment guidelines and application form, risk management assessment tool, government amendments and regulations have been amended where appropriate. The community can be confident that the bill and its supporting documents do not unnecessarily limit an applicant's human rights.

I would like to thank the standing committee for report 43 on the Working With Vulnerable People (Consequential Amendments) Bill. In March the government amendments to the bill were circulated to the scrutiny of bills committee and these government amendments proposed to permit a person to voluntarily surrender their registration; to provide an applicant with the capacity to seek a review of a risk assessment decision based on new or corrected information; to clarify that all employers supporting students on school initiated work placements or practical training will require registration; change the phrase "position based" registration to "role based" registration; and to remove the imprisonment penalty from strict liability offences.

Circulation of these amendments and additional government amendments to the bill were identified. In total 78 government amendments are proposed to the bill, 48 of which have been previously presented to Assembly members and considered by the scrutiny committee. I am presenting the Assembly with all proposed government amendments for debate today. The amendments add to the policy position of the bill and refine detailed aspects of the bill.

Of the 78 proposed amendments to the bill only one amendment significantly changes the working with vulnerable people policy. Previously, new employees and volunteers were to be checked during the first three years of the background checking system's operation and existing employees were to be checked from years four to six of the checking system's operation. The community have told the government that they would prefer that children up to the age of 18 years be afforded the protection of the checking scheme through the first year of operation. In response, the government

amendment will allow all new and existing employees and volunteers providing regulated services to children to be checked in the first year and all employees and volunteers providing services to both children and adults to be subject to checking from years two through to six of the scheme's operation.

The mental health and drug and alcohol sectors had previously expressed concerns about how the Working with Vulnerable People (Background Checking) Bill 2010 would impact on their employees with "lived experience". These organisations' employees working with vulnerable adults will be screened during the fifth year to allow sectors sufficient time to prepare for the reforms and this will occur after a review of the act in the fourth year of the implementation phase. No new background checks will occur during this year. The focus will be to identify what is working and how the background checking scheme can be improved.

The ACT community requested that the background checking system be simple to understand and be equitable and fair for the applicant. Extensive conversations with the community have occurred on the guidelines and the application form for registration.

The National Operators Forum brings the commonwealth and states and territories together under the national framework for protecting Australia's children and working with children checks. The forum works toward establishing a nationally consistent decision making framework to guide decisions about suitability for employment.

I am advised that the Greens will be proposing an amendment to the bill which will result in the risk assessment guidelines being notified as a disallowable instrument, and the government will support that amendment.

Also, stakeholders have said to us that they are concerned some people working with or wanting to work with vulnerable people may leave the workforce. They may be deterred from applying for working with vulnerable people registration as their lived experience may result in a negative risk assessment. Stakeholders identified people who may experience difficulties in completing the application form due to poor literacy skills. The government has recognised and responded to these concerns by calling for "champions" to be identified across the ACT community. These champions will provide support to individuals throughout the working with vulnerable people registration application process including, where necessary, advocating on behalf or alongside the applicant. Stakeholders have been asked whether they wish to be included in a list of champions provided on the Community Services Directorate's website.

The Office of Regulatory Services will engage a health professional officer level 4 to assist with refining the background checking implementation approach as well as provide guidance on the appropriate consideration of lived experiences. The Office of Regulatory Services background screening unit will be responsible for implementing the background checking scheme. The bill's proposed regulations oblige employers who engage with people with conditional registration, including role-based registration, to provide certain documents to the background screening unit. These documents identify the organisation's risk management strategies and policies and

procedures for compliance with the act. The government have listened to the concerns raised by employers and have made the amendments appropriate to their concerns.

The majority of stakeholders and members of the community want a checking scheme implemented in the ACT as soon as possible and the implementation phase of the working with vulnerable people background checking scheme will commence 12 months after the bill is passed by the Assembly.

But the government has not finished talking with the community on this matter. During the first 12 months of the bill's enactment an implementation working group will be established. The draft governance structure for the working group has been provided to members and will be finalised after discussion with the stakeholders. One of the group's first tasks will be to agree how the community will know about the implementation of the checking scheme across all regulated activities and services.

I will now talk to the amendments that I have circulated. Government amendment No 1 proposes to add a new clause to the bill which provides the time line for completion of background checking of all employees, volunteers and self-employed people providing regulated activities or services. This new clause will compel people working or volunteering in regulated activities or services provided exclusively to children to be subject to the background checking in the first year that the scheme commences. The most vulnerable people in our community will receive the protection of the bill during its first year of operation.

People working or volunteering in regulated activities and services which can be accessed by both children and vulnerable adults are to be subject to background checking during years two, three, five and six of the scheme. The fourth year of the implementation will be dedicated to review of the operation. Employers and self-employed people will continue to be responsible for maintaining police checks pending their staff or their own registration under the scheme.

The bill required clarification that the exemption of students on school initiated work placements or doing practical placements includes those students in college. Similarly, the bill required clarification that some employers supporting students on school initiated work placements or practical training may not be required to be registered or have contact with vulnerable people. Government amendments 2 and 3 clarify that high school and college students on school initiated work placements or doing a practical placement, and their employers, can be exempt from registration.

Government amendment 4 exempts sworn police officers from other jurisdictions and other AFP appointees from registration. The inclusion of sworn officers from other jurisdictions and other AFP appointees was an oversight during the development of the bill and this amendment addresses the concern raised by ACT Policing.

Government amendments 5 and 6 exempt from registration those employees and volunteers whose only contact with vulnerable people is providing a service at the public counter, giving or receiving information by telephone or working with a record. Where the inherent requirements of an employee's or volunteer's role do not include face to face contact with vulnerable people there is a lower risk of vulnerable people

being subjected to abuse or neglect. It is not the intent of the bill to unnecessarily regulate employment or volunteer roles where the risk to vulnerable people is low. This amendment addresses concerns raised during consultations.

Government amendment 8 and other similarly proposed amendments to the bill remove the imprisonment element from the strict liability offences in the bill. People who knowingly engage in regulated services and activities for which they are not registered pose a risk to the safety and security of vulnerable people. Therefore, the strict liability offences in the bill must reflect the seriousness of the offence and act as a deterrent. However, imposing a term of imprisonment is unlikely to be a deterrent to a person who knowingly commits an offence under the bill or breaches the act. These amendments address comments made by the scrutiny of bills committee report 27.

Government amendment 14 adds the term "supervised employment" in the heading of clause 14. This amendment clarifies that this clause is applicable to unregistered people who are intending to engage in a regulated activity or service and that employers have an obligation to provide appropriate supervision to an unregistered person while they are engaging in a regulated activity or service.

Government amendment 16 proposes the addition of a new clause in the bill which will ensure that unregistered eligible kinship carers and significant persons are able to take children into their care in an emergency situation without inadvertently breaching the law. At present, the bill does not permit emergency placements of children into the care of unregistered kinship carers or other persons who are significant to the child or children. The government is proposing this amendment to remedy this unintended consequence of regulating specific activities and services provided under the Children and Young People Act 2008. The proposed new clause does not compel the Office for Children, Youth and Family Support to place a child or children in the care of a relative or significant person when an emergency placement is required if they are not satisfied that the person is an eligible kinship carer. This amendment addresses concerns raised during consultations.

Government amendment 18 removes the requirement for an applicant to provide a statutory declaration with their application form when advising of convictions or relevant offences which have occurred outside of Australia. Information regarding these offences will be able to be provided via a written statement.

Government amendment 19 and other similarly proposed amendments to the bill clarify that where time frames are imposed on an applicant or the commissioner in the bill the days stated are working days, not sequential calendar days. These amendments provide consistency between the bill and the Legislation Act 2001.

Government amendments 23 and 34 provide for the appointment of independent advisers. The commissioner will be compelled to seek advice from a minimum of three independent advisers when considering the issuing of a role-based registration or when faced with a risk assessment decision where the complexities involved require the advice of experts in the field. There is no limit to the number of independent advisers who can be appointed. However, at least one of the independent advisers is to be from an Aboriginal or Torres Strait Islander background.

Other independent advisers must have experience or expertise in relation to migrants and refugees; forensic or clinical psychology; children and young people; people with a disability; people with mental illness; drug and alcohol dependencies; or any other field necessary. The appointment of the independent advisers will be notified. Independent advisers to the commissioner will not be convened as a group. The commissioner will remain the final decision maker and an applicant may still seek a review of the commissioner's decision.

The method for the commissioner to seek advice from independent advisers and the method of providing advice to the commissioner will be determined by the implementation working group. The implementation working group is to be established following the notification of the working with vulnerable people legislation. This amendment addresses comments made during consultation and by the Human Rights and Discrimination Commissioner.

Government amendment 26 is to clause 33 which provides the steps that must be taken by a person seeking a reconsideration of a proposed negative notice. Government amendment 26 changes the grounds on which a person can seek a review of the proposed negative notice. The person will ask the commissioner in writing to reconsider the decision rather than provide evidence of incomplete or incorrect information. This amendment addresses comments made by the scrutiny of bills committee.

Consultations with key stakeholders identified that the meaning of "position-based" registration needed to be clarified. Key stakeholders agreed that the use of role-based registration was preferable. Role-based registration refers to a person's role in a regulated activity or service; whether the person can be registered to work in a role; and whether the person can be registered to perform a set of activities. The use of the word "position" was considered a limited definition. Government amendment 32 proposes to substitute "position-based" with "role-based" in the bill and addresses comments made from the community.

Government amendment 38 to clause 39 provides the steps that must be taken by a person seeking reconsideration of a proposed conditional registration. Government amendment 38 changes the grounds, provided in the bill, on which a person can seek a review of a proposed conditional registration. The person will ask the commissioner in writing to reconsider the decision rather than provide evidence of incomplete or incorrect information. The proposed amendment also compels the commissioner to undertake a revised risk assessment as soon as practicable on receipt of a person's request for review. This amendment addresses comments made by the scrutiny of bills committee.

Government amendment 44 proposes to add a new clause to the bill which provides for a registered person to seek amendment of their conditional registration. A person holding a conditional registration, including role-based registration, may apply in writing to the commissioner to seek the removal or amendment of a condition of the registration. If the commissioner amends a person's registration or refuses to amend a person's registration, the commissioner must tell the person in writing of the reasons

supporting the decision. Where the person seeking amendment of their registration has named an employer and the commissioner has amended the person's registration, the commissioner will tell the named employer, in writing, that the person's registration has been amended and the details of the amendment. The commissioner will not tell the named employer of the reasons for the amendment. This amendment addresses comments made during consultation.

The bill does not provide for surrendering of registration. Government amendment 59 remedies this by creating a new division which provides the registered person with the process for surrendering their registration. This amendment also compels the commissioner to tell the employer, if any, that the person's registration has been surrendered. This amendment addresses comments made by the scrutiny of bills committee.

To ensure that children remain a paramount consideration during implementation of the checking scheme, government amendment 65 ensures that the checking of employees and volunteers working in youth justice facilities will occur during the first year of the implementation.

Government amendment 66 ensures that employees and volunteers working in justice facilities for adults will be checked during the last year of the checking scheme. This amendment addresses comments made during the consultation process.

Finally, government amendment 69 ensures that there are no references to peer support programs in the bill. This amendment addresses comments made during the consultation.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.28 to 2 pm.

Questions without notice

Emergency Services Agency—headquarters

MR SESELJA: My question is to the Minister for Police and Emergency Services. Minister, in papers obtained by the opposition under FOI, there is an expert report in November 2005 from quantity surveyors Wilde and Woollard, setting out a cost-benefit analysis of the proposed relocation of all the Emergency Services Agency's functions at Fairbairn. The report from Wilde and Woollard concluded that the proposal would be "substantially negative" and that "the proposed relocation is not financially beneficial to the ACT government". There is also a report in September 2006 from architects HBO+EMTB, which concluded that Fairbairn is not necessarily the best location for the ESA headquarters. Minister, why did your government choose the worst option for the relocation of the Emergency Services Agency?

MR CORBELL: I thank the Leader of the Opposition for the question. The studies that Mr Seselja refers to relate to the problems associated with the buildings that were proposed to be utilised for the ESA headquarters at Fairbairn. As a result of those

studies, the government renegotiated the contract entered into by the ESA with the airport, to ensure that we were able to deliver a modern and up-to-date Emergency Services facility that met the ESA's needs, and I am very pleased to say that that is what has been delivered.

MR SPEAKER: Supplementary, Mr Seselja.

MR SESELJA: Minister, why did you and your government ignore the conclusions of the Wilde and Woollard report on the proposal to relocate the Emergency Services Agency's functions at Fairbairn?

MR CORBELL: I think Mr Seselja is misconstruing the nature of that report. That report was not per se about the physical location but about the buildings proposed to be used for the headquarters. The government did not ignore the report. In fact, the government acted on the report and took appropriate steps to ensure that we did get purpose-built, up-to-date facilities for our emergency services, facilities that are now operating extremely well and will serve our emergency services for many years to come.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, why did you and your government ignore the conclusions in the report from HBO+EMTB on the proposal to relocate the Emergency Services Agency's functions at Fairbairn?

MR CORBELL: The government did not ignore the report, and I refer Mr Smyth to my previous answer.

MR SMYTH: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, why did you and your government decide not to co-locate all the ESA's functions at Fairbairn?

MR CORBELL: It was determined that a range of training functions were not suitable for Fairbairn; in particular, training functions that relate to training which may generate amounts of smoke were deemed not to be suitable to occur on the airport precinct.

Children and young people—care and protection

MS HUNTER: My question is to the Minister for Community Services. Minister, during estimates hearings in May 2010 Ms Megan Mitchell, who was then the Executive Director of the Office for Children, Youth and Family Support, stated:

> Depending on the child's age, we have kits available which have nappies, formula, pyjamas. We can give people cots. We have got a range of items that we make available to anyone who needs them.

Minister, can you tell the Assembly what is provided in a kit when a child is placed during an emergency action?

MS BURCH: I thank Ms Hunter for the question. I am happy to bring some advice back on the details that are in the kit. Certainly, some of these placements—the type of emergency placement and the speed at which it is made and the time of the night—are different, but I am quite happy to take some advice about what is the standard practice and what would be in an appropriate kit for an emergency placement.

MR SPEAKER: Ms Hunter, a supplementary.

MS HUNTER: Minister, how many kits have been issued since May 2010?

MS BURCH: On that level of detail, I would have to bring it back, and I am more than happy to do that.

MRS DUNNE: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, was a kit provided at any time to a grandmother who has complained to you personally that when she was given care of her grandchild at the airport she received a child in a nappy and a singlet—no cot, no means of transporting that child to her home? Was she ever provided with a kit?

MS BURCH: I thank Mrs Dunne for her question and I know that there have been a number of comments and commentary raised over the last week or so around emergency placements and some comments made by foster carers around their experience. I met with the foster carers this week and I have committed to meeting with them in two weeks time. I have asked for some further details on these matters so that I can explore exactly what happened in certain circumstances.

MR SPEAKER: Ms Le Couteur, a supplementary.

MS LE COUTEUR: For how many days do foster and kinship families have to wait to receive these kits?

MS BURCH: I think I mentioned, in referring to Ms Hunter's question, that it depends on the timeliness of the placement as well. Some placements are planned and are well organised; some are not so well planned, just by the nature of the removal of the child and the risk that the child is in and the placement that is there. So it is variable. There is no set time—that within X time, something will be provided. But rest assured that the directorate would provide all the information, all the necessary equipment, or make arrangements for that equipment to be purchased, provided or somehow sourced to all placements, whether they are kinship or foster carers.

Visitors

MR SPEAKER: I would like to welcome the members of the Arawang Ladies Probus Club who have joined us at the Assembly today and are joining us for question time. Welcome to the Assembly.

Questions without notice

Emergency Services Agency—headquarters

MR SMYTH: My question is to the Minister for Police and Emergency Services. Minister, an FOI requested by the Canberra Liberals concerning the decision to locate the new ESA headquarters at Fairbairn, as reported in the *Canberra Times* today, revealed:

> Senior officials repeatedly warned the ACT Government … was insufficiently planned and unnecessarily costly …

The document also says that the decision:

> … would appear to have been based on the availability of buildings rather than on identifying the needs of the ESA.

The government's reasoning and excuse is listed as:

> The advice couldn't be accepted because the Government had already signed a contract with the airport group.

Minister, why did the government sign a contract when the ESA headquarters project was 'insufficiently planned and unnecessarily costly'?

MR CORBELL: The ESA advised the government about the suitability of entering into those arrangements at Fairbairn, and the government accepted, at the time, that advice. It was one of the failures of governance on the part of the ESA when it was a statutory authority that led the government to reintegrate the ESA back into the Justice and Community Safety Directorate, to ensure there was improved project governance in relation to this matter and other matters

Opposition members interjecting—

MR SPEAKER: Thank you, members, the minister is answering the question.

MR CORBELL: So the advice to enter into that arrangement was based on the ESA's assessment at the time about the suitability of the site. That assessment was proven to be invalid and not correct, and the government had to take significant steps to improve governance arrangements in relation to the ESA, including the abolition of the ESA as a statutory, stand-alone authority, a position, I note, Mr Smyth still supports publicly. In contrast, the government believes governance has been significantly improved as a result of the integration of the ESA into the broader Justice and Community Safety Directorate.

MR SPEAKER: Supplementary, Mr Smyth.

MR SMYTH: Minister, why weren't the needs of the ESA taken into account when identifying the site for a new headquarters?

MR CORBELL: I do not know whether Mr Smyth listened to my previous answer but clearly he did not because if he had he would have recognised that the government chose that site based on the advice of the then commissioner of the ESA and the advice given to it by the then independent statutory authority—

Mr Smyth interjecting—

MR CORBELL: The independent statutory authority—

Mr Smyth interjecting—

MR CORBELL: gave the government bad advice. That advice was identified—

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth, thank you.

MR CORBELL: and that advice—

Opposition members interjecting—

MR SPEAKER: Order, members!

Mrs Dunne interjecting—

MR SPEAKER: Order! Mrs Dunne!

MR CORBELL: was subsequently reviewed—

MR SPEAKER: Order, Mr Corbell. Stop the clocks, thank you. Members, I cannot hear the minister. He is actually answering the question. You might learn something if you listen.

MR CORBELL: Thank you, Mr Speaker—unlikely, but we will give it a go. The government acted on the basis of advice from the ESA as it was then a statutory authority. My colleague the former minister acted on that advice accordingly, but clearly that advice was not completely adequate and certainly was deficient in a whole range of areas. The government had to take steps to address that. It has addressed that. We substantially renegotiated the contract with the Canberra Airport Group. We renegotiated the terms of the contract, the nature of the buildings, and we have now seen delivered a modern, up-to-date, state-of-the-art emergency service headquarters which has a strong capability to manage and coordinate the functions of all of our emergency services for many years to come. We have got a modern, up-to-date

communications call centre, we have got a modern and up-to-date workshop—in fact one of the best workshop facilities in the city—and we have got a modern and up-to-date logistical support centre that is serving the ESA very well and delivering a very effective support to our emergency services in the field.

MR SESELJA: Supplementary.

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: Minister, what changes have had to be made to the operational requirements of the ESA to function effectively from the site at Fairbairn?

MR CORBELL: A range of relatively minor changes were implemented in ESA operations to ensure that there was no compromising of response times. The two key changes were these. There was the distribution and the decentralisation of secure medicines storage from the ESA headquarters to individual ESA ambulance stations to ensure that ambulances did not have to return to headquarters to replenish secure medication stores, and that has been achieved at a relatively minor cost to ensure that there is no compromising of response times. The other changes related, similarly, to storage requirements and disbursement of equipment from the ESA headquarters for the ACT Fire Brigade. Similar measures have been put in place to those that are in place for the ambulance.

All of these costs are already on the public record. They were appropriated and agreed to by this Assembly in previous budgets and they have been operational now for a number of years.

MS LE COUTEUR: A supplementary.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, as of today, can large ESA vehicles be driven inside the workshop or are the doors to the building still too narrow and the ceiling too low?

MR CORBELL: Ms Le Couteur is referring to the assessment of the old building that was originally identified as a building potentially for workshops. That building was completely inadequate. That building is not used by the ESA for its workshop facility. The ESA has a purpose-built workshop facility—one of the best large vehicle workshops in the city—and it is able to accommodate all vehicles in the ESA fleet.

Mayor of Nara—visit

DR BOURKE: Chief Minister, can you advise the Assembly about the recent visit by the Mayor of Nara?

MS GALLAGHER: I thank Dr Bourke for the question. It was a great pleasure to meet with the Mayor of Nara, Mr Gen Nakagawa, during his visit to Canberra last weekend. Perhaps having the Mayor of Nara in the ACT was overshadowed somewhat by the presence of Her Majesty the Queen visiting the ACT as well.

Nonetheless it was a very important visit and a cementing of the sister city relationship that exists between our cities.

It was Mayor Nakagawa's first visit to Canberra at the head of a delegation that also included the Chairman of the Nara Municipal Council and officials from the Nara departments of tourism and business.

Mr Nakagawa and his delegation, whilst they were only here for two days, were particularly interested in exploring opportunities for promoting tourism and business between our two cities, as well as of course acknowledging the strong cultural ties that connect both of our communities. It was the 18th year of the sister city relationship, and I commented to the mayor that in our terms that means the relationship has come of age. Mayor Nakagawa said that in Japan you must be 20 before you have reached maturity, so he said he looked forward to coming back in 2013, in our centenary year, to actually acknowledge the maturity of the relationship from a Japanese perspective.

I was able to join the mayor in the planting of a tree in the Yoshino cherry forest, one of the forests that has already been planted at the National Arboretum. The mayor and his delegation were, I think, very impressed by the vision set out in the arboretum. He did express his delight at having Nara and our sister city relationship honoured with a prominent presence in what is fast becoming a truly national attraction.

The Deputy Chief Minister and Minister for Economic Development hosted a business luncheon with the mayor to talk about tourism and business opportunities between our two cities. The feedback from the delegation was that that lunch was very productive.

It was a speedy tour around the city. He also visited the Canberra tourist information centre during his stay, and of course on Saturday night the mayor and the delegation attended the Canberra Nara Candle Festival at the Canberra Nara Peace Park, an event that has grown to become one of the most popular and delightful events on the spring calendar.

The delegation also visited the National Capital Exhibition at Regatta Point, where they learnt a little about our city's early years. They took the opportunity to hear about our plans for Canberra's centenary in 2013 and they acknowledged the importance of the centenary, whilst also acknowledging that Nara is just about to celebrate its 1,300th birthday in the not-too-distant future. But they were very gracious and said that perhaps acknowledging the first century is the most important out of all of those.

MR SPEAKER: Dr Bourke, a supplementary.

DR BOURKE: Chief Minister, you mentioned the Nara Candle Festival. Can you provide more information about that event?

MS GALLAGHER: I can. It was really lovely to be down at Nara Park for the Canberra Nara Candle Festival. It really has grown into a wonderful event at a lovely time of the year, with daylight saving and also the warm weather on the weekend.

The festival is now in its ninth year. It has grown from what originally saw about 100 guests at Nara Park into a record crowd of—it is an estimate, but I would say that more than 12,000 people turned out on Sunday to enjoy the spectacle.

I was joined by Mr Doszpot at that festival and I think he would acknowledge with me what a successful evening it was. There were songs, dancing, lots of food and lots of families just being on the shores of the lake, listening and watching the cultural exchange that exists between our two cities and also the ceremonial lighting of the candles.

It was a great honour. Previous ACT delegations who have visited Nara have commented on the Japanese hospitality on receiving their delegation. The presence of so many Canberrans acknowledging the sister city relationship and the Nara Candle Festival was the strongest sign we could give them of the respect that our city shows Nara. I think that was acknowledged and received warmly by the mayor himself.

