



# Debates

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**Tuesday, 22 October 2013**

**MADAM SPEAKER** (Mrs Dunne) 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.

**Standing order 55**  
**Statement by Speaker**

**MADAM SPEAKER:** Members, I wish to make a statement concerning remarks made by Mr Barr during question time on Thursday, 19 September and the subsequent point of order taken by Ms Lawder. While answering a question from Mr Gentleman, Mr Barr stated—this was in relation to housing:

The key point that really gnaws away in their opposition to this scheme over six years is that it is working and it delivers an outcome for people they do not care about ... and a failure to support those who most need support to enter into the housing market. It is sad and pathetic that the Liberal Party, after all of these years, still cannot bring themselves to lend a hand to those who need assistance to enter into the housing market.

Ms Lawder took a point of order referring to standing order 55 about imputations of improper motive, indicating Mr Barr's comments that people in the Liberal Party did not care about disadvantaged people. At first I asked Mr Barr to withdraw. However, this request was based on advice from members on what they heard rather than what I heard, and this was a mistake on my part.

On reviewing the transcript I make the following comments, and I refer members to page 170 of the *Companion to the Standing Orders of the Legislative Assembly for the Australian Capital Territory*, which states:

The fact that Members are criticised in the Assembly does not necessarily mean that standing orders have been breached. For example, the Chair has declined to rule that words complained of were offensive or disorderly, stating that he was reluctant to get involved in nuances and emphases in what, on the facts available, appeared to be essentially a political matter.

Furthermore, the sixth edition of the *House of Representatives Practice* at page 516 also observes that offensive words must be offensive in the true meaning of those words and that when a person is in public life they risk being criticised in a political way.

Having considered the matter, I do not believe that the comments that were made were an imputation of improper motive on Ms Lawder's behalf. It is, however, open to members to use standing order 46 if they believe that they have been misrepresented.

I also draw members' attention to what is the proper method of responding to interventions by the chair during proceedings. When I indicated that I would be

asking Mr Barr to take certain action following the point of order, Mr Barr remained standing in place and, as Hansard records, stated, “You are seriously kidding, Madam Speaker.”

While I am always ready to have members seek clarification of my statements or make points of order, I believe that they should be made according to the forms of the house. It is not desirable or appropriate to make the sorts of statements that Mr Barr made and I would ask members to bear that in mind when they find themselves in a position of needing to take issue with a statement or a ruling.

## **Justice and Community Safety—Standing Committee Scrutiny report 12**

**MR DOSZPOT** (Molonglo): I present the following report:

Justice and Community Safety (Legislative Scrutiny Role)—Standing Committee—Scrutiny Report 12, dated 14 October 2013, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR DOSZPOT**: Scrutiny report 12 contains the committee’s comments on four bills, 25 pieces of subordinate legislation, five government responses and two executive members’ responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

### **Statement by chair**

**MR DOSZPOT** (Molonglo): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety on statutory appointments considered, as provided for under continuing resolution 5A.

I wish to inform the Assembly that in the period 1 January to 30 June 2013 the standing committee considered 11 statutory appointments. In connection with each of these appointments the committee responded by making no further recommendation.

In accordance with continuing resolution 5A, I hereby table a schedule detailing the appointments:

Justice and Community Safety—Standing Committee—Schedule of Statutory Appointments—8<sup>th</sup> Assembly—Period 1 January to 30 June 2013.

## **Marriage Equality Bill 2013**

Debate resumed from 19 September 2013, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR HANSON** (Molonglo—Leader of the Opposition) (10.04): Madam Speaker, we believe that this issue belongs in the commonwealth parliament. It is a federal issue, and there are a wide range of sound legal opinions that support that position.

The Attorney-General of the commonwealth of Australia has received advice that this bill is invalid by reason of inconsistency with the provisions of the commonwealth Marriage Act, and consequently this legislation will be challenged in the High Court.

The New South Wales parliament Standing Committee on Social Issues conducted an inquiry into same-sex marriage and tabled a report in July this year titled *Same-sex marriage law in New South Wales*. Let me quote from that report:

If a High Court challenge to a New South Wales same-sex marriage law was mounted, the most likely legal argument would be that the state-based same-sex marriage law conflicts with the Commonwealth Marriage Act. Section 109 of the Australian Constitution provides that where a state and Commonwealth law conflict, the Commonwealth law will prevail, and the state law shall, to the extent of the inconsistency, be invalid ...

The Committee finds in this Chapter that equal marriage rights for all Australians may best be achieved under Commonwealth legislation.

The dissenting comments of members of the committee went further. A Labor member, the Hon Greg Donnelly MLC, said in conclusion to his concerns about the constitutional validity of state-based same-sex marriage laws:

Such legislation, if it were to pass the New South Wales Parliament, would most certainly be challenged. I believe that the High Court of Australia would find such a legislative initiative invalid and inoperative.

That opinion is shared by legal opinion provided to the opposition from Lawyers for the Preservation of the Definition of Marriage. In their opinion:

The unique constitutional arrangements in Australia mean that, once the Federal Government has legislated comprehensively in relation to an institution like marriage (as it has), any legislation by a Territory government like the ACT, contrary to the federal legislation, is likely to be invalid, because it is contrary to the Commonwealth of Australia Constitution Act (Constitution Act)—

that is the constitution—

and a Territory's founding legislation, in the case of the ACT the Australian Capital Territory (Self Government) Act 1988.

The Attorney-General, Simon Corbell, has presented a view that the legislation will be upheld in any High Court challenge because, quoting from the *Australian* newspaper of 16 September, he "believes the ACT laws can withstand a High Court challenge because the commonwealth act defines marriage as between a man and a woman". However, quoting from the same article:

University of Sydney constitutional law expert Helen Irving says the stronger argument is that the commonwealth law is intended to cover all kinds of marriage.

“When you have an act called the Marriage Act and it defines marriage as a certain type of union, that’s what marriage legally means ...”

“It’s not an act that’s called the Heterosexual Marriage Act, which allows there to be the Same Sex Marriage Act and other types of marriage conceivably.”

Madam Speaker, there are other supporting opinions. Let me quote extracts from an ABC article titled “Will the ACT’s marriage equality bill survive a High Court challenge?”:

Associate Professor Dan Meagher of Deakin University told Fact Check that “given the amendments to the Marriage Act made by the Howard government in 2004, there is a decent argument that the Commonwealth legislation now covers the field of marriage including same-sex”. Similarly, Professor Patrick Parkinson of the University of Sydney said the Marriage Act “purports to cover marriage—completely and definitively” ...

Professor Parkinson told Fact Check that proposals in those states “purport to create a new and hybrid institution, hitherto unknown anywhere in the world called a ‘same-sex marriage’ with its own register, celebrants and characteristics”. He says that because the ACT bill would make “the institution of marriage” available to same-sex couples it is directly inconsistent with Commonwealth law. In Professor Parkinson’s view, “the ACT bill is by far the least likely of any of the current bills to survive constitutional challenge” ...

When ABC Fact Check last looked at state laws on same-sex marriage, it found the issue to be a lawyer’s picnic. A challenge to the ACT laws looks equally tasty for the legal community.

However, the ACT bill has some problems and its long-term prospects are doubtful.

Crispin Hull, a commentator not usually known for his conservative views, said this in his opinion piece in the *Canberra Times* of 20 September titled “We’re wedded to the courts”:

Ultimately, same-sex marriage will require a Commonwealth law, even if it’s a long time coming.

Patrick Parkinson, professor of law at the University of Sydney and president of the International Society of Family Law, outlined his concerns with this legislation in his Fairfax Media article on 21 September titled “Legal pitfalls of gay marriage”. I quote:

The momentum towards enactment of the Marriage Equality Bill in the ACT would appear to be unstoppable. It is a government bill, and with the supporting vote of the Greens’ member, it will pass. Nonetheless, when a bandwagon is hurtling towards a cliff, someone needs to say something to protect the passengers.

He concludes:

It follows that the ACT bill is really a defective and dangerous product. If people want to get married under this law, the ACT government at least has the moral responsibility to inform them that they may be giving up the rights they have under Commonwealth or state laws as de factos, and that may mean financial or other disadvantage. The question then comes whether the ACT government has a moral responsibility to compensate them, or to help fund their legal costs, if its legislation is the source of their woes. It is all very well wanting to be progressive; but grown-up governments also need to act responsibly.

And that, Madam Speaker, is the crux of the objection that the opposition has to this legislation. This is not a responsible thing for the Assembly to be doing.

Only yesterday, it became apparent in an article in the *Canberra Times* that even supporters of the legislation did not think it was constitutionally valid. Quoting from the article:

Pro-marriage equality MPs and constitutional law experts have warned the ACT government its same-sex marriage laws could be struck down in the High Court if the bill is not amended.

Interstate MPs, including the NSW independent MP Alex Greenwich, have called on the government to reword the bill, after presenting legal advice that it could be invalid because it does not create a separate status of marriage for same-sex marriage.

Yesterday, with four minutes to spare before the deadline for amendments to be submitted, at the 11th hour, I received amendments from Simon Corbell to patch up these holes in the legislation. But I remind members that this is the legislation that he has been consistently insisting was constitutionally valid without amendments. This backflip gives me no confidence that these rushed fix-ups would make this legislation consistent with federal legislation.

Today's front page *Canberra Times* article, "Rush to save gay marriage bill", reports that gay marriage advocates and constitutional law experts are still arguing that this legislation has problems. Let me quote:

The ACT government has scrambled to amend its same-sex marriage bill in a last-minute bid to safeguard the historic law from being struck down by the High Court.

But marriage equality advocates were warning the government on Monday night—

that is last night, Madam Speaker—

that the bill was likely to be deemed unconstitutional unless further amendments were made.

Madam Speaker, the director of Australian Marriage Equality is reported as saying:

According to the legal advice we have received, the current amendments don't go far enough to protect the ACT bill from being overturned by the High Court

...

This process is deeply flawed. The question must be asked why the government is seemingly making complex and difficult law on the run.

Furthermore, these amendments are in defiance of our standing orders, which require, in accordance with standing order 182A, that an amendment to be proposed by the government to its own bill must be considered and reported on by the scrutiny of bills committee before it can be moved. This has not occurred, because these amendments are being rushed through by the Attorney-General. The amendments are not urgent, and they are not minor or technical in nature. It is a leap of faith now to accept Simon Corbell's assurances that the amendments will make this bill lawful when he spent the last few weeks arguing against the need for any such amendments.

The Canberra Liberals have a different view about the role of the ACT Legislative Assembly from that of the Labor Party and the Greens. We do not see the ACT Assembly as a vehicle to drive national agendas on social issues, whereas the Labor Party and the Greens do. We are Australia's smallest parliament, in a small jurisdiction, and we do not think that a majority of one person in the ACT should change the definition of marriage for a country of over 23 million people. Many people that I speak to in the ACT, whether they support same-sex marriage, oppose same-sex marriage or have no strong opinion on same-sex marriage, tell me that they do not think that it is appropriate for this Assembly to be the body that defines what marriage is for all Australians. And I agree with them.

I note that an eminent group of faith leaders have joined together to sign a letter calling for this process to be examined further. Jewish, Muslim, Christian faiths and others have called on the government to refer this issue to a committee. Given the latest advice regarding this legislation, and the last-minute, rushed amendments, this may be a sensible course of action, and it would have our support.

It is clear, however, that this legislation will pass today, with the support of Labor and the Greens. When it does, Katy Gallagher and Simon Corbell will take ownership of the consequences.

The federal Attorney-General has very reasonably requested that same-sex marriages not occur in the ACT until the High Court case has been resolved. That is in everyone's interest. In Senator Brandis's own words:

It would be very distressing to individuals who may enter into a ceremony of marriage under the new ACT law, and to their families, to find that their marriages were invalid. It would be better for all concerned if the ACT government waited for a short time until the validity of the proposed law was determined by the High Court.

It is disappointing that Katy Gallagher has refused this reasonable request and has in effect already prejudged the High Court case. I hope that everybody who does enter into a same-sex marriage in the ACT under this legislation, should it be passed today, is made aware of the probable result.

I acknowledge and I respect the many different voices in this debate. I acknowledge and respect our gay and lesbian friends in the community. I acknowledge and respect the voices of our religious leaders in our community.

There are a diverse range of views regarding the issue of same-sex marriage within the opposition, just as there are in the broader community. Some are in favour and some are not. Some do not have a strong view either way. My colleague Nicole Lawder, for example, is clearly on the record as being in favour of same-sex marriage. In her maiden speech only a couple of months ago, Ms Lawder said:

I also believe in advancing the rights of Canberrans in the gay and lesbian community, a number of whom I am proud to count as my friends. However, I believe that marriage equality is a federal issue, and not something that should be progressed through the Legislative Assembly.

Ms Lawder's view that same-sex marriage is not something that should be progressed through the Assembly is a view shared by all of my colleagues and is the party's position on this issue.

Madam Speaker, this Assembly is not the correct place for this debate. It is a federal issue and the Canberra Liberals will not be supporting this bill.

## Visitors

**MADAM SPEAKER:** Before I call Mr Rattenbury, I would like to acknowledge the presence in the gallery of former member Ms Meredith Hunter and Senator Christine Milne. Welcome to the ACT Legislative Assembly.

## Marriage Equality Bill 2013

**MR RATTENBURY** (Molonglo) (10.19): I am delighted and proud, on behalf of the ACT Greens, to speak in support of the Marriage Equality Bill today. The passage of the Marriage Equality Bill is a landmark moment for this Assembly, for the ACT community and, indeed, for all the people across the nation who have been waiting so long for equal recognition and equal legal status for same-sex attracted Australians. This is the beginning of governments in Australia saying no to the historical institutionalised discrimination that relegated same-sex couples to a second-class status. Denying equal marriage rights to same-sex couples is an affront to human rights that says, "You are not allowed to express or formalise your love in the same way as other couples in our society."

From today, through the passage of this bill, the ACT puts an end to this form of discrimination. Same-sex couples will be able to marry in the ACT. It is the first time

this has been permitted in the territory and the first time it has been permitted in Australia. When you think about it, this is really a straightforward law expressing something that should be clear already. It simply says that love is love, and the public and formal commitment of love is something that cannot, and should not be, restrained.

Today the ACT, through the vote of this Assembly, says that we are a place that cares about people, cares about their human rights and cares about equality and fairness. To all the people over all the years who have waited for this day, congratulations. Congratulations to all the community champions who have never given up fighting for this cause, many of whom are here today to celebrate. Congratulations to all the couples who have wanted to formalise their love through marriage but have been denied that opportunity. Now you can undertake the ceremony and celebration of marriage in the same way as other citizens without a barrier that is unfair and discriminatory. And congratulations to all the other people of the ACT and Australia who support marriage equality, even though they are not personally impacted, but who believe in fairness and equality and want the laws of the country and the territory to embody these values. Today we all have cause for celebration.

Greens all over the country will be celebrating too. The Greens have a long and proud history of standing up for gay and lesbian Australians and advancing equality. It was 17 years ago that former Greens leader Bob Brown became the first openly gay member of the parliament of Australia. In 1997 the current Greens leader, Christine Milne, who is here today to celebrate with us, achieved reform in Tasmania to decriminalise homosexuality. That was only in 1997. Greens senators such as Kerry Nettle and Sarah Hanson-Young have introduced legislation in the federal parliament to try and achieve marriage equality. The Greens have led attempts at reform in state and territory parliaments across the country.

I know that all of the Greens MLAs from past ACT Assemblies were advocates for marriage equality and they are overjoyed that this reform is finally happening. The Marriage Equality Bill we are debating here today was included in the parliamentary agreement that the ACT Greens signed with the ACT Labor Party when we agreed to form government after the 2012 ACT election. Congratulations, and thank you to the members of the Labor Party for your work on and commitment to this issue.

Removing marriage discrimination is an issue that will have a deep and lasting effect on people's lives. It is an issue that many feel ambivalent about until they know someone who is affected—perhaps a friend, a relative, a mother, a son. And as we bear witness to the strong, loving same-sex relationships around us, it becomes untenable to consider that same-sex couples do not have the same rights.

I would like to take some time to reflect on what this legislation means through the stories of some other Canberrans who have contacted me recently and who have shared their views on why this legislation is important. Kim says:

My mum 'came out' in 1974. She has a son, a daughter and a beautiful granddaughter. It would make me so happy to know that she would finally have the same rights, as I have, to marry. I have waited nearly 40 years and it's about time.