MS PORTER: A supplementary.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Thank you. Chief Minister, have there been any other recent activities relating to our Nara sister city relationship?

MS GALLAGHER: While the candle festival itself lasts for just one day in the year, Nara does have a presence year-round in the city, both physically, of course, at the Nara Peace Park, and in the Nara Grove at Black Mountain Peninsula. One of the most enduring and productive links is through the education sector—and the mayor and I spoke about this as well—that exists with Nara University high school. Last week I had the pleasure of meeting the principal of Nara University high school. He had travelled with a number of students—I think more than 50 students—to come and be hosted by ACT students and families, including at Kaleen high, Alfred Deakin high, Telopea Park school, Amaroo school, Gold Creek school, Orana, Campbell high, Lake Ginninderra college, Copland College and Dickson college. Also, I met with a teacher from Dickson college who spoke about the educational exchange that had occurred earlier in the year between students at Dickson college as well.

I think those educational links and the opportunity to send our students over to briefly experience another country and another culture are extremely important opportunities to be able to offer our young people. The mayor and I spoke about the fact that we would like to strengthen the educational exchange in years to come. This is an important relationship. I think it is important for the Assembly to acknowledge that. A lot of work has gone in by governments and members of this place of all political colours and flavours to really cement that relationship. Certainly my feedback from the mayor's visit and the delegation is that they just want to build on this relationship and keep it growing in the interests of both of our cities.

Emergency Services Agency—headquarters

MR HANSON: My question is to the Minister for Police and Emergency Services. Minister, on 9 January 2006, the commissioner for the environment wrote to the ESA

commissioner alerting him to her concerns about environmental issues with the proposed move of the ESA headquarters to Canberra airport. The commissioner said:

> I would like to ensure that the ESA is aware of the significant biodiversity conservation values of the land to the north of the airport … [particularly with regard to] the northern access road.

Minister, what work did the government do to protect the significant biodiversity conservation values to the north of the airport?

MR CORBELL: The north access road has not been built.

MR SPEAKER: Mr Hanson, a supplementary.

MR HANSON: Minister, how does the lack of a northern access road affect response times, particularly to the north of Canberra?

MR CORBELL: It does not.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Yes, Mr Speaker. Minister, what studies were undertaken to ascertain what the significant biodiversity conservation values of that land to the north of the airport were and what protection they required?

MR CORBELL: Mr Speaker, Mr Smyth has asked me questions about a road which would be built by the Canberra Airport Group on land owned by the Canberra Airport Group or land owned by the commonwealth Department of Defence. Planning controls and the approvals necessary to build such a road are entirely within the realm of the commonwealth, and my understanding is that the airport have sought approval from the commonwealth to build the northern access road and they do have an approval under the EPBC to do so cognisant of a requirement for a range of environmental offsets to be put in place because of the proximity of that road to endangered grassland areas.

These are not matters which the ACT government has any planning approval or control over; nor are they matters where the ACT government owns or is investing any money in the development of the road. These are entirely matters for the commonwealth.

In relation to the desirability of the northern access road in terms of improving access to the Emergency Services headquarters, it is the case that it would be useful to have that northern access road, but it is not necessary to maintain response times.

MR SMYTH: A supplementary.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, why did your government choose a site for the headquarters for the Emergency Services Agency when there is no alternative road access?

MR CORBELL: There is alternative emergency access should it be required.

Children and young people—care and protection

MRS DUNNE: My question is to the Minister for Community Services. Minister, what do you understand to be the standard procedure to be followed before and after the directorate makes an emergency placement of a child or children for residential care with an organisation that is not approved as a suitable entity under the Children and Young People Act?

MS BURCH: I thank Mrs Dunne for her question. I think she is making reference to the Public Advocate's report to which the government will provide a fulsome response. I am hoping to have something through to me next week, so I think that is a very quick turnaround—

Mr Seselja: On a point of order, Mr Speaker, the minister cannot redefine the question. It was a very specific question. It did not refer to the Public Advocate's report. It asked her about the procedures. I would ask you to ask her to be directly relevant.

MR SPEAKER: Thank you. Minister, Mrs Dunne's question was quite specific.

MS BURCH: Yes, and I was getting to that, Mr Speaker, and I will do so now. The practice of the unit in the Community Services Directorate that manages emergency placements is to have a set of guidelines and some policies and procedures. As has been identified, some of those are currently under review. But there is a clear form of practice leading up to the placement and then following the placement, and that includes notice to the Public Advocate and also going through the court processes.

MR SPEAKER: Mrs Dunne, a supplementary.

MRS DUNNE: Minister, did the directorate follow those standard procedures in the cases identified in the Public Advocate's recent report, particularly the procedure to be followed after the placements were made; and, if not, why?

MS BURCH: I think some of that information will come back in the government's response. It was about those emergency placements in relation to NBSS. Certainly the advice through to me from the department has been that this was a placement that was necessary given the children at risk and that extensive calls were made to find a placement agency. Oversight case management from another agency was put in place—

Mr Smyth interjecting—

MS BURCH: and certainly—

Mrs Dunne interjecting—

MR SPEAKER: Thank you, members.

MS BURCH: the directorate did all that it could to provide safety and surety for those children. But I have no doubt that when the government response comes through Mrs Dunne and her others over there will go through it with a fine tooth comb and have more questions for me.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, what changes have been made to the standard procedures in the directorate to ensure that they are followed to their conclusion?

MS BURCH: I thank Mr Hanson for his question. The directorate has, as all human services have, a program of ongoing review, reflection and change to policies and procedures. Certainly the conversations I have had with the directorate, through the Director-General, show that I have an expectation that practical placement policies and procedures need to be regularly updated to ensure that they have contemporary practice—not only do they sit on a shelf but new staff are inducted to those practices so that all staff within the directorate know how to function under those policies and procedures.

MR DOSZPOT: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Doszpot.

MR DOSZPOT: Minister, will the advice that you seek from the Government Solicitor include an analysis of these standard procedures? If not, why not?

MS BURCH: I thank Mr Doszpot for his question. The advice that we are seeking from the Government Solicitor is around the application of the law, any breach of the law and if it met the requirements under the Children and Young People Act. The Public Advocate has certainly made comment on that and we are working through the advice from the GSO.

Commissioner for the Environment

MS LE COUTEUR: My question is to the Minister for the Environment and Sustainable Development and is in regard to the role of the commissioner for the environment. Minister, in September you appointed a senior public servant with experience working for the government in the areas of environment protection, regulation and investigations, environment and water policy, water resources, heritage and nature conservation, and administration of urban tree and public place protection to the position of environment commissioner for a period of 5½ months. Minister, given that this is a temporary appointment and the acting environment commissioner will be returning to the public service, what confidence do you have that the acting commissioner is in a position to provide a fearless critique of the government's environmental performance?

MR CORBELL: Complete confidence, Mr Speaker.

MR SPEAKER: Ms Le Couteur, a supplementary question.

MS LE COUTEUR: Thank you. Minister, is the appointment of a public servant to the position of environment commissioner consistent with the functions of the commissioner as outlined in section 12 of the act, that is to investigate the actions of an agency where those agencies would have a substantial impact on the environment of the ACT?

MR CORBELL: The short answer is yes, Mr Speaker. It is not uncommon for public servants, people who hold public service positions, to also be appointed to positions that have statutory standing in legislation. A common and frequent example is the functions of the Conservator of Flora and Fauna, who is also often, and has been for an extended period of time now, the holder of a public service position. The same is the case currently for the Commissioner for the Environment. Indeed, it has been the case that former permanent appointments to the office of Commissioner for the Environment have been previously senior public servants holding public service office in an ACT government department.

I have complete confidence in Mr Neil and his ability to undertake his functions, fiercely, robustly and frankly in terms of the advice he provides to the government. I think he has demonstrated that to date. I am very concerned that Ms Le Couteur would seek to cast aspersions on a longstanding career officer like Mr Neil, who, quite frankly, deserves better than the sorts of comments she has made today.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter, a supplementary.

MS HUNTER: Thank you, Mr Speaker. Minister, why has the government waited until the position was again vacant before considering the recommendations made about expanding the role of the environment commissioner, despite announcing that that would be undertaken over four years ago?

MR CORBELL: There are a range of interactions between the operations of the commissioner's act and the operation of the Nature Conservation Act, both of which are subject to detailed review at this time. It would not be prudent to proceed with changes to the commissioner's act without ensuring that there was consistency with the future operation of a revised Nature Conservation Act. The government has indicated that it will take the next six months to undertake that work to ensure that any of those issues are appropriately resolved to a level of detail necessary to allow the permanent appointment of a permanent office holder in the office of commissioner for the environment.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, what protections were put in place to ensure that this interim appointment would be able to freely critique the government's performance in

a way that would not impact on him should he return to his substantive position in the directorate?

MR CORBELL: Once again Ms Bresnan seeks to cast aspersions on the capability of Mr Neil to act independently. I have full confidence in him. Why else would they ask the question unless they had some doubt about the issue? The fact is, clearly, they do have doubt about the issue. I do not. I have full confidence in Mr Neil. Mr Neil is a very experienced public servant. Mr Neil is a very experienced public official. Mr Neil brings to this role extensive experience and knowledge in the area of environment protection.

Ms Bresnan: On a point of order.

MR CORBELL: There is no need for any further measures in relation to that.

MR SPEAKER: One moment, Mr Corbell. Sit down, thank you, Mr Corbell. Stop the clocks, thank you. Ms Bresnan.

Ms Bresnan: My question was not about the person that Mr Corbell has mentioned, Mr Neil. It was actually about what protections were put in place to protect him or to protect that person in that position should he return to a substantive position in the directorate. It was not casting aspersions on Mr Neil.

MR SPEAKER: Thank you.

Women and girls—status

MS PORTER: My question is to the Minister for Community Services. Minister, could you detail the work this government is undertaking to enhance the status of women and girls in the ACT community?

MS BURCH: I thank Ms Porter for her question and her interest in women's matters. Promoting and enhancing the status of women and girls in the ACT is an important priority for this Labor government. Programs, policies and initiatives to assist us in fulfilling this priority include the inclusion of gender analysis benchmarks in the ACT government directorate reports, including in the ACT public service workplace portfolio of 2009-2010; the inclusion of women's safety audit pilots at the 2011 Canberra live Australia Day concert and the 2007 Multicultural Festival; and the statement on family violence which sends a clear message that domestic and family violence is a crime and will not be tolerated in the ACT, so we can build a community in the ACT where women and children feel safe because an anti-violence culture exists.

Other measures include the microcredit program, which was launched in March of last year and which enables women entrepreneurs to establish and/or develop their businesses by providing interest-free loans of up to $3,000 to women on low incomes, and the Canberra College cares program which provides a best-practice model for pregnant and parenting students to access education in the ACT. The program has been recognised with the inaugural schools first state impact award for the ACT.

Last week I presented eight young women with an Audrey Fagan young women's enrichment grant. These grants provide funding of up to $2,000 for young women aged between 13 and 18 to assist them to pursue their ambitions and to have confidence to take a career pathway of their choice. One example was a 13-year-old Macgregor schoolgirl who is making 250 teddy bears to help decrease children's anxiety when they require transportation in an ambulance. I had the pleasure of meeting Rheannan and her mother yesterday, along with her uncle, a paramedic, whom she presented with the first batch of bears. It is very encouraging to see this teenager's compassion and selflessness and indeed her skills with a needle and thread—certainly she is a better threader than I am I can say, Ms Porter. This is exactly the sort of initiative that the ACT government is proud to support through the Audrey Fagan grants program.

The ACT government's women's grant program is another initiative which is helping us observe the important and necessary objective of supporting local Canberra women. I had the opportunity to launch a round of women's grants earlier this month and these grants provide community groups and organisations with an opportunity to apply for a share of $100,000 in funding to improve the status of women and girls in Canberra. Applicants must design and implement initiatives that make life more inclusive and better for local women.

Funding for the women's grants is split into two categories: the first is capacity building which is open to individual projects which aim to strengthen the capacity of community groups or organisations to implement and advance the identified social objectives and priorities of the women's plan, and the second is a special projects category which is open to individual projects which contribute to research based on gender equity or projects which seek to advance public policy or service development which will implement and advance the identified objectives of the ACT women's plan.

MS PORTER: A supplementary.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, could you inform the Assembly of the projects and initiatives that the ACT women's grants have assisted in the past?

MS BURCH: I again thank Ms Porter for her question. Since 2004, when the ACT women's grants came into place, we have funded 107 projects to a total value of $600,000. This program has continued to support community organisations and groups which provide activities and programs which focus on enhancing the status of women and strengthen their capacity to provide women's services throughout the territory.

Last year's women's grants program funding focused on programs which addressed the economic priorities of the ACT women's plan. Funding in the last round of the women's grants was allocated to a number of programs and initiatives, including leadership, economic independence, community participation, health, arts and sports. Some of these projects included $12,000 to the Women's Centre for Health Matters to

provide opportunities for mature women and multicultural women in leadership and decision-making roles in the ACT; $4,800 for Working Wonders to meet the needs of women with disabilities who are seeking employment but do not have appropriate clothing, shoes or accessories for interviews; $5,000 to the Australian Red Cross to provide harm minimisation peer training sessions and leadership training for young women; and $24,700 to the Multicultural Women's Advocacy to provide employability training sessions and individual mentoring for women from culturally and linguistically diverse backgrounds.

All of these programs and initiatives funded by the women's grants are significant and important measures which are working to positively enhance the status of women and girls in our community.

DR BOURKE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Dr Bourke.

DR BOURKE: Thank you, Mr Speaker. Minister, what other work is the government undertaking to support the women and girls of Canberra and to ensure they are engaged and consulted with in government processes?

MS BURCH: I thank Dr Bourke for his question. In addition to the women's grants program, the government encourages ongoing and positive consultation between the government and local Canberra women and girls. The older people's assembly held in September this year provided older women with opportunities to put their views on key issues that affect them. We are committed to achieving and maintaining 50 per cent representation of women on boards. This commitment is supported by a requirement that all agencies consult with the Office for Women on the gender balance of all appointments and reappointments to a board or committee that are considered by cabinet.

An important forum of communication and consultation for women's related policy matters is the ACT Ministerial Advisory Council on Women. The council plays a role in assisting the government develop and implement policies to advance the status of women and is a valuable link between ACT women and the ACT government. During the development of the women's plan 2010-15 the Ministerial Advisory Council on Women conducted a listening tour throughout the territory with local women and girls to help identify and create plans and priorities.

Since its inception the council has undertaken a lot of good work and its members have demonstrated a strong commitment to their work in representing the voice of women. The current term will end this year and a new council will be appointed. This month I opened nominations for the new Ministerial Advisory Council on Women. I encourage all women with an interest in being the voice of Canberra women to look to those applications.

MS HUNTER: Supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, apart from the women's grants what funding has been put in to implement the women's plan?

MS BURCH: The women's plan is a whole-of-government approach to services and support. It is broader than the women's grants. Mind you, the women's grants play a significant role in supporting organisations to implement the women's plan. When I bring back the women's plan progress report, you will see the input from all organisations; whether it is in planning, whether it is in social design or whether it is through TAMS, it is across all directorates.

Children and young people—care and protection

MR DOSZPOT: My question is to the Minister for Community Services. Minister, you have said in this place, and so has the Chief Minister, that the government will be responding to the recent report of the Public Advocate. Minister, when will the government make its response and will that response be released publicly and in full? If not, why not?

MS BURCH: I think I have indicated in response to an earlier question that I am hoping to have a draft response to me by early next week, and I think that is a very quick turnaround. I have made it very clear to the directorate that this matter needs to be worked through as a matter of urgency because there were some concerning findings in the Public Advocate's report and we need to move through that. I also made that commitment when I met with the kinship and foster carers yesterday.

MR SPEAKER: A supplementary, Mr Doszpot.

MR DOSZPOT: Minister, apart from the advice you are seeking from the Government Solicitor, what other advice are you seeking, and from whom, that will inform the government's response?

MS BURCH: The directorate is working through organisations that have an interface with some of the circumstances that were outlined in the report. So that certainly will inform the government's decision. The directorate has raised some matters of accuracy within the report. It is a serious report. It was a concerning read of the report. I think that I, and everyone in this place, would accept that. So this is something that needs to be taken quite seriously, Mr Doszpot. A response needs to be considered and it needs to be in full, and that is what we will do.

MR SPEAKER: Mr Hargreaves.

MR HARGREAVES: Thanks very much, Mr Speaker. Minister, what effect have the constant negative questions and carping from those opposite had on the morale of those people working in child protection?

Mrs Dunne: On a point of order, Mr Speaker, Mr Hargreaves asked that question last week in almost exactly those terms.

Mr Hargreaves: On the point of order, Mr Speaker, the constant questioning from those opposite was the very basis of my question. It is continual and the minister has not fully answered that question yet.

MR SPEAKER: There is no point of order. Given both Mr Hargreaves's explanation and the standing orders, there is nothing to preclude the question.

Mr Coe: On a point of order, Mr Speaker, I ask whether the supplementary Mr Hargreaves asked is relevant to the original question, which was with regard to the response about the report and nothing about staff morale.

Mr Hargreaves: On the point of order, Mr Speaker, the original question was about the response around the Public Advocate's report and what the government was going to do about it. I wanted to see whether there was anything in that report regarding the morale of the staff providing care and protection as a result of the Public Advocate's report.

Members interjecting—

MR SPEAKER: Order, members! There is no point of order, Mr Coe. I think that supplementary questions have operated in this place to this point in such a way that if they are fairly close to the original topic there has been a degree of latitude, within reason. Minister Burch, you have the floor.

MS BURCH: Thank you, Mr Speaker. I thank Mr Hargreaves for his question. I have spoken to members of the staff, the team, involved in these circumstances, and I met with a number of them again just yesterday. I did a walk-through and met a number of them that were there. This was late in the afternoon and they were certainly working beyond normal hours to get on and do the important job that they do.

Are they aware of the negative commentary coming out of this place? I can say that they absolutely are aware of the negative comment that is coming out of this place. They just simply ask the question—

Mr Hanson: Why does our minister not take responsibility?

MS BURCH: Children were at risk and it just continues. Mr Hanson interjects and infers that the staff of care and protection do not want to take responsibility.

Members interjecting—

MR SPEAKER: Order!

MS BURCH: That is just a horrid, horrid thing to say. Last week we had Mrs Dunne say they wilfully put children at risk. This is appalling commentary from those opposite. Rest assured that the staff in 11 Moore Street that get up every day to do a good job listen—

Members interjecting—

MR SPEAKER: Thank you, members. Order! Minister Burch, we do not need a running commentary. If you can just focus on the facts of the matter.

MS BURCH: The facts of the matter are that they say to me they are saddened, appalled, disappointed and extremely concerned by the negative commentary coming out of here. Those are the facts of the matter, Mr Speaker.

MRS DUNNE: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what action would you take to keep this matter alive, to ensure administrative improvements and to ensure that the kinds of policy and procedural mistakes uncovered by the community advocate's report are not repeated?

MS BURCH: I have begun conversation with the directorate around some of the changes that need to be implemented as a matter of urgency. They will form part of the government's response, so I will be quite happy to share it here. What we are doing is looking at how we increase the oversight and compliance arrangements and the leadership and the directorship of the supervision and support of staff within CPS. That is something that I am talking through with the directorate, and those changes will be implemented.

Another thing I am doing is giving clear instructions that practical policies and procedures, ones that direct and guide practice, need to be up to date and need to be available for all workers.

Another thing I am doing is talking with the kinship and foster carers and keeping them involved about the changes that I want to implement to make sure that we as a service are an exemplary service, one that should be the hallmark of best practice. I am disappointed that we have not done that, but that is what we are striving to do. But any human services find points in their practice where there are areas for improvement. This is what we have found now and this is what we will get on to improve.

Children and young people—care and protection

MR COE: My question is to the Minister for Community Services. Minister, recommendation 5 of the report into care and protection services calls for an independent mediator to be engaged to mediate between NBSS and the government. Minister, has this mediation occurred and, if so, what was the outcome of the mediation?

MS BURCH: I thank Mr Coe for his question. I think last week I notified the Assembly that NBSS has been reinstated as a transport provider. So I would say that would be the outcome of those interactions.

MR SPEAKER: A supplementary, Mr Coe.

MR COE: Yes, Mr Speaker. Minister, was the mediator appointed and did the recommendation that outstanding moneys must be paid immediately actually take place?

MS BURCH: It is certainly my understanding that all outstanding moneys have been paid. I will confirm that, but that is certainly the advice I had at the latter part of last week. Senior staff from the Community Services Directorate worked very closely with NBSS around matters of compliance to ensure that they could be reinstated to a transport provider and on the matter of outstanding accounts.

MR SESELJA: Why did it take a recommendation of the Public Advocate to get you to pay a bill to a community organisation providing services to vulnerable children?

MS BURCH: I thank Mr Seselja for his question. As has been stated here, there was an amount that was under question. That was not negotiated, finally negotiated, before a placement was made and I think that was a flaw in the process. Clearly an exchange of business needs to have a set price. There was a fee that was paid that was $100,000; without question that was paid. Those matters that were being negotiated have now been resolved.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, are there any other fee-for-service providers engaged by the care and protection service who have outstanding accounts more than 30 days old?

MS BURCH: I thank Mrs Dunne for her question. In out-of-home care, for the overwhelming bulk of the services, the payments are paid on contract and they are paid three months in advance. I understand that about 80 per cent of the contracts are paid three months in advance, or it could be more. We put out, through out-of-home care, close to $30 million a year. The payments to kinship carers are paid fortnightly. Their contingencies and subsidies are paid fortnightly in arrears. I think what Mrs Dunne is doing is referring to information that she clearly did not quite understand last week. But we have a government policy of paying accounts in 30 days. In the main, that is what we want to do. I think what Mrs Dunne is doing is getting excited about it because she has not understood that the date she was looking at is actually the date on the invoice that is issued from the organisation and not the date on which it is received by the directorate.

Workplace bullying

MS BRESNAN: My question is to the Attorney-General and concerns workplace bullying. How many workplace inspectors does ACT WorkSafe employ that are dedicated specifically to workplace bullying matters, and do any of the inspectors have specialised training in this area?

MR CORBELL: I regret that I do not have those numbers in front of me, but I am happy to take the question on notice and provide an answer for Ms Bresnan.

MR SPEAKER: Ms Bresnan, a supplementary.

MS BRESNAN: Minister, what consideration has the ACT government given to employing a team of WorkSafe inspectors with a specialisation in psychosocial issues, which is now done in Queensland, to ensure that workplace bullying and harassment is better addressed in the ACT?

MR CORBELL: I will take the question on notice.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Attorney-General, what is the government doing to address the issue of under-reporting of workplace bullying in the ACT, and how widespread do you think this under-reporting issue could be?

MR CORBELL: It would be difficult to speculate on the second part of Ms Hunter's question, but in relation to the first part of the question, the government does treat this issue very seriously. We have a range of policy measures in place, not just through WorkSafe ACT but throughout the ACT public service, through our RED framework—respect, equity and diversity framework—which is designed to remind and encourage all ACT public servants about the importance of those principles in the workplace.

WorkSafe ACT does undertake regular activities to promote understanding about the occupational health and safety aspects of workplace bullying and the duties that are placed on employers, and indeed on all people in the workplace, to avoid and to take action to address circumstances of workplace bullying. The commissioner for work safety has previously run campaigns promoting awareness of bullying in the workplace and what steps can be taken to address that. I know that the commissioner and his staff are frequently asked by a range of government agencies to assist those agencies with advice and information to build improved awareness of workplace bullying matters and what steps should be taken in response to any such occurrence of those matters.

MR HARGREAVES: Supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Does the constant stream or cacophony of invective coming from those opposite into the ministry over this side of things constitute workplace bullying?

MR CORBELL: It is perhaps a worthy observation that perhaps in any other workplace the behaviour we often see in this place would be well and truly constituted as workplace bullying. But clearly we are a parliament, and parliaments tend to set their own norms in relation to these types of matters.

ACT Climate Change Council

MR HARGREAVES: My question is to the Minister for the Environment and Sustainable Development. Would the minister please tell the Assembly what the ACT community can expect from the work of the ACT Climate Change Council?

MR CORBELL: I thank Mr Hargreaves for the question. I am very pleased to advise members that the government has appointed six people to the new positions on the newly established ACT Climate Change Council. I recently announced the appointment of Ms Maria Efkarpidis, Dr Frank Jotzo, Ms Lynne Harwood, Mr David Papps and Professor Will Steffen as members of the Climate Change Council, and the appointment of Professor Barbara Norman from the University of Canberra as the chair of the council.

I am particularly pleased that Professor Norman has agreed to accept the appointment. As many would know, Professor Norman is currently the foundation chair in urban and regional planning at the University of Canberra. She has advised governments across Australia in relation to a range of matters on urban and regional planning issues. She currently is deputy chair of Regional Development Australia (ACT) and a co-director of the newly established Canberra and urban regional futures program, which is a collaborative program between the University of Canberra and the Australian National University looking at how both the city and its surrounding region can become a more sustainable place into the future.

These are important appointments for the ACT. These are appointments that are designed to give advice and suggestions not only to the government but also advocacy and information to the broader community about the challenges our city faces when it comes to creating a more sustainable environment, a city that reduces its greenhouse gas emissions, a city that achieves its greenhouse gas reduction targets.

The council will provide advice directly to me on strategies and issues that the government should consider in tackling our greenhouse gas reduction targets and ensuring that the city is able to adapt to the challenges of climate change. I would expect given the council's broad experience that their advice would not just be on the environmental and economic aspects of these issues but also on the social aspects of these issues and how we can ensure that those who are on low incomes, those who are potentially most disadvantaged from that transition to a low carbon economy, are able to be appropriately protected, assisted and supported through that process.

I think the members we have appointed to the council demonstrate a broad range of experience founded here in the ACT. Whether it is academia, whether it is the business community, whether it is the community sector, whether it is the public service, we have a strong, competent and I believe highly respected group of individuals who together will provide very important advice to the government and very important advocacy to the broader community as we work together in ensuring that we help make our city more sustainable and a city which ultimately achieves its objectives of being a carbon neutral city and a city that is at the forefront of creating new economic opportunity, new social opportunity, as we make the transition to a low carbon future.

MR SPEAKER: A supplementary, Mr Hargreaves.

MR HARGREAVES: Can the minister please provide a brief background on what each of the other councillors will bring to their role?

MR CORBELL: I thank Mr Hargreaves for his supplementary. Yes, I would be delighted to do so. Maria Efkarpidis, as the appointee representing business and industry interests, is a young woman here in Canberra who is the principal of a development company which is aiming to build leading-edge, sustainable built environments. Her company, for example, owns the Belconnen market site and the development there is aiming to achieve the first ever recognition and rating in the green star community's tool established by the Australian Green Building Council. Ms Efkarpidis, I believe, will bring great expertise because of her commitment to deliver environmentally sustainable developments and will also bring that great pragmatism that comes from having worked in the private sector and engaged in the nuts and bolts of the development industry.

Dr Frank Jotzo is currently an economist working on economics and the policy of climate change at the Australian National University. Dr Jotzo has advised governments and consulted for a range of international organisations, including the Garnaut climate change review. He is also a lead author of the fifth assessment report on the Intergovernmental Panel on Climate Change.

I would like to mention briefly Ms Lynne Harwood. Ms Harwood is currently the chief executive officer of Communities@Work. Members will be familiar with the activities of Communities@Work, one of the largest non-government organisations in the ACT, working directly with the disadvantaged and poor in our community. I believe she will bring great expertise from that perspective.

Professor Will Steffen needs little introduction. He is obviously one of Australia's most respected scientists in the science of climate change, again a lead author on IPCC reports and appointed as a commissioner on the Independent Climate Commission.

MS PORTER: Supplementary.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Could the minister advise the Assembly of the next steps for the Climate Change Council.

MR CORBELL: I thank Ms Porter for the question. The Climate Change Council will hold their inaugural meeting in November this year, and they will be joined—it would be remiss of me not to mention it—by Mr David Papps, who is the final appointee on the council and represents the public sector interest. Members would be aware that Mr Papps is also the Director-General of the Environment and Sustainable Development Directorate and is also the Chief Planning Executive.

The council will determine its own work priorities and programs, but I anticipate that its first area of focus will be to provide further advice to the government as it finalises action plan 2 of the weathering the change climate change policy. This will be an important piece of advice to the government. The council is also required to report to me about its activities during the financial year, including any advice it gives me or recommendations it makes to me as the minister. That report will be presented to the Assembly along with a response by the government on any advice or recommendations given by the council. This will bring great transparency and openness to the very detailed and expert advice we will receive from these pre-eminent individuals as we work towards implementing the government's objectives of creating a carbon-neutral city, reducing our greenhouse gas emissions and creating the economic opportunity that comes from making that transition to a low carbon future.

DR BOURKE: A supplementary, Mr Speaker.

DR BOURKE: Yes, Dr Bourke.

DR BOURKE: Is the minister able to indicate what links to the community are reflected in the members of the Climate Change Council?

MR CORBELL: I thank Dr Bourke for the question. It is probably worth reiterating that, obviously, but Ms Lynne Harwood and also Ms Maria Efkarpidis bring great connections to the local community, as indeed do the academic members.

Opposition members interjecting—

MR CORBELL: Of course, it is a great pity that those opposite seek to degrade what is really a pre-eminent group of people here in the ACT—a group of individuals who are deeply respected in their relevant fields of expertise. Whether it is people like Professor Will Steffen, one of the leading climate change scientists in the world, whether it is people like Ms Maria Efkarpidis, a leading, innovative, young developer, a young woman developer, here in the ACT, committed to building a sustainable future for her children and her community, or a person like Ms Lynne Harwood, who brings extensive experience in working in the non-government, not-for-profit sector, engaging with people with disabilities, engaging with people who are disadvantaged, engaging with people who are poor and face financial hardship—these are the types of people we need on our Climate Change Council, because the challenge is not just an environmental one; it is a social one and an economic one. The great expertise that we have on this Climate Change Council will be of great benefit to our task and to the challenge ahead.

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

Rostered ministers question time

Treasurer

Community organisations—insurance

MS LE COUTEUR: Could the minister please provide details of the number of community organisations who have public liability and volunteer insurance policies under

the community insurance scheme and whether policies are available for events as well as ongoing organisation activities and what Treasury has done to promote these policies to community organisations?

MR BARR: I am advised it is difficult to give an exact number of individual organisations and their particular insurance arrangements. This is because the government facilitates the provision of the arrangements rather than provides the arrangements directly. However, I can advise the member that there are three group public liability insurance schemes. One is for community sector organisations occupying space in a government building in circumstances where insurance is unavailable or prohibitively expensive. A group public liability insurance scheme is designed for ACT community councils. That is also available to any community organisation that fits the same risk profile as a community council. This scheme, though, is administered by the Chief Minister and Cabinet Directorate. And the third scheme is a public liability insurance product for organisations that present diverse risk profiles.

With regard to event insurance, I am advised that the cost of an annual public liability insurance policy is, for the most part, only marginally more expensive than seeking insurance to cover a specific event. But overall, it is best for community sector organisations to engage with their brokers or insurance companies to obtain cover which is most appropriate for their individual circumstances.

MR SPEAKER: Ms Le Couteur, a supplementary.

MS LE COUTEUR: Has any work been done on similar arrangements to cover community sporting groups and, in looking at this, has any work been done on the cost savings that this might provide?

MR BARR: Yes, I understand that work has been undertaken.

Taxation—Quinlan review

MS BRESNAN: When will the Quinlan tax review be reporting?

MR BARR: When the review is complete.

MR SPEAKER: Ms Bresnan, a supplementary.

MS BRESNAN: Minister, I ask whether you could please provide some further details or examples to explain what you meant by this statement that the ACT government made in its submission to the tax forum:

> The current federal financial arrangements do not provide adequate incentives to reform as the benefits of reform are redistributed. This should be revised.

MR BARR: I do thank Ms Bresnan for raising this matter. It does relate to horizontal fiscal equalisation, and it was the subject of some considerable debate at the commonwealth tax forum. And it was for that reason that the commonwealth tax forum was held earlier this month. There would be a range of issues that I want the Quinlan review to examine from that commonwealth tax forum. One example is in relation to horizontal fiscal equalisation working against reform. It simply relates to the fact that the Commonwealth Grants Commission, in making assessments of the

GST relativities, take into account the effort of jurisdictions in relation to particular areas and, when reforms occur and jurisdictions become more efficient, they are often punished by having a reduction in their GST funding.

Natural disasters

MR HANSON: Treasurer, in the aftermath of the severe natural disasters in Queensland earlier this year, there has been considerable argument about the way in which the recovery from these types of disasters is funded. Treasurer, what is the current policy governing the approach of all Australian jurisdictions to funding recovery from natural disasters?

MR BARR: Under the natural disaster relief and recovery arrangements, the NDRRA, each state and territory is required to put in place insurance arrangements to protect its essential assets. The ACT funds its arrangements through the ACT Insurance Authority.

MR SPEAKER: A supplementary, Mr Hanson.

MR HANSON: Treasurer, does the approach of the ACT government satisfy the current policy and, if not, why not?

MR BARR: Yes, it does.

Water—Productivity Commission report

MR SMYTH: A recent report from the Productivity Commission argued in favour of price signals being used to govern the use of water. Subsequently, Actew proposed a system for users to buy exemption from water restrictions. Treasurer, what is the response of the ACT government to the Productivity Commission report?

MR BARR: I note that the next ICRC review of water pricing will examine the pricing of water in an open and transparent manner. I would draw the member's attention, of course, though, to the Productivity Commission's report which, when commenting on the scale of the ACT water market, said:

> The ACT is also supplied by a single statewide corporation but is not regarded as a potential candidate for disaggregation due to its size and geographic coverage.

MR SPEAKER: Mr Smyth.

MR SMYTH: Treasurer, what are the financial implications for the ACT of the Productivity Commission report?

MR BARR: I am not in a position to provide that information. It would depend on the particular aspects and which aspects of the Productivity Commission report were undertaken within the territory. I do note, though, that, in the reference before, the commission, in looking at the ACT and the scale of our water market, made the statement that I just quoted to the member.

Government—shareholdings

MS HUNTER: Minister, does the territory continue to hold shares in companies that manufacture tobacco products and companies that manufacture weapons, including cluster and nuclear bombs? If so, what is the value of those holdings?

MR BARR: Yes, and I am advised that as at 30 September the value of direct shareholdings in companies manufacturing tobacco products was in the order of $8 million. This represents four per cent of the direct international shareholding and 0.4 per cent of the total value of our SPA investment portfolio.

The value of direct shareholdings in companies in the aerospace and defence sectors, which I think could broadly cover the second part of the member's question, was in the order of $3.5 million, which represents 1.7 per cent of the direct international shareholdings and 0.2 per cent of the total value of our investment portfolio.

MR SPEAKER: A supplementary, Ms Hunter.

MS HUNTER: Minister, in her submission to the public accounts inquiry, the then Treasurer indicated that a negative screen:

> … in relation to the manufacture of tobacco and the manufacture of armaments is possible immediately without any material impact to investment costs or investment risk.

Does the government maintain its intention to do this?

MR BARR: That is a matter that is under consideration.

MR SPEAKER: Thank you. Members, I would remind you that the rules regarding supplementary questions and the lack of preamble, in my view, would apply as much to rostered ministers questions as to normal questions.

Supplementary answer to question without notice

Children and young people—care and protection

MS BURCH: I want to provide some information back to Ms Hunter and Ms Le Couteur as far as the kits go. Advice from the department is that there is not a one-size-fits-all kit. This is due to the unique nature of different children and young people, their circumstances and the needs of the carers. Since 2005, there has been an operational resource room with items such as spare clothes, overnight bags, toiletries, including nappies, books, toys, games, and the items in this room are utilised to supply children and young people. In addition to this, Legacy Laurel Club has developed personal care kits for children, and these include personal care items and a soft toy. At times, equipment may not be needed as the young children and young people may bring their own personal items with them.

The directorate also provides vouchers so that goods and services may be purchased and in some cases the caseworker will purchase goods on behalf of the children and

young people. The equipment provided to the children and young people is assessed individually on their needs and their circumstances and indeed caseworkers complete a financial plan as part of their planning. Frequently other large items need to be purchased, such as bedding and furniture. At present, there are no logs kept of the amount of equipment provided, given the unique nature and the varying nature of the circumstances, for the reasons that I have mentioned.

Answers to questions on notice

Question No 1830

MR HANSON: Under standing order 118A, I ask the Attorney-General to provide an explanation as to why I have not received an answer to a question on notice that I asked. It is question No 1830 which relates to correctional officer pay grades.

MR CORBELL: I regret that Mr Hanson has not received an answer to that question. I need to make an inquiry of my directorate as to why there has been a delay and I will come back to the Assembly with that answer.

Question No 1778

MR HANSON: Under standing order 118A, I ask the Treasurer to provide an explanation as to why I have not received an answer to a question on notice that I asked. That is question No 1778 and it relates to the transfer of funds to the JACS Directorate.

MR BARR: I think I have signed that one off today; so it should be on its way. It relates to collation of information and it was late getting to me.

Questions Nos 1713, 1781 and 1784

MR HANSON: To the Minister for Health, under 118A, minister, I ask about question No 1713 in relation to the capital asset development plan, 1784 in relation to rehab services and 1781 in relation to mental health.

MS GALLAGHER: I will follow up on 1784 and 1781 because I do not believe I have seen those come into my office. In relation to the one around the CADP, that is the subject of ongoing discussion between the directorate and me to make sure the answers are correct and I have sought further advice around at least two of the projects. I will get it to you as soon as I can but I need to sign it off and make sure I am happy with the answer.

Paper

Mr Barr presented the following paper:

> Public Accounts—Standing Committee—Inquiry—Auditor-General's Report No. 2/2011—Residential Land Supply and Development—Government submission.

Environment—nature reserves
Papers and statement by minister

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services): For the information of members, I present the following papers:

> Commissioner for the Environment Act, pursuant to section 22—Commissioner for Sustainability and the Environment—Report on Canberra Nature Park (nature reserves); Molonglo River Corridor (nature reserves) and Googong Foreshores Investigation—
>
> > Part 1. Report, dated July 2011, including CD of Summary and Recommendations, Report and Appendices.
> >
> > Part 2. Appendices, dated July 2011.
> >
> > Part 3. Submissions, dated July 2011.

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

Leave granted.

MR CORBELL: Today I am tabling the Commissioner for Sustainability and the Environment's report on Canberra nature park, Molonglo River corridor and Googong foreshores. On 13 October 2009, I requested the former commissioner, Dr Cooper, to undertake an investigation into Canberra nature park, Molonglo River corridor and Googong foreshores under eight terms of reference. The terms of reference were comprehensive, including assessing reserve condition under the impact of grazing by stock, kangaroos, vertebrate pests and weeds; identifying actions to protect and enhance these areas, including boundary changes and the status of indigenous species and communities; reviewing existing land management programs and practices; identifying urgent actions and long-term changes needed; identifying knowledge gaps, research, survey needs and monitoring requirements, taking account of context and climate variability; ensuring effective communication and stakeholder involvement, including with Aboriginal people; identifying potential biodiversity offset management actions or sites; and identifying evidence justifying the need for managing grazing pressure in the context of sound reserve management practices.

Given that the territory's lowland grasslands were recently investigated by the commissioner in a separate study, grassland reserves were beyond the scope of this investigation. This investigation is important given Canberra's well-earned reputation as the bush capital and the important role of nature reserves in biodiversity conservation. Canberra's bush heritage also provides outstanding recreational opportunities for those residents who live in close proximity to it and for visitors from other areas. The challenge of climate change is also placing extra demands on the planning, design and future management of our nature reserves.

The commissioner delivered the final report of the Canberra nature park investigation to me on 3 August this year. The information for this study was compiled from many different sources, including public submissions, community forums, discussions with experts and information from government agencies, and through the commissioning of several technical papers. These studies and their results can be found on the Office of the Commissioner for Sustainability and the Environment website.

A key message from the public submissions received during this investigation is the very high value that the Canberra community places on the existence, accessibility and amenity of our nature reserves. The investigation also identified that there are several opportunities to undertake management actions to improve the viability and resilience of our reserve network.

The commissioner has made six main recommendations which, when broken down, amount to 29 subrecommendations overall. Twelve of the subrecommendations were given a high priority designation by the commissioner. In the commissioner's view, the high priority recommendations offer significant advantages if implemented soon as they are likely to have both immediate and long-term effects. While the government is still considering the detail of its response to the commissioner's recommendations, I am pleased to announce that the government welcomes this report and sees significant merit in a number of its recommendations.

The commissioner's report also makes recommendations which are supportive of several existing and ongoing government initiatives which are directed at maintaining and enhancing the condition and management of Canberra's nature reserves. The commissioner's recommendations 1.1 to 1.5 emphasise the importance of strengthening community awareness of and involvement in Canberra nature park.

The government is developing a Canberra centenary trail which will open in 2013. The centenary trail will traverse significant parts of Canberra nature park. Trail development will include an interpretive program to promote the ecological, social and health values and benefits of the reserves.

In relation to recommendation 1.4 in the report, improving on nature reserve signage and information, community forums undertaken by the commissioner have highlighted the importance of improved signage to communicate recreational use policies and to clearly indicate what activities are allowed in each nature reserve. The ACT Parks and Conservation Service in the Territory and Municipal Services Directorate will undertake a signs audit in this respect in 2012-13 and a signs strategy will be developed for Canberra nature park reserves.

In recommendation 1.6, the commissioner has recommended enhancing support for nature reserves by encouraging the formation of new volunteer groups such as ParkCare groups until a majority of reserves, more than 50 per cent, are supported by such groups. Currently only about one-third of nature reserves have a ParkCare group associated with them.

The Environment and Sustainable Development Directorate is developing a volunteering strategy in collaboration with Territory and Municipal Services and

Volunteering ACT in this regard. The aim of the strategy will be to attract and retain volunteers working in reserves; build a stronger sense of place and connection to reserves; build wider connections between people in the community and our reserves; make better use of the knowledge of volunteers; and use volunteers to help monitor the condition of our reserves.

The commissioner's recommendation 2.3 identified the importance of implementing a nature reserve restoration program, which is additional to routine management actions. Work is already underway on a four-year $1 million program to improve the resilience and condition of nature reserves to respond to climate change. The initial focus is on improving the extent of woodland habitat and its connectivity across five nature reserves stretching from Aranda bushland via the Belconnen hills and Kama reserve to the Molonglo River.

The commissioner has also identified the importance of implementing actions to improve connectivity, informed by the independent scientific and ecological advice available from the government's advisory committees. This is highlighted in recommendation 2.3 of the report. Research on ecological connectivity of habitat between nature reserves is already underway as a key adaptive response to climate change. In addition, the government's Natural Resource Management Advisory Committee will continue in its role of providing expert advice on ecological connectivity issues.

Connectivity was identified as a critical issue in public consultation in the review of the Nature Conservation Act. The report recommends that an operational plan for each nature reserve be prepared and that these include priority management and restoration actions, such as fire, infrastructure and urban protection works; maps with boundaries, recreation areas and tracks shown; lists of any relevant research; and a monitoring program guided by a comprehensive monitoring strategy.

Plans can only be produced and maintained with resources. The government will prepare an operational plan for each of over 40 high priority nature reserves. To achieve more with the available resources, it may help to group some reserves, such as those which are similar and do not have their own individual ParkCare groups.

The commissioner has recognised the need to update the 1999 Canberra nature park plan of management. The government will give careful consideration to the timing of such a substantial review. The government released its draft ACT pest animal management strategy for public comment on 28 July this year. The strategy identifies the need for the development of detailed pest animal management plans for high priority pest animals as provided for under the Pest Plants and Animals Act 2005. The commissioner's recommendation 4.3 proposes developing and implementing a pest animal management plan to address issues raised in *Managing rabbits in Canberra nature park*, a report prepared by Dr Kent Williams from the CSIRO.

I recently asked the Environment and Sustainable Development Directorate and the Territory and Municipal Services Directorate to commence development of a pest animal management plan for rabbits, across all land tenures, as a matter of priority. In his report, the commissioner also recommended establishing a capital woodland and

wetlands conservation trust and monitoring its effectiveness in sourcing additional funds. The commissioner's report also recognises the need to identify new sources of funding to protect and restore our nature reserves, including partnerships with community groups and local businesses.

The Territory and Municipal Services Directorate has been working to establish the capital woodland and wetland conservation trust in 2011 for these and other related purposes. The trust is specific to two reserves, Mulligans Flat and Jerrabomberra wetlands. The government will continue to explore other options for funding work in nature reserves.

As I have outlined, the government is still considering the detail of its response to this important report. However, as is customary in responding to the commissioner's investigation reports, the government intends to respond as soon as possible. I commend the commissioner's report to the Assembly and thank the commissioner and his staff—and indeed the previous commissioner—for the work they undertook in developing this comprehensive, detailed and important series of investigations.

Independent Competition and Regulatory Commission—report

Paper and statement by minister

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services): For the information of members, I present the following paper:

> Independent Competition and Regulatory Commission Act, pursuant to section 24—Independent Competition and Regulatory Commission—Report 7 of 2011—A.C.T. Greenhouse Gas Inventory Report for 2008-09, dated September 2011.

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

Leave granted.

MR CORBELL: I am pleased to table today the ACT greenhouse gas inventory report for 2008-09. The aim of a greenhouse gas inventory is to provide policymakers with an understanding of both the aggregate amount of greenhouse gas emissions and the greenhouse intensity, or amount of emissions per capita, so that performance can be tracked over time. The findings of this report will play an important role in helping the territory to work towards its goal of zero net emissions by 2060.

The Climate Change and Greenhouse Gas Reduction Act was passed in the Assembly in October last year, establishing targets for zero net greenhouse gas emissions by 2060; peaking per capita emissions by 2013; 40 per cent of 1990 levels by 2020; and 80 per cent of 1990 levels by 2050. The act also prescribes that I as the responsible minister determine a method for measuring greenhouse gas emissions; in making the determination, seek and have regard to the advice of an independent entity and, as far

as practical, ensure consistency with the best national and international practices; and request an independent entity to prepare an annual report on greenhouse gas emissions and the greenhouse gas reduction targets.

In line with the act, and following advice from an independent entity, I determined a method for measuring greenhouse gas emissions on 23 September this year, which was made effective on 30 September this year, and I requested an independent entity to prepare an annual report on ACT greenhouse gas emissions and reduction targets. The Independent Competition and Regulatory Commission provided the ACT greenhouse gas inventory 2008-09 to the government on 30 September this year. Subsection 12(4) of the act requires that I present the inventory report to the Assembly within 21 days of its receipt.

The inventory provided in this report is a more comprehensive account of greenhouse gas emissions in the ACT than that given in state and territory greenhouse gas inventories prepared by the commonwealth Department of Climate Change and Energy Efficiency. The commonwealth's inventory for the ACT calculates emissions using a production approach, which focuses on the specific facility or production process where emissions occur. Using this approach, the ACT would not be taking responsibility for its share of emissions associated with electricity that we consume but that is generated outside our borders.