Alicia says:

It means my brother can have the same happy day that I did and that he and his boyfriend will have the same marriage rights as my partner and I. It means the pre-schoolers I educate, who have two mums can play dress-ups, and re-enact their mummies' weddings like their peers do of their mum and dad ... which is a sign that children feel safe to express their home life in front of others and not be laughed at.

Cristy says:

My daughter, Lily, has always wanted to attend the wedding of her grandmothers. She has never understood why they have not been allowed to marry, because, with the clear eyes of a child, she can see no difference between their loving, stable relationship and that of heterosexual couples. I hope this Bill passes so that Lily can get her wish, and so that my mother can marry her life partner and we can all take part in a cultural significant ceremony that recognises that her partner is part of our family.

Geoffrey says:

My husband and I have both been married before and have 6 children and 4 grandchildren between us. We believe in long-term committed loving relationships. Marriage is a symbol of that love and commitment, something we don't take lightly. That our marriage is not recognised in Australia is very hurtful to us.

Kate:

I personally am not LGBTI but my older brother is, and is in a very happy, loving, caring, supportive and amazing relationship. Haven't seen him happier before. It is important to me, because everyone should be equal no matter what they look like, who they love, what they believe or where they are from.

Heather:

One of my best friends is gay and she has lost faith in what marriage means, because to her it is not an institution of love, but one of exclusion and social hierarchy. I want to restore the faith that all people can have in the institution of marriage—the public, legal and joyful proclamation of loyalty and love that it should truly be.

Sheriden:

Marriage equality is important to me: generally because all adults should be able to marry if they wish to; personally because we have 2 sons and currently one can marry and the other cannot—how can that be fair?

Jeanette:

My beautiful daughter is a lesbian and she is currently in a happy and rewarding long-term relationship. I want my daughter to have the same right as others in the community to choose, if she so desires, to commit through marriage to the one she loves.

And finally Mary:

I have enjoyed more than 50 years in a heterosexual marriage; it has given me joy, strength, comfort, intense happiness. None of this will, in any way, be threatened or altered if homosexual Canberrans are also permitted by law to publicly declare their love and share the pleasures marriage has given me.

That is just a sample of the comments that I have received, and in just that small sample we can see that this law makes a real difference to the lives of many of our citizens.

That said, I recognise that there are people who do not agree with the notion of marriage equality at all. I have received representations, for example, from some religious leaders in Canberra. To those people I would emphasise two things: firstly, while this legislation may challenge your personal values, it does not foist anything upon you; your lives are not changed or intruded upon. Secondly, I would invite you to look into your hearts, perhaps imagine yourselves in the shoes of those who want this change and who are living with the discrimination that they have had to live with.

We have also heard the argument that the ACT should not legislate for marriage equality because supposedly it is an issue solely for the federal government. I simply disagree with this. This is a reform for ACT citizens and there is no reason why we as members, elected by the people of Canberra, should not be addressing this matter.

It is unfortunate that some in this place may not actually debate the substance of the issue here today, as Mr Hanson has done, because they claim the ACT does not have jurisdiction. Frankly, it seems like an excuse to avoid addressing the issue at hand. But today is the day to put a view on this. In some regards, I have more respect for those who are open in saying that they oppose marriage equality than I do for those who seek to hide behind process or jurisdictional arguments.

This is a historic vote in the ACT Assembly, and history will remember this. Members should vote based on what they actually believe and not on the party line or a sense that somehow the Assembly is not up to this. Let members be honest with the community today and have the spine to actually put a view about whether or not they support marriage equality.

Members may recall that when Sarah Hanson-Young's marriage equality bill was debated in the Senate this year a Liberal senator, Senator Sue Boyce, crossed the floor to vote in favour of the bill. She voted with her heart and history will remember that she was on the side of fairness and equality.

Irrespective of the extent of the territory's jurisdiction on this issue, I would also suggest that, as elected decision makers for the people of the ACT, it is incumbent on

us to progress change when it is warranted. In a situation like this, where there is a discriminatory law, a law that is wrong, we should change it. In this instance, we are leading the nation by making this change. That too is a good thing. This is how change is made and the Assembly should be proud of its role in it.

The ACT is already much better placed to legislate than it was two years ago. In the past, the federal government held a veto power over the ACT's laws. The federal minister could unilaterally overturn a law made in this Assembly. Now, thanks to legislation from Bob Brown, this power is gone. The federal government would now require support of both houses of their parliament to invalidate ACT laws. On passing his bill in the Senate, Senator Brown said these new laws enhance democracy and the support for the bill reflected the new politics in Australia where people vote for greater diversity and support better representation for all Australians. I think that sums it up well.

With regard to the prospect of a High Court challenge, the federal government have indicated they will challenge the ACT law in the High Court. This is not surprising. The Abbott government do not support marriage equality. The motives of the Abbott government are unfortunate. They are intervening where intervention is not necessary. They would do better to let well alone and allow the ACT to implement legislation that is supported by the majority of Australians. But the Abbott government are demonstrating nothing if not that they are out of touch with the values of most Australians on this issue. They are out of touch with the expectations of modern Australia.

The High Court ruling will not be made on a point of ideology, however. It will be a ruling of law decided on narrow matters of statutory interpretation. It is not a ruling of what is right or just. And so, if the High Court upholds the Abbott government's challenge to this bill—while I do not think it will, it is a possibility as we are operating in an area of constitutional law that is quite vexed—then the ACT will review the legal reasoning of the High Court and, if necessary, try again. As everyone who has travelled today to watch this debate knows, enshrining marriage equality into law is a fight that will go on, however many hurdles get in our way.

Here is what we know about what Australians think of marriage equality: two out of three Australians support marriage equality, 80 per cent of young people support marriage equality and a majority of Christians support marriage equality. There is overwhelming support amongst Greens voters for marriage equality. Four out of five Labor voters and a majority of conservative voters all support marriage equality.

Other states in Australia are moving marriage equality bills. Tasmania with its Labor-Green minority government and New South Wales with a Liberal government are poised to progress marriage equality bills. Same-sex marriage is now legal in a range of places across the world, including Argentina, Belgium, Britain, Canada, Denmark, France, Iceland, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden and Uruguay. Same-sex marriage is also allowed in nine US states, Washington DC, as well as parts of Brazil and Mexico. There is a tide of support for marriage equality and it is growing. It will not be stopped by an unfavourable court decision. If the federal government becomes the last remaining island of resistance, it too will eventually be eroded away.

One of the important impacts of marriage equality legislation is that it will help combat the wider problem of discrimination on the basis of sexuality. Every day LGBTI people in Australia face harassment and discrimination, and every day that governments deny marriage equality they institutionalise discrimination. The law quietly encourages this ill-treatment by saying, “These people are different; that is why they cannot be married.” It gives less value to people who are not heterosexual.

While I am proud to be supporting laws for same-sex marriage today, there is still much to change in Australia to help defeat discrimination and harassment. This will require ongoing education as well as specific law reform around the rights of lesbian, gay, bisexual, transsexual, intersex and queer people. I hope that this Assembly continues to play a positive role in legislative reform in this area.

I would like to wrap up my remarks by reflecting again on what the passing of this bill here in the ACT, the first Australian jurisdiction to legislate same-sex marriage, means to some ACT residents. I said to them, “Why is it important that your Assembly does this?” Again, I will quote some of our constituents. Lauren said:

This is a brilliant reflection of the ACT’s commitment to reflecting the wants and needs of its community. Typically viewed as a conservative, boring and old place, Canberra is at the face of progress by undertaking this initiative. I am so very proud to be a Canberran.

Heather:

I am thrilled to be living in the ACT as this happens. I can only hope that we will no longer be known as the home of the fats cats, but as the Rainbow Territory.

Mary said:

I feel ashamed that it has taken us so long to get to this place and delighted that the ACT has finally began this process to legislate for marriage equality.

Tessa:

I am very proud of the ACT being the first jurisdiction to legislate on marriage equality. I hope that the Australian Government respects the right of the people of the ACT to honour and recognise our own long-term loving relationships.

Lisa said:

Simply outstanding, well done Canberra. To be at the forefront of such an important issue shows how progressive members of our government are and how they understand equality for all is such an important issue.

Marie:

I’m extremely proud that my lovely city—so often the butt of jokes—will be the first to legislate on marriage equality. We are truly a progressive and tolerant city which cares for both its social and natural environment.

Jeanette's comments are perhaps a little more sombre but equally important. She said:

Many of our LGBTI youths are outcast by their families and friends when they come out and the suicide rate amongst LGBTI youth is higher than the norm. Marriage equality will be a lantern in the dark for these youth.

Molly simply said:

Proud, proud, proud!

Madam Speaker, today is a reminder of why it is such a privilege to be a member of this place. Every day as a member of the Assembly is a privilege with the opportunity to make a positive contribution for Canberra and its citizens. But today is a particular privilege, recognising the long and difficult campaign to get to this point and being given a chance to stand in support of this important reform.

On behalf of the Greens, I am proud to stand in support of this legislation. I am proud to stand for equality, I am proud to stand for decency and I am proud to stand for respect. But perhaps most simply, I am proud to stand in support of the notion that two people who love each other should be able to get married. Ladies and gentlemen, enjoy getting married!

**MADAM SPEAKER:** I understand that this is an important and significant day, but I would like to remind visitors that to occupy the seats in the gallery the standing orders and the practice of this place require no interjection and essentially no participation. I understand that this is an emotional time, but could I ask members to abide by the forms of the house.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (10.37): The bill we are debating today is about equality. It is about ending discrimination that currently exists for some members of our community. It is an important day in the history of the Legislative Assembly and that of the ACT. It is a proud day for the government and, I know, for many across our community. I welcome everyone here today in the public gallery and watching outside on television. Thank you for coming here to show your support for this bill. It is so nice to have you here and to see the chamber full.

Today you are the face of thousands of people who believe in this reform. You are not all in same-sex relationships and you do not all want to get married. But you, like us, believe that arbitrary discrimination against any group or any minority is wrong and must be made right.

We on this side of the chamber are prepared to challenge outdated legal notions and meet our responsibility to the people we represent to make sure that each and every one of you is treated with recognition, equality and fairness before the law. These are the principles which have brought us into government. They are the principles that the ACT community holds dear. They are the principles of ACT Labor and they are the principles of this bill.

The government has long held the belief that marriage equality is necessary if we are to end discrimination against same-sex couples and deliver equality under our law. We went to the 2012 election with a public commitment to continue to legislate for an end to discrimination on the grounds of gender or sexuality, and the passage of this bill delivers partly on that commitment, with much more work to be done.

There is no doubt that Australian society has come a long way in its understanding and acceptance of same-sex relationships. In fact, my own view is that the Australian people have moved much faster than our political institutions have been able to respond. The fact that fewer people in Australia today have to live in fear of ridicule, isolation or hate as a result of their sexuality is progress that we should indeed celebrate. But where institutional discrimination persists, governments have a responsibility to remove it, which is what the Marriage Equality Bill seeks to do here in the ACT.

The bill provides for a law to allow people of the same sex who cannot marry under the commonwealth Marriage Act to marry. Here in the ACT, for the first time in Australia, same-sex couples will have the opportunity to have their relationship recognised and registered as a marriage. They will have the opportunity to celebrate their commitment to each other with their family and friends in the same way heterosexual couples do.

The bill provides for eligibility, notice of intention, dissolution, annulment and other regulatory requirements, and we expect it will be operational before the end of this year. Couples from interstate will be more than welcome to come to the ACT and marry under these laws.

I would like to acknowledge the broad spectrum of opinion on the issue of marriage equality. I have received many letters from Canberrans and from people across Australia offering support, thanks and encouragement. I have also received letters expressing concern over the bill. I want to acknowledge all of these views today. The engagement shows our democracy working as it should. Your voices have been heard and I respect your views.

I do want to respond to some of the comments which have been made in opposition to the bill. Some members of the community have said they are concerned that this bill dilutes the value of marriage and opens it up to new, variant forms. This is not the case. It does not provide for polygamous marriage or variant forms of marriage. The bill clearly provides that a marriage is between two people—between two unmarried and consenting adults. And, as with any marriage, the value of a same-sex marriage will rest with the two people who have committed to it.

Some say this is an area of law that only the commonwealth has jurisdiction over. We disagree with that view. Some in the community suggest that we have rushed into this reform without properly consulting or flagging our plans. Our intention to legislate for marriage equality was a clear and public commitment made during the election a year ago.

Anyone who asks why this government are determined to legislate for marriage equality need only consider our record of social reform. In 2003 we amended the Adoption Act to remove barriers preventing same-sex couples from being considered as adoptive parents. In 2004 we passed the Parentage Act to make sure courts could make parentage orders solely in the best interests of the children, without discriminating in relation to a person's sexuality or relationship status. In 2006 and 2012 we passed the Civil Unions Act.

Some further argue that the views of 17 members in this place are somehow not representative of a community view. I disagree with that. In fact, I would argue that we are one of the most representative parliaments in the country.

Finally, I want to address the concerns of those who believe marriage equality is at odds with their religion. Some believe marriage is and can only be a religious sacrament. While I respect these views, I do not accept them as just cause to preserve such plain discrimination against some members of our community. And I do not believe this bill in any way challenges, diminishes or undermines the religion or faith of any individual.

As the Attorney-General and I have repeatedly said, there is no compulsion and no obligation in this bill. No minister of religion will be required to solemnise a same-sex marriage. In fact, no minister of religion will be allowed to under this law, unless they are authorised under the law. Nor will any church or place of worship be required to host these marriage ceremonies.

I accept that, for the religious beliefs of some, these arguments are not sufficient. Well, if we are to be judged by a higher being on this law then let it be so. We are not rewriting religious doctrine; we are simply legislating to improve outdated human-made laws and provide greater freedom, equality and choice for everyone. I acknowledge today the many people of faith, some here with us today, who support this important reform.

Turning to the impending High Court challenge, we have had our right to legislate in this area challenged before. Unfortunately, it looks like we will now have it challenged again, but we are not deterred. We understand this creates some uncertainty ahead, but that should not deter us, it does not rattle us and it does not change our path. I am very disappointed by the confirmation from the commonwealth that they will challenge the bill in the High Court. The commonwealth say they consider the bill to be inconsistent with the Marriage Act, an act they say was "clearly intended to cover the field".

Yesterday the government agreed to move amendments to the bill to make it absolutely clear that our laws can operate concurrently with the commonwealth Marriage Act and also to respond to views of stakeholders who have fought long and hard for marriage equality. We stand by our advice and our view that this can occur. We stand by our view that we are not acting above our station.

The ACT government will defend the law in the High Court. We will continue to encourage the commonwealth to correct its own marriage law. It would give me great

pleasure to repeal the ACT law on the grounds that it is no longer necessary. Unfortunately, it seems more likely that we will fight out a basic matter of principle through the legal complexity of a High Court case.

I have been asked by the federal Attorney-General not to commence this bill on the grounds that couples who marry under this law could be adversely affected because of the legal challenge. I have declined this and I do not accept the argument. I do not believe it is reasonable to pass a law in this place and then let it sit idle, un-commenced, until some unknown time in the future. While I am sorry that the commonwealth threat hangs over this law, the couples who marry will do so with their eyes open to the action that the commonwealth is taking.

People have fought for this right for long enough not to be put off by another legal challenge, and I do not expect it will detract from the joy of the first weddings to occur under the marriage equality act.

There is no longer any excuse, if there ever was, to discriminate against same-sex couples in our community. They are our children, our parents, our brothers, our sisters, our leaders, our business people, our mentors and our colleagues. But more than anything, they are our equals. The marriage equality act puts this fundamental principle and human right into law.

I would like to acknowledge a few people at this point. The dedication of the Deputy Chief Minister, Andrew Barr, to removing discrimination from the statute book exceeds well over a decade now. I refer also to the debates he has led on marriage equality within the ALP and nationally. Simon Corbell, the Attorney-General, remains unfazed as he progresses a long history of ending discrimination through our statute book in his role as Attorney-General. To Shane Rattenbury as well, for his cooperation and collaboration on this bill, I say thank you very much.