The ACT greenhouse gas inventory gives a clear picture of the ACT's greenhouse emissions profile and shows that they are mainly due to the burning of fossil fuels in the stationary energy sector. The report shows that the largest contributor to emissions came from electricity, comprising 63 per cent of the total. This was almost three times the next largest component—transport, at 22 per cent—with natural gas representing eight per cent.

Key findings in the ACT greenhouse gas inventory for 2008-09 include the following. In 2008-09, the ACT's net greenhouse gas emissions totalled 4,183 kilotonnes of carbon dioxide equivalent when emission reductions from land use, land use change and forestry are included and 4,206 kilotonnes of carbon dioxide equivalent when such reductions are excluded. There was a 1.3 per cent increase in emissions from 2007-08 to 2008-09, including emission reductions from land use, land use change and forestry. And per capita emissions peaked in 2006 at 12.3 tonnes and in 2009 were 11.9 tonnes.

The emissions profile of the ACT differs from that of other Australian jurisdictions in two important ways. Firstly, the ACT is dominated by emissions from the burning of fossil fuels in the energy sector, including from electricity consumption, transport fuels and natural gas. And the ACT has a lack of significant manufacturing and agriculture sectors; therefore emissions from non-energy source categories are very low.

To achieve the ACT 2020 target, which is equivalent to total net emissions of 1,915 kilotonnes of $C0_2$ equivalent, the ACT needs to reduce emissions over the remaining 11 years by an average amount of 206 kilotonnes each year, or at an annual rate of 6.9 per cent per annum. Prior to the next ACT greenhouse gas inventory being

released, the government will further develop the methodology used by the ICRC to determine renewable energy generation and targets.

The ICRC currently reports the renewable power percentage for the year which equates to the number of renewable energy certificates that must be surrendered by electricity retailers in a year under the commonwealth's renewable energy target legislation. This is not an accurate reflection of actual renewable energy usage in the territory once pre-1997 hydro-electric generation, microgeneration and the substantial front-load investment in wind generation under the commonwealth scheme are factored in.

The ICRC reports a total renewable energy fraction of around seven per cent for the year, whereas I am advised that this figure is more likely to be around 11 per cent. I note, however, that this issue does not affect the levels of reported greenhouse gas emissions and that the ICRC has indicated an intent to review the method for reporting renewable energy usage in future years.

This data shows the real challenges we face in trying to halt and then decrease the territory's greenhouse gas emissions profile. The government values this information and will use it in finalising the soon to be released action plan 2 to guide the ACT to achieving its greenhouse gas reduction targets.

I would like to take the opportunity to thank the Independent Competition and Regulatory Commission for their work in preparing the ACT greenhouse gas inventory for 2008-09 and I commend the report to the Assembly.

Papers

Mr Corbell presented the following papers:

> Auditor-General's Report No. 7/2010—Management of Feedback and Complaints—Government progress report on the Territory and Municipal Services Directorate implementation.
>
> **Subordinate legislation (including explanatory statements unless otherwise stated)**
>
> Legislation Act, pursuant to section 64—
>
> Cultural Facilities Corporation Act and Financial Management Act—Cultural Facilities Corporation (Governing Board) Appointment 2011 (No 2)—Disallowable Instrument DI2011-278 (LR, 11 October 2011).
>
> Gas Safety Act—Gas Safety (Codes of Practice) Determination 2011 (No 1)—Disallowable Instrument DI2011-272 (LR, 11 October 2011).
>
> Legal Profession Act—
>
> > Legal Profession (Bar Council Fees) Determination 2011 (No 1)—Disallowable Instrument DI2011-276 (LR, 7 October 2011).
> >
> > Legal Profession (Barristers and Solicitors Practising Fees) Determination 2011—Disallowable Instrument DI2011-277 (LR, 7 October 2011).
>
> Public Place Names Act—Public Places Names (Macgregor) Determination 2011 (No 2)—Disallowable Instrument DI2011-273 (LR, 11 October 2011).

Road Transport (General) Act—Road Transport (General) (Segway Exemption) Determination 2011 (No 2)—Disallowable Instrument DI2011-263 (LR, 30 September 2011).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Regular Route Services Maximum Fares Determination 2011 (No 1)—Disallowable Instrument DI2011-275 (LR, 6 October 2011).

Utilities Act—Utilities (Emergency Planning Code) Determination 2011—Disallowable Instrument DI2011-274 (LR, 11 October 2011).

Community sport
Discussion of matter of public importance

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

The importance of supporting community sport.

MR DOSZPOT (Brindabella) (3.32): I have great pleasure in presenting this matter of public importance today, the importance of supporting community sport, because I believe there are few things in life that are more important than ensuring the best for our children. Indeed, community sport is part of providing the best for our children.

In Canberra we can be very proud of the fact that over 87.8 per cent of Canberrans are participating in some form of exercise, recreation or sport. It is even more pleasing that this participation has increased from 83.4 per cent in 2001 and that it is 5.5 per cent higher in Canberra than the national average. That means about 300,000 Canberrans are engaged in some form of sporting activity on a regular basis.

The government has been quick to highlight the development of such programs as the minister's physical activity challenge, now known as the active kids challenge, to help primary school age children to be active at school and to develop the habits that will help them to become active and healthy adults. It is a good initiative and it is an important one. I understand that over 19,500 children have taken up the challenge. I know that the minister has even joined in a game with some of the students at Harrison and Mother Teresa schools earlier this year.

Young Canberrans are particularly fortunate to have a wide choice of sports and they are backed by a very large contingent of volunteers, parents and others who offer to manage teams, coach, referee games, and act as linesmen or trainers. Football—soccer—is played for nearly 31,000 hours a year, Rugby League for 6,000 hours, softball for over 4,000 hours, Australian Rules for over 5,200 hours and cricket for over 8,000 hours.

Our ovals and playing fields have nearly 81,000 hours of booked sport usage a year, and that does not take into consideration the number of swimming pools in which

training is undertaken each day of the year, or the number of training and recreational activities—rowing, dragon boats and sailing on our lakes or equestrian sports in our forests and parks.

That level of usage and the policy decisions of the government in recent years have put increasing pressure on ovals, on sports clubs and on families. The government earlier this year launched its active 2020 strategic plan for sport and recreation in the ACT and region. I have already acknowledged the commitment and effort of those who contributed to that publication. It is a recognition that there are many elements that contribute to the development of sport in this territory.

The plan talks of maximising community engagement and talks of maximising supporting infrastructure. It includes the development of a long-term strategic facilities and resources plan. I welcome the fact that we have this plan and I know it is certainly none too soon. Indeed, I suspect it is long overdue. But does it address and will it address the need for better planning and will it deliver better infrastructure at the local level?

From discussions with local sporting groups, we know there is much to be done and much that needs improvement. I would suggest that the current government has a poor track record in looking after Canberra's sporting facilities. We have pool closures, pools lapsing into disrepair and closed for months and we have had a number of ovals closed during the drought, but 12 months later there is no indication when or if they will be brought back into service.

A heading in the *Canberra Times* earlier this year, "Questions remain over disused grounds", suggested that there were currently over 35 hectares of prime Canberra real estate, or 21 sportsgrounds and playing fields, that could not be maintained during Canberra's water restrictions. We know that there are 19 grounds, or parts thereof, still to be restored. We get two ovals brought back into play, but what of the others? Last year the minister said, "I think there are some that, given that they have been out of circulation for so long, could have an alternative recreation usage."

But even those that remain in use are not being well managed. As more than one sports group suggested to us, the drought masked a lot of infrastructure failings and lack of forward planning. We have been told of soccer field ovals being top-dressed with twice the amount of sand, killing the grass and making the field unplayable. We have heard stories of irrigation systems that have failed, killing the grass and making the field unplayable.

We have heard many stories of old infrastructure, decrepit change rooms, canteens that are non-existent or non-functioning. I would point out that facilities such as canteens are the lifeblood for clubs because they are often the best or only way of generating revenue to help them meet their costs. We have heard of a shortage of lights at many ovals, even for training.

We know that the closure of local ovals has restricted many sporting codes and has particularly affected junior sport. It has meant some sports cannot take on more teams and others are overusing ovals. This puts enormous pressure on some suburban

grounds. For example, Calwell ovals have nearly 5,000 hours of usage per year. So we have many sporting groups that are struggling to grow their membership base and many are playing at fields that have poor facilities and little chance for improvement in the short term.

We know that community sports facilities in the ACT require significant upkeep. But just as ACTSport outlined in its last budget submission, there is concern in the community that there is no government action plan for new sporting facilities or policies for their ongoing management and maintenance.

But how do you plan for ongoing maintenance when you do not keep records for individual grounds? In answers to questions earlier this year we were advised that "ground by ground records of quarterly billing for electricity and water are not retained". It is the same for vandalism and labour costs. So we have hundreds of hectares of land, dozens of fields with a variety of infrastructures and there is no recording of what it costs to maintain these assets on a field by field basis.

So how do we plan future development and how does the government determine ground hire fees? During estimates we were told that hire charges make up only a small part of the actual maintenance schedule. But how are they determined? We have been told that hiring charges in the last decade have only increased in line with the wages-price index and/or the consumer price index.

But our own reckoning has shown that ground hire fees have increased for some junior sports by as much as 135 per cent. So on what basis then does the department determine the variation? Why is it that baseball and softball matches played on an unenclosed oval are charged at $9.25 an hour, while Rugby League matches on the same type of oval are charged at $33.65? Why is it that training for both softball and baseball is charged at $4.65 for senior and $1.70 per hour, while training for senior Rugby League is billed at $16.65 per hour? But that does not justify or excuse putting up ground fees for junior sports by as much as 135 per cent.

Discussions with various codes and clubs in recent months have had a recurring theme: the cost of player registrations is driven in large part by the cost of ground hire fees. Interestingly, junior Rugby League clubs in the ACT have fees around $80 to $90 at the lower end and at $120 to $130 at the top end. By comparison, the same regional clubs that are based in Queanbeyan pay, on average, $60 a player, with lower ground hire fees being the reason for the difference.

The Canberra Liberals understand the issues and understand the pressure on the local groups of volunteers to meet the needs of their players and their clubs. That is why last week we announced that, in order to ensure all amateur junior sports can have confidence in developing their sport and their membership base, a future Liberal government will provide in our first year of government a grants program of $3.5 million to provide local clubs with an opportunity to invest in their clubs, their facilities and their junior members. It will consist of 10 grants of $350,000 to be directed towards appropriate infrastructure for local grounds, be it new goal posts, better or new lighting, or even upgraded toilets, changing rooms or canteens. We know it will make a difference.

We believe that encouraging children into team sport is important. That is why the Canberra Liberals have announced that we will cut ground hire fees for junior teams by 50 per cent. No more increases of 135 per cent. We will cut junior fees by 50 per cent and ensure they stay down. I understand that the minister for sport has already dismissed this as of being of little importance, but what it does demonstrate is that we do understand the value of children being a part of team sport in Canberra.

We do understand, as many clubs have highlighted to us, that for many families, player fees are a big impost on costs for families, particularly when there are several children all wanting to play sport. So, Mr Barr, cost of living is not a matter of little importance to Canberra families. If you listen to the constituents more, Mr Barr, you would be aware of this.

As I said when I started this debate, I believe there are few things in life that are more important than ensuring the best for our children. Indeed, community sport is providing the best for our children. The Canberra Liberals believe in supporting Canberra families and believe in investing in community activities that enrich the lives of Canberra families.

MR BARR: (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (3.43): I welcome Mr Doszpot raising this matter of public importance regarding community sport. Indeed, it is an area that the Labor government is committed to and has a demonstrated track record of supporting and growing. The government has been supporting community sporting organisations with real action over many years, not just a single headline policy announcement after three years of silence.

Canberrans are the most active people in Australia. We have the highest participation rate in sport and recreation and we enjoy some of the best infrastructure in the country. Sport and active recreation in the Canberra region enables an enriched active national capital. It is supported through a united system that connects and promotes the economic and social value of sport and recreation to the health and wellbeing of the community.

In 2009 the economic contribution study of the sport and recreation sector to the ACT economy provided an insight into just how valuable the industry is. It is not just valuable financially through the economic benefits from things like sports tourism and retail but also in the associated health-related benefits that accompany physical activity.

Overall, the sector's economic contribution is estimated to be in direct terms around $250 million per annum in the 2008-09 financial year, providing just over 2,850 full-time equivalent workers. This report highlights the benefits of physical activity that have a positive impact on the territory's bottom line with savings on health-related expenses estimated to be $84½ million per annum.

The study highlighted the importance that volunteers play within the industry, with around 27,000 Canberrans contributing 3.1 million hours of unpaid work annually.

This contribution forms the foundation of community sport and recreation and allows for greater access to physical activity opportunities for everyone. The report also highlights that the availability of high standard facilities directly contributes to the ACT having the highest physical activity participation rates in the country. This is thanks to the significant investment into these facilities by this government and a continuing upgrade program.

To give an example, the priority capital works that the government is currently delivering include the restoration of the Isabella Plains and Charnwood district playing fields; a $2.1 million investment in a multi-use indoor sporting and community facility in the Tuggeranong town centre—the shadow minister's former electorate—$21.3 million towards the Lyneham precinct redevelopment stage 1, inclusive of grants also to Netball ACT and Tennis ACT of $3 million and $4 million respectively to upgrade their facilities within the precinct; a grant for development of a new basketball centre of excellence on the north side of Canberra that has progressed with the purchase of some land adjacent to the existing Belconnen basketball centre; and, of course, an ongoing program of $16 million towards the where will we play program.

Need I remind everyone in the chamber that these initiatives that are so benefiting of community sport were, in fact, voted against by the opposition in their usual opposition for opposition's sake approach to budgeting in this territory? So let us put this in perspective. In the 2011-12 budget, the government dedicated $36.5 million to capital expenditure for local sport and recreation. That is $36.5 million compared to a $3.5 million prospective contribution from those opposite. It is worth noting that $36.5 million in one budget year is more than 10 times what was proposed by the Leader of the Opposition in his drought breaking policy speech of last week. Some $3.5 million over four years is a pretty paltry commitment to community sport and recreation. Too little, too late.

Mr Seselja: There'll be more where that came from.

MR BARR: There is more? We look forward to that. We can certainly look forward to that.

Opposition members interjecting—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Seselja, Mr Smyth, please be quiet.

MR BARR: Thank you, Madam Assistant Speaker. Meanwhile, the government continues its program of delivering real investments into upgrading our existing community sport facilities through the facilities improvement program. I thought I would take a few moments of the Assembly's time to talk about some of those improvements: Jerrabomberra oval pavilion, $700,000 upgrade; storeroom addition to the existing Majura enclosed field, $80,000; Hawker softball centre, couch conversion for all three diamonds; the Stirling district playing field baseball nets, dugouts and infield couch conversion program; the Ainslie baseball field outfield fence; the Jerrabomberra oval car park sealing and bollard installation; the COMTROL unit

upgrades for our irrigation systems; the Ngunnawal neighbourhood oval restoration and couch establishment; the Reid oval irrigation system replacement; the Jamison Macquarie enclosed oval perimeter fence replacement; the supply of electricity upgrades to equestrian park; floodlighting systems at the Majura Ainslie district playing fields, cofunded in partnership with the Ainslie Football Club; the Manuka pool upgrades; the Dickson pool children's water play and park design; the Narrabundah ballpark electrical upgrade and new floodlighting; a diving board replacement at Civic pool; new gym equipment at the ACT Academy of Sport; relocation of new floodlighting from the old Narrabundah ballpark to the adjoining Narrabundah district playing field; upgrades to the Kaleen district playing field pavilions as well as extending those pavilions; design for the upgrade of the Mint oval pavilion; design for the Wanniassa district playing field new amenities facility; Narrabundah ballpark upgrades in order for the Canberra Cavalry to represent the ACT in the Australian Baseball League; new curator shed and practice nets at the Kaleen enclosed oval; floodlighting at Downer and Harrison neighbourhood ovals; synthetic fields established and upgrading amenities at Gold Creek and Nicholls; and new toilets at Wanniassa playing fields.

We have also provided assistance just in the last 12 month to the Equestrian Association for the purchase of weed spraying equipment to control weed infestations and to reduce costs for participants. The ACT Darts Council was supported to provide their members with assistance to attend the Australian darts championship. The ACT men's intellectually disabled basketball team was provided with travel assistance to keep costs down for participants to attend their championships. ACT Swimming has been provided with assistance for the purchase of portable electronic timing equipment for use at events, sparing, again, additional costs to members. The Bandits Baseball Club has received funding for equipment for their diamond that reduces their maintenance costs and, of course, reduces costs to participants. A number of tennis clubs have had their courts resurfaced to reduce their maintenance costs. These include the Belconnen Wests Tennis Club, the Melba Tennis Club, Tennis ACT for a range of programs across the city, and the Red Hill Tennis Club.

We have provided support to: the Canberra City Gymnastics Club to, again, extend and enhance their training facilities; the Canberra Dragon Boat Association to support their continued operations, promotions and development of that sport in the territory; the Eastlake Cricket Club for redevelopment of the Kingston oval nets for safer use and to provide increased amenity to their membership; the Gungahlin Eagles Rugby Union Club for an extension to the Gungahlin community centre to house a strapping, medical treatment, change room and storage space area for the growing club; the Hall Bushrangers Rugby Club for the purchase of a club marquee for use at club events; Hockey ACT have been supported with $750,000 for the construction of new synthetic grass fields in the Tuggeranong area; Pegasus Riding for the Disabled for the purchase of equipment to increase participation in that most worthy of organisations; Southern Canberra Gymnastics Club for assistance to upgrade their landing pits; and the Tuggeranong Archery Club, as I mentioned earlier, has undertaken the delivery of a multi-use facility that will benefit a large number of community sports in the Tuggeranong Valley.

They are just a handful of examples of programs the ACT government has provided in terms of direct assistance to community sport in recent times. On top of this, the sport

and recreation grants program aims to financially assist ACT sport and recreation organisations to increase participation opportunities and to develop industry capacity. The budget for the 2011 program is just over $2.2 million, and it was used to fund a range of programs, services and some of the capital upgrades I have just mentioned.

In relation to sports ground hiring fees, I have had a look in some detail at this given this issue was raised in estimates and has again been raised in the context of more recent commentary. Yes, there are differential fees for junior and senior sport. Junior sport is more heavily subsidised, and we do that for the obvious reasons of wanting to generate greater levels of participation. To give an idea of some of the costs associated with hiring a variety of different facilities, for netball it is as low as $1.10 an hour; touch football, $2.45; baseball, $2.30; and cricket, $2.65. There are differences in fees associated with the levels of maintenance associated with the different facilities, and obviously the number of players who participate in particular sports is also a factor.

We have, for example, been lobbied by cricket organisations as the number of players and the length of time a game of cricket takes to play is a factor in the costs associated with the participation of individuals. We have sought to recognise those factors—the length of time to participate in a sport and the number of players on the field—in order to reduce costs for individual participants. I have made a number of decisions as minister in the last five years in order to reduce those costs.

An example that has been used on a number of occasions in relation to junior football training is that the hourly cost per player is 10c to participate, and I need to put that in perspective. I am not sure you could say 10c per hour is an outrageous charge for participation. It meets less than 15 per cent of the cost of maintaining the sport facility in the territory. The level of public subsidy across the board is approaching 90 per cent of the cost of participating and, in some areas, that will be nearly 100 per cent. Some levels of subsidy are that high, and that is exactly why we have the policies we have in place—that is, to provide the greatest level of subsidy for those most in need.

The other balancing factor is that we must have funding to maintain our sports facilities. The single greatest risk in terms of public safety and ongoing participation in sport and recreation is the quality of the facilities. At some point there must be an appropriate level of funding to maintain those facilities. The balance at the moment is that 85 per cent of the cost is borne by the taxpayer and about 15 per cent is borne by the participants, although for junior sport the contribution of the taxpayer is more like 95 per cent. I do not believe it is unreasonable for the taxpayer to be contributing that amount. But if you want to go beyond that, you are starting to put at risk the maintenance of our sport and recreation facilities, and I think that would be a poor public policy outcome.

In the time that remains to me it is important to outline some of the government's intentions in relation to sports ground upgrades. Ngunnawal, Harrison, Nicholls, Phillip and Bonner have all been added. The government will have an ongoing program of restoring new ovals each year as funding is available.

MR RATTENBURY (Molonglo) (3.58): The Greens are pleased to see the issue of community sport brought back on for debate after our recent debate on the active

2020 plan in June this year. When we talk about community sport this afternoon, I think it is important to recognise and discuss a range of sport and recreation activities from traditional organised sports such as football, hockey and netball through to other club-run sports such as mountain biking, cross-country running and orienteering as well as what might be called passive recreational activities such as bushwalking or people simply getting out and about in Canberra's wonderful open spaces. These activities are all part of the spectrum of sport and recreation and are important for mental and physical health and wellbeing.

The ACT Greens wholeheartedly agree that community sport and recreation should be supported. Put simply, the more active our community is, the healthier and happier we are. The benefits of participation in sport are obvious in terms of physical health and fitness. But more and more we are understanding the benefits of exercise for our mental health in terms of helping to combat depression and anxiety, for example. So sport and recreation is something we could further emphasise for its benefits for the whole person—physical, mental and social.

As an example, I recently attended the launch of a heartmoves exercise program for older people at Gungaderra Homestead in Gungahlin. The program is a gentle exercise program targeted for older people. The organisers well understand that the value of the program is as much that the exercises lift the spirits of the participants as that it lowers their risk of heart disease. The other key benefit is the social interaction between the participants, the opportunity to get out of the house and meet new people, which can be particularly important for people living in the new suburbs where there are less well established social networks.

We understand the great social function that sport and recreation clubs provide in our community, with the work of so many volunteers helping to run the carnivals and the sausage sizzles, administer enrolment days and all the other things that go with keeping a club ticking over. This helps to build positive relationships between people of different ages, backgrounds and abilities and helps to build a strong and resilient community.

The sense of community that is built around community sport and recreation clubs is of great benefit to our young people. We know that participation in sport can be a protective factor for them. Good health and a feeling of security and a sense of connection to others that comes from being involved in sport can help prevent those behaviours that have a negative impact on the lives of young people, such as suicidal behaviour, drug use and other antisocial behaviours. Community sport is an important way to help young people to foster good health and to connect with community in a safe and caring environment.

Many young people also go on to volunteer in roles such as coaching, umpiring and fundraising, therefore also helping them to develop skills and allowing them to contribute to the community. I have recently attended awards nights for a couple of the ACT major sporting groups—Hockey ACT and football ACT. I know Mr Doszpot was at both of those and some other members were at one or other of those events. I think they were a testament to exactly some of those comments I was making.

There was a tremendous sense of community on those evenings, but as the awards went through for volunteers of the year, referees of the year or officials of the year, it sort of played out all of those points about people becoming involved, taking on greater responsibility, feeling part of a team, wanting to put back into the sport. All of those factors were very practically demonstrated at those award nights.

When it comes to participation, we know that factors such as gender, parents' employment status, country of birth and the relative socioeconomic status of the neighbourhood are found to be strongly associated with children's and young people's participation rates in sporting activities. So we understand that some people in the community will need additional support to facilitate their participation and we support programs that are targeted at engaging these particular groups.

For example, in the ACT many youth services use sport as a means of engaging young people by providing access to equipment, playing fields, support and an opportunity for social development and the formation of positive relationships. Of particular note is the work which has been done by Multicultural Youth Services, where programs such as the junior world games were used as a way of engaging young people from a range of cultural groups and newly arrived migrants in the Canberra region. The refugee day soccer tournament is another great example of this.

Members will recall that the issue of community sport was debated in the chamber in June this year in relation to the government's active 2020 strategic plan, in which increasing participation in all forms of sport and recreation at all levels was one of the three overarching goals. The ACT Greens supported the motion at that time, but we also moved amendments to include reporting on the progress of increasing participation in sport and recreation. Having measurable indicators means that we can set participation targets, measure our progress against the targets and then evaluate where we need to do more and where we need to focus our energy and resources.

Of course, the ACT government website, measuring our progress, does adopt this kind of approach. According to its data, the ACT is Australia's most physically active state or territory, with a sport and recreation participation rate of 87.4 per cent in 2009 for people of 15 years and older. This is a very good start and we would like to see the data for children so that we can track how this changes over time. Of course, setting the foundations right is so important from a lifelong participation perspective.

The question we might want to consider this afternoon is how can participation in community sport be further supported and encouraged? I believe that the backbone of community sport is the volunteers who run the clubs and they need to be supported. Crucial to any sport are the coaches, officials, referees and umpires. I would like to take the opportunity to commend those who take the time to support players in games across Canberra every weekend. I spoke about this a little earlier. Despite the importance of these roles, unfortunately there are frequently shortages of volunteers for games and the turnover can be high.

I would like to commend those programs that are funded by the government's community sport and recreation grants, which support volunteers by, for example, easing the administrative burden on clubs to run their activities in terms of helping

them to streamline processes. Of course, the government has a role in providing the many and varied infrastructure items to support community sport, whether that be sportsgrounds and clubrooms, community facilities such as swimming pools or purpose-built facilities such as the Stromlo Forest Park.

The Greens are pleased that the government will be funding the 50-metre pool at Gungahlin, although I am beginning to wonder when we might see the sod turning. I feel it is going to be some time within two or three months of October 2012, but only a cynic might suggest that. It is certainly a very necessary investment in the infrastructure of the region and I think one that is well overdue in the Gungahlin community, which has seen, I think, an improvement in its facilities in recent years, but as a community still has some significant outstanding needs.

I am pleased to see that there will be a feasibility study into a leisure centre in the new area of Molonglo, but we need to make sure that the provision of these facilities is equitable across the ACT so that all communities have access to sport and recreation in their local area. I think the Gungahlin example demonstrates that when we get to Molonglo we need to ensure that these facilities are delivered in a timely manner and that we do not reach a point where the community is boiling with frustration and start to develop life patterns that are quite different. Once you join a club, you often stay with it for the rest of your life and it is so much better to be able to belong to a club in your local area than to travel across to some other town centre.

We also support the feasibility study into the provision of a dedicated facility for trail bikers so they can enjoy their sport in an appropriate setting rather than perhaps in the environmentally sensitive nature parks. I think it is important that we do work here to ensure that we provide the facility, but also that there are concerns about people going off established tracks and having an impact. It is these sorts of stories that point to the need for a recreational plan for the use of Canberra's reserve areas so that we get the right activities taking place in the right places and we ensure that we have protection of the sensitive areas and the provision of recreational facilities where they are needed.

One other area that I have a particular interest in is our lakes—in particular Lake Burley Griffin but also Lake Tuggeranong and Lake Ginninderra. Of course, in addition to their environmental value they are integral to a growing number of different sports, including rowing, triathlon and, as we are told, the world's fastest growing sport, dragon boating. This is why the Greens have moved an inquiry into the health of the lake. The repeated closures of the lake are a problem and they are starting to have a detrimental impact on recreational and sporting activities in the ACT.

Of course, infrastructure is not the only thing. It is not just about the sports facilities themselves. It often includes such matters as providing suitable lighting so that female participants feel safe to attend night-time sports or it can be something as important as public transport being available to the grounds so that people do not have to have a car or families do not need two cars to get to sport. I am out of time. There is always work to do on the sporting issue and I look forward to debating this again in the future.

MR SESELJA (Molonglo—Leader of the Opposition) (4.08): I thank Mr Doszpot for bringing this very important matter of public importance to the Assembly. I thank

Mr Rattenbury for his contribution. I think unfortunately, though, the sports minister showed just how out of touch he and his government are on this issue. He showed that on Friday in debating this and he has shown it again today. He says to the clubs, effectively, "You don't know how good you've got it." That is what he is saying to the clubs. "You've never had it so good," says Mr Barr.

He says it is not an issue of their fees. Their fees are not an issue. When they come to him and say, "We have seen some of our fees go up 135 per cent and our fees represent sometimes up to a third of the cost of registration in things like junior soccer and junior rugby league," Mr Barr says, "Don't worry about that. You've never had it so good. You're so heavily subsidised."

If the government cannot deliver on local sporting facilities for year 8s, what are they delivering on? If this government cannot deliver ovals from people's rates and the amount of taxes that they are being asked to pay, then you really do have to ask the question, "What are they here for?" He just does not get it. And we see that time and time again. That is why it is so important that we do take up these issues on behalf of all these local sporting clubs around the ACT who use these facilities and are seeing their fees go up. And they are seeing them go up significantly.

If the government were serious about delivering good local services to their community and about lowering costs, then instead of just criticising our policy what Mr Barr could do is adopt it. As he has in the past when he had no policies in education, he could adopt our policy here as well because it is a good policy. This time we have given him 12 months to copy our policy. He has got ample time. But if this government did not have such a focus on building office blocks that we do not need, then maybe they would be able to deliver for local communities on junior sport and on sporting facilities generally.

Imagine what they could have done in the last few years if they had not have wasted so much money on their cost blowouts. Imagine what kinds of sporting facilities they could have delivered. Let us take a couple of them. Imagine if they had not wasted that $5 million on FireLink that was never delivered. That $5 million would buy some pretty significant upgrades to local ovals and local sporting facilities. Imagine if they had not spent the $5 million on a busway that was never delivered. That is another $5 million that could have been ploughed into local issues like local sport. Imagine if they had not had the GDE debacle where, even on the most conservative estimates of the government, it cost us at least $20 million extra just from that decision to build one lane instead of two. The list goes on and on—the north-western ponds, the blowout in the ESA headquarters. Imagine if some of that had been invested back into junior sport. Imagine what kinds of facilities we would be seeing right across the ACT as a result of that.

But they have not. They have not managed to do the reforms. They have wasted our money. And that has consequences. It has consequences when you cannot manage your projects. It has consequences when you pursue legacy projects like the $430 million government office block. We have seen the government waste lots of money and not invest as they should. Now we see them proposing to waste a hell of a lot more money going forward.

We take a different approach. A government that I lead would actually focus on being the best local government, being a really good local government, not focusing on building offices we do not need, not stuffing around with projects that you cannot manage and therefore are costing taxpayers a lot more money, focusing on getting the basics right.

We believe this is one of the basics that they need to get right because it is important. It is important to families. It is important to communities. Mr Barr's pretending that this is not important, pretending that the government have had a strong focus on it when they have not and pretending that the fees are not a big issue when they clearly are, shows how out of touch this government are.

When I look at the aspect of this policy in relation to delivery for local sporting facilities, the investment in grounds, we listened to the community and they said to us, "We have got real issues." Let us have a look at some of the various places. Calwell district playing fields is one of the largest and highest use sports grounds in Canberra. However, there are no lights on one of the three ovals. At the Gordon ovals, while the AFL ground has lighting, the rugby union ground does not. We have seen Phillip oval playing surfaces not being renovated for years. At Jamison oval remote watering did not work last summer and the playing surface died. Griffith oval is used by many junior and senior teams but their change rooms are substandard and old and do not accommodate female teams and referees.

Mawson, Kaleen, Latham, Jamison are all home to several codes and lighting is absent in all or some of their fields and change rooms are rundown. Several fields have old or dysfunctional canteens. I know Mr Smyth and I both access Gowrie oval through our kids' involvement with junior sport and we see and hear from our clubs about the rundown state of the facilities there.

So the issues are there. If you listen to the community, they will tell you about them. And that is why we have said we will listen to the community and that these kinds of grants, these $350,000 grants, will be done in consultation with those clubs. Those clubs will come to us, they will put in proposals and they will say, "Maybe in this case we need to upgrade the sprinkler system," or, "Maybe in this case we need better lights." Of course, what Mr Barr does not get is that this is just the beginning.

Mr Barr: Just the beginning? So is it a one-year or a four-year policy?

MR SESELJA: It is just the beginning.

Mr Barr interjecting—

MADAM ASSISTANT SPEAKER (Mrs Dunne): Order, Mr Barr. Come to order. You will cease interjecting.

MR SESELJA: What you are going to see when you have a government that focuses on getting the basics right is a lot more of these types of policies. When you have a government that does not go and spend $430 million on a government office building

you do not need, you will see lots of good local infrastructure policies and service delivery policies from the Canberra Liberals.

That is the difference. There is the difference and he has finally cottoned onto it. He has cottoned onto the fact that if you pursue dumb projects, if you do not manage your costs, as this government has not and proposes not to, you cannot actually deliver for the community. So we can understand why he is tender on this, but this is important to the community.

I want to go to the issue of cost, which Mr Barr dismisses. It really is dismissive. There are many of us in the community who would remember from our own childhoods sometimes the difficulties in accessing organised sport. People probably do not realise that many kids do not get to access organised sport in the way that they probably want to, because of costs. When you have got, say, two or three kids who all want to play sport and you have got maybe a summer sport and a winter sport, there are the registration fees and there are the footy boots, which tend to have to be bought every year as the kids are growing, there is the equipment that goes with that. If you are playing footy, it might be the headgear and the mouth guard—all sorts of costs. These costs do add up, and we understand that. We have been listening.

One of the things that I cannot abide is the idea that kids will not be able to access sport because they cannot afford it, and that is not something I am going to stand by and allow to happen. I do not think it should happen in a place like Canberra. I think that in a place like Canberra we should actually be making it as accessible as possible. They are the kinds of policies we are going to have. We will do everything we can to make it accessible, whether that is through upgrading facilities or whether that is through managing the finances better so that you can return some of that money directly to the community so that they can afford these things.

Surely we can all agree on that. Surely the Labor Party should not be denigrating a plan that would actually give more kids access to sport, to give poor kids access to sport, to make it a little easier on those families who are putting their kids through sport but who feel those cost pressures as a result. I commend Mr Doszpot for what is a very important issue.

MS PORTER (Ginninderra) (4.18): The ACT government is serious about community sport and that is why we established the active 2020 plan. The active 2020 plan is a long-term strategic plan for sport and active recreation in the ACT and region. It provides a blueprint upon which sport and recreation in the ACT community will be nurtured and promoted over the period 2011 to 2020. The plan promotes partnerships between industry and government and investment in long-term, sustainable outcomes. Importantly, active 2020 allows for long-term planning by sport and recreation associations in the ACT and the region.

The plan encompasses seven fundamental goals that have been identified as the key strategic priorities. They are: maximise community engagement, that is, participation, in sport and active recreation; greater acknowledgement and promotion of the health and education and social benefits of sport and active recreation, which Mr Rattenbury was talking about previously; increase capacity and capability of sport and active

recreation to provide quality opportunities in the ACT; maximise opportunities for outstanding individual successes; maximise opportunities for sustainable outstanding team performances; create Canberra's image as the national sporting capital; and maximise supporting infrastructure and resources.

I was very happy that the results of work I had undertaken in consulting with community sporting groups were taken into account when these goals and strategies were developed. And I am very proud of the investment that this government is making in local sport. In particular, I would like to highlight several investments made in sporting infrastructure in my electorate.

In the 2011-12 budget, the ACT government committed $2 million for the development of the Kippax district playing fields. This commitment will ensure that both Australian football and cricket teams can utilise the facility. This development includes a new pavilion, incorporating change rooms and canteen facilities, and it is in partnership with the Belconnen Magpies football club. I know the Magpies are delighted to be receiving this funding, and I look forward to watching some games from the completed facilities.

The ACT government also committed over $500,000 to restore the Charnwood district playing fields. The oval's water supply was switched off during the drought, and it is great news that it will be able to be used by the community into the future.

The minister has already mentioned the Hawker softball centre, a centre which is a hive of activity and brings many teams from across Australia and our region to compete. The ACT government has supported Basketball ACT through the commitment of $3 million towards the centre of excellence. The centre will be basketball's new home on the north side, providing top-class playing and training facilities for Canberra's amateur and elite basketballers.

In early 2009, the commonwealth Department of Education, Employment and Workplace Relations approved an application from the ACT government for $2.4 million under the local schools working together program. As the minister has mentioned, this funding, including funding from the ACT government, has enabled Nicholls neighbourhood oval to be redeveloped using synthetic grass. This project has been of great benefit to the sporting community and the two adjacent schools, Holy Spirit primary school and Gold Creek primary school. This project was completed in late 2010. However, these are just a few investments that the ACT government has made in sporting facilities in the territory.

As the minister has just said, the opposition's stance on these sporting facilities is clear. The ACT Liberals voted against these important sporting facilities in successive ACT budgets. The opposition have neglected sports since the last election and are only now trying to score a few cheap political points off it, but it is too little, too late, as the minister said.

While the opposition has pledged an extra $3.5 million for sports facilities, this is dwarfed by the investment that this government is making and has made. In the 2011-12 budget, the ACT government is delivering $36.5 million in new and existing

sporting facilities. Upgraded courts, new aquatic facilities, lighting and amenities, and ovals with more sustainable water use are all part of our massive investment.

As well as these investments into sporting infrastructure, the government has a strong record in working to enable more Canberrans to participate in sporting activities. Under the new inclusive participation funding program, the ACT government provides sporting groups with funding to open their sport to a more diverse base. This program has been particularly successful in engaging different cultural and ethnic groups, people with disabilities and people from different age groups and socioeconomic backgrounds. Therefore, all these people are now able and more able to participate in sport. And I know those that have had the opportunity to witness games that have been played, particularly by refugee groups from time to time, will appreciate the fact that this program has been so successful.

Successful participants in the 2011 program included ACT Dragons volleyball club, Capital Football, Swimming ACT, Capital Lakes rowing club, National Heart Foundation, NAVMAT dragon boat racing club, Pedal Power ACT, Pegasus Riding for the Disabled, Special Olympics Australia ACT branch and Vision Impaired Sport ACT. I congratulate all these groups on taking part in this program.

The minister and Mr Rattenbury have already mentioned the massive community commitment and participation that takes place in the ACT through volunteer effort. So I will not go on about that any more but just congratulate all those volunteers that commit so many hours to this effort.

The ACT government continues to deliver great outcomes for sport in the ACT. Some highlights of the 2010-11 financial year include working collaboratively with the ACT sport and recreation industry to develop the active 2020 strategic plan, which I mentioned before; distributing more than $2.2 million in grants for projects such as the construction of the racecourse infrastructure on Lake Burley Griffin for the Canberra Dragon Boat Association; installation of bowling green floodlighting at Yowani Country Club; a program of activities to assist Pegasus Riding for the Disabled; providing $450,000 to Canberra's elite sporting teams through the national league team funding program, including the Canberra Calvary in the new Australian basketball league; encouraging active play and appropriate eating for children aged nought to five years, in partnership with ACT Health and the Heart Foundation; delivering on a number of programs in conjunction with the Australian Sports Commission, primarily in coaching and officiating in disability sport and member protection; and delivering professional development seminars for local sporting organisations in association with the Australian Institute of Company Directors.

We all know how hard it is sometimes to run an organisation such as a community sporting club, and those people that work on the boards and the committees of these sporting clubs need to be commended and thanked for the hard work that they do in supporting these clubs. I am very pleased to know that they are getting the professional development that can be afforded them through the government's efforts and through the Australian Institute of Company Directors.

The track record of the ACT government on community sport speaks for itself. We have built better facilities. We have upgraded our existing ones and funded programs

that boost participation in sport for all Canberrans. And I look forward to working with the Minister for Sport and Recreation and local sporting community groups to deliver better outcomes for sport and recreation in the ACT.

MR COE (Ginninderra) (4.27): I think Ms Porter summed it up correctly when she said that the government's record on community sports speaks for itself. It does indeed. We are at a point where many Canberra families are excluded from this activity due to the excessive fees and charges this government is putting on community groups, including sporting groups, for the use of their ovals and other government facilities. What we have here is a government that is in effect stinging Canberra families, stinging children, to prop up its inability to manage the books. In effect, what we have here is a situation where, because this government is so cash strapped because it spends our money so poorly, it has to increase fees and charges for Canberra families to register their kids to play sport.

This is where there is a key difference between those on this side of the chamber and those over there. We on this side recognise that community ovals are there for the community. They are not there as a revenue measure. They are not there as some way for the ACT government to squeeze Canberrans for even more money. They are there for the community to use. What we have now is a situation where those community ovals are inaccessible in effect for many Canberra families.

That is why the Canberra Liberals have a plan to address this. The Canberra Liberals' plan, I am confident, will have a real and tangible impact on the accessibility of junior sport for Canberrans. It is not just junior sport; it will, of course, affect senior sport as well. But it can be most profound in junior sport, where often there is a cost inhibitor for a family with three or four kids when you take into account other costs such as tracksuits, mouthguards, shin guards and boots. All these costs add up, and to have the government sting these families for even more money through the cost of hiring a ground is really inappropriate. It is a matter the Canberra Liberals will address if we are elected to government in October next year.

We also have a situation where the government's policies are a paradox at best and a genuine and deliberate contradiction at worst. We have a situation where they pay lip service and say: "We want people to be more active. We want people to get involved in sport." Yet here we have a situation where there are excessive barriers stopping many Canberra families participating in sport. At best it is a paradox, at worst a deliberate contradiction. What we have is a situation where, simply because of this government's inability to manage our money, it has to increase the fees and charges for many Canberra families.

We heard on the radio today that many not-for-profit organisations are struggling with the administrative burden in the Community Services Directorate when tendering for government projects. I do not think it is any different in other aspects of government management. Community sporting organisations primarily are run on volunteers. It would only be a handful of larger organisations that have any paid staff, and those organisations with paid staff are still dependent on the manpower of volunteers. These volunteers do not have the time and may not have the expertise to fill out all the tender forms and all the paperwork that this government demands. We believe that there needs to be a more streamlined operation.

That is why, in addition to a $3.5 million facilities upgrade, we will make it easier for ovals to be utilised, through a reduction in fees and charges. But the $3.5 million for facilities upgrades, we are confident, will have a tangible impact on the accessibility of ovals for Canberra families. We are talking about areas such as the Jamison oval. We are talking about areas such as Phillip oval, which has not been renovated for years. We are talking about the Calwell district playing fields, which, as we all know, are one of the largest and most used sporting grounds in Canberra, home to a number of clubs. I believe hundreds, if not thousands, of people play there on any given Saturday.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Order! The time for the matter of public importance discussion has expired.

Working with Vulnerable People (Background Checking) Bill 2010

[Cognate bill:
Working with Vulnerable People (Consequential Amendments) Bill 2011]

Detail stage

Remainder of bill.

Debate resumed.

MS BRESNAN (Brindabella) (4.32): The Greens will be supporting the government's amendments to the working with vulnerable people bill. I will address in my speech the substance of the amendments; I know there has been some change in terms of how they have been moved, but I will talk to the substance of them in this speech.

I would like to acknowledge the work the directorate and the government have undertaken over the last few months to facilitate concerns and comments from parts of the community sector that could have been affected or most impacted by the legislation, particularly in the areas of drugs and alcohol and mental health and for staff and volunteers with lived experience.

The Greens support increasing protection for children and vulnerable adults by putting volunteers and staff through a more vigorous background check. We do not want to see situations where vulnerable children and adults are put at risk of abuse.

The development of the working with vulnerable people bill has been a difficult process. The Greens did not want to see a worker with lived experience who posed no risk to a vulnerable adult prevented from gaining registration. Often it is the case that workers with lived experience are more able to connect with a client because they have been through a similar situation themselves. We cannot undervalue peer support, as it is one of the most effective community service tools we have. The first draft of the working with vulnerable people bill did pose significant risks to people with lived experience and their ability to work with vulnerable adults. The Greens were not

willing to support the bill in the form it was in when it was listed for debate on 29 March this year.

I would like to make it clear that the Greens do not want to see community workers given approval if they are likely to harm or abuse vulnerable children or adults. But we also recognise, as I have already pointed out, that some workers have made mistakes in the past, have learnt from them and pose no risk. It is the latter group of workers the Greens want to ensure can still be employed.

I would like to recognise the significant work undertaken by the Alcohol Tobacco and Other Drug Association and the Mental Health Community Coalition of the ACT in working with the directorate and the government over the last 10 months to improve on the bill. These peak bodies provided leadership and assurance to workers in their sectors who were concerned about the impact of the legislation. The bill has come a long way from where it was previously and I hope that community sector workers have greater assurance now with what is being proposed. The Greens believe that we now have improved legislation and a better outcome for the community.

The Greens made it clear when the bill was first tabled that we wanted to see regulations finalised before the bill was debated and passed, because these will be crucial to how the bill operates in practice. That had not occurred when the bill was brought on for debate in March, but that work has been done and the details of the scheme have been made available.

With regard to the government's amendments, one of the most important changes proposed is the staged implementation across sectors of the requirement to have background checks. Proposed new section 2A sets this out by stating that the legislation will apply to children in year 1; disability and homelessness in year 2; education and sports in year 3; refugees, emergency services, housing and crime prevention in year 4; mental health and transport in year 5; and corrections and addictions in year 6.

There has been a change, via section 31, to require the appointment of seven independent advisers, each of whom must have existing expertise with migrants, Aboriginal people, people with disabilities, children and young people, mental health, drug and alcohol addiction or psychology. The advisers will be responsible for assisting in the examination of applications which are more likely to result in a negative notice or a role-based approval. I believe ACTCOSS brokered this amendment with the government, and it is a significant improvement to the proposed scheme.

The government is also proposing an amendment so that people who receive a negative notice can ask to have their case reconsidered. It is also proposed that there be a mandatory review of the system after the third year of implementation. The Greens support this approach as it will mean that any problems that emerge with negative notices in the first three years of implementation will be addressed before the legislation applies to other workers. I note that the government is proposing amendments which address concerns raised by the scrutiny of bills committee about strict liability and that offences should not involve possible imprisonment.

Amendments are also proposed which better cater for kinship carers so that they can provide care on an immediate basis. And there have been a number of changes made to the risk assessment guidelines and application form.

Over the past six months, improvements have been made not only to the legislation but also to the education and communication material which accompanies the legislation. This information has been simplified, and people applying for a background check will be better able to understand the accompanying materials. There have been some concerns raised by Civil Liberties about the experiences in the UK with similar legislation. However, I believe that the thorough process that has been applied in the ACT—and it has been very thorough through what has gone on over the last few months—in working with community organisations and very much taking into account their concerns, along with the built-in review processes, means that there is a process which addresses concerns from the start and can address problems if they emerge.

As I said, this has been a difficult process, but even though it has gone on over a number of months, we have come out with a much improved piece of legislation. The concerns of the community sector, particularly in relation to drugs and alcohol and mental health, have been taken into account. We also have some very good risk assessment guidelines in place. I think that we have got a process here that other states will look to in terms of how it has been implemented. And having this staged approach will be very beneficial, as I have already said, in terms of picking up any concerns that come about.

The Greens will be supporting the amendments that have been put forward.

DR BOURKE (Ginninderra) (4.39): I rise to support this legislation. This bill has been developed following extensive community consultation and is in line with obligations under the national framework for protecting Australia's children, *Creating safe environments for children: organisations, employees and volunteers*.

Other Australian states and territories have established or are in the process of developing centralised checking systems for people working with children. Operational systems have been established in New South Wales, Queensland, Western Australia, Northern Territory, South Australia and Victoria. A centralised checking system has also been introduced in the United Kingdom. Tasmania is still in the process of developing a background checking system.