I acknowledge all the people who have participated in drafting and people within the ACT public service who have worked long and hard to see these laws come to the parliament today. I say to all of my Assembly colleagues on the Labor benches, to each and every one of you, that I am very proud to be the only leader of a Labor government in the country who leads a united team on this front.

No reasonable lawmaker ever sits down as they pass legislation and says, “These principles must stand for all time. Nothing must change the society or the environment in which this law is passed.” On the contrary, we do the best we can at the time we find ourselves in. We work with the knowledge and the comfort that our successors will adapt the laws of today to the society of tomorrow.

It is time for us to meet our responsibility and update the laws of the past for the society of today. I commend the bill to the Assembly.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (10.47): “Change does not roll in on the wheels of inevitability, but comes through continuous struggle. Every step toward the

goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals.” These words of Martin Luther King Junior serve as a reminder of the struggle for inclusion and acceptance, and inspire us in this 21st century civil rights movement—a movement represented in small part in the public gallery today.

The struggle of lesbian, gay, bisexual, transgender and intersex Australians for equality continues. But much has been achieved in the past decade—much of it delivered by Labor governments nationally and in the states and territories, all of it opposed by conservatives. Canberra, indeed Australia, is a much more inclusive society as a result of these reforms.

This government believes that all loving, committed relationships between two consenting adults should be legally recognised, should be treated equally and should be celebrated. These values underpin the legislation that we are debating today.

We understand that legislative change alone does not change a society. If I might borrow a phrase at this point:

A certificate on paper isn't gonna solve it all ... But it's a pretty damn good place to start.

So today we are making a clear statement about the sort of society that we want to live in. Like the equality bills that have come before, this reform contributes to the transformation of Canberra. It marks another important step in our journey to become the most LGBTI-friendly city in Australia. Whether it is the rainbow territory or the city of love, it is an important journey for us. And I have no doubt that this reform will transform many lives.

In my inaugural speech in this place way back in May 2006, I spoke about how good governments lead on important social issues. Over the past decade the passage of ACT Labor's numerous equality bills have made a huge difference in the lives of thousands of Canberrans who previously lived as second-class citizens in their own city.

These reforms have been important for families. The family is the basic unit of our society, but family can take many forms. And let me be clear: all of Labor's equality reforms are pro-family. They strengthen family and they strengthen relationships. What is anti-family is the arrogant declaration that family and marriage are closed, narrowly defined and exclusive institutions, and that they are on such shaky ground that enlarging the concept could see the whole thing fall apart. That is what diminishes these institutions. There is simply no evidence that allowing same-sex couples to marry weakens the institution of marriage. The experience everywhere in the world where these reforms have been adopted shows the exact opposite. Discrimination of this kind has no place in any modern society.

I know, and all of my colleagues know, that the passage of this bill will remove a form of discrimination that is intensely felt. It will also help ensure that same-sex couples receive the dignity and the respect to which they are entitled.

Today's legislation continues the tradition of nation-leading reforms from the ACT government. They are reforms that impact positively on the lives of thousands of Canberrans living in same-sex relationships, but reforms that also impact positively on parents who want their children to live happy, productive and healthy lives without having to experience fear, hate and discrimination. They are reforms that impact positively on brothers and sisters who have seen their siblings struggle with the unfairness of discriminatory laws, who felt guilty about the unequal treatment that our society dishes out.

Today, the sacrifice, the suffering, the struggle, the tireless exertions and passionate concern of gay and lesbian Canberrans, their parents and their families find a voice and find a champion in this Assembly—in nine members of this Assembly. I said I would not cry this time.

I want to wish all of those couples who formalise their relationships under this law long and happy lives together. I know that their commitment will be recognised, celebrated and embraced by the vast majority of their fellow Australians. I commend this bill to the Assembly. Its passage will be an Australian first, and it is a fitting way to mark our city's centenary year.

I thank all of my colleagues for their support of this legislation, particularly the Chief Minister, the Attorney-General, all of my Labor caucus colleagues and Minister Rattenbury for his very passionate support. It has been a team effort, and it is a delight to be here at this moment. I wish everyone who will undertake a ceremony with these laws all the very best.

**MS PORTER** (Ginninderra) (10.54): I welcome the opportunity to speak on this bill this morning, and I begin by congratulating the Attorney-General, Mr Simon Corbell MLA, for bringing this bill to the Assembly and all those who have championed this course of action for so long. I particularly acknowledge Mr Andrew Barr in relation to this journey.

Madam Speaker, as you know, the Marriage Equality Bill 2013 seeks to end the unreasonable legal discrimination against same-sex couples by making marriage possible under the Australian Capital Territory law for those couples who cannot marry under the commonwealth Marriage Act 1961 because of the way that "marriage" is defined in that act.

This bill goes to the heart of the basic rights that all Australian citizens are entitled to, and it is really a pity that there is any question that this bill should not pass today. Marriage is a right and should be available to all, regardless of individual sexual orientation. This bill seeks to right this wrong—a wrong that has gone on for far too long—and it affirms the principles of equality as expressed in our human rights charter. I will not dwell on this any longer as I believe it is unreasonable and completely unacceptable for the status quo to continue any longer. I will, instead, proceed to outline why I made this decision to support this bill and why I believe it should be passed without further delay.

I understand the position I have taken may not align with that of some of those in this Assembly and, indeed, others in the community, and I truly respect that. Like others, I have received many emails and messages from many people over the past few weeks, and I respect the opinions of others. However, I also understand that these matters are matters of personal belief. And, as such, I cannot reconcile not legislating to allow two people who love and are committed to each other to marry with my own values and belief system to which I must remain true.

I was brought up in a family where my parents gave me a sound grounding in social justice for as long as I can remember. Yes, my mother was a practising Christian and my father not. My parents held the view that homosexuality was a private matter and not against the law. In many ways, they were advancing values that many of their generation that they mixed with did not. This was particularly true of the church my family attended. This cost my parents dearly in terms of their relationships with some of the church members, particularly the hierarchy. Indeed, as a much younger person, I witnessed my father being “heavied” at the time and being told to apologise for his outspoken views.

My parents believed in acceptance of others and acceptance of difference. Overall, my parents believed in fairness and equality under the law. These are values that were central to the way I was brought up from a very small child and into adulthood. They continue to inform my view of the world, and I am sure members understand they are deeply held values. They have guided me throughout the many years that I have worked in the community sector and those I have worked as a registered nurse in the remote part of the Northern Territory. The more I witnessed and/or experienced any form of inequality in all these settings, the more I was determined to play my part, however small, to address it. Some may be aware that I have a gay niece—my youngest sister’s daughter. This fact only serves to add to my commitment to this bill. It gives me a lot of satisfaction to know that today in the ACT at least one wrong will be made right.

I commend my parliamentary colleagues—the Chief Minister, Ms Katy Gallagher, Mr Andrew Barr, Mr Simon Corbell, Ms Joy Burch, Dr Chris Bourke, Ms Yvette Berry, Mr Mick Gentleman and Mr Shane Rattenbury—for supporting this bill, and I commend it to the house.

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (10.58): I, too, stand today as a proud member of the ACT Labor Party and of the ACT Assembly as we move towards making history. Today the Assembly will legislate for equality. We will legislate for choice and respect and will give same-sex couples a freedom and regard that many of us take for granted. Not for the first time the ACT government finds itself at the forefront of social reform, and I commend the hard work the Attorney-General has put into progressing this legislation.

Today we celebrate what we have achieved. In some ways, I find it difficult to understand why what we have done is so difficult. We know that many of our

community support marriage equality. The ACT Labor Party has gone to the last few elections with a clear policy position to legislate for marriage equality, and today we have exercised that policy. In most other areas of policy, the commonwealth and, indeed, other members of this Assembly would accept this mandate. They would listen to the will of the people and they would support, either actively or passively, the passage of those laws. In this respect, I believe time has a way of putting things into perspective and of showing us all that this is, indeed, the right thing to do.

Let us not forget that it was not until 1962 that Indigenous people were given the right to vote in federal elections and 1967 when they were recognised in the constitution. Indeed, it was not until November of 1966 that the commonwealth public service removed the provisions that prevented married women from holding permanent positions in the public service.

I believe the next generations of Australians will not see the question of marriage equality as a vexed issue; they will see it as a simple question of equal rights and they will judge those who have denied marriage equality to many Australians for so long. I would like to express my disappointment that the Canberra Liberals are not supporting the bill today. It is particularly disappointing given the comments made by some opposite through their maiden speeches espousing the advancement of the rights of gays and lesbians in our community. I see that today you will vote against advancing the rights of gay and lesbian people, and I think that is a shame to you all. Today you will continue to vote and support discrimination of gay and lesbian people and to deny them the same freedoms that you enjoy. Today you have personally let them down.

Marriage equality is now in place in nations across our global village. It is in place in states across America. Marriage equality legislation has been introduced in states in our own country. Today we as an Assembly and as a community have the chance to bring into law marriage equality for our great nation and to make laws equal for all in our community.

To conclude, a big thank you for the support of the caucus of this parliament, of this Labor Party. It is an honour to be a part of it. I also thank Mr Rattenbury for his support to bring into law equality and respect for each and every member of our community.

**DR BOURKE** (Ginninderra) (11.02): I speak to support this bill. In my first speech in this place I asked if we could imagine an Australia without progressive social change. I talked about the reforms begun in South Australia by the Dunstan government—reforms in the fields of Aboriginal land rights, equal opportunities, consumer protection, town planning, the environment and the restructuring of electoral law. I talked about the Whitlam government's role in building our progressive Australian society, initiating Australia's first federal legislation on human rights, the environment and heritage. Whitlam laid the foundation of our modern Australian life with the Family Law Act, the Australian Legal Aid Office, the Consumer Affairs Commission, the Racial Discrimination Act, Medibank, the Trade Practices Commission and the Australia Council.

Here in the ACT the Human Rights Act, an initiative of the Stanhope government and an Australian first, introduced important new duties for the executive and the legislature to ensure all policy, administrative action and legislation could be compatible with human rights principles. Consideration and debate about human rights are now an integral part of government action, and all Canberrans benefit.

The Gallagher government, in this strong Labor tradition of progressive social change, stands up for marriage equality. Marriage equality is fundamentally about human rights—the right of two loving adults who are committed to sharing their lives to have their relationship formally recognised as a marriage. It is simply wrong to treat a same-sex couple differently, to deny them the right to have that formal recognition of their relationship as a marriage.

Our next door neighbour New South Wales is considering legislating for marriage equality after a report by the social issues standing committee of the New South Wales Legislative Council that was tabled in July this year. New South Wales Premier, Barry O'Farrell, has voiced his support, and a bill has been drafted by a cross-party group of Liberal, National, Labor and independents for introduction to the New South Wales Parliament.

Across the Tasman in New Zealand the Marriage (Definition of Marriage) Amendment Act to allow gay marriage was passed on 19 April 2013 with deafening applause in the parliamentary chamber. In the US, individual states have legislated to allow same-sex marriage, and across the world at least 15 countries have now legislated to allow same-sex marriage. Here, at home, it is what our community, the people of Canberra, want, and it is supported by the vast majority. In fact, most Canberrans do not see why there is such a fuss. They are astonished that marriage equality has not already been enacted. Let's get on with it.

**MS BERRY** (Ginninderra) (11.05): I start by recognising the work of Ivan Hinton and his family for the work they have undertaken to get this legislation here. To paraphrase the man himself, this fight takes up his day. It is time he could be spending with his partner, Chris, time that he could spend renovating, watching TV, volunteering and preparing to welcome children into his home.

Reading the things that Ivan writes about the sacrifices he has made for this cause got me thinking that, amongst the talk of equality and recognition, we do not talk enough about what this legislation means personally. Seeing the number of people here today, it is fair to say that this is personal to a lot of people. So in recognition of this, I asked four Canberrans I know—two couples—to write my speech for me by sharing their marriage equality stories. This is Chris and Dylan's story:

We are Chris and Dylan. We've been together for almost six and a half years. In that time we've grown together, both as individuals, and as a couple. We've had our share of ups and downs—some wonderful times and some not so wonderful times. But what keeps us together throughout all of this is the love and commitment we share for one another.

Marriage equality, to us, is about recognising and protecting that love and commitment. It is about providing the same recognition to our relationship that our friends and family receive in their relationships. It is about respect. It is about dignity. The word “marriage” carries a high level of respect and dignity in our society. It is about family; our family. It is about being treated fairly and equally.

We celebrated our relationship by joining in a civil union just over one year ago. On a rainy day in the cherry blossom-filled Nara Park, we were accompanied by our family to publicly declare our love and commitment to one another. The sun came out just in time for the ceremony, we stood in front of our family members, teary-eyed, and declared our union. It was wonderful. But it wasn't marriage. It was very special. But it did not carry the same dignity as marriage. It was a step on the path to equality; a step towards the respect that so many take for granted.

We are Chris and Dylan. We are a family. Our love binds us together. And we look forward to the day when we are treated like any other family. Today is the next step on that path to equality.

Amy and Jess wrote me a letter about their story:

After you asked if you could share our story I thought, “What's remarkable about us?!” But that's kinda the point, isn't it? We're a normal couple like everybody else.

Jessica is the love of my life. She is my best friend, my lover & my partner. I never knew what forever meant until I fell in love with Jessy.

Like a lot of couples we met through our work & our shared passion & commitment for what we do is something brings meaning to our lives.

We have been together for 6 years. In that time we have shared happiness & sadness, joy & loss, blessings & death.

We have recently bought a house and are now experiencing the greatest joy. I am 6 months pregnant with our 1st child.

This legislation shows that the ACT government understands that same sex couples want to be treated like everybody else, to have the same opportunities & same rights as everybody else.

That's what marriage equality means to me, that we are a couple and a family—just like everybody else.

It matters to me because when our child asks us if we're married, I would like to be able to say we chose not to, not that we can't.

But I'm not just here at the Legislative Assembly today to support marriage equality. I'm here to show my support for our local Labor Party. For decades they have been at the forefront of the acknowledging the rights & opportunities of all families.

It has been a long road from the Follett government's Domestic Relationship Act but now the ACT is rightfully going to be the first place in the country to offer full recognition to same sex couples.

But just as much as I am proud to support a government that stands up for Territorians. Our child will be fourth generation Canberran and it's important to us that this government is willing to legislate, and then stand up for, the community that our families are proud to be a part of.

Jessy & I want all the same things heterosexual couples want—and this legislation recognises that.

I personally found both couples' stories incredibly touching, but I disagree with one part of Amy's letter. I think Jess and Amy are remarkable, and I think that what is remarkable about them and Chris and Dylan and Ivan and Chris is exactly the same thing that is remarkable about everyone in our community, regardless of who they call family. What makes all families remarkable is that, in between the combination of things that makes our lives busy—work, volunteering, study, washing, gardening or endless renovations—people find the time to care for each other.

I am proud to know so many advocates who have devoted countless hours to see their relationships recognised. But I honestly think all the work would have been done in vain had it not been for so many brave people who overcame the voices in our community who told them that they were wrong and to just get on with living their lives and caring for one another.

At the start of my speech I spoke about Ivan and how the fight for equality took up his day. I think that is truer than even he recognises. I think Ivan and Chris make the case for equality every minute of every day. They do it by contributing equally to our city, by committing equally to each other, by sacrificing equally for their families and by loving one another, just like everybody else.

I probably did not need to speak so long because this debate has already been won. It has been won by everyone in this room and around the country who, in spite of what the law said, contributed, committed to, sacrificed and loved one another regardless of their gender, and I would like to thank you all—my Assembly colleagues and everybody here in the gallery and the reception room today—for the privilege of being able to vote to recognise the equality of what love is in our laws.

**MR GENTLEMAN** (Brindabella) (11.13): I rise today to support this motion. In doing so, I am confident that I am standing on the right side of history. I am standing up for the marginalised and oppressed in the community who have fought long and hard to obtain equal rights. I am proud to rise today and proud that every one of my Labor colleagues in this place is rising with me.

Labor has a proud history of standing up for those who have been oppressed or marginalised in our community. The Australian government, led by Labor Prime Minister the Hon Gough Whitlam, held the first national conference from 31 August to 6 September in 1975 on the status of women—women and politics—and

committed Australia to celebrating International Women's Day with other member nations of the UN. Then under the leadership of Labor Prime Minister Bob Hawke, Australia became a signatory to the UN Convention on the Elimination of all Forms of Discrimination against Women in 1983.

The white Australia policy began to be repealed under the leadership of Labor Prime Minister Ben Chifley in 1949. The last remains of the policy were finally repealed in 1973, again under the leadership of Gough Whitlam. More recently, it was the Rudd Labor government who apologised to the Stolen Generation of Indigenous Australians who were removed from their families.

As you can see, Madam Deputy Speaker, the Australian Labor Party has a proud history of standing up for everyone in the community, and this includes homosexuals in Australia. South Australia, under a Labor government, in 1975 became the first state or territory to decriminalise sexual conduct between males. I note that the ACT has been the leader on the recognition of same-sex relationships with the Domestic Relationships Act 1994 being passed under the former Labor Chief Minister Rosemary Follett.

Again in 2006 I was proud to stand in this chamber and vote for both the civil unions and civil partnerships acts—once again a first for any jurisdiction in Australia and legislation which was brought into this place by the Labor Party. Why does the Labor Party stand up for these people? It is because the Labor Party is a progressive party for the whole community, and it is the whole community that we represent.

Gay and lesbian people make up an important part of our society and our workforce. They are our teachers, our bus drivers, our mechanics, our builders and our public servants. It is time that we stood up and said that we value you and your contribution to society by allowing them to recognise their love for their partner. It should be irrelevant that their partner may be the same sex as them. They have love, and love has an integral and special role in our society.

Some opponents of this bill will say that we already have civil partnerships and that should be enough, because they are almost equal. I do not believe that this is the case. We do not say to women, "You are almost paid as much as men; so that is good enough." We do not say to Indigenous youth, "You have almost the same quality of life; so that should be good enough." We in the Labor Party do not believe in saying, "You are almost equal, so that is good enough."

This bill is about removing the discrimination which these people face, and while some claim there is no discrimination in the Marriage Act, I believe there is. Allowing discrimination such as this to remain would send a clear message to society that it is okay to treat people differently, to treat them as if they were less than others. By recognising only heterosexual relationships in the civil institution of marriage, we are saying to these couples, "Your relationship and, in turn, you are not as valued a member of society as your heterosexual counterpart."

Allowing these attitudes to continue allows further discrimination towards these members of society to continue by saying that it is okay to discriminate against them.

While I understand that discrimination against them will only fully disappear with generational change in attitudes, as a generation we need to do all that we can to set examples for future generations.

The religious opponents of this bill, we have heard today, claim that marriage is an institution which cannot be redefined. While I must emphasise that we are not trying to redefine the religious institution of marriage, we are redefining the civil institution of marriage. I may not be a practising religious man. However, I do know that the *Bible* is a book which aims to teach love and acceptance, which this bill aims to recognise—the love which two people feel for each other. I believe that, as has been done in history, the interpretation of this book will change to reflect the commonly accepted views in society.

Then there are other redefinitions of civil marriage which have occurred in Australia, such as allowing convicts to marry non-convicts and allowing Aboriginals to marry non-Aboriginals. It is clear that over time marriage, both civil and religious, has been redefined, reflecting the attitudes of a modern society.

Other perplexing arguments thrown up by the opponents to the bill are the supposed problems surrounding same-sex couples raising children. They say children need a mother and a father. I understand that biologically this is true. However, I believe that as a society it has become accepted that the traditional notion of the biological family can be complemented by other models of families, such as single parents and same-sex couples raising children.

I raised three children as a single parent for a great deal of their adolescence. I believe that as long as parents love and care for their children, this is all that matters. Studies have found that same-sex couples, like single parents, make just as suitable parents. However, this is not a debate about same-sex couples raising children. The ACT has allowed same-sex couples to adopt children for almost 10 years now.

Madam Deputy Speaker, I stand here proud to be part of this government, the most progressive government in the country, implementing important changes to our laws that I am confident will improve the lives of all Canberrans. This bill, of course, is one of many changes the ACT government is making in order to make Canberra Australia's most LGBTI friendly city. I think this is particularly important, given the high concentration of same-sex couples in Canberra.

I commend this bill to the Assembly, and I could not feel more proud to be standing here on the right side of history today.

**MR CORBELL** (Molonglo-Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.20), in reply: I thank all members on this side of the chamber who have spoken in support of this bill today. I particularly acknowledge the support and the leadership provided by our Chief Minister, Katy Gallagher. Her unwavering commitment to this reform and to a progressive law reform agenda for the territory I know resonates with all of her colleagues and with our city.

I also acknowledge the support of the Deputy Chief Minister, Andrew Barr, who has consistently, persistently and tirelessly advocated for reform in this vital area of equality for all people in our society. I acknowledge the support of my Assembly colleague Shane Rattenbury and all of my Labor colleagues. But most of all I acknowledge the contribution of all those who have come to this debate today. Your presence here today speaks of a value and a principle deeply held in our community, of equality and of addressing unfairness.

This bill reflects the defining values of our democracy. It is premised on core principles of federalism and it reflects an approach to leadership that we hope will one day be seen in our commonwealth parliament. The bill is also a very straightforward and clear expression of section 8 of the ACT's Human Rights Act, which provides that everyone has the right to recognition as a person before the law, that everyone has the right to enjoy his or her human rights without distinction or discrimination of any kind, and that everyone is equal before the law and is entitled to the equal protection of the law without discrimination. In particular, it provides that everyone has the right to equal and effective protection against discrimination on any ground.

These principles are enshrined in our human rights legislation and they give effect to key articles of the International Covenant on Civil and Political Rights. The bill seeks to end arbitrary legal discrimination against same-sex couples by reaffirming the principles of equality expressed in our human rights law. It recognises that there is a clear distinction between marriage as a religious sacrament and marriage as a civil institution and it provides clear and unambiguous protections for religious freedom, an equally important right.

No minister of religion will be required to solemnise a marriage under this act and no church or other place of worship will be required to be made available for a ceremony under this law. The bill reflects this Labor government's genuine attempt to balance the interests and protect the rights of all members in our community. We have made every effort in the drafting of this bill to ensure that the people who do not agree with it will not be affected by it. For those who are affected by it we offer this bill to you as a statement of our determination to end sex and gender discrimination.

The government is not deterred by the threat of legal proceedings. We have demonstrated that we are resolved and committed to this reform. Indeed, the tide has turned on this issue. No legal contrivance will turn us from this purpose. We acknowledge that in our laws neither sex nor gender will make one relationship more valuable than another.

The bill is based on the principle that laws made by a government for the people must be for the benefit of all the people and must not unreasonably discriminate against a minority group. We cannot say that we are a civilised country if we say to members of our community that they are bound by laws that create barriers to their full participation in society. We should have really learned this by now.

Around the turn of the last century women seeking the right to vote were told that politics did not concern them. They were told that they were not being discriminated

against because the right to vote was not relevant to them. During the Victorian 1864 elections it was discovered that the definition of “person” in the Victorian Electoral Act had inadvertently allowed women to vote. Apparently, the concept of a person who should be entitled to vote in the election was at that time considered to apply only to men. The definition was linked to ownership of property. It appears that the government realised its mistake when female property owners arrived to vote. The Victorian act was amended with the explanation that including women had not been intended when the law was made.

This story from our history demonstrates both the absurdity and the seriousness of the situation we are in. It is absurd because the story illustrates the arbitrary operation of discrimination. The right to vote is a useful comparison to the right to marriage equality. Before the right to vote was given, opponents were warned that it would ruin families and asked why women would want a right that belonged to men by right and nature. In response, many asked why such a right would be limited on the basis of sex and gender. Why indeed, Madam Deputy Speaker? It is regrettably the same question that we ask ourselves in this debate today.

The ACT, the New South Wales Standing Committee on Social Issues and the Tasmania Law Reform Institute have all concluded that there is no doubt the states and territories can legislate for same-sex marriage. The constitution gives the commonwealth the power to make laws for marriage, but it is a shared power. The constitution does not give the commonwealth the power to legislate for de facto relationships and the commonwealth has apparently been satisfied for the states and territories to legislate for same-sex relationship registration and recognition in other ways.

Mr Hanson, in his comments opposing this bill today, quoted the New South Wales Standing Committee on Social Issues report *Same-sex marriage law in New South Wales*. Mr Hanson quoted the report where it said:

... many submission-makers asserted that only the Federal Parliament has the power to legislate in respect of marriage.

But Mr Hanson did not quote the next sentence:

The Committee has found this to be an error of fact. There is no doubt that the New South Wales Parliament can legislate on the subject of marriage, including same-sex marriage.

We, of course, agree. It is not whether or not we can make this law. It is whether or not we can make the law capable of concurrent operation, and that will be the question ultimately tested in the High Court.

The institution and the notion of marriage change over time. While in 2004 the commonwealth amended the Marriage Act to insert a definition of marriage, which was actually first formulated by Lord Penzance in 1866, the question we have to ask ourselves is whether the notion of marriage has any application to modern Australian society. In 2010, 121,000 marriages were registered in Australia. Sixty-nine per cent of these were civil marriages, not religious ones.

This is not the only change. In the early 1990s just over 50 per cent of all registered marriages were preceded by the couple living together. In 2010 this figure had increased to 79 per cent and we are older when we marry as a society now. We have our children at a later age in life and many people are choosing to have children, at least initially, outside marriage. These statistics point to changing perceptions of marriages and the choices we are making in our own individual lives.

We seek to make this law with the aim of making a space beside the commonwealth Marriage Act. It is not a challenge to the commonwealth's power to legislate for marriage. The commonwealth has not evinced its intention to legislate for same-sex marriage and in its previous legislation there has been no indication of any such interest.

Yet the commonwealth has, as we know, confirmed that it will seek to challenge this bill in the High Court. It has said that it is in Australia's best interest that there be nationally consistent marriage laws. It has said that the commonwealth Marriage Act already provides this consistency and that this law we debate today is a threat to that well-established position. The ACT says that this law can operate concurrently with the commonwealth law in the manner intended in a federation and expressed in the constitution.

Other states, as other members have noted, have expressed a desire and intention to legislate for same-sex marriage, and we have prepared a law that seeks broad consistency with bills from those other places. There is no question that states and territories can meet the commonwealth's concerns regarding achieving consistency in these laws across Australian state lines. The commonwealth says that its position in opposing our law is irrespective of anyone's views on the desirability or otherwise of same-sex marriage. Madam Deputy Speaker, we beg to disagree.

The commonwealth's announcement that they intend to proceed against the ACT law reflects the same policy position they held in 2006 when they disallowed our Civil Unions Act. The difference is the legal contrivance they now use. In 2006 the commonwealth used section 35 of the self-government act to cut down our law. While they no longer have this power, they still maintain their rigid adherence to a discriminatory policy.

This law is no threat to the commonwealth's position unless the commonwealth's position is to continue to perpetuate sex and gender discrimination and to use the laws of the commonwealth to perpetuate a form of segregation. The commonwealth has recognised various state and territory relationships. In 2008 it made broad amendments to its own laws to provide for property, finance and children's matters in relation to same-sex de facto relationships. At that time the commonwealth indicated that it was legislating to eliminate discrimination against same-sex couples and their children.

The government proposes a small number of amendments to this bill to make it absolutely clear that the law is capable of operating concurrently with the commonwealth act and the ACT is willing to work with other states to make

consistent laws for same-sex marriage. The amendments that I will be proposing later this morning do not change the substance of the bill, but they do clarify its scope and operation. With these amendments, the government is responding to concerns expressed in relation to possible inconsistency between the area of operation of this bill and the commonwealth act.

The amendments seek to put beyond doubt the subject matter of the bill or the area in which it is intended to operate. The amendments do this by adopting a specific definition of “marriage” as a marriage between two adults of the same sex rather than as a general definition. The amendments make clear that the bill is a law with respect to same-sex relationships and same-sex marriage and that it has a distinct legal status not covered by the commonwealth law.

The government is aware of the opinions that have been given on this topic. The opinions address the issues facing the states in respect of their relationship with the commonwealth under the constitution on the topic of marriage and the Marriage Act. Our position diverges from theirs in only two respects: first, our position is that the test for determining inconsistency between a commonwealth law and a territory law is a test of concurrent operation. It involves questions of statutory construction rather than constitutional limitations on legislative power. Our position reflects longstanding views on the operation of section 28 of the self-government act. So to the extent that they have been considered by the courts, these views have been supported.

Secondly, and in any event, our position is that the task of determining the areas in which the two laws operate and, therefore, the extent of any inconsistency is an exercise of substance and not of form. It is not essential in legal terms, and it is undesirable in policy terms, to confine the language of the legislation to state marriage, as has been previously suggested, or same-sex marriage, as has been recently suggested. We believe that if the bill is challenged a court will focus on the real issues and will not be swayed by the choice of language.

No-one should believe the myth of separate but equal. It was not true in the United States before the American civil rights reforms. It was not true in South Africa before apartheid was ended. It was not true in Australia before women were given the right to vote. And it was not true before the 1967 Aboriginal referendum. Any alternative status that nonetheless provides for the same financial benefits as marriage in and of itself can amount to segregation. *(Extension of time granted.)*

In the third reading speech of the New Zealand bill, the Hon Maryan Street cautioned against a tendency to drive some people to the margins of society and then to despise them for being there. This bill, the first Australian law for same-sex marriage equality, can end this discrimination and allow everyone to belong. I commend this bill to the Assembly.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 9		Noes 8	
Mr Barr	Ms Gallagher	Mr Coe	Ms Lawder
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

Question so resolved in the affirmative.

Bill agreed to in principle.

### Detail stage

Bill, by leave, taken as a whole.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.40): Pursuant to standing order 182A(a), I seek leave to move amendments Nos 1 to 25 circulated in my name together.

Leave not granted.

### Standing orders—suspension

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

That so much of the standing orders be suspended as would prevent Mr Corbell from moving his amendments.

**MR HANSON** (Molonglo—Leader of the Opposition) (11.40): We are not supporting leave because these amendments are simply not in order. If you go to the standing orders, standing order 182A states:

An amendment to be proposed by the Government to its own bill must be considered and reported on by the Scrutiny Committee before it can be moved.

Madam Speaker, that has not occurred. As we know, these amendments have been rushed through at the 11th hour. The amendment goes on to say:

By leave of the Assembly, this standing order may be dispensed with on the grounds that an amendment is:

- (a) urgent; or
- (b) minor or technical in nature; or
- (c) in response to comment made by the Scrutiny Committee.

These 25 amendments meet none of those clauses. This matter is not urgent. I appreciate that it has some political heat, and I appreciate that it is a matter of sensitivity, but it is not urgent. The second ground is that it is minor or technical in nature. These amendments are being made to make changes to a piece of legislation that affect its constitutionality—whether it is valid under our constitution or not. It could not be argued that these amendments are minor or technical. And they are not in response to a comment made by the scrutiny committee.

These amendments are not in order. We simply cannot allow them to proceed. If the government cannot even adhere to the standing orders of the Legislative Assembly, it does very little to strengthen their argument that the laws that are being passed today are constitutionally valid. So we should not be proceeding with amendments that are not in order.

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

### **Detail stage**

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.43): I move amendments Nos 1 to 25 circulated in my name together [*see schedule 1 at page 3650*]. I table a supplementary explanatory statement to the amendments.

As the government has outlined and as I have outlined in my comments in the in-principle debate, these amendments are designed to address a range of issues that have arisen in a recent legal opinion provided to the government. They are consequential amendments designed to clarify further the intention of the bill. The amendments clarify that this is a law for same-sex marriage and that the ACT is not seeking to legislate in an area of law already governed by the commonwealth under the Marriage Act 1961.

Consistent with the bills introduced in the Tasmanian and New South Wales parliaments, the government is seeking to create a new and distinct category of marriage within the scope of the ACT's authority, leaving the commonwealth to continue to legislate for marriage between a man and a woman. These amendments remove any ambiguity about the purpose of the bill and clarify the intention that the ACT's legislation will sit beside the commonwealth marriage laws.

I will turn briefly to amendment No 1, which is an amendment to the long title. Amendment No 1 and amendment No 2, along with the amendment to the long title, are proposed to clearly define the scope of the act. The first amendment changes the long title of the bill so that the intention and purpose of the bill are completely clear.