While there are similarities across all checking systems, there are also fundamental differences relating to the definition of child-related work; scope of people subjected to checking; range of information considered as part of the assessment process; duration of approval notices; and level of fees charged to undertake an assessment. If a person is excluded from child-related employment or volunteering in one state or territory, or particular agencies or organisations within a jurisdiction, they may go to another jurisdiction or agency with less stringent screening processes.

Implementation of background checking in the ACT was recommended in the community services and social equity standing committee report No 3, *The territory*

as parent, and *The territory's children* report, as well as a position paper by the ACT Children and Young People Commissioner.

A priority for the ACT government, as announced in the 2008 document *The Canberra plan: towards our second century*, is to establish a centralised background checking and risk assessment system for employees and volunteers working with vulnerable people to reduce the risk of sexual, physical, emotional or financial abuse or neglect.

The Working with Vulnerable People (Background Checking) Bill 2010 has been informed by evidence-based research, existing legislation, international conventions, obligations arising through interjurisdictional agreements, technical considerations and views expressed by government and non-government service providers, as well as interested and potentially affected individuals.

The basic premise of background checking is that the past behaviour of an individual provides an indication of the possible future behaviour of that individual. Examples or patterns of abusive or inappropriate behaviour can sometimes be evident in information available for assessment, which includes an individual's criminal record or employment history. There have been documented cases in which a person with a history of abusive behaviour has gained access to vulnerable people because their previous history was not known to their employer or other vetting agency. In the worst cases, these people have gone on to commit further abuse or neglect.

Evidence suggests that around half of sex offenders gain access to their victims through children's organisations. Targeted ACT legislation currently exists for the protection of vulnerable members of the ACT community while they receive services in the community and in the home, such as the Discrimination Act 1991, Disability Services Act 1991, Children and Young People Act 2008 and Health Practitioner Regulation National Law (ACT). These legislative instruments go some way towards alleviating a person's disadvantage or vulnerability.

The bill provides that employees, volunteers and self-employed people who are currently working with, or wanting to work with, vulnerable people will be required to undergo background checking. I am confident that, following the implementation of the working with vulnerable people checking scheme, the safety of our vulnerable children and adults, when using regulated activities or services, will increase. The bill provides exemptions for specific individuals such as particular family members, as it was recognised that these people would be likely to have contact with vulnerable people outside a regulated activity. Imposing registration on some people would not reduce the risk of harm to the vulnerable person.

I am pleased to note the proposal to amend the bill to ensure that kinship carers who care for children during a crisis and are not registered are not hindered in this process. The last thing kinship carers need is more stress when faced with unexpectedly caring for young relatives.

The bill and its supporting documents have been developed in cooperation with the ACT community, including vulnerable people. The bill protects vulnerable people without being overly burdensome to employees and volunteers having contact with

vulnerable people or providers of regulated activities and services. Through the use of conditional registration, which includes role-based registration, the bill recognises that sometimes an employee's or volunteer's life experiences can be used for the benefit of vulnerable people, and people with lived experiences are encouraged to apply.

At present, some employers undertake their own background checks on their employees and volunteers. Employers also do their own risk assessments using the information received through the background check. Vulnerable members of the ACT community are awarded some protections under these background checking systems, although the current criminal history information used by an employer to determine the suitability of an employee or volunteer is limited.

The bill's background checking and risk assessment process overcomes this issue by permitting a broader criminal history background check and an equitable risk assessment process. It also provides safeguards for employers, employees and volunteers by centralising the checking system and providing the option of applicants to seek a review of their risk assessment decision. The bill provides a protective measure for the vulnerable person as well as ensuring that an individual's career and/or volunteer opportunities are not unduly influenced by non-relevant criminal information, such as a parking infringement.

The proposed background checking scheme complements an organisation's recruitment practices and other policies to create safe working places for clients, employers, employees and volunteers. Any costs incurred by the employer through undertaking their own background checks are either borne by the employer or passed to the volunteer or employee. Employers are also subject to the costs associated with the liabilities that may arise from their background checking decisions.

The checking system introduced through the bill is aimed at having a minimal financial impact on employees and employers. Volunteers will not pay a fee for background checking. The $71 fee for background checking of an employee covers the cost of administering the scheme, including licensing fees associated with accessing CrimTrac information.

People working or volunteering with vulnerable people will apply to be registered by completing an application form which asks the applicant to detail their conviction and non-conviction history. The applicant can also provide with their application form any information they believe will assist with determining their suitability to volunteer or work with vulnerable people. Information about applicants and registered people, including the outcome of the risk assessment and the reasons for determinations of risk, will be held in accordance with privacy legislation.

Although the applicant for registration will be involved in the risk assessment process from beginning to end and will be informed of the reasons supporting the risk assessment decision, employers will only know whether a person holds a registration card and any conditions imposed on the registration. The person's history and other private information will not be disclosed to employers. People who are not registered or who are deemed to present an unacceptable risk of harm to vulnerable people will be prohibited from working with vulnerable people in the ACT.

In closing, I would like to commend Minister Burch and Minister Corbell, as well as their directorates, for producing this innovative legislation, which not only protects vulnerable people from abuse and neglect but supports employers, employees and volunteers to feel confident in providing activities and services to vulnerable people. The bill has been developed in consultation with the ACT community and reflects the community's desire to protect the vulnerable members of our community. The replacement of the current ad hoc checking processes by a centralised and procedurally fair checking system, supported by statutory risk assessment guidelines, means that those who work with vulnerable people will be subject to the same screening processes regardless of where they work.

MRS DUNNE (Ginninderra) (4.48): As I indicated earlier this year during the in-principle debate, the Canberra Liberals will be supporting this bill and we will be supporting the government's amendments today. In doing so, it is worth making a couple of general observations about this bill. This bill has been a long time coming. In principle, there is nothing wrong with that, because many people had much to say about it and it has been through a lengthy consultation process. These elements are good and it is encouraging that the government has at long last seen the value of consultation and has responded to it.

But I fear—and so do others—that this bill is biting off more than it can chew. We have seen that in one of the government's amendments. It will now be phased in over a six-year period, with the first year devoted to background checks for people dealing with children. However, the first year's operation will not commence for another year.

This is the aspect about this bill that I am most concerned about, and it was touched on in passing, I suppose, in the community advocate's report of the week before last where she called for vulnerable children's checks in the ACT. The thing that motivated this was the belief and the understanding that we needed to have vulnerable children's checks but that it would be more than two years from the introduction of this bill to when we start to have vulnerable children's checks, and another five years after that before we actually have the full scheme up and operating.

When Jon Stanhope was here he liked to always talk about world's first or world's best or world leading or whatever. We spent so much time worrying about whether we would be the first in the world to do this or whether we would have the best in the world that we did not concentrate on actually getting it right. The lengthy process of consultation that we have seen since the introduction of this bill last year in 2010 is a result of the fact that we were so intent upon being the world's first that we actually did not have the best that we could possibly have.

As a result of that, the ACT has gone for another year without vulnerable children's checks in any formalised way. That is borne out in some of the discussion in the Public Advocate's report. We could have had vulnerable children's checks in and operating now if we had just bitten off that sector of the thing and said, "Well, let's do vulnerable children's checks and move on." We would not have been reinventing the wheel; we would not have been doing anything too flash because it has already been up and operating fairly effectively in Queensland for some time.

There are members of the community who have been crying out for vulnerable children's checks—volunteer organisations who find they cannot bring interstate billets and things like that to the ACT because they do not have a blue card. People are coming to expect that people who provide billeting services and volunteer services will have the equivalent of the Queensland blue card. We do not provide it, and it creates problems for organisations like Rotary, for instance, because although they provide checks, they are not recognised in the same way as the Queensland system.

Organisations like that had been wanting this to happen and we have been waiting while the government got all the other fine detail organised, fine detail that will not come into effect for another six years. This is my major concern with this legislation. We are not opposed to the legislation; we are opposed to the ham-fisted way in which this minister has handled it.

We should have introduced the vulnerable children's checks and then moved on to people with disability and people who have drug and alcohol issues and moved it sequentially like that and had this system in place a year ago rather than passing this legislation today and waiting another year for it to come into place. There is a whole lot of touting about what a great achievement we will have made today by passing this legislation, but we will still have nothing to show for it until next year.

In saying that I think there are concerns and that the government may have bitten off more than they can chew, I am not alone in this. I note the comment from Civil Liberties Australia that similar laws that were set up in the UK some years ago are actually being wound back because they are so draconian and have proved to be unworkable. This is a matter I am concerned about as well. Perhaps if this government had bitten off only what it could chew, we might have seen by now whether or not this works in practice and how we might have expanded it.

Having said that, the other observation I make is that the bill has broad support from the community sector. The sector community has worked hard to make a proactive approach to the government's proposals, embracing them, but taking the time to develop thoughtful, well considered comments and suggestions. As I said earlier this year, it seemed incongruous that the government brought this bill for debate at that time, given the community sector had been told it would not be brought on until at least the middle of the year. However, I applaud the community sector for the keen interest it has taken in the legislation and its capacity to stick to its principles, despite the management of this by the minister.

I wonder what the business sector thinks about this, because inevitably it will impact on their business operations and their staff. I would be interested to hear what the minister has to say about this and the extent of consultation it has taken outside the community sector.

My next observations come by way of a prediction: I think that the government will be caught by surprise by the reach of this legislation. This is a view shared by Civil Liberties Australia as well. Officials have told me they have assessed the reach of the legislation to be 42,000 Canberrans who will have to apply for registration. Civil

Liberties Australia have said to me that they believe the number is more like 100,000 Canberrans. I suggest that even that number is below the odds. It could be that, by the end of the phasing-in period over the next six years, just about every person in the ACT over the age of 18 will have to apply for some form of registration. This will be so when every person over the age of 18 years considers that what they do in many fields of work with vulnerable people is captured by the legislation.

A person who tells stories to kids in church a couple of times a year will have to apply. A person who runs a voluntary training course for adults might have to apply. Sports coaches, music teachers, art teachers, foster carers, respite carers will all have to apply. People who help a frail aged person do their shopping once a month will have to apply. Members of the Assembly may have to apply.

Just about everything we do in life, whether it is in our paid work or our voluntary work, will require us as members of the Legislative Assembly to be registered, such is the reach of the legislation before us today. I hope the Office of Regulatory Services is anticipating this and is ready for such an influx of work, because I do not want to see us in a situation where people have to wait inordinate times for their checks because of the workload ORS has on it.

While I am talking about ORS, let me make another observation: I am very glad that the Office of Regulatory Services is taking on the administration of this legislation. Certainly, its record is better than anything that Minister Burch and her directorate can muster. We have seen many a debacle coming out of the minister's directorate. We have seen the debacle in the youth justice system. We have seen the debacle that is the care and protection system. We have seen the ham-fisted way with which the minister has handled this debate today and the general management of this bill since it was introduced in 2010. We have seen the debacle with the kinship care program where this minister keeps saying they have met their election commitments when we know that they have not.

Just by way of interest, I note that when I received a letter from Minister Burch today in response to the scrutiny of bills committee, the minister could not even get that right. She did not write to the chairman of the committee; she wrote to the secretary of the committee in contravention of all the usual conventions of this place. I do not care who she writes to, so long as she addresses the issues concerned, but is there no-one in her department and in her office who can advise this minister on the appropriate protocols?

When the scrutiny of bills committee reports, she responds to the chairman of the scrutiny of bills committee; she does not respond to the secretary. The fact that neither she nor anyone in the chain of command who drafted that letter actually twigged that they got the protocol wrong speaks volumes about the capacity of this minister and this directorate to do even the most basic and fundamental thing properly. I cannot imagine the debacle that would become of this scheme if it were being administered by Minister Burch.

We will watch this legislation closely and I hope for the government's sake that they have got it right this time. *(Time expired.)*

Amendments agreed to.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (4.59): Pursuant to standing order 182A(b), I seek leave to move amendments Nos 19, 21, 28, 40, 47, 51, 53, 55 and 57 together as they are minor and technical in nature.

Leave not granted.

Standing and temporary orders—suspension

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (4.59): I move:

> That so much of the standing and temporary orders be suspended as would prevent Ms Burch from moving her amendments together.

We have been planning to put this bill through. Those opposite have already said that they accept and support the bill. We have listened for the last 10 minutes to the rhetoric of Mrs Dunne about all of the failings of everybody else around her. She is probably the only person in this place that seems to be above reproach and is error free in her work. I would just ask members here to move on, get on and pass this bill.

MRS DUNNE (Ginninderra) (5.00): The Canberra Liberals will be opposing the suspension of standing orders. We believe that the use of the standing orders here today is an abuse. This is a piece of legislation that has been on the table for over a year. There has been plenty of opportunity for these amendments to go to the scrutiny of bills committee. We have to seek leave to move them today because they have not been to the scrutiny of bills committee. The scrutiny of bills committee has not looked at these amendments.

In the time that I have been the chair of the scrutiny of bills committee it has been unprecedented for the legal adviser to say to us, "I had such a problem. It took me two hours to work out what was going on with these amendments because I discovered halfway through the process that not all the amendments were here." For the legal adviser to actually have to ask us to ensure that in future we are provided with a full set of amendments and for me to have to come in here at the request of the committee and make specific comment about that in this place shows that this minister has not got a grasp of her portfolio.

I have had a number of briefings on this matter over the last few weeks. Every time I have had a briefing provided by the minister's office I have asked—and my staff have followed it up with emails—"Has the scrutiny committee been provided with a list of the following?" In that whole process, members of the scrutiny committee and I got to 11 o'clock yesterday only to discover that the scrutiny committee had not received all the amendments. I said to my staff yesterday, "That will mean, of course, that the

minister will seek leave to suspend standing orders so that we can deal with these things today." It was as I predicted, but they did not actually realise until half past nine this morning when somebody else told them that this was what they had to do. My office was notified this morning at a quarter to 10 that they were not ready to deal with the matter, as it was listed to come on first at 10 o'clock, because they had not got their act together.

This is a piece of legislation that this minister has been trumpeting and advocating for for well over a year, and she cannot get the basics right. I think it is disrespectful to the Assembly. It is disrespectful to the Assembly staff that they were running around this morning trying to get this right. How many people are there on SES salaries who are supposed to have experience in the operation of these things and who are supposed to oversee the passage of bills in this place? Nobody twigged until half past nine or a quarter to 10 this morning that they had a problem.

That is why we are not prepared to support this motion today. That is why we will not give leave. That is why we do not think standing orders should be suspended. This minister needs to learn how to do her job. This minister needs, first of all, to apologise. She did not come in here and apologise at any time. She said, "Mrs Dunne is the only one in this place who never makes a mistake." Well, Mrs Dunne makes mistakes all the time. When Mrs Dunne makes mistakes she admits it and she apologises. That is what this minister should do. She should have been in here this morning first and foremost to apologise to the Assembly for getting it wrong and for messing it up. Through the Assembly, she should have apologised to the staff who had to run around and fix up her mess this morning. We will not support the suspension of standing orders.

MS BRESNAN (Brindabella) (5.04): We will be supporting the suspension of standing orders. Mrs Dunne pointed out that the scrutiny of bills committee did raise concerns about receiving the amendments as a package. I note that point, but I think it is also worth noting that these amendments actually went to scrutiny; they have been before scrutiny. They are technical amendments. They are basically around changing the working date. We are talking about a very minor thing and that needs to be kept in mind.

Mrs Dunne has, I think, made quite an attack on the department. The department have done quite an extraordinary amount of work in getting through this bill. It has been a very difficult process, as I noted. When the bill first came to be debated, the Greens did not support it at that stage because we thought a lot more work needed to be done. In defence of the department, they have done quite a bit of work on this. They have listened to the concerns that have been put forward by the community. I think that needs to be recognised.

What also needs to be recognised is that the community have put a lot of work into this bill—community groups like the ones I mentioned in my speech on Ms Burch's amendments. Basically, this is something the community just wants to get on with. I take the point that Mrs Dunne has made, but we should not be allowing something which has been essentially a process point—yes, there have been problems with that—to delay this important piece of legislation and to disregard, I think, the work

which has been put in particularly by the community sector. It is time to get on with it, basically. That is why we think we need to be passing these amendments today.

Again I would point out that they are technical amendments. In terms of the actual operation of the bill, the real details about it, particularly around regulations and all of those sorts of issues, they are not going to have a major bearing. Those are the key issues that we need to be considering today—what is going to happen when the bill is finally implemented, not a technical amendment like today. Again I take Mrs Dunne's point that we would have preferred they come in a package—and that point was made by scrutiny—but these amendments did actually go to scrutiny at one point. That has to be remembered in this whole discussion that we are having today.

MR HARGREAVES (Brindabella) (5.07): I will not be terribly long. I think the point that Mrs Dunne made around amendments going to the scrutiny of bills committee was well made earlier on today. People have actually acknowledged that and that was worth while. What we do have to understand, though, as Ms Bresnan has just said, and quite rightly—and we can put a bit of context around this—is that we can get on with it, do it right now and look after these kids, or we can fiddle around and worry about a technical amendment which, for example, in relation to clause 34 takes out the words "one month" and inserts "20 days". We look at clause 40: omit "one month", substitute "40 days".

Quite frankly, this bill has to be passed and it has to be passed today. I do not want us to fiddle about for another three weeks, come back in November and have on my head what could happen to some child in that three weeks. I am not wearing it.

Mrs Dunne interjecting—

MR HARGREAVES: I am not interested in the interjections of Mrs Dunne. Mrs Dunne can interject or she can talk to herself or she can talk to my hand. I do not really care which. It has exactly the same effect on me.

We should support the suspension of standing orders because, at the end of the day, we are here to talk about legislation for the vulnerable, the powerless, the people who most depend upon us in this Legislative Assembly. We are not talking about regulations around charges for bicycle licences or anything silly like that. We are talking about kiddies' lives. I urge everybody in this chamber to support the suspension of standing orders.

Question so resolved in the affirmative, with the concurrence of an absolute majority.

MS BURCH: (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (5.09), by leave: I will continue where I left off, if I may. I move amendments Nos 19, 21, 28, 40, 47, 51, 53, 55 and 57 together as they are minor and technical in nature *[see schedule 4 at page 4945]*.

I will be brief because I spoke earlier today about the range of amendments. I thank the members here for accommodating what has been a slightly confusing set of

amendments. I think that at the end of the day the separation was needed. It is unfortunate and I apologised earlier this morning. I will leave it there.

Amendments agreed to.

MS BRESNAN (Brindabella) (5.10), by leave: I move amendments Nos 1 to 4 circulated in my name together *[see schedule 5 at page 4961]*.

The Greens' proposed amendments to the bill seek to ensure that aspects of the legislation remain within the approval of the Assembly, specifically the risk assessment guidelines and exemptions. Currently, clauses 11 and 25 of the bill are written so that changes to the risk assessment guidelines and the exemptions are notifiable instruments, but the Greens are proposing that these be disallowable. This is the first time in Australia that there will be a background checking scheme such as this for people working with vulnerable adults. Therefore, making these guidelines disallowable means any changes proposed by the government can be debated in the Assembly, which I believe is an important protection with this significant legislation.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (5.11): The government agrees with the amendments put forward by the Greens which will permit legislative scrutiny of decisions on people who should be exempt from holding a working with vulnerable people registration when engaging in an activity for a declared state of emergency or an activity for an ACT or national event. That was with regard to amendment No 1. We agree with amendment No 2 as put forward by the Greens. The government also agrees with amendment No 3.

Following the enactment of the bill it is anticipated that the risk assessment guidelines will be further refined in consultation with the ACT community and, as changes occur to the guidelines, the guidelines must continue to support the applicant's human rights. Making the guidelines a disallowable instrument supports the government's objective of guidelines being subject to ongoing community consultation and legislative scrutiny.

I thank Ms Bresnan for her earlier comments about recognising the conversation that the directorate has had with the community. We have been working extensively over the past many months to make sure that the conversation with the community sector has been meaningful and has brought enhancement, as has been recognised here, to this bill. The outcomes of the bill, I think, are very positive. That we would have such comprehensive checking systems now in place for the vulnerable in our community should be something that this Assembly should be proud of.

Amendments agreed to.

Remainder of bill as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Working with Vulnerable People (Consequential Amendments) Bill 2011

Debate resumed from 22 September, 2011, on motion by **Ms Burch**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (5.14): The opposition will be supporting this bill which makes a series of amendments to the Working with Vulnerable People (Background Checking) Act 2010. These amendments are in response to the feedback from the scrutiny committee, the community consultation process and from a review of the legislation by the JACS and Community Services directorates. I will not go through all the amendments but will highlight a few.

Arising from the comments of the scrutiny committee, amendments are being made to allow voluntary surrendering of registrations, a review mechanism for negative notices or conditional registrations and the removal, most sensibly and most welcome, of imprisonment as a punishment for strict liability offences, because such an approach offends all the guidelines in the ACT for the writing of legislation. These amendments are sensible and I particularly commend the amendment to remove imprisonment.

Amendments that responded to the community consultation process include a provision that enables kinship carers, if not registered at the time of an emergency placement, to be deemed as registered pending an application process. I do hope, however, that in fact there is checking of kinship carers because it is still reported to me that there are kinship carers who believe that they have not had the appropriate checking.

I have asked a number of times whether someone could have had a background check and not known that they have been background checked and I have been told that it is not possible. I have grandparents who say that they have never had a background check and they worry about the implications that that might have not only for their children but for other children who are in kinship care.

It will be an improvement in the situation such as we dealt with last week when the Community Services Directorate was found to be making placements to organisations that were not authorised as a suitable entity and then failing to follow up on those placements and taking the organisation through an approval process. I hope that the Community Services Directorate has learnt something from this and we will not see a repeat of it.

Another amendment arising from the community consultation is a legislative review timetable. Instead of only being reviewed after five years, the legislation will be reviewed after three and then another review will be conducted after seven years of operation.

Yet another amendment will allow persons holding conditional registration to ask for a review of those conditions. Amendments that have been identified by the JACS and

Community Services directorates include one that exempts employers supporting work experience students in non-regulated activities from having to be registered. Another exempts police from other jurisdictions and the AFP who are assisting ACT police in investigations.

As I said, these are only a few of the amendments that this bill introduces. It shows the Labor government just what can be done when the government invites the community to be engaged in the legislative process. It would have been better if they had been dealt with before the legislation had been introduced. We have been telling this Labor government about the value of community consultation for the last 10 years and I hope that the government has learnt from this experience.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (5.17): I am pleased to participate in this debate this afternoon. I am pleased to see that this bill has come before the house and that we will be passing both bills this afternoon. It is a big change to the way that we are going to be vetting those who work with the most vulnerable in our community. The ACT Greens do feel that this bill will be of benefit to people in the ACT.

As we know and have discussed regularly in this place, the protection and wellbeing of our children and vulnerable people is of vital importance. We know that children and young people are inherently vulnerable because of their age and require extra protection by the community. It is important to note at the outset that vulnerability is an imposed category that some vulnerable groups would challenge. While this needs to be acknowledged, it is generally held that vulnerability is used to refer to those individuals or groups who, due to age, ill health, infirmity, minority status or their otherwise disempowerment in society may be open to exploitation, whether that is physical, emotional, sexual, financial or psychological.

I think there is no doubt that this has in many ways been a long and intense process that has seen lots of consultation and listening on behalf of those within government driving the process. To their credit, many changes have been made in relation to the feedback that they collected. This has not been an easy task. It is easy to shy away from following a process that allows people to feel included and valued but ultimately takes on board their feedback. Today I think we have a bill with amendments that is inclusive and that has considered properly the feedback that was received.

I take seriously the responsibility we have to provide protections to those who are considered vulnerable in our community. I think the commitment shown by those in the community sector, particularly those in the alcohol and other drugs sector and the mental health sector, demonstrates that this is a serious reform to the checking system.