The Marriage Equality (Same Sex) Bill will provide for marriage equality by allowing for marriage between two adults of the same sex. The amendment clarifies that the ACT does not seek to challenge the commonwealth's ability to legislate for marriage between a man and a woman. This law will permit same-sex couples who cannot

marry under the commonwealth Marriage Act, because of the way in which “marriage” is defined under that act, to enter into a same-sex marriage in the ACT. For the same purpose, amendment No 2 changes the name of the act to the Marriage Equality (Same Sex) Act 2013.

Turning to amendment No 3, this amendment is in the same manner as the first two and makes clear that marriages under this act are between two adults of the same sex that are not marriages within the meaning of the commonwealth Marriage Act. Marriages under this act are distinct from marriages under the commonwealth legislation and do not seek to encroach on those grounds.

None of these amendments are central to whether or not the bill will be found to be capable of concurrent operation by the High Court, but they do add further arguments that the territory can present in the forthcoming High Court hearing. Therefore we make them today, and we make them based on the opinion that has been provided by others, for which we are grateful.

I note that there is still a range of views as to whether or not further amendments are required. The government’s view at this time is that there is not. These amendments are about strengthening the capacity of the act rather than addressing any fundamental flaw in it. I commend the amendments to the Assembly.

**MR RATTENBURY** (Molonglo) (11.46): I will be supporting these amendments. They are minor, but they are important to the task of making this legislation as watertight as possible in the face of a federal government challenge.

Of course, it is important that, through these laws, the ACT Assembly gives its in-principle support to marriage equality and that we declare ourselves a jurisdiction that values all people, whatever their sexual identity. But it is also critical that we do everything we can to ensure that these laws survive the federal government’s challenge in the High Court.

As Mr Corbell has explained, the essence of these amendments is to clarify that the ACT legislation is creating a new concept of marriage, one that applies to people not covered by the federal act, and it is not attempting to intrude on the federal definition of “marriage”. It is similar to the approach used in drafting the Tasmanian and New South Wales bills.

I have seen the variety of legal advice, some of it received very recently from eminent constitutional lawyers. In summary, I think that the ACT’s legislation is in a strong position. We have a good basis for success in the High Court. On the other hand this remains a very vexed area of law, and no-one can be certain of the outcome. But I think these amendments are the appropriate course of action, and I am pleased that the government is willing to strengthen the bill right up to the last minute and will continue to consider the advice to make sure our legislation is as strong as possible.

What I want to see most of all is for the ACT’s marriage equality legislation to be held valid, for it to be enduring for many happy couples to marry under it, for all other states and territories in Australia to follow suit and for marriage equality to be the accepted norm in the minds of all Australians. I will be supporting the amendments.

**MR HANSON** (Molonglo—Leader of the Opposition) (11.48): I did make some comment about these amendments in my in-principle speech. These are the amendments that the Attorney-General insisted for a number of weeks were not required. He argued in the community, in the media, that there was no requirement for an amendment to this legislation because it was constitutionally valid without amendment, and then, four minutes before the deadline yesterday, we received these amendments, rushed through, and rushed through to the effect that they are not in order.

As I highlighted previously, in accordance with this Assembly's standing orders, under standing order 182A, if the government is going to make amendments to its own legislation, it needs to go through the scrutiny of bills committee, unless there is a good reason for it not to. And the government has not even bothered in this place to pretend that there is any reason to do that.

This law, about which there is significant doubt as to whether it is lawful, now, clearly, is not in order. It gives me very little confidence that this process that has been followed by the government—certainly having regard to the standing orders—will result in a piece of legislation that will withstand the test that it is going to face in the High Court.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Question put:

That this bill, as amended, be agreed to.

The Assembly voted—

Ayes 8

Noes 7

Mr Barr  
Ms Berry  
Dr Bourke  
Ms Burch

Mr Corbell  
Ms Gallagher  
Mr Gentleman  
Mr Rattenbury

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson

Mrs Jones  
Ms Lawder  
Mr Smyth

Question so resolved in the affirmative.

Bill, as amended, agreed to.

**Sitting suspended from 11.53 to 2.30 pm.**

### **Questions without notice**

#### **Alexander Maconochie Centre—capacity**

**MR HANSON:** My question is to the Minister for Corrections. Minister, in answers to questions—I was just trying to build a bit of suspense there. I can sense it. Have you got it? Have you got the suspense?

**Mr Barr:** Seven out of 10.

**MR HANSON:** There you go: seven out of 10.

**MADAM SPEAKER:** Order!

**MR HANSON:** My apologies, Madam Speaker.

**MADAM SPEAKER:** Settle down, Mr Hanson.

**MR HANSON:** In answers to questions concerning the capacity of the AMC as a basis for government planning, the government referred to the Treasury modelling provided in the report called *Proposals for future ACT correctional facilities* of 2003. In appendices of that report, the total sentenced prison population in June 2013 was expected to be 160. The planning basis for remand prisoners was 138. Minister, did the government mislead the Assembly in a question on notice on 8 December 2010 when Treasury figures were used to state that the forecast prison numbers in 2030 ranged from only 260 to 274, when correctly using Treasury figures would show the AMC would have a prison population of 298 in June 2013 and 315 by 2030?

**MR RATTENBURY:** To be honest, I am not sure if I followed all of those numbers that Mr Hanson cited. I will happily look at the *Hansard* and look closely at the specific details he has just asked me about. Clearly I was not the minister in 2010; I am not in a position to answer the question as to what the government said at that time.

I think I am set to make a ministerial statement this afternoon; I am happy to touch on some of that now. I have been quite open about the fact that the AMC is currently experiencing significant accommodation pressures. We have seen a dramatic increase in the number of detainees since January this year, in the order of 40 per cent. We most recently had 341 detainees, on 12 October, as the maximum population that has been in the AMC at any time since it opened. I will have a look at the question from Mr Hanson in more detail if he wishes and provide on notice any further details that I might be able to.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Minister, perhaps a simpler one: why is it that the AMC is full after only three years of operation when the minister stated in 2007 that it would have capacity for 25 years?

**MR RATTENBURY:** The AMC does currently have a population of somewhere between 330 and 340. It fluctuates on a daily basis. The capacity of the prison is now 366. That capacity has been raised in the last few months in order to cope with the additional pressures. There are a range of drivers which are increasing the population and there are various views on what those drivers are. In order to ensure that we have a clearer understanding, I have called a ministerial round table—a series of them. The first one will take place this Friday, 25 October, to work with the key stakeholders and leaders in the justice community.

**Mr Hanson:** A point of order on relevance.

**MADAM SPEAKER:** A point of order, Mr Hanson.

**Mr Hanson:** The question, and the answers, are not about what the minister is now going to do with round tables and so on. The question is about why we were told that it was going to have capacity for 25 years and now we realise after three years of operation that it is full. What is the explanation for that?

**MADAM SPEAKER:** I will draw Mr Rattenbury's attention to the question, which I wrote down as: why is the AMC full after three years when it was planned to last for 25 years? Could you be directly relevant to the question?

**MR RATTENBURY:** I will endeavour to be, Madam Speaker. I was trying to go about it simply by saying that I am pulling together the stakeholders to actually discuss those reasons. There are a range of speculated drivers and there are a range of plausible explanations as to why the AMC is at such a high population figure at the moment, including increases in police numbers, and more arrests arising from that. There have been changes to various sentences passed by the ACT Legislative Assembly. Various members across this chamber have been privy to raising the sentences under various ACT laws, including Mr Hanson and his colleagues. So there are a range of likely drivers, and that is why the prison has reached the population it has, and that is why—(*Time expired.*)

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Minister, did Treasury modelling correctly predict that the AMC would be full in 2013?

**MR RATTENBURY:** I do not have the numbers to hand. I will have to reflect on that and check the answer for Mr Wall.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** When will you release all the Treasury and other modelling that is available to you that will be used for the planned increase in capacity for the now needed expansion at the AMC?

**MR RATTENBURY:** Just a clarification: do you mean the proposed expansion?

**MR WALL:** Yes.

**MR RATTENBURY:** Work is currently underway to fully assess the best facilities to meet the future demands of the AMC. That work is currently underway. I am not in a position to release anything at this time as it is ongoing work.

**Canberra Hospital—emergency department**

**MR COE:** My question is to the Minister for Health. Minister, the latest emergency department figures have been released. Canberrans wait in emergency an average of 44 minutes compared to 19 minutes nationally. Independent figures show that our emergency department is getting worse as the rest of the country is getting better. The proportion of ED patients seen on time last year has dropped to the worst wait time since you became health minister. Minister, when will the performance of Canberra's emergency department catch up to the Australian average?

**MS GALLAGHER:** I thank Mr Coe for the question. In relation to the emergency department performance, there is no doubt that we need to continue to work on timeliness and improve timeliness. But I would say that, against national benchmarks, it is going to be incredibly hard for Canberra hospitals—that is both Canberra and Calvary—to be measured against jurisdictional peers. That is going to be the simple reality, regardless of whether you vote for the Liberal Party or the Labor Party, if you take politics out of it. In New South Wales—

**Mr Hanson:** We used to be able to—

**MS GALLAGHER:** Well—

**Mr Hanson:** under the previous Liberal government.

**MADAM SPEAKER:** Order, Mr Hanson!

**Mr Hanson:** That is not true.

**MADAM SPEAKER:** Mr Hanson!

**MS GALLAGHER:** The hospital was a very different hospital 10 years ago, Mr Hanson. I think anyone who drives out there and has a look at the services on offer now would admit that it has grown from a district hospital or a medium sized hospital to one of very few tertiary referral hospital trauma centres in the country.

New South Wales has 220 hospitals included in their emergency department figures; 220. A small measure of them would measure similar activity to Canberra Hospital. The vast majority of them are small regional hospitals that do not deal with the presentation load, the complexity load, the trauma load that Canberra deals with, and that changes the results.

We have done an exercise where we have looked at local hospitals in our catchment. When you use their figures and our figures together, we get a much better result. So that is what is happening in a larger jurisdiction.

But I say that for information only. The point is that the doctors and the nurses at the hospital are totally focused on improving timeliness of care for people needing the emergency department. Everyone is 100 per cent focused on it. Our latest NEAT

performance shows a very small improvement of one per cent, but it is going the right way, against a backdrop of increased presentations. So little by little we will continue to improve timeliness. Whilst we already have excellent quality of service, timeliness remains one of those areas where we have got to continue to focus, and we will.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Minister, what explanation or consolation can you give to the sick and injured Canberrans who have the longest wait for emergency treatment in any state or territory in the country?

**MS GALLAGHER:** Again, it is simply not true. On average, against national benchmarks, you can draw those conclusions. If you took a similar hospital like the John Hunter Hospital, for example, in Newcastle, which is probably the closest comparison to Canberra Hospital, you would find that their performance is very similar to Canberra Hospital's because of the nature of the hospital that they are.

So my consolation to people in Canberra, against a backdrop of 75 per cent of the world that does not actually have access to hospital treatment, is that they have extraordinarily high-quality health care. If you are sick and urgently need health care, you will get it. If you are less urgent and you present at the Canberra Hospital, you may have a wait attached to that. The staff are working on improving timeliness of care.

Another measure here I will chuck out just for the information of members is: in some jurisdictions, if you receive Panadeine, the clock stops in terms of your timeliness. Many of us have been in hospitals in other jurisdiction where they offer you a Panadeine. You take it; the clock stops. We do not do that in Canberra Hospital or Calvary. You are offered Panadol before you see a doctor. Therefore, the time keeps going. This is the reality of the statistics that we work within.

What we are focused on in Canberra's health system is high-quality care, leaving the doctors and nurses to take decisions about who gets care and when they get care, confident in the fact that our healthcare system is one of the best, if not the best, in the country. I will challenge anyone to dispute that.

**MADAM SPEAKER:** A supplementary question, Mrs Jones.

**MRS JONES:** Minister, after all the operational and financial promises, why does the emergency department continue to fall behind the rest of Australia?

**MS GALLAGHER:** I have answered that question. It does not fall behind the rest of Australia. What we are talking about here is the time in which a patient is assessed and seen, perhaps by a nurse, perhaps given Panadol and the clock stops. That is what that measure is talking about. It is not talking about anything beyond that. The strength of the four-hour rule and what it focuses on is that, instead of just what the triage time is and the timeliness till you get your first Panadeine, you are in and out of the hospital in four hours or you are admitted to the hospital in four hours. So it takes away what is an inconsistently applied measure.

That is what the hospitals are focused on. Yes, we want people to get treatment as soon as they can. We do not want waits in the emergency department. But look at the other statistics in the reports that have come out in the last week—the highest utilisation of the public hospitals in the territory compared to other places. So we have got more people using them, because they know they get good-quality care—

**Mr Hanson:** Is that a good thing?

**MS GALLAGHER:** Well, it adds another pressure. It is not necessarily a good thing. It adds another pressure. So we know people are using our public hospitals. We know they trust—

**Mr Hanson:** They're not using private health care.

**MS GALLAGHER:** They are definitely not using their private health care. We have got high utilisation of—

**Mr Hanson:** Is it a good thing or a bad thing?

**MADAM SPEAKER:** Mr Hanson!

**MS GALLAGHER:** I am saying it impacts on the figures, Mr Hanson. You are arguing against yourself there. I am saying it is an additional pressure on the hospital.

**Mr Hanson:** But you're responsible. I'm asking you the question.

**MADAM SPEAKER:** No, it is not time for you to ask questions, Mr Hanson.

**MS GALLAGHER:** We have people flocking to our hospitals and we are focused on the four-hour rule. That is the measure now. We have seen a slight improvement in that performance—and that is, you get seen, you get treated, you get sent home or you get admitted within four hours. Even though that is perhaps not applied as consistently as it could be, and maybe that will develop over time, that is the measure we are focused on.

**MADAM SPEAKER:** A supplementary question, Mrs Jones.

**MRS JONES:** Minister, why should Canberrans with children have confidence in your ability to address these problems when they have continually become worse over the six years you have been the minister?

**MS GALLAGHER:** I was health minister in the 2008 and 2012 elections, and look where I am now. I am still here.

**Mr Hanson:** Sheer arrogance!

**MS GALLAGHER:** No, what is the measure of my performance? My performance is measured every four years. Every four years, my performance is measured, and that is

against a backdrop of a scary ad by the Liberal Party, frightening everybody about the evil plans I have implemented at the hospital. Against that backdrop, I am still here as health minister, working hard, and I will continue to do that.

### **Government—policy**

**DR BOURKE:** My question is to the Chief Minister. Can the Chief Minister outline to the Assembly what progress the government has made with implementing its election policies since being re-elected by the people of the ACT in October 2012?

*Opposition members interjecting—*

**MS GALLAGHER:** I know the opposition are really looking forward to my answer to this question. Thank you very much, Dr Bourke, for the question. It is a great privilege to be here as Chief Minister on the first anniversary of the re-election of the ACT Labor government.

*Opposition members interjecting—*

**MADAM SPEAKER:** Order members!

**MS GALLAGHER:** I know the more you talk and interject, the harder it is to listen, so we will not respond to interjections but—

**MADAM SPEAKER:** That would be disorderly, Chief Minister.

**MS GALLAGHER:** It would, and I will not do it, Madam Speaker. The government is very proud to inform the Assembly that we have started funding more than 70 per cent of our commitments. The budget has allowed us to deliver on some important social reforms and some major infrastructure projects to begin the transformation of our city to meet the challenges of our second century. These are commitments which deliver on our plan to build a stronger economy, protect local employment and create fairness and opportunities for Canberrans.

There is no doubt that the last 12 months have had some challenges, not only because of the breadth of local issues but also at the national level, which have required managing, and which include important reforms like DisabilityCare and the national education reform. But it is also smaller programs and policies which show our government's values and priorities at work.

Our first year should be remembered as the first year of a new government, but a government which, in its fourth term, has demonstrated term after term our commitment to investing in things that matter to Canberrans. So it is about our investments in health, with more elective surgeries than ever before, with more than 11,000 operations being performed. It is about continued investment in health infrastructure, looking at new facilities, and with the new Centenary Hospital for Women and Children opening shortly, as will the Belconnen community health centre. We have also funded future health infrastructure, commenced planning for the

University of Canberra public hospital, the capital region cancer centre construction, the Canberra Hospital redevelopment and new walk-in centres in both Tuggeranong and Belconnen.