This bill establishes a statutory framework that provides for the checking of people's backgrounds and a risk assessment of the person who will be working or volunteering to work with children, young people or vulnerable adults. The guidelines in the bill clearly define that the paramount consideration is the wellbeing of vulnerable people and their protection from harm.

We know that there will be a series of risk assessments. We know that there will be a series of processes that need to be efficient, timely and follow principles of natural

justice and procedural fairness. The procedure of risk assessment needs to be transparent, documented and consistently applied. We need to ensure that there are adequate provisions for review and appeal against decisions and that there is a requirement to protect the privacy of people who make application for registration, because it does involve quite often sensitive and personal information.

The ACT Greens support these principles that have been included to ensure that this happens and we believe that we need to understand some of the issues that did come up, and those were the issues around lived experience. We need to maintain these workers' inclusion, where appropriate, in the workforce and regulated activities as defined within the bill. There is a balance to be found about how this is assessed in the risk management framework and the types of safeguards we put in place so that we ensure we strive to maintain safe and healthy environments for children, young people and vulnerable adults.

We know through research that those are people with lived experiences of homelessness, drug use and so forth who can add a lot of value into workplaces when they are working with people who are facing similar situations. So we do need to ensure that we are not going to set up a system that means these people will shy away from taking on these roles, these jobs into the future, or that they are cut out from them. I think that the ongoing consultation between the directorate and, particularly, the Alcohol, Tobacco and Other Drugs Association, ATODA, and also with the Mental Health Community Coalition were incredibly important. It did show that a number of the issues that were raised about particularly those people with lived experience and how they may fit or may not fit into the system were taken on board.

Again, I acknowledge the hard work put in by many community organisations—it was broader than those two—and the hard work put in by the public servants in the directorate who have been there to see this project progress. It has taken some years. I know that it has been on the table for some years and a lot of work has been undertaken. Again, it is important that we do have a system in place. It is important that we have proper checking.

My understanding is that this is the only system in the country that has a definition of vulnerable people that is this broad. We have had working with children checks and other sorts of checking systems in other states for some time. Here in the ACT for several years community organisations, particularly those working with people with disability, older people, younger people and children have had in their contracts that workers all have to have police checks conducted and police checks done before they start their employment. This broadens that out. It puts in place a more comprehensive system.

It is going to be a year before this system kicks in. There is still quite a lot of work to be done. I know that the Office of Regulatory Services also have been putting an enormous effort into setting all of this up. Of course, they will then carry this system on into the future. Again, I believe we have a responsibility to ensure that organisations receive adequate support and training to ensure the smooth transition and implementation of the scheme in the ACT. By providing these supports we are valuing the community organisations and the people who work within the community

sector as the vehicle for the future success of the centralised checking system. As my colleague Amanda Bresnan has said earlier, we will be supporting this bill.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (5.24), in reply: The amendments that have been circulated are sensible and reflect the intent of the bill. I would like to thank the Community Services Directorate team who have worked so hard on this, as I mentioned before, and also thank the community sector for their involvement. These reforms have been lengthy and comprehensive, as I think has been acknowledged here. But we took the time necessary to make sure that we have a scheme that reflects the needs and the environment for service and care provision.

I do just want to note that it is a shame Mrs Dunne manages to cause insult and offence to the Community Services Directorate at every opportunity she has. The directorate does all it can to serve the government and our community. But I have come to expect nothing less from Mrs Dunne than her negativity and rudeness. Unfortunately, I do not think I will be surprised if she does not change her habits.

That said, Madam Deputy Speaker, again I want to thank all those involved in bringing the Working with Vulnerable People (Consequential Amendments) Bill to this place and also thank members for its passage through the Assembly today.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Auditor-General's report No 10
Ministerial statement

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation), by leave: On 23 August this year the chair of the public accounts committee informed the Assembly that the committee had resolved not to inquire further into the Auditor-General's report No 10 2010 entitled *2009-10 financial audits*.

As the committee has made no recommendations for further action, I advise that the government's position on this matter remains unchanged from that reflected in the government's submission provided to the committee on 5 August 2011.

Adjournment

Motion by **Mr Barr** proposed:

> That the Assembly do now adjourn.

Cotter Dam
Mr Ted Pegrum

MR DOSZPOT (Brindabella) (5.27): With the Cotter Dam project reaching the stage where the existing original dam will be virtually eliminated as it disappears under 50 feet of water of the new Cotter Dam, I think it is timely that we reflect on the original pioneers of this infrastructure that has served our region so well since the 1920s. Canberra owes a lot to those folk who built the things that we now take for granted and I am sure that there are many experts and historians who are well qualified to further document and comment on the ongoing Cotter Dam project and at the same time include recognition of the many individuals whose efforts and initiative were so critical to the establishment of the Cotter Dam.

I would like to remember one of those individuals and the part that he played in the growth of the Cotter Dam capacity in the early 1950s, including his journey to Australia. I refer to the father of Mr Roger Pegrum. Mr Pegrum is a highly respected and prominent Canberra architect and one of my constituents. His late father, Harold Edward "Ted" Pegrum, is the gentleman I am referring to. I am pleased to note that Mr Roger Pegrum is in the Assembly gallery with us today and I would welcome him here.

Ted Pegrum was born in Norfolk, England in 1908 and studied as a civil and structural engineer. In 1934, he joined the office of the Civil Engineer-in-Chief of the British Admiralty at Portsmouth and in 1936 was posted to Singapore. A month before sailing, he married Eileen Florence Adams in London. The Pegrums returned to England at the outbreak of the Second World War. They settled at Chatham in Kent, where Ted was based at the naval dockyards on the Medway River.

During the war, he was involved in a number of secret military engineering projects including operation PLUTO, which piped fuel under the English Channel to France, and the prefabricated Mulberry harbours that were floated across to Normandy for the invasion on D-Day 1944. There is renewed interest in these remarkable military engineering achievements, several of which were described in the film *A Harbour goes to France*. I understand there are records available of an excellent talk that Ted Pegrum gave on these projects to the Canberra Division of the Institute of Engineers Australia.

In the years following the end of the World War, it became clear to Ted and Eileen Pegrum that a better life for them and their family could be found away from England. The Australian government was looking to recruit architects and engineers for infrastructure works in Canberra. One of these projects was to increase the capacity of the dam on the Cotter River, which had provided the city's water supply since 1915.

In early 1948, Ted Pegrum was interviewed at Australia House, London and was offered a position as a structural engineer in the Australian Capital Territory branch of the commonwealth Department of Works. Ted Pegrum's experience with both reinforced concrete design and hydraulic engineering and with tight timetables made him an ideal person for the work at the Cotter Dam.

The Pegrum family sailed from Tilbury on board RMS *Mooltan* on 26 August 1948. They arrived in Canberra five weeks later and settled in McKinlay Street, Narrabundah. Ted Pegrum started work immediately with KJ Dalgarno and other engineers in the department's offices in Barton. The first concrete was poured on 24 January 1950.

When completed 18 months later, the height of the dam wall had been raised from 18.3 metres to 25.8 metres, which more than tripled the water storage. The line of Ted Pegrum's concrete work is still visible on the face of the dam, but both the original dam and Ted Pegrum's additions will be buried under almost 50 metres of water when the new dam is completed.

Ted Pegrum was appointed senior structural engineer in the Department of the Interior in 1956 and he was responsible for the approval of structural designs of the major buildings in Canberra until his retirement in September 1971. He was widely respected in his profession and in government. He died in July 1979.

The late Harold Edward "Ted" Pegrum is survived by his wife, Mrs Eileen Florence Pegrum, who turned 98 this year, and his son, Roger Pegrum, and his family, and his daughter Carole Wight, while Mr Pegrum's other son, Tony, also a prominent Canberra architect, died 10 years ago.

I feel it would be most appropriate if some form of recognition of the contribution of Ted Pegrum could be made at the site or elsewhere in Canberra. *(Time expired.)*

Motorcycle Awareness Week

DR BOURKE (Ginninderra) (5.32): Mr Speaker, I am not sure if you, like me, have experienced the thrill of riding a motorbike either as the rider or a pillion passenger. Last Saturday I experienced that thrill again as I joined a cavalcade of riders who rode from Old Parliament House to Civic to publicise Motorcycle Awareness Week. This is an important road safety initiative organised by riders for riders, and I acknowledge the efforts of the organising committee in putting on an entertaining program of events.

In the ACT two of the 12 fatalities in 2009 and five of the 19 fatalities in 2010 involved motorbikes. Sadly, three people on motorbikes have died so far this year. There are a range of things that governments should be and are doing to improve our road system and support the safe and efficient use of motorcycles and scooters as part of the transport system. Road safety is not just the government's problem; it is an issue for the whole community. In this context, Motorcycle Awareness Week is an excellent way to raise the awareness of motorcycles and motorcycling in the community and to promote road safety issues affecting motorcycle and scooter riders.

Motorcycles and motor scooters have become very popular with Canberrans in recent years—low fuel consumption, ease of parking and the sheer joy of riding are major incentives to get on a motorbike. Unfortunately, motorcycles are over-represented in

road injuries and fatalities compared to other motor vehicles. This should concern us all. Regardless of fault, riders are much more vulnerable in a crash than car drivers. Motorcycle and scooter riders who are aware of this risk will ride smart, using road craft and wearing protective clothing—boots, helmets and gloves. Nevertheless, it would be better for all of us if crashes never happened.

We can all contribute to reducing crashes, whether we drive a car or ride a motorcycle, simply by being more alert and careful. We all have a responsibility to share the road. Being more aware of other road users is a good step towards that. On Saturday I launched the Joe Rider motorcycle road safety program. It is a simple program and very clever. Drivers are encouraged to look out for a rider called Joe and, by inference, to see all motorcyclists. Joe wears a bright orange vest printed with "Joe" in large letters. If you see Joe, you can register on the Motorcycle Riders Association website for a chance to win a balloon flight over Canberra—an added incentive to watch out for bike riders.

Look out for Joe for the rest of this week. If you can see Joe, you can see a motorcyclist. Drivers learning to see motorcyclists and scooters is the key message for Motorcycle Awareness Week 2011.

Motorcycle Awareness Week
Korean Veterans Remembrance Day
Sacred Heart primary school
St Francis of Assisi primary school

MR SESELJA (Molonglo—Leader of the Opposition) (5.35): I would also like to pay tribute to Peter Major and all of the other people who helped put together the launch of Motorcycle Awareness Week. It was a great opportunity for me. Steve Robson was the lucky person who got to keep me safe on a bike, and I am very grateful to him. As usual, there were a number of motorcycle organisations represented there, including Ulysses, the CanberraRIDERS and the Vietnam Veterans Motorcycle Club. So I would like to pay tribute to all of those for the wonderful work they do and the wonderful welcome they always give us.

I would like to also speak about the Korean Veterans Remembrance Day service which I attended recently and which was held by the Korea and South East Asia Forces Association of Australia. I would like to pay tribute particularly to Mrs Christine Coulthard OAM, the ACT state president of the Korea and South East Asia Forces Association of Australia. We had a commemorative address from Mr Wahn-Seong Jeong, minister of the Embassy of the Republic of Korea, and Air Marshal Mark Binskin AO, Vice Chief of the Defence Force.

Also I would like to thank Chaplain Catie Inches-Ogden, senior chaplain at the Army headquarters, Australia's Federation Guard, the Korean Ladies Choir and Mr Graeme Hush. In the three years of fighting, 1,263 men of the commonwealth forces were killed and a further 4,817 were wounded. And we pay tribute to them for their service to our nation.

I would like to also pay tribute to Sacred Heart primary school. I had the opportunity recently to attend an opening there of the new multipurpose hall and library. This was

presided over by Bishop Pat Power and was opened by Gai Brodtmann. I would like to thank, firstly, the school captains. From my list, there seem to be four of them. I hope that is right. Sophie Barton, James Achilleos, Kate Washington and Grace Lustri all represented the school so well.

I would like to thank the principal, Mr Brad Gaynor, and the assistant principal, Anne Gowen, as well as the REC, Darren Roberts, and the coordinator, Narelle McFarlane, who I think put together a wonderful service for the occasion. Mrs Mary Dorrian, the head of religious education and curriculum services at the Catholic Education Office, was also there. And I think that we can certainly pay tribute to what is a wonderful addition to Sacred Heart school.

But I would also like to pay tribute to the contribution Sacred Heart school makes to the broader Canberra community. I know that Brad Gaynor does a sensational job in leading the school community. It is a beautiful sized school. I think it is one of those schools that are not too big or not too small, and we see that in much of the Catholic sector. But there in Pearce, Sacred Heart, I think, is making a major contribution to the life of our community.

I would also like to briefly pay tribute to and thank the community at St Francis of Assisi primary school in Calwell. I had the opportunity to attend the official opening and the blessing of their new facilities there and that was presided over by Father John Armstrong and Gai Brodtmann. I would like to thank the master of ceremonies, Mrs Kate Markcrow, the assistant principal. Mrs Heidi D'Elboux, who is the chair of St Francis of Assisi Community Council—and we have had a bit to do with them—does a wonderful job.

The acknowledgement of country was done by Simone Duckers and Taya Rake. We had Moira Najdecki, Director of Catholic Education, give an address and Mr Dave Austin, the principal, gave the vote of thanks. Dave Austin is someone whom I have a lot of time for. He does a sensational job leading St Francis of Assisi. He is a relatively young principal but does an extraordinary job. And I know how committed he is to his school community and to serving his school community. So I thank him, in particular. I pay tribute to the architects, Erik Inner and Bob Sly from Munns Sly and Associates; builder, Tony Molica from Boss Constructions; and Peter Clarke and Maureen McGrath from the Catholic Education Office who assisted.

I think it is another example of a wonderful school in the Tuggeranong valley, St Francis of Assisi primary school. Again, all of the students represented their school beautifully. So I would like to pay tribute to Dave Austin and the entire school community associated with St Francis of Assisi primary school.

Select Committee on Privileges 2011

MR SMYTH (Brindabella) (5.40): I wish to bring to the attention of the Assembly the good work of the privileges committee that is currently undertaking an inquiry. I received an email yesterday afternoon that the committee had approved submissions and posted them to the web. I checked the web this afternoon and there are four submissions: one from me, one from the Auditor-General, one from the Chief

Minister and one from Ms Le Couteur. I want to bring to people's attention some of the things that are said there.

In Ms Le Couteur's submission, she speaks about the meeting that she had with the Chief Minister and, indeed, Ms Gallagher mentions that meeting as well. Ms Gallagher notes in her submission two contacts with the chair of the committee. As to the first she states:

> When aware of the Chair's concerns, I spoke with her directly and apologised.

Later in paragraph 46 she says:

> Clearly the personal courtesy to clarify the intent of my actions with the Chair was not an attempt to influence the Committee. If anything it was a means of emphasising my concerns that the press release was misconstrued.

This is not the recollection of that meeting as submitted by Ms Le Couteur—

MR SPEAKER: Mr Smyth, one moment please. Stop the clocks, thank you. I am sorry to interrupt you, Mr Smyth, but I want to remind you of standing order 59 on anticipating discussion. I see at the moment that you are simply reflecting on what is in the submissions, and I just want to ask you to stay in that ground, please, so that we do not have to have any further discussion on the matter. That would be terrific.

MR SMYTH: That was entirely my purpose of speaking tonight, Mr Speaker.

MR SPEAKER: Thank you.

MR SMYTH: I would not recommend what the committee might do. I am sure they will get to all of this in their public hearings and their deliberations later.

If I may turn to Ms Le Couteur's submission, this is clearly not the recollection of that meeting as submitted by Ms Le Couteur herself. Ms Le Couteur states:

> My memory is that Ms Gallagher also stated that Dr Cooper was the Government's nominee and that she (Dr Cooper) would be the new Auditor-General.

There is a fundamental and clear conflict between these two submissions and one that goes right to the heart of whether pressure was applied, which was the purpose of my bringing this matter to the Assembly in the first place. I look forward to the good work of the committee continuing.

Dragons Abreast regatta
Motorcycle Awareness Week

MR COE (Ginninderra) (5.43): I rise this evening to pay tribute to the hard work of the organisers of this year's Dragons Abreast regatta that was held on Saturday, 22 October. I was very pleased to participate in this year's events as part of the Curves Corsairs team. We all had a lot of fun on the day and at the practices in the lead-up to

the event. The team was put together by Anita O'Meara, who is the owner and manager of Curves Jamison and Gungahlin. Along with Anita I would like to acknowledge the other members of the team, including Suzanne Nucifora, Jessica Watson, Judith Barker, Keith Alexander, Sandra Hargraves, Peta Power, Tracy Feeney, Karen Etheredge, Yvette Walker, Colleen Bretag, Annette Bretell, Wendy Adams, Mariana Vicol, Raffy Borg, Justine Reynolds, Laura Owen, Boerge Alexander and David O'Meara.

Whilst our times were not quite as competitive as some of the other boats, we all had a fun day, and I am sure we had the best catered tent for our post-race recovery. The event was a great way to boost awareness of breast cancer, to try out dragon boat racing and to enjoy the social aspects of being part of the team.

I would like to acknowledge the 42 teams who participated: Amaroo Puddlers; Angry Dragons; Breast Strokes; BunyiPAs; Burgmann; Burly Gryphons; Can't Row, Can't Swim; Cox; Crossfit Base; Curves Corsairs; Curves Wanniassa; DAFF Dragons; DEEWR Dragons; Defence Dambusters; DOFD (Finance); Double DHA; EuroStars; Flaming Briefs; GM's Galley Slaves; Grammar; Gwen's Gondola; Hotel Realm, who won the A final; i.Paddle; Kez's Krew; Kiwiroos; KPMG Britannia; Lab Rats; Love Boat; Lymphomaniacs; MTS Dragon Slayers; Nutrimetics; Pioneer Princesses; QE3; Royal Super Soakers; Splash Dash & Race; Sustainable Dragons; Team UCAN; USAwesome; Westpac; Windlab and Zoo.

The event of course was a fundraising activity, with the majority of funds raised going to Dragons Abreast Australia, which, in turn, raises awareness of breast cancer and funds for breast cancer groups. Local beneficiaries are the Otis Foundation, which provides a lodge at Thredbo for R&R for those undergoing treatment; the ACT Palliative Care Society for the training of volunteers; Breast Cancer Network Australia, who provide advocacy; ACT Eden Monaro Cancer Support Group, who help with the practical issues of living with breast cancer; and Dragons Abreast ACT's general running costs. The total raised from this year's event has not been determined as yet but I do know that organisers were hoping to raise $40,000 from the event.

Thanks must go to those who made the event possible, including the chief organiser Boerge Alexander, Marion Blake, Megan Dennis, Di Wright, Patsy Sheales, Debbie Whitfield, Elspeth Humphries, Carol Summerhayes, Colleen White, Anne Baynes, Judy Cluse, Cindy Young, Anna Wellings Booth and Susan Pitt. Thanks also to the many others who assisted on the day, including Gillian Styles; Leslie Ralph; Les Williams; Bill Book; Mavis Fowler; Margaret Ritchie; Cathy Powell; Alex Skorich; the Dragon Boat Association and all the teams; the Rotary Club of North Canberra, Gungahlin and Hall; Suncorp for providing the barbecue; Canberra Yacht Club; ACT Rowing Association; Nutrimetics; Om Shanti College and St John's Ambulance. I commend all those involved with the event and I look forward to the 2012 event.

This evening I would like to acknowledge Motorcycle Awareness Week, which was launched in Garema Place on Saturday, 22 October. Motorcycle Awareness Week is full of events aimed at raising awareness for riders and they have included the Old Parliament House ride for remembrance and of course the launch of the week in

Garema Place on Saturday, which coincided with the launch of Joe Rider, an initiative that will encourage road users to look out for riders wearing specially designed Joe Rider vests.

The pink ribbon ride was held today and was organised by Girls on the Move. The gear study talk is being held at the Hellenic Club tonight, featuring Liz De Rome, a leading expert in motorcycle safety gear. On Friday there will be a ride to work Friday, followed by breakfast at the east lawn area of King Edward Terrace, and Saturday will see the annual Vietnam vets poker run.

The event will culminate in BikeFest 2011 to be held at EPIC on Sunday, 30 October, where there will be dealer displays, club displays, gymkhana events and the show and shine. I encourage everyone here to attend as many events as they can.

I would like to acknowledge the executive members of the Motorcycle Riders Association of the ACT: president, Jennifer Woods; senior vice president, Dave Ault; vice president, Kathleen Parsons; secretary, Nicky Hussey; and treasurer, Sylvia Sinfield.

As the name suggests, the aim of the week is to raise awareness of motorcycles on our roads and highlight the issues that face riders. I would also like to acknowledge the many member organisations of the MRA.

Recently I enjoyed going for a ride around Canberra with Jen Woods and Peter Major to gain an understanding of some of the issues facing the 36,000 licensed riders in the ACT. The Canberra Liberals support motorcycle riding in the territory and we are keen to work with riders and the association to do all we can to make riding a bike safer and more enjoyable.

I encourage members to visit mraact.org.au to learn about the association and the events happening this week.

Junior Diabetes Research Foundation

MR HANSON (Molonglo) (5.47): I rise tonight to talk about the Junior Diabetes Research Foundation walk for a cure, which occurred at Lake Burley Griffin on Sunday morning. This is an event that takes place across Australia, and it was a particularly good event that was conducted here in Canberra. The event is to support the Junior Diabetes Research Foundation to raise funds, and it was good to see the many hundreds of Canberrans who turned out to support the event by walking around the lake. I would particularly like to note the attendance of Ross Solly, the 666 radio presenter, who was doing the emceeing for the day. It was very good to see him there contributing his time, and I note he did the walk as well. I also note the attendance of Senator Gary Humphries, who opened the event and got the walkers off.

There are many people who contribute to the JDRF across Canberra. We had an event at the Brassey Hotel in August where the president hosted a number of MLAs. Mr Seselja was there, as he was at the walk on Sunday with his family. I would particularly like thank Mark Sprout and Mark Gibson-Huck from the Brassey Hotel for their support of JDRF.

There are many people across Canberra who are affected by juvenile diabetes, type 1 diabetes. It is a lesser known disease than type 2 diabetes, and it is different in that it is not brought on by lifestyle factors; it is brought on essentially just by bad luck more than anything else. It is not something that can be cured at this stage. It is imperative that we raise as much money as we can to help create awareness of this insidious disease and also to find a cure.

It is a particularly nasty disease because it often affects young children. Certainly at the lunch at the Brassey we heard a number of stories from people who are affected by type 1 diabetes and from partners who live with people with type 1 diabetes. It really brought home just what a difficult disease it is to live with—that is, the management of it and the insulin requirements. It is hard for parents of young children who have diabetes, and it is a difficult disease to live with for people who have to continually inject themselves with insulin.

Someone who I have met regularly—and I met her again on Sunday—is Vashti Biffanti and we have had a number of discussions about living with type 1 diabetes. She has type 1 diabetes and is just one of the many Canberrans who are suffering from this disease, people who are out there getting on with their lives and working hard to raise funds to find a cure.

So to Stan Platis and all of those in the JDRF here in the ACT, to all those that got out there on Sunday and walked around the lake to raise money for such an important cure—including my wife and young son, who had to be carried only a short part of the distance, thank goodness—well done to you all. Keep up the good work.

Question resolved in the affirmative.

The Assembly adjourned at 5.51 pm.

Schedules of amendments

Schedule 1

Education and Care Services National Law (ACT) Bill 2011

Amendment moved by Ms Hunter

1

Clause 6

Page 4, line 2—

omit clause 6, substitute

6 Adoption of Education and Care Services National Law

(1) Subject to this section, the Education and Care Services National Law, as in force from time to time, set out in the schedule to the Victorian Act—

(a) applies as a territory law; and

(b) as so applying may be referred to as the Education and Care Services National Law (ACT); and

(c) so applies as if it were part of this Act.