We have also commenced work on several major developments which will see long-term plans implemented for Canberrans—projects such as city to the lake, which will be an excellent project once it is rolling out, transforming the centre of Canberra and finally linking Civic to our greatest asset, Lake Burley Griffin. We have launched several new major housing developments, ensuring there are housing options, and we will be discussing that later this afternoon in the MPI. I refer to developments at Riverview in west Belconnen, Lawson in central Belconnen, Campbell section 5 and Southquay in Tuggeranong. Together, these developments will provide thousands of new dwellings.

Through the budget, we have delivered eight more police and safer roads, and four dedicated vehicles to help prevent fatalities and serious crashes on our roads. With respect to the industrial magistrates court, legislation was introduced in August and is expected to be debated in this sitting period. Of course, this morning we legislated for same sex marriage—the first jurisdiction to do so, leading the way in creating equality for all Canberrans.

We are working hard to progress a light rail network for Canberra. The Capital Metro Agency has been established, a board chairman and project director have been appointed, and development of a light rail integration study is underway.

We have opened new public schools this year, with Franklin Early Childhood School being the first purpose-built early childhood school in Gungahlin, and we have opened the \$64.4 million Neville Bonner Primary School, with a five-star design rating. Both of these schools were delivered on time and under budget. We continue to top the country in NAPLAN results, with our students amongst the highest performing in the country, top or equal top across 17 of the 20 areas tested.

We are also pursuing projects like Common Ground, for which we have allocated \$7.6 million to provide permanent homes—(*Time expired.*)

**MADAM SPEAKER:** Supplementary question, Dr Bourke.

**DR BOURKE:** Chief Minister, what are some of the other key achievements over the past year?

**MS GALLAGHER:** Thank goodness for supplementaries; I will keep going. We have increased the first home owner grant and the homebuyer concession scheme. We have delivered—

*Mr Smyth interjecting—*

**MS GALLAGHER:** I will not respond to that. We have launched the city plan consultation; we released the draft plan yesterday and we look forward to the Liberal Party's views on that in due course. We have got new lights at the Manuka Oval as

well as the biggest program of sporting events in Canberra's history during our centenary year. We are cutting red tape, with the Deputy Chief Minister leading the work in reducing regulation in the business and community sector. We are supporting ACT businesses and local jobs by increasing the weighting given to local small and medium-sized businesses when they are tendering for ACT government contracts. No doubt Mr Hanson's favourite would be the towards zero growth initiative, which is increasing healthy lifestyle choices across a range of areas, including schools, communities, workplaces and homes—an issue that I think will be one of the most important issues for government to support in the year ahead.

We have got the expanded Canberra Hospital emergency department open. The centenary chair for cancer research has been funded. Calvary are getting on with delivering the changes to the birth area of the hospital to allow the birth centre to deliver two state-of-the-art birthing rooms for women who are birthing at Calvary public hospital. We have got the specialised paediatric treatment space and waiting area within the Canberra Hospital ED, which will start work later this year—again a very important change at the Canberra Hospital designed to help children and their families through that difficult time when they present at our public hospital system.

**MADAM SPEAKER:** A supplementary question, Mr Smyth.

**MR SMYTH:** Minister, what is the projected capital cost and the recurrent operating cost of the city to the lake, the capital metro and the subacute hospital?

**MS GALLAGHER:** As Mr Smyth will know, all of those projects are at the early stage of their design and you will see the money that we have appropriated in the budget to progress those projects.

**Mr Smyth:** So you have got no idea what you are committed to.

**MS GALLAGHER:** No. What I am not going to do is give you a figure that you will then turn around and use if it changes as it goes through detailed design. The figure that I have been provided for the University of Canberra public hospital at the moment, for example, is significantly less than what you promised to fund it for in the last election campaign.

**Mr Smyth:** There you go! What is that figure?

**MS GALLAGHER:** No, I am not going to give it to you yet because it is not a final figure that has been through all of the work that needs to be done before I am confident it is a figure that will withstand budget scrutiny. That is what I am not going to do.

You will see the funding that has been allocated in the budget for those projects, the city to the lake, the capital metro and the University of Canberra public hospital. All of those have appropriations supported by this Assembly and, as further work is done and those costs are refined and decisions are taken, including about the staging—for example, the city to the lake project is not envisaged to be delivered in one year—we will provide that information to the Assembly in due course.

**MADAM SPEAKER:** Supplementary question, Ms Berry.

**MS BERRY:** Chief Minister, what challenges does the government face in implementing its election policies?

**MS GALLAGHER:** I thank Ms Berry for the question. Our first year of government has been very much focused on ensuring that our city has the ability to be resilient with a stronger, more diverse economy which is able to withstand changes in the federal public service.

I think all of us—all 17 members of us—would accept that there is a degree of uncertainty and caution that exists in the city at this point in time. It is a concern that I have expressed to the Prime Minister, the fact that I think, certainly from business's point of view, they are awaiting decisions of the commonwealth around reductions in expenditure and with their job numbers. This is presenting I think some concern.

Our economy is holding up very well. I am not going to stand here and talk down the economy. I think all of the indicators, particularly in the housing sector, show that the economy is very resilient and much more resilient than perhaps it was in 1996. But I would say that the next 12 months are going to require all of us to work together in the interests of the ACT. That will mean looking at the services we provide, new ways of doing things, partnerships with different organisations to make sure that we are promoting Canberra the best we can, and making sure that our own contribution to our local economy is targeted and supported by local industry groups so that we can support them in the best way over the next couple of years.

We are very confident that the commitments that we made in the election will be delivered upon. We have 70 per cent of them underway, which I think is a very big achievement in the first 12 months. We have three further years to roll them out. There are challenges on the horizon, but I think that if we are all on the same page we will be able to deal with them as they arise.

### **ACT Ambulance Service—cardiac monitoring**

**MS LAWDER:** My question is to the minister for emergency services. Minister, regarding the government's \$3.8 million procurement for MRx monitors for the ACT Ambulance Service, have there been any adverse patient outcomes resulting from these MRx monitors?

**MR CORBELL:** Based on advice received from the Chief Officer ACT Ambulance and also from the representations and comments made by the union that represents ambulance paramedics, the answer to that question is no.

**MADAM SPEAKER:** Supplementary question, Ms Lawder.

**MS LAWDER:** Minister, why has the ACT Ambulance Service been forced to issue clinical safety notices and an alert?

**MR CORBELL:** This is a standard practice when there are faults with any piece of equipment. It is regrettable that these faults have occurred after the testing period that the ACT Ambulance Service went through in relation to the new defibrillator equipment. These faults did not appear during that testing period despite quite a lengthy period of testing. They appear to relate to software versions that were loaded onto the equipment by the manufacturer for the equipment that was supplied after the testing period. These matters are being rectified under the contractual arrangements that the government has with the manufacturer, and the ACT Ambulance Service continues to engage with the manufacturer on those matters. I am advised that the manufacturer has been very responsive to the problems that have been identified. As a result, we have seen a very significant reduction, just about an elimination, of the problem's reoccurrence. And, as I have said before, there has been no unfavourable clinical outcome for patients.

**MADAM SPEAKER:** A supplementary question, Mr Smyth.

**MR SMYTH:** Minister, what are you doing to resolve these issues and why were these issues not resolved before the monitors were deployed into service?

**MR CORBELL:** I do not know if Mr Smyth heard my previous answer, but the fault was not identified until the units came into service. It did not emerge during the testing period. You cannot identify a fault that does not appear during the testing and trial period of the equipment. This fault has appeared after the testing and trial period and it is being rectified consistent with the contractual terms that the ACT Ambulance Service has with the manufacturer. It is not a fault that has led to any critical patient care outcomes that are adverse. Indeed, it is not a fault that has not been able to be managed by the Ambulance Service whilst they work with the manufacturer to rectify it.

**MADAM SPEAKER:** A supplementary question, Mr Smyth.

**MR SMYTH:** Minister, why have we purchased a system with less functionality than the system it replaced, and can you guarantee that there will not be any further transmission failures or inaccurate blood pressure readings in the future, or adverse outcomes for patients?

**MR CORBELL:** I am confident that the ACT Ambulance Service is taking all appropriate steps to rectify the problem, and that is what we expect our managers to do. I have every confidence in the approach they adopted on this matter.

### **Economy—performance**

**MS PORTER:** Madam Speaker, my question, through you, is to the Treasurer. Treasurer, can you advise how the ACT economy has performed since the re-election of the Gallagher government?

**MR BARR:** I thank Ms Porter for the question. The short answer is that the territory economy has been performing very well since the re-election of the government,

thanks to our responsible and far-sighted economic stewardship. We have seen a recent series of reports which assess the economic performance of the states and territories rate the ACT as the second strongest economy in the country.

CommSec's *State of the states* report that was released earlier this week said:

The ACT economy remains the second strongest economy, with the main strengths being dwelling starts, housing finance and population growth. The ACT is now the third strongest on business investment and fourth on economic growth.

In regard to the decade average population growth, the report states:

The actual leader in the rankings is the ACT. Annual population growth of 2.17 per cent is 43 per cent above normal.

That is a pretty good indicator that people want to live in the ACT and that this is an economy and a society that is attractive to people from interstate and from overseas.

The ACT has had a very strong result in housing. Finance commitments are 10.7 per cent above their decade average levels. Commitments in August of this year were 18.9 per cent higher than a year ago. Year on year, to August 2013, the value of individual investor commitments in the territory increased by 7.3 per cent.

There is further data from the ABS that reaffirms the strength of the territory economy. The latest dwelling commencement and building approvals data shows that residential construction activity is strong, with activity at high levels. The seasonally adjusted level of 1,671 dwelling commencements in the territory in the June quarter is significantly above the five-year quarterly average of 1,064 commencements per quarter and is above its level a year ago. The number of seasonally adjusted dwelling commencements in the June quarter 2013 is, in fact, the highest level the territory has seen since the boom in December 2010.

Building approvals in August 2013 reached a new record high and were significantly above the five-year average level. It is interesting to note the number of approvals, combined, of the Northern Territory and Tasmania for the same period did not reach the levels achieved in the ACT.

We continue to have the lowest unemployment rate of any jurisdiction in the country. The trend unemployment rate in the ACT for September 2013 was 4.1 per cent, well below the national average of 5.7 per cent. Our participation rate in trend terms is the second highest in the nation, at 71.7 per cent. Year on year, to September 2013, employment increased by 1.2 per cent. Given what the commonwealth government has been doing in the context of employment, that is quite a remarkable result.

State final demand in the territory has been holding up well. In the 12 months to the June quarter 2013 it increased by two per cent in original terms. Retail turnover, a pretty good indicator of what is happening out there in the real economy, was up 3.3 per cent in the territory, year on year, to August 2013. And that compares with a 2.4 per cent increase at the national level.

These are encouraging figures for the territory, and it is important to note that they have been achieved against a very challenging economic backdrop. There is no doubt that the commonwealth government's contraction of jobs and spending has had a considerable impact on our economy. *(Time expired.)*

**MADAM SPEAKER:** A supplementary question, Ms Porter.

**MS PORTER:** Treasurer, what action is the government taking to support our economy?

**MR BARR:** We are taking a range of actions to support the territory economy. We recognise the challenge of the commonwealth government's contraction, a slowdown in their economic activity, and what is happening in terms of the global economy. That will impact here in the ACT.

We are focusing on creating an economic environment in which all businesses can operate efficiently and effectively to generate new jobs and generate new business. There is a real focus on exports. This population of less than 400,000 in a country of only 25 million is not a big enough market for our businesses to grow. We must export. We must look beyond the territory and beyond Australia for our economic growth.

Our policy, though, is not to try and pick winners. Instead we focus on developing business across a range of sectors in the territory to help the private sector diversify and grow. The most critical thing we can do is ensure we have the simplest, fairest and most efficient tax system of any state or territory in the country. We are making significant progress towards that outcome.

The most recent budget continued our nation-leading taxation reforms. This included a significant cut in stamp duty for large commercial property transactions. It is already helping to attract new business and, importantly, new investment in the ACT commercial property market.

We are keen to continue to work in partnership with a number of industry associations to continue to build our tourism and education sectors. The 2013-14 budget contained a range of measures to support ongoing growth in these important areas, particularly the important job-creating areas of our economy.

**MADAM SPEAKER:** Supplementary question, Dr Bourke.

**DR BOURKE:** Treasurer, what action is the government taking to support particular sectors of our economy, notably the construction sector?

**MR BARR:** We do recognise the important contribution that the construction sector makes to the territory economy, around \$2.6 billion with 25,000 people employed across the territory. It is the third largest employment sector in the ACT. We acknowledge the importance of the sector and we have taken a number of steps to stimulate activity.

The release of land in Lawson will accommodate 1,850 dwellings in a mix of low, medium and higher density development. The government is also working in partnership with the Riverview Group to deliver a new estate in west Belconnen. Last week I announced with Mr Gentleman, the member for Brindabella, the Southquay development, which will provide a great new place to live on the shores of Lake Tuggeranong and which will be a significant boost to the Tuggeranong town centre economy.

The government is also progressing a range of significant infrastructure projects that will transform our city, as well as creating thousands of jobs. The capital metro project is one such example of the government's vision for a transformed Canberra. Not only will the construction of the associated infrastructure between the city and Gungahlin assist the construction sector; there will be a range of new developments, residential and commercial, along the rail corridor.

The city to the lake project will also deliver a world-class infrastructure outcome for Canberra, creating thousands of jobs during the construction phase and ongoing employment and business development opportunities in one of the most iconic sites in our city.

**MADAM SPEAKER:** A supplementary question, Mr Gentleman.

**MR GENTLEMAN:** Minister, what threats have arisen for the ACT economy?

**MR BARR:** There have obviously been significant threats at a global level that the ACT, and indeed other states and territories and the national government, have had to deal with. But there is a particular issue, of course, that we are facing locally, and that is the election of the Abbott government and their plans to cut 12,000 public service jobs. This will undoubtedly hit the territory economy.

We are already facing a number of short-term challenges relating to the previous commonwealth government's fiscal consolidation and, of course, the uncertainty related to the policies of the incoming government. For example, the Deloitte Access Economics business outlook for the September quarter indicates a slowing in the territory's gross state product, from 2.8 per cent in 2012-13 to an anticipated 1.2 per cent in 2013-14, driven almost entirely by decisions of the commonwealth government.

However, in the medium to longer term, we must remain focused on the brilliant possibilities that our second century offers. There are a number of exciting projects, business development opportunities, that are before us. If we have the courage to take them, if we have the courage to reform our taxation system to attract new investment, if we have the courage to continue to innovate and to take nation-leading roles in many areas of public policy, we will place this territory in good stead to see through the difficulties that we will face in the next 12 to 24 months from the commonwealth government. I think this economy is stronger now in 2013 than it was 1996. We hope that the Abbott government stick to just the 12,000 positions that they have announced, and we will continue to fight for the ACT. (*Time expired.*)

### **Sport—Tuggeranong facilities**

**MR WALL:** My question is to the Minister for Sport and Recreation. Minister, the Tuggeranong indoor multi-use facility located in Greenway was completed and ready for use in April this year. One of the user groups promised use of space at this facility was the Tuggeranong Men's Shed. Minister, would you explain why, six months on, the Tuggeranong Men's Shed is still not able to make use of the space allocated to it at this facility?

**MR BARR:** The government is, of course, very pleased to have invested in this facility and ensured that a large number of community organisations and sporting groups are able to access the facility. In terms of the access to the men's shed component, I will need to seek some advice in relation to the commissioning phase of the construction work, but I think that it is important to note that it is this government that made the commitment to the facility, this government that has funded the commitment, this government that has seen the project through. I look forward to a wide variety of user groups, community members, being able to utilise the facility. It is a fantastic investment in the Tuggeranong town centre and one that only a Labor government would make.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Minister, what communication has been undertaken with members of the Tuggeranong Men's Shed since April this year about their use of the facility?

**MR BARR:** I will just seek some clarification from the member. Communications with me? Communications with those who operate the facility? He needs to be a little clearer about it. I do not know; there could be many things that have been said that I am not aware of.

**MADAM SPEAKER:** Mr Wall, would you like to clarify that?

**MR WALL:** Just to clarify, Madam Speaker: any communication between the minister or the directorate with regard to them accessing the facility.

**MR BARR:** With me personally, none. I will check with my office and I will check with the directorate.

**MADAM SPEAKER:** A supplementary question, Mr Smyth.

**MR SMYTH:** Minister, when will the Tuggeranong Men's Shed be able to use the space allocated to them in this facility?

**MR BARR:** As soon as possible.

**MADAM SPEAKER:** A supplementary question, Mr Gentleman.

**MR GENTLEMAN:** Minister, what is the benefit to the Tuggeranong community of construction of such facilities?

*Mr Coe interjecting—*

**MR BARR:** The interjection from the Deputy Leader of the Opposition pretty well sums up the position of the Liberal Party. They opposed this budget appropriation. They did not support the funding for this project. Let us be clear about that. The absolute hypocrisy to be now asking questions about why certain groups cannot access a project they never supported is stunning. But given the position and the absolute lack of interest in sport and recreation facilities in Tuggeranong from those opposite, it does not surprise me at all.

### **Government—executive contracts**

**MR DOSZPOT:** My question is to the Minister for Health. In August and September 2013, you tabled noncompliant executive contracts, many of which were unsigned and undated; in some cases, contracts were missing. Over 45 executives had commenced work prior to signing a contract. On 15 August you said:

I will provide an update to the Assembly when I am next tabling contracts on the changes that have been put in place to ensure this is the last time the government has to report its officials have failed to comply with the Public Sector Management Act.

Over a month later, on 19 September 2013, you presented a new set of executive contracts. One contract was undated, many contracts had schedules missing, one had no start date, and in one case the executive worked for 209 days without a signed contract. There was no update on actions taken to fix the problem as promised by you. How many more contracts will the minister table that are not compliant with the PSM Act?

**MS GALLAGHER:** I thank Mr Doszpot for the question. Was it as Minister for Health or as Chief Minister?

**Mr Doszpot:** Minister for Health.

**MADAM SPEAKER:** I think that the question should be directed to the Chief Minister.

**MS GALLAGHER:** I was just trying to understand if there was a problem with health executive contracts or if it was the executive contract issue more broadly. I think I did update the Assembly, because I did answer a number of questions in question time about how we were going back and having a look at contracts that had not been tabled, and trying to clean up what seems to have been a breakdown in procedure over many years. So in that sense I feel that I have tried to keep the Assembly up to date with what we are doing.

In relation to the question you raise, the issue about compliance with the tabling of executive contracts, I think, has been improved and has been tightened up. I think I have got some more today—if not today, on Thursday—to make sure that we are

keeping pace with the executive contracts. On the issue of whether they are signed or whether they are signed after, that is a work in progress, because again we are still cleaning up processes that were not in order over the last few months. The issue of the legality of the contracts is not in question: if they are not signed or if they are tabled or signed after the commencement date, and we went through that, there are sections in the Public Sector Management Act that ensure that, regardless of breakdowns in procedures, there is no question around the employment validity of those officers. Having said that, I am not trying to use it as an excuse to not make sure that the i's are dotted and t's are crossed as we tighten up these procedures.

Whether it is today or Thursday, there were some mistakes in some of the short-term contracts that I will update the Assembly on, in relation to about four of the short-term executive contracts. I am trying to keep the Assembly up to date. It is a work in progress.

**MADAM SPEAKER:** Supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister, when will you provide a detailed explanation to this Assembly on the action that you have taken and are taking to ensure that executive contracts are fully compliant with the Public Sector Management Act?

**MS GALLAGHER:** I have in the sense that I have spoken to the Head of Service, I have spoken to the public service commissioner. I have written to every minister drawing their attention to the breakdown in relation to tabling executive contracts because across government, when they come in through me, they are signed under other director-generals across the agencies. So I have written to ministers.

Further to that, I have highlighted the broader issue of compliance with territory laws outside of executive contracts. I have sought reassurance about compliance registers and steps that each director-general and directorate takes about making sure, where there is a responsibility to report to the Assembly, table documents in the Assembly or in general meet their legislative compliance framework, that is in place. So I have done all that on the back of identifying this weakness in executive contracts.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Minister, when will you table the last noncompliant contract?

**MS GALLAGHER:** There are a number, I think over 100, dating back more than 10 years that have been identified that have not been tabled. It is now a question, which I have not got final advice on, I do not recall, over resources to try and find all of those contracts. Many of them relate to employees not currently working with the territory. I think we have to take a decision about whether we expend those resources to go back and find them all, where they are, identify them and table them. In terms of ensuring that contracts are up to date now, I think with the tabling of executive contracts this week we will be up to date with current employees.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Minister, other than issue directives, what changes to systems have you put in place to ensure that contracts are issued according to the PSM Act?

**MS GALLAGHER:** It is through those directives and individually writing to each minister to ensure that they remain vigilant with their director-generals. It is a human system. I think there are only so many things we can do to make sure that they are in accordance with the guidelines that the Assembly has set down.

*Mr Coe interjecting—*

**MS GALLAGHER:** Well, I have done everything I can, Mr Coe. I think I have done everything I can. I have gone and found the extent of the problem. I have identified the problem. I have asked everyone to make—

*Mr Coe interjecting—*

**MS GALLAGHER:** I do not think it needed a system change, other than everyone needed to do their job properly. That is what needed to happen.

*Mr Coe interjecting—*

**MADAM SPEAKER:** Order, Mr Coe!

**MS GALLAGHER:** It is not just this year. It dates back to before 1990. People just need to do their job. A contract is signed, it goes to the cabinet—the CMTD—and it is then tabled in the Assembly.

*Mr Coe interjecting—*

**MS GALLAGHER:** It is not rocket science.

*Mr Coe interjecting—*

**MS GALLAGHER:** At the heart of my frustration with this issue is that there does not need to be huge system change. It just needs to be done, and it is being done.

**Mr Rattenbury:** On a point of order, Madam Speaker, Mr Coe is actively debating the Chief Minister across the chamber.

*Opposition members interjecting—*

**MADAM SPEAKER:** Order, Mr Hanson! Mr Coe! I would actually say that Mr Coe was not debating; he was just interjecting. It is disorderly and I call Mr Coe to order.

**Mr Hanson:** Madam Speaker, in doing so I would ask that you also call the Chief Minister to order, who was in contravention of standing order 42 by addressing her comments to Mr Coe rather than through the chair.

**MADAM SPEAKER:** I will remind members that they should direct their comments to the chair. Have you finished, Chief Minister?

**MS GALLAGHER:** Yes, Madam Speaker.

### **Health Directorate—workplace injuries**

**MRS JONES:** My question is to the Minister for Health Over the past five years, the rate of workplace injury of the Health Directorate staff has been slowly decreasing. Great! However, last year the number of injuries reported to WorkCover increased by five times, the first increase since 2006. What has caused the sudden increase in serious workplace injuries to the hardworking Health Directorate staff?

**MS GALLAGHER:** I think it is more related to better reporting of incidents of concern within the hospital. There has been a huge amount of effort put in in the last 12 to 18 months to ensure that people are reporting incidents through our RiskMan process. We have also been working with WorkSafe around reportable incidents and training staff around that.

I am not aware of any significant increase, certainly not a five-fold increase, in injuries to Health staff. I think it is probably more a matter of reporting, and that should be encouraged.

**MADAM SPEAKER:** A supplementary question, Mrs Jones.

**MRS JONES:** Has the increase in workplace injuries, or possibly reporting, at the Health Directorate resulted in more Comcare claims? If so, how many?

**MS GALLAGHER:** I would have to take that on notice in relation to the specific number of claims. In terms of managing, there are two elements to it, because there is Calvary and ACT Health. They are covered under workers comp, obviously. I would have to take some further advice on the numbers going to claims. But I would say, again, that the director-general in particular has put in an enormous effort to encourage staff to come forward, because this of course relates to workplace culture and environment as well, and where there are concerns to report those concerns and have them investigated and addressed. So I think that even though it may tell a negative story, there is a positive undercurrent to it, which is that people are feeling that they work in an environment where they can report concerns about their workplace.

**MADAM SPEAKER:** Supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister, has the increase in workplace injuries resulted in higher Comcare premiums? If yes, how much?

**MS GALLAGHER:** Again, not noticeably. Calvary had an increase in their workers comp premium this year. So not across ACT Health to any great degree, other than that the workers comp premium is going up across government. We are doing a

separate piece of work about that because our claims are going down and our premium is going up. You will be aware of the whole-of-government work that is being done around looking for other options for our workers compensation arrangements. The premium across ACT government is going up but there has not been any significant increase that I am aware of in relation to claims within ACT Health.

**MADAM SPEAKER:** A supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister, can you tell us what steps you are taking to make the Health Directorate a safe place to work?

**MS GALLAGHER:** The answer to that covers a number of different fronts. One of them relates to infrastructure, so building appropriate facilities for staff to work in that have adequate equipment to deal with the physical load of working in a healthcare system. For example, some of the facilities we build now have a bariatric consulting room, so that staff have a large area to work with people who are overweight or obese. Lifting equipment in the hospitals is a fairly standard practice now. So across the physical environment, I think the hospital does very well.

In relation to workplace culture, I think it has been an issue that the director-general in particular has been keen to work on with staff. There has been a whole range of different responses to that. There is the workforce culture survey; there are individual workplace responses that happen on that. There is also a very active workplace engagement program. I know that the director-general forums, for example, at the Canberra Hospital often do not have any empty seats in them, whereas several years ago you would not have found anyone going to them. That, again, shows a level of engagement with the workforce that has not existed before and is a result of the active work that has been done by the executive to address concerns around the workplace environment.

### **Education—literacy and numeracy**

**MS BERRY:** My question is to the minister for education. Minister, I refer to your recent comments on making the study of English mandatory to year 12. Can you inform the Assembly why it is important to examine the studying of English in these senior secondary years.

**MS BURCH:** I thank Ms Berry for her question. Recent international and Australian reports, from bodies such as the OECD, the Australian Council for Educational Research, the Productivity Commission and the Australian Industry Group, have highlighted the importance of literacy and numeracy skills to the future of both individuals and the economy. It is critical that we ensure that all ACT students graduate from college with the highest possible levels of literacy and numeracy. We know that literacy and numeracy skills are developed across all subject areas, but the major focus for the development of these skills is in English and mathematics. This is why I have asked the Board of Senior Secondary Studies to review the requirements for English in the ACT year 12 certificate—and possibly mathematics.

Literacy skills play a vital role in ensuring students' success in both academic and vocational studies. Higher education institutions have identified weak literacy and numeracy skills as impediments to students' progress in post-secondary education. Literacy and numeracy are also key foundation skills in initial vocational education and training.

There have been small changes to the requirements for the ACT year 12 certificate over the past few years, but I believe it is timely to undertake a more formal review to ensure that the certificate continues to meet student and stakeholder needs in a changing environment. Other states, such as WA and South Australia, have recently undertaken reviews of the requirements of their senior secondary certificates; there has not been a major review in the ACT for a number of years. The mandatory study of English would strengthen our senior secondary credential in terms of its reputation for preparing students for their future and in remaining competitive with other national and international credentials.

The review of year 12 certificate requirements to be undertaken will involve consideration of national and international best practice in the area, as well as consultation with ACT students, teachers, parents, tertiary institutions and the broader community. I expect an initial report by March of next year. The implementation of any changes to the requirements for the certificate will be timed to ensure that students and their parents are informed of the new requirements well before students start their senior secondary studies.

**MADAM SPEAKER:** A supplementary question, Ms Berry.

**MS BERRY:** Minister, is it the case that a number of students already study English and maths in year 12?

**MS BURCH:** Again, I thank Ms Berry for her interest. ACT students certainly rank highly in all aspects of literacy and numeracy in the NAPLAN tests. However, it is important that we ensure that all students continue to develop their literacy and numeracy skills throughout their education.

Further, our year 9 NAPLAN results indicate that while we still perform well there are some students not meeting national benchmarks in literacy and numeracy. It is important, therefore, that we ensure these students continue to access high-quality literacy and numeracy education throughout their education.

Of the students who achieved a year 12 certificate last year, close to 120 students did not complete an English course and nearly 290 students did not complete a maths course across years 12 or 11. Some of these students may have avoided English and maths because they were not strong in these areas.

The senior years may be the last opportunity for these students to get support to improve their literacy and numeracy skills. The key is to ensure that we have English and maths courses that are interesting and relevant to the students and support them to achieve levels of numeracy and literacy required to function as adults.

Some students discontinue the study of English and maths believing the courses are not required for their post-college studies. As students are often still developing their views on their future directions during years 11 and 12, such a decision can limit future options and success in further study.

**MADAM SPEAKER:** A supplementary question, Mr Gentleman.

**MR GENTLEMAN:** Minister, how does ensuring that all students receive quality English education improve outcomes and improve students' options for further study and work?

**MS BURCH:** I thank Mr Gentleman for his interest. The benefits to students of continuing to study English throughout their school years are highlighted in recent research reports that provide evidence of links between levels of literacy and future employment, wage rates, productivity, and engagement and success in future study.

The recently released OECD skills outlook shows that occupations for higher educated workers are increasing significantly, at the expense of those for low and medium educated workers. The report indicates that individuals with low levels of literacy are more likely to be unemployed and have lower median wages. They do not participate in volunteer activities and report poorer health. They also believe that they have little impact on the political process.

The Productivity Commission report on links between literacy and numeracy skills and labour market outcomes released in 2010 estimates that improving literacy and numeracy will have a significant effect in improving labour force participation, especially by women, and increasing hourly wage rates.

As I have mentioned earlier, English is also important for continued studies, either in VET or higher ed. VET and higher ed providers will certainly talk about the need for students to have strong literacy and research skills for further study, to know how to properly construct an argument, to know how to find valid and useful sources of information—beyond Wikipedia—and then to adequately reference those sources in their work, for example.

These are important skills gained through study of English at senior levels and ones that will serve them well in their professional lives. We must ensure that our students leave college with the knowledge and the skills to participate in the changing globalised economy.

**MADAM SPEAKER:** Supplementary question, Dr Bourke.

**DR BOURKE:** Minister, what occurs in other states in relation to mandatory study of English?

**MS BURCH:** I thank Dr Bourke for his interest. The requirements for the award of senior secondary certificates differ around Australia based on the local context and

how recently they have been reviewed. However, all except the ACT have mandatory English or literacy requirements and many also have mathematics or numeracy requirements.

A number of the states also specify a minimum level of achievement for the award of their certificate. For example, in South Australia and the Northern Territory to be eligible for the award of a South Australian certificate of education, the students are required to complete the equivalent of at least two semesters in English-literacy subjects and at least one semester in maths-numeracy subjects at grade C or better.

In Western Australia, students must achieve a minimum level of literacy and numeracy based on the skills regarded as essential for individuals to meet the demands of everyday life and work in a knowledge-based economy to achieve a Western Australian certificate of education.

In Tasmania, students must achieve five minimum standards, including everyday adult reading, writing and communication and everyday adult mathematics to achieve a Tasmanian certificate of education. Students can demonstrate that they have met the standards by achieving a pass, which is a middle grade, in appropriate subjects or in special tests.

In Queensland, there are literacy and numeracy requirements for the award of the Queensland certificate of education, which can be met through sound achievement. The middle level of achievement in relevant subjects or special short courses, or a grade C on the Queensland core schools test.

Completion of an English course is mandatory for the award of the higher school certificate in New South Wales and the Victorian certificate of education, but currently no minimum standards are specified.

We here need to ensure that our students graduating from college have the skills—  
(*Time expired.*)

### **Bushfires—preparedness**

**MR SMYTH:** My question is to the Minister for Territory and Municipal Services. Minister, page 84 of volume 1 of your annual report says that maintenance was carried out on 407 kilometres of fire trails, yet page 27 of the same report identifies maintenance of 655 kilometres of fire trails. Page 84 says that only 35 out of 41 identified road maintenance activities were carried out, and that storm damage from both 2010 and 2012 has not yet been repaired. Minister, an official from your department said in relation to funding for fire trail maintenance that “it’s never enough”. Why have you not provided enough funding for the maintenance of fire trails, particularly given the fire season that we are facing?

**MR RATTENBURY:** I fundamentally reject the premise of Mr Smyth’s question. I also reject the fearmongering that he drove in Sunday’s *Canberra Times*. It is quite clear that the ACT government takes dealing with the fire threat that the ACT faces each summer very seriously. As I commented after Sunday’s *Canberra Times*, TAMS

has undertaken a comprehensive program to ensure that all fire trails are accessible to our emergency services vehicles this coming season. TAMS has completed all priority works to all fire trails. Let me be clear about that: all priority work on all fire trails. All of the trails can be accessed by our emergency services vehicles.