(2) A law that amends the Education and Care Services National Law set out in the schedule to the Victorian Act and is passed by the Victorian Parliament after this Act's notification day must be presented to the Legislative Assembly not later than 6 sitting days after the day it is passed.

(3) The amending law may be disallowed by the Legislative Assembly in the same way, and within the same period, that a disallowable instrument may be disallowed.

Note See the Legislation Act, s 65 (Disallowance by resolution of Assembly).

(4) If the amending law is not presented to the Legislative Assembly in accordance with subsection (2), or is disallowed under subsection (3), the Education and Care Services National Law applying under subsection (1) is taken—

(a) not to include the amendments made by the amending law; and

(b) to include any provision repealed or amended by the amending law as if the amending law had not been made.

(5) Section 303 (4) (Parliamentary scrutiny of national regulations) of the Education and Care Services National Law set out in the schedule to the Victorian Act does not apply as a territory law.

Schedule 2

Education and Care Services National Law (ACT) Bill 2011

Amendments moved by the Minister for Community Services

1
Clause 13
Page 6, line 13—

omit clause 13, substitute

13 Former education and care services law

For the definition of ***former education and care services law*** *in the Education and Care Services National Law (ACT)*, section 5—

(a) the *Children and Young People Act 2008*, chapter 20, is a former education and care services law; and

(b) the *Education Act 2004* is a former education and care services law.

2
Clause 20
Proposed new definitions of *childcare services standards and government preschool*
Page 9, line 3—

insert

childcare services standards—see the *Children and Young People Act 2008*, section 887 (2) (e).

government preschool means a government preschool established under the *Education Act 2004*, section 20.

3
Clause 21 (2)
Page 9, line 11—

omit clause 21 (2), substitute

(2) For the definition of ***declared approved provider*** in the *Education and Care Services National Law (ACT)*, section 305—

(a) a person who was a licensed proprietor of a licensed childcare service is a declared approved provider; and

(b) the director-general responsible for the administration of the *Education Act 2004* is a declared approved provider.

4
Clause 21 (3)
Page 9, line 15—

omit clause 21 (3), substitute

(3) For the definition of ***declared approved service*** in the *Education and Care Services National Law (ACT)*, section 305—

(a) a service that was a licensed childcare service is a declared approved service; and

(b) a government preschool is a declared approved service.

5
Clause 21 (4)
Page 9, line 18—

omit clause 21 (4), substitute

(4) For the definition of ***declared certified supervisor*** in the *Education and Care Services National Law (ACT)*, section 305, a person is a declared certified supervisor if—

(a) the person held any of the following positions mentioned in the childcare services standards:

(i) qualified service director, designated qualified team leader or qualified primary contact staff member of a licensed childcare service providing centre based care;

(ii) qualified service director or qualified service coordinator of a licensed childcare service providing school aged care;

(iii) qualified staff member of the coordination unit for a licensed childcare service providing family day care;

(iv) qualified senior teacher or qualified teacher of a licensed childcare service operating an independent preschool; and

(b) the person held, or had completed the requirements for, the qualification required under the childcare services standards for the position.

6
Clause 21 (6) and (7)
Page 10, line 5—

omit clause 21 (6) and (7), substitute

(6) For the definition of ***former approval*** in the *Education and Care Services National Law (ACT)*, section 305—

(a) a childcare service licence issued under the *Children and Young People Act 2008*, chapter 20, is a former approval; and

(b) the establishment of a government preschool under the *Education Act 2004*, section 20, is a former approval.

Schedule 3

Education and Care Services National Law (ACT) Bill 2011

Amendment moved by Mrs Dunne

1
Proposed new section 21A
Page 10, line 16—

insert

21A Educator to child ratio—children aged 24 months or under at certain centre-based services

(1) This section applies to a centre-based service that provides education and care for 10 or fewer children from birth to 24 months of age.

(2) Despite anything to the contrary in the national regulations, until 1 January 2013 the minimum number of educators required to educate and care for children from birth to 24 months of age is 1 educator to 5 children.

(3) In this section:

national regulations means a regulation made under the Education and Care Services National Law (ACT), section 301.

Schedule 4

Working with Vulnerable People (Background Checking) Bill 2010

Amendments moved by the Minister for Community Services

1
Proposed new clause 2A
Page 2, line 17—

insert

2A When does Act apply to a regulated activity?

(1) This Act applies to a regulated activity mentioned in an item in table 2A, column 2 on and after the date mentioned in column 3 in relation to the item.

Table 2A Application of Act to regulated activities

column 1 item	column 2 regulated activity	column 3 date of application
1	activities or services for children (see sch 1, pt 1.1)	1 year after the day part 2 commences
2	homeless people (see sch 1, s 1.9) victims of crime (see sch 1, s 1.13) community services (see sch 1, s 1.15) disability services (see sch 1, s 1.16) respite care services (see sch 1, s 1.17) religious organisations (see sch 1, s 1.22)	2 years after the day part 2 commences
3	coaching and tuition (see sch 1, s 1.20) vocational and educational training (see sch 1, s 1.21) clubs, associations and movements (see sch 1, s 1.23)	3 years after the day part 2 commences
4	migrants, refugees and asylum seekers (see sch 1, s 1.8) housing and accommodation (see sch 1, s 1.10) prevention of crime (see sch 1, s 1.12) emergency services personnel (see sch 1, s 1.18)	4 years after the day part 2 commences
5	mental health (see sch 1, s 1.7) transport (see sch 1, s 1.19)	5 years after the day part 2 commences
6	justice facilities (see sch 1, s 1.11) services for addictions (see sch 1, s 1.14)	6 years after the day part 2 commences

(2) This section expires 6 years after the day part 2 commences.

2
Clause 11 (2) (g)
Page 9, line 18—

omit clause 11 (2) (g), substitute

(g) engaged in the activity as a school student on a work experience placement or doing practical training; or

3
Proposed new clause 11 (2) (ga)
Page 9, line 19—

insert

(ga) an employer or supervisor of a vulnerable person, unless the vulnerable person is engaged in a regulated activity; or

Examples

1 A person supervising a school student on a work experience placement at a childcare centre is required to be registered.

2 A person supervising a school student on a work experience placement at an accounting firm is not required to be registered.

4
Clause 11 (2) (h) (i)
Page 9, line 21—

omit clause 11 (2) (h) (i), substitute

(i) a police officer, including a police officer (however described) of another jurisdiction; or

(ia) an AFP appointee within the meaning of the *Australian Federal Police Act 1979* (Cwlth); or

5
Clause 11 (2) (i)
Page 10, line 1—

substitute

(i) engaged in the activity for a Commonwealth or Territory government agency and the only contact the person has with a vulnerable person is providing a service to the vulnerable person at a public counter or shopfront, or by telephone; or

Example

an administrative worker employed by Centrelink or Medicare

6
Proposed new clause 11 (2) (ia) and (ib)
Page 10, line 8—

insert

(ia) engaged in the activity and the only contact the person has with a vulnerable person is providing information to, or receiving information from, the vulnerable person by telephone; or

Example

an employee or volunteer working on a helpline or at a call centre

(ib) engaged in the activity and the only contact the person has with a vulnerable person is working with a record of the vulnerable person; or

7
Clause 11 (4), proposed new definition of *school*
Page 11, line 14—

insert

school means a high school or secondary college.

8
Clause 12 (1), penalty
Page 11, line 22—

omit

, imprisonment for 6 months or both

9
Clause 12 (5) (b)
Page 12, line 17—

after

section 14

insert

or section 14A

10
Clause 12 (5) (b), note 1
Page 12, line 20—

after

s 14

insert

and s 14A

11
Clause 13 (1), penalty
Page 13, line 14—

omit

, imprisonment for 6 months or both

12
Clause 13 (5)
Page 14, line 5—

after

section 14

insert

or section 14A

13
Clause 13 (5) (b), note 1
Page 14, line 8—

after

s 14

insert

and s 14A

14
Clause 14 heading
Page 14, line 11—

omit clause 14 heading, substitute

14 When unregistered person may be engaged in regulated activity—supervised employment

15
Clause 14 (2)
Page 14, line 20—

omit

, and only if

16
Proposed new clause 14A
Page 15, line 18—

insert

14A When unregistered person may be engaged in regulated activity—kinship carer

This section applies to an unregistered person if—

(a) the person is engaged in a regulated activity under the *Children and Young People Act 2008*, part 15.4 (Out of home carers) as a kinship carer; and

(b) the person is required to be registered to engage in the activity.

(2) The person may engage in the regulated activity if—

(a) the person has applied for registration under section 15; and

(b) the commissioner has not given the person a negative notice under section 35; and

(c) the person has not withdrawn the application; and

(d) the person is eligible.

(3) In this section:

eligible—see section 14 (4).

kinship carer—see the *Children and Young People Act 2008*, section 509.

17
Clause 16 (2) (a) (iii), note
Page 17, line 27—

after

if a person's registration is suspended or cancelled (see s 53 (2) (b))

insert

or surrendered (see s 53A (4))

18
Clause 16 (2) (b)
Page 18, line 1—

omit

statutory declaration

substitute

written statement

19
Clause 19 (1) (d)
Page 20, line 2—

omit

14 days

substitute

10 working days

20
Clause 19 (1), penalty
Page 20, line 3—

omit

, imprisonment for 6 months or both

21
Clause 19 (2) (d)
Page 20, line 13—

omit

14 days

substitute

10 working days

22
Clause 19 (2), penalty
Page 20, line 15—

omit

, imprisonment for 6 months or both

23
Proposed new clause 31A
Page 29, line 13—

insert

31A Independent advisors—appointment

(1) The commissioner must appoint 7 or more people as independent advisors the commissioner may ask for advice about—

(a) whether to give a person a role-based registration; or

(b) any other aspect of a risk assessment for a person.

Note 1 ***Role-based registration***—see s 37 (2).

Note 2 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

(2) The people appointed—

(a) must include the following:

(i) at least 1 Aboriginal or Torres Strait Islander person;

(ii) at least 1 person with experience or expertise in relation to refugees and migrants;

(iii) at least 1 person who is a psychologist with experience or expertise in forensic or clinical psychology;

(iv) at least 1 person with experience or expertise in relation to children and young people;

(v) at least 1 person with experience or expertise in relation to people with a disability;

(vi) at least 1 person with experience or expertise in relation to people with mental illness;

(vii) at least 1 person with experience or expertise in relation to people with drug or alcohol dependency; and

(b) may include 1 or more people with experience or expertise in any other field the commissioner considers relevant to a matter mentioned in subsection (1) (a) or (b).

(3) An appointment as an independent advisor must be for not longer than 3 years.

(4) An appointment is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

(5) The conditions of an independent advisor's appointment are the conditions agreed between the commissioner and the person, subject to any determination under the *Remuneration Tribunal Act 1995*.

31B Independent advisors—advice

(1) This section applies if the commissioner wishes to ask an independent advisor for advice about a matter mentioned in section 31A (1) (a) or (b).

(2) The commissioner must ask a least 3 independent advisors for the advice.

(3) The request for advice must be made, and the advice must be given, in accordance with the risk assessment guidelines.

31C Independent advisors—ending appointment

The commissioner may end a person's appointment as an independent advisor—

(a) if the person does not provide advice within a reasonable time when asked by the commissioner; or

(b) for misbehaviour; or

(c) for physical and mental incapacity, if the incapacity substantially affects the exercise of the person's ability to give advice to the commissioner; or

(d) if the commissioner becomes aware that the person has at any time been convicted in Australia of an offence punishable by imprisonment for 1 year or longer; or

(e) if the commissioner becomes aware that the person has at any time been convicted outside Australia of an offence that, if it had been committed in the ACT, would be punishable by imprisonment for 1 year or longer.

Note A person's appointment also ends if the person resigns (see Legislation Act, s 210).

24
Clause 32 (3) (b)
Page 29, line 26—

omit clause 32 (3) (b), substitute

(b) that, if the person would like the commissioner to reconsider the decision, the person may take the steps mentioned in section 33 (1); and

25
Clause 32 (3) (c)
Page 30, line 2—

omit

section 33 (2)

substitute

section 33 (1)

26
Clause 33
Page 30, line 7—

omit clause 33, substitute

33 Reconsideration of negative risk assessments

(1) If the commissioner gives a person a proposed negative notice, the person may—

(a) within 10 working days after the commissioner gives the person the proposed negative notice, tell the commissioner in writing that the person intends to ask the commissioner to reconsider the decision; and

(b) within 20 working days after the commissioner gives the person the notice, ask the commissioner in writing to reconsider the decision.

Note If a form is approved under s 62 for this provision, the form must be used.

(2) If the person asks the commissioner to reconsider the decision, the commissioner must, as soon as practicable, conduct a risk assessment (a ***revised risk assessment***) for the person.

Note A revised risk assessment may result in registration (see s 36), which may be conditional (see s 37), or a negative notice (see s 35).

(3) The person may give the commissioner, and the commissioner must consider in conducting the revised risk assessment, any new or corrected information the person believes is relevant.

27
Clause 34 (1)
Page 31, line 10—

omit

section 33 (2) (a) or (b)

substitute

section 33 (1) (a) or (b)

28
Clause 34 (2), example 2
Page 31, line 19—

omit

1 month

substitute

20 working days

29
Clause 35 (1) (b) (i)
Page 32, line 17—

omit

reconsider the application under section 33 (2) (a)

substitute

reconsider the decision under section 33 (1) (a)

30
Clause 35 (1) (b) (ii) (A)
Page 32, line 21—

omit

reconsider the application under section 33 (2) (a)

substitute

reconsider the decision under section 33 (1) (a)

31
Clause 35 (1) (b) (ii) (B)
Page 32, line 23—

omit clause 35 (1) (b) (ii) (B), substitute

(B) does not ask the commissioner to reconsider the decision under section 33 (1) (b).

32
Clause 37 (2)
Page 35, line 7—

omit

(a ***position-based registration***)

substitute

(***a role-based registration***)

33
Clause 37 (2), example heading
Page 35, line 10—

omit example heading, substitute

Example—role-based registration

34
Proposed new clause 37 (2A)
Page 35, line 12—

insert

(2A) Before giving a person a role-based registration, the commissioner may—

(a) consult, in accordance with the risk assessment guidelines, with 3 or more independent advisors; and

(b) consider any relevant advice given.

35
Clause 37 (3)
Page 35, line 15—

omit

position-based registration

substitute

role-based registration

36
Clause 38 (2) (b)
Page 35, line 23—

omit clause 38 (2) (b), substitute

(b) that, if the person would like the commissioner to reconsider the decision, the person may take the steps mentioned in section 39 (1); and

37
Clause 38 (2) (c)
Page 35, line 28—

omit

section 39 (2)

substitute

section 39 (1)

38
Clause 39
Page 36, line 6—

omit clause 39, substitute

39 Reconsideration of proposed conditional registration

(1) If the commissioner gives a person a proposed conditional registration notice, the person may—

(a) within 10 working days after the commissioner gives the person the proposed conditional registration notice, tell the commissioner in writing that the person intends to ask the commissioner to reconsider the decision; and

(b) within 20 working days after the commissioner gives the person the notice, ask the commissioner in writing to reconsider the decision.

Note If a form is approved under s 62 for this provision, the form must be used.

(2) If the person asks the commissioner to reconsider the decision, the commissioner must, as soon as practicable—

(a) if the commissioner is satisfied that the condition is unnecessary—register the person unconditionally; or

(b) if the commissioner is satisfied that the condition is necessary—register the person subject to the condition.

Note The commissioner's decision to register a person subject to a condition is reviewable (see s 54).

(3) The person may give the commissioner, and the commissioner must consider in reconsidering the decision, any new or corrected information the person believes is relevant.

39
Clause 40 (1)
Page 37, line 11—

omit

section 39 (2) (a) or (b)

substitute

section 39 (1) (a) or (b)

40
Clause 40 (2), example 2
Page 37, line 20—

omit

1 month

substitute

20 working days

41
Clause 41 (1) (a)
Page 38, line 12—

omit

reconsider the application under section 39 (2) (a)

substitute

reconsider the decision under section 39 (1) (a)

42
Clause 41 (1) (b) (i)
Page 38, line 16—

omit

reconsider the application under section 39 (2) (a)

substitute

reconsider the decision under section 39 (1) (a)

43
Clause 41 (1) (b) (ii) and note
Page 38, line 18—

omit clause 41 (1) (b) (ii) and note, substitute

(ii) does not ask the commissioner to reconsider the decision under section 39 (1) (b).

Note The commissioner must also register a person subject to a condition if the commissioner has reconsidered the decision and is satisfied that the condition is necessary (see s 39 (2) (b)).

44
Proposed new clause 41A
Page 39, line 3—

insert

41A Conditional registration—amendment

(1) A person with conditional registration may apply to the commissioner to amend the person's registration (including by removing or amending a condition of the registration).

Note If a form is approved under s 62 for this provision, the form must be used.

(2) The commissioner may, in writing, require the applicant to give the commissioner the additional information in writing or documents the commissioner reasonably needs to decide the application.

(3) If the applicant does not comply with a requirement under subsection (2), the commissioner may refuse to consider the application further.

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

(4) On application by a person to amend a conditional registration, the commissioner must—

(a) amend the registration; or

(b) refuse to amend the registration.

(5) The commissioner must—

(a) tell the applicant in writing of a decision under subsection (4) and—

(i) if the commissioner amends the registration—state the details of the amendment; and

(ii) if the commissioner refuses to amend the registration—the reasons for the decision; and

Note The commissioner must also give the applicant a reviewable decision notice in relation to a decision to refuse to amend the applicant's registration (see s 55).

(b) if the commissioner amends the registration—tell the named employer (if any) in writing—

(i) that the applicant's registration has been amended; and

(ii) the details of the amendment.

45
Clause 42 (1), penalty
Page 39, line 9—

omit

, imprisonment for 6 months or both

46
Clause 46 (1) (a)
Page 41, line 19—

omit clause 46 (1) (a), substitute

(a) the person's registration is—

(i) suspended or cancelled under section 53; or

(ii) surrendered under section 53A; and

47
Clause 46 (1) (b)
Page 41, line 22—

omit

14 days

substitute

10 working days

48
Clause 46 (1), penalty
Page 41, line 24—

omit

, imprisonment for 6 months or both

49
Clause 48 (3) (b)
Page 44, line 1—

omit clause 48 (3) (b), substitute

(b) add a condition to, or amend a condition of, the person's registration.

50
New clause 48 (3) (c)
Page 44, line 1—

insert

(c) remove a condition from the person's registration.

51
Clause 49 (1) (c)
Page 44, line 16—

omit

14 days

substitute

10 working days

52
Clause 49 (1), penalty
Page 44, line 17—

omit

, imprisonment for 6 months or both

53
Clause 49 (2) (c)
Page 44, line 23—

omit

14 days

substitute

10 working days

54
Clause 49 (2), penalty
Page 44, line 25—

omit

, imprisonment for 6 months or both

55
Clause 50 (1) (c)
Page 45, line 6—

omit

14 days

substitute

10 working days

56
Clause 51 (2), note
Page 45, line 24—

omit

may

substitute

must

57
Clause 52 (2) (b)
Page 46, line 13—

omit

14 days

substitute

10 working days

58
Clause 53 (4) (b)
Page 47, line 18—

before

the later date

insert

on

59
Proposed new division 6.5
Page 47, line 25—

insert

Division 6.5 Surrendering registration

53A Surrendering registration

(1) A registered person may surrender the person's registration by giving written notice of the surrender (a ***surrender notice***) to the commissioner.

Note If a form is approved under s 62 for this provision, the form must be used.

(2) The surrender notice must be accompanied by—

(a) the person's registration card; or

(b) if the card has been lost, stolen or destroyed—a statutory declaration signed by the person stating that the card has been lost, stolen or destroyed.

Note The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

(3) The surrender of the registration takes effect—

(a) on the day the surrender notice is given to the commissioner; or

(b) if a later date is stated in the surrender notice—on the later date.

(4) The commissioner must tell the person's employer (if any) in writing that the person's registration has been surrendered.

60
Clause 57 (3), definition of *official*, proposed new paragraph (aa)
Page 49, line 12—

insert

(aa) an independent advisor; or

61
Clause 58 (6), definition of *person to whom this section applies*, paragraph (a)
Page 51, line 12—

omit paragraph (a), substitute

(a) a person who is or has been—

(i) the commissioner; or

(ii) an independent advisor; or

62
Clause 63 (1)
Page 53, line 10—

omit

5th year

substitute

3rd year and 7th year

63
Clause 63 (2)
Page 53, line 16—

omit

6

substitute

8

64
Clause 65
Page 54, line 3—

omit clause 65, substitute

65 Fair Trading (Australian Consumer Law) Act 1992, dictionary, definition of *fair trading legislation*, new paragraph (g)

insert

(g) the *Working with Vulnerable People (Background Checking) Act* 2010.

65
Schedule 1, proposed new clause 1.1A
Page 56, line 7—

insert

1.1A Justice facilities for children

(1) An activity or service is a regulated activity if—

(a) any of the usual functions of the activity or service are carried out in relation to a child at a justice facility; or

(b) the activity is conducted, or the service is provided, in relation to a child because of a sentence, detention, probation, parole or other order, that could be made or imposed by a court.

(2) In this section:

justice facility means—

(a) a detention place; or

(b) a place outside a detention place if a detainee is, or has been, directed to work or take part in an activity at the place; or

(c) any other place a child may be held in custody.

66
Schedule 1, clause 1.11 (1) (a)
Page 61, line 10—

after

out

insert

in relation to an adult

67
Schedule 1, clause 1.11 (1) (b)
Page 61, line 11—

after

provided,

insert

in relation to an adult

68
Schedule 1, clause 1.11 (1) (b)
Page 61, line 13—

omit

the court

substitute

a court

69
Schedule 1, clause 1.14 (1), examples
Page 63, line 2—

omit the examples, substitute

Examples

1 an activity or service that provides health care, counselling, accommodation or financial support for people who are addicted to a substance or an activity

2 a needle and syringe exchange program

3 a methadone treatment and withdrawal program

4 a gambling addiction telephone help-line

70
Schedule 2, item 4, column 2
Page 69—

omit

39 (3) (b) (ii)

substitute

39 (2) (b)

71
Schedule 2, proposed new item 7A
Page 69

insert

7A	41A (4) (b)	refuse to amend person's conditional registration	person

72
Dictionary, note 2, proposed new dot point
Page 71, line 6—

insert

- working day

73
Dictionary, proposed new definition of *independent advisor*
Page 71, line 20—

insert

independent advisor means an independent advisor appointed under section 31A.

74
Dictionary, definition of *position-based registration*
Page 71, line 27—

omit

75
Dictionary, definition of *proposed interim negative notice*
Page 72, line 2—

omit

76
Dictionary, definition of *reviewable decision*
Page 72, line 9—

omit

part 4

substitute

part 7

77
Dictionary, definition of revised *risk assessment*
Page 72, line 11—

omit

section 33 (3)

substitute

section 33 (2)

78
Dictionary, proposed new definition of *role-based registration*
Page 72, line 13—

insert

role-based registration—see section 37 (2).

Schedule 5

Working with Vulnerable People (Background Checking) Bill 2010

Amendments moved by Ms Bresnan

1
Clause 11 (3)
Page 10, line 21—

omit

notifiable

substitute

disallowable

2
Clause 11 (3), note
Page 10, line 22—

omit the note, substitute

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

3
Clause 25 (3)
Page 24, line 19—

omit

notifiable

substitute

disallowable

4
Clause 25 (3), note
Page 24, line 20—

omit the note, substitute

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.