TAMS manages over 4½ thousand kilometres of fire trails. As Mr Smyth noted in his question, the ACT experienced two large, destructive storms in 2010 and 2012 which caused over \$4½ million in damage. Repairs, necessarily so, have been prioritised and all strategic, high-priority fire trails were the first to be repaired. This included work to repair damaged bridges, large sections of washed out trails impassable to all vehicles, and damaged stormwater infrastructure such as culverts and drains.

The remaining lower priority works required some trails to be scheduled to be delivered over the coming 12 months. These works typically include clearing stormwater drains, decommissioning old forestry trails used in areas no longer managed for forestry operations and other such initiatives.

What is quite clear is that while some trails do warrant further work, that does not mean they are inaccessible. So to suggest that either TAMS or the ACT government has been negligent in its maintenance of fire trails is simply not true. There is always more work to be done. I think Neil Cooper best described it in Sunday's paper when he was quoted as saying that it is like "owning the Sydney Harbour Bridge". You start to paint it, and when you get to the other end, you simply have to start again. That is inevitably the case with the fire trails. They always require ongoing maintenance. It is the nature of having dirt trails through remote areas that are subject to weather conditions.

But the bottom line is that despite what Mr Smyth will attempt to say to the Canberra community, the Canberra community can rest assured—and this is the most important point as we come into a potentially risky fire season—that all fire trails in the ACT are accessible by our emergency services vehicles. That is the bottom line. That is what people need to know.

**MADAM SPEAKER:** A supplementary question, Mr Smyth.

**MR SMYTH:** Given your answer, minister, will you now give the guarantee that you failed to give on Friday that all that is possible has been done to prepare the ACT for the coming fire season?

**MR RATTENBURY:** With regard to Mr Smyth's reference to Friday, I think Mr Smyth reframed the guarantee he wanted from me several times, which is why I would not give him one. I have seen Mr Smyth do this in committees before. I am not going to play his games where he tries to put a frame that he wishes me to somehow agree to, that he keeps changing as the questioning goes on and tries to trick me into something that later on I will be held up against that is not necessarily the case.

I have been quite clear—and I can say it to the Canberra community—that every fire trail in the ACT that needs to be accessed is accessed. TAMS has a bushfire operational plan, as Mr Smyth knows. TAMS is delivering that bushfire operational

plan. That is designed to give the ACT the best protection we can against the coming fire season.

I cannot walk in here and guarantee (a) there will be no bushfires or (b) those bushfires will not threaten the community in some way. It has been quite clear from the Emergency Services Commissioner that we are facing a potentially difficult season, with high levels of grass growth and the potential for dry and hot conditions. That does create a difficult environment. The bushfire operational plan has been implemented to best protect the Canberra community and that is what TAMS is working on.

**MADAM SPEAKER:** A supplementary question, Ms Berry.

**MS BERRY:** Minister, can you describe the maintenance or repair work that you just mentioned that is being carried out on trails behind Dunlop and west Macgregor?

**MR RATTENBURY:** Thank you for the question, Ms Berry. I will take those specific trails on notice so that I can give you an answer because I know that you have a great interest in Belconnen and the suburbs in your electorate. So that I can give you the best possible advice, I will take that particular question on notice for that level of detail.

**MADAM SPEAKER:** A supplementary question, Ms Lawder.

**MS LAWDER:** Minister, why were six of the identified fire trail maintenance activities not completed?

**MR RATTENBURY:** As was explained in the annual report hearings on Friday, some projects are not completed in the year they are scheduled to be completed, and that is because circumstances change and priorities change through the course of the year. Mr Iglesias, the senior official from TAMS who was with me in the committee on Friday, explained that in some detail.

He identified, for example, when a major storm event occurs and certain priority areas of a track get damaged, it may be that a lower priority work will be rolled over into the following year so that resources can be dedicated to the higher priority work. And that higher priority work may be an area that is a critical point of access and has particular strategic significance.

I think members would agree it makes sense in those circumstances that a work that perhaps was a long-term maintenance requirement and that can be put off for another year should be put off so that those critical works can be undertaken. That is the nature of why some projects do get deferred into further years.

### **Royalla solar farm**

**MR GENTLEMAN:** My question is to the Minister for the Environment and Sustainable Development. Minister, last week you officiated at the sod-turning event for the solar farm at Royalla. Can you tell the Assembly what this means for the project.

**MADAM SPEAKER:** Mr Gentleman, sorry; I did not actually hear the question. “Can you tell—”

**MR GENTLEMAN:** Minister, can you tell the Assembly what this means for the project.

**MR CORBELL:** I thank Mr Gentleman for the question. I was delighted last Wednesday to join with representatives of FRV, Fotowatio Renewable Ventures, who are the developers of the Royalla solar farm, along with their principal contractors, Acciona Australia, to mark the commencement of work for the Royalla solar farm. This solar farm, of course, has been supported by the ACT government’s large-scale auction process. When completed, this solar power facility will be the largest of its type in Australia.

The turning of the sod, of course, marks the official commencement of construction work on the site. Acciona and FRV have commenced the site works with the development of new site access off the Monaro Highway. That will be followed by the substantive work on the site itself. The project is being developed by FRV, who were the successful winners of the first stage of the ACT’s solar auction process. At full capacity, this facility alone is expected to deliver approximately 20 megawatts of renewable energy annually, enough to meet the power demands of about 5,000 Canberra households. It is also expected that over the life of its operation the FRV facility will abate approximately 700,000 tonnes of greenhouse gas emissions.

This development is important for the ACT—important in terms of working towards meeting our greenhouse gas reduction targets, reducing our greenhouse gas emissions, making the shift to renewable energy generation, and doing so at a very low cost to consumers. But equally it is important nationally, because it is one of the largest solar power plants—indeed it is the largest—yet to be built in Australia and it is the first solar power facility that has been supported by private finance. Therefore, we are setting a model for certainty and reliability when it comes to investment in solar energy across the country. And it is being closely watched by the industry nationally, and indeed internationally, because of the nature of the development and what it means for the potential of large-scale solar in our country.

I congratulate FRV on reaching this important milestone, seeing this work commence. The work is due to be completed by the middle of next year. That is when the plant is expected to be operational. We can truly say then that we are well on the path towards Canberra becoming the solar capital of Australia.

**MADAM SPEAKER:** Mr Gentleman, a supplementary question.

**MR GENTLEMAN:** Minister, why is the ACT government so keen on attracting large-scale solar development?

**MR CORBELL:** I thank Mr Gentleman for the supplementary. We are, of course, keen on and supportive of large-scale solar because of the contribution it can make towards meeting, first and foremost, our city’s renewable energy targets. We have a

90 per cent renewable energy target and we have that target to be achieved by the year 2020. We also have a greenhouse gas reduction target which seeks to achieve a 40 per cent reduction in greenhouse gas emissions by that same year.

This equates to around two million tonnes of greenhouse gas emissions across the ACT economy in terms of reduction by the year 2020. Renewable energy generation is a critical part of achieving that target because so much of our emissions are a result of the use of non-renewable electricity sources, the use of energy, particularly electricity, in buildings, both residential and commercial.

Making a shift to renewable energy through large-scale renewable energy generation is critical for us to achieve our greenhouse gas reduction targets. That is why the government is supporting the development of renewable energy through the large-scale solar option process. It is why, of course, we have completed now allocations worth 40 megawatts of renewable energy generation over the last 12 months as part of our large-scale auction process, and it is why we have now two other grants of entitlement having been made to Zhenfa Australia and to Elementus Energy for proposed plants at Uriarra and Mugga Lane. Those plants need to work through the approvals process, which FRV have already achieved, and, of course, they are now able to start construction.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Minister, what is the cost to ACT residents for each of the solar projects?

**MR CORBELL:** The cost is extremely modest. The full 40 megawatts of solar generation allocated under the large-scale solar auction process provides for a maximum average household cost of 45c per household per week in 2016, reducing to 27c per household per week in 2021. These are very modest costs for ACT consumers. It is worth making the observation that they are approximately half the cost that the government itself estimated in deciding to establish the large-scale auction process. In our projections and our assessments, we anticipated that the cost per household per week would be around \$1 per household per week, reducing to about half that, 50c per household per week. Instead the actual result is a maximum average household cost of only 45c per household per week, reducing to 27c per household per week by the year 2021.

This really does demonstrate the significant economies of scale that are being achieved in large-scale renewables, the massive reduction in the cost of PV panels in particular in the global economy, and the advantage that comes from our city being an early adopter of large-scale renewable energy and the efficiencies that come from that.

I can certainly assure all members that Canberrans are getting excellent value for money, a very low and manageable cost for their new renewable energy sources, and at the same time we are creating jobs in our economy and, of course, making a significant contribution to cutting our greenhouse gas emissions.

**MADAM SPEAKER:** Supplementary question, Ms Porter.

**MS PORTER:** Minister, how does the small-scale household solar play a role in the government's large-scale solar policies?

**MADAM SPEAKER:** Ms Porter, could you just repeat the question? I did not hear it all.

**MS PORTER:** I am sorry. Minister, how does the small-scale household solar play a role in the government's large-scale solar policies?

**MR CORBELL:** I thank Ms Porter for the question. The government does continue to project in its policy settings the ongoing rise of micro solar, as it is known, or rooftop solar on the top of people's homes. We have over the past two years or so, even with the closure of the micro feed-in tariff schemes, seen a further two megawatts of renewable energy generation installed on Canberra rooftops, and that is without any price support through a micro feed-in tariff.

So what that really highlights is that the cost of micro or rooftop solar for households has been dramatically slashed again because of economies being generated in the global PV market. Households are continuing to take advantage of that. They are recognising that it is a very affordable choice for many households as a way of offsetting rising electricity prices and managing their household electricity use and bills.

At the same time, we are seeing the emergence of new products, new models of delivery of PV into the household market. We are now starting to see leasing schemes come into effect where there are effectively no up-front costs for householders. They enter into a long-term finance arrangement with a company where the company effectively leases the roof space and gives the householder a discount on their electricity bill for a guaranteed period of time.

These are the types of new financial models that are coming into place in rooftop solar and they really do highlight the very important role that rooftop solar will continue to play in our overall greenhouse gas reduction targets.

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

### **Supplementary answer to question without notice Sport—Tuggeranong facilities**

**MR BARR:** I can advise the Assembly in relation to Mr Wall's question around the Tuggeranong Men's Shed that I have sought some information from the Community Services Directorate, which advises there has been good progress towards the lease. It is expected to be finalised in the next couple of weeks, and the men's shed can move in immediately once the lease is finalised.

## Papers

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

Standing order 191—Amendments to the Land Rent Amendment Bill 2013, dated 24 September 2013.

Auditor-General Act—Auditor-General's Report No. 6/2013—Annual Report 2012-13, dated 24 September 2013.

Legislative Assembly for the Australian Capital Territory—Office of the Legislative Assembly—Annual Report 2012-13, dated September 2013.

**Ms Gallagher** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2012-2013—

ACT Ombudsman, dated 7 August 2013, including a corrigendum.

Chief Minister and Treasury Directorate (2 volumes), dated 11 and 12 September 2013.

ACT Public Service—State of the Service Report (incorporating the Commissioner for Public Administration)—

Report, dated 19 September 2013.

Colleagues, Not Cases—Managing People and Resolving Workplace Issues—Report of the Review of Allegations of Workplace Bullying and Other Misconduct at the Canberra Institute of Technology, prepared by the Commissioner for Public Administration, dated September 2013.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2012-2013—Health Directorate, dated 13 September 2013.

ACT Government—Overseas Travel Report—ACT Education Mission to China, 1 to 7 September 2013.

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2012-2013—

ACTEW Corporation Limited, dated 5 September 2013.

ACTTAB Limited, dated 5 September 2013.

ACT Insurance Authority (including Office of the Nominal Defendant of the ACT), dated 18 September 2013.

Commerce and Works Directorate (2 volumes), dated 19 and 24 September 2013.

Independent Competition and Regulatory Commission, dated 19 September 2013.

Treasury Directorate—1 July to 9 November 2012, dated 11 September 2013.

## **Financial Management Act—instruments Papers and statement by minister**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services): For the information of members I present the following papers:

Financial Management Act, pursuant to section 18A—Authorisation of expenditure from the Treasurer's Advance to the Legal Aid Commission, including a statement of reasons, dated 16 October 2013.

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

Leave granted.

**MR BARR:** As required by the Financial Management Act 1996, I table a copy of an authorisation for a Treasurer's advance provided to the Legal Aid Commission of the ACT. Section 18 of the act provides for the Treasurer to authorise expenditure from the Treasurer's advance. Section 18A of the act requires that within three sitting days after the day the authorisation is given the Treasurer must present to the Assembly a copy of the authorisation instrument, a statement of the reasons for giving it and a summary of the total expenditure authorised under section 18 for the financial year.

This instrument I am tabling today provides an increase of \$1,198,022 in net cost of outputs appropriation for the Legal Aid Commission of the territory to meet expenses related to the board of inquiry into the conviction of Mr David Eastman. I commend these papers to the Assembly.

## **Papers**

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2012-2013—

Economic Development Directorate, dated 9 September 2013.

Exhibition Park Corporation, dated 10 September 2013.

Land Development Agency, dated 10 September 2013.

**Mr Corbell** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2012-2013—

ACT Electoral Commission, dated 10 September 2013.

ACT Human Rights Commission, dated 20 September 2013.

Director of Public Prosecutions, dated 19 September 2013.

Justice and Community Safety Directorate (2 volumes), dated 3 September 2013.

Legal Aid Commission (ACT), dated 21 August 2013.

Public Advocate of the ACT, dated 19 September 2013.

Public Trustee for the ACT, dated 12 August 2013.

Victims of Crime Support Program (incorporating Victims of Crime Commissioner, Victim Support ACT), dated 16 September 2013.

**Civil Law (Wrongs) Act—**

Pursuant to subsection 4.56(3), Schedule 4—Professional Standards Councils—Annual Report 2012-2013.

Pursuant to section 205—General reporting requirements of insurers.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2012-2013—ACT Policing, dated 26 September 2013, in accordance with the Policing Arrangement between the Commonwealth and the Australian Capital Territory Governments.

Crimes (Controlled Operations) Act, pursuant to subsection 28(9)—ACT Policing Controlled Operations—Annual Report 2012-2013, dated 26 September 2013.

Crimes (Surveillance Devices) Act, pursuant to subsection 38(4)—ACT Policing Surveillance Devices—Annual Report 2012-2013, dated 26 September 2013.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2012-2013—Long Service Leave Authority, dated 12 September 2013.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2012-2013—

Environment and Sustainable Development Directorate—

Report, dated 26 August 2013.

Corrigendum—Annexed Report—ACT Heritage Council.

Office of the Commissioner for Sustainability and the Environment, dated 5 September 2013.

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

Legislation Act, pursuant to section 64—

Energy Efficiency (Cost of Living) Improvement Act—Energy Efficiency (Cost of Living) Improvement (Priority Household Target) Determination 2013 (No 1)—Disallowable Instrument DI2013-229 (LR, 12 September 2013).

**Petition—out of order**

Petition which does not conform with the standing orders—Marriage Equality Bill 2013—Proposed referral to Assembly committee—Mrs Dunne (6 signatures).

**Ms Burch** presented the following paper which was circulated to members when the Assembly was not sitting:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2012-2013—ACT Building and Construction Industry Training Fund Authority, dated 16 August 2013.

### **Education and Training Directorate—annual report 2012-13 Papers and statement by minister**

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming): I present the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2012-2013—Education and Training Directorate—

Report, dated 25 September 2013.

Revised report, dated 25 September 2013.

I seek leave to make a brief statement.

Leave granted.

**MS BURCH:** The statement is for the purpose of advising members of the Assembly of the revised version of the report that has just been tabled. The original circulation occurred out of session to members of the Legislative Assembly on 26 September, in accordance with the Chief Minister's 2012-13 annual report directions. Following the publication of the report, some formatting errors and one material error in the number of staff reported in table C7.7 on page 123 were identified. In addition, the alphabetical index has also been revised.

### **Papers**

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2012-2013—Community Services Directorate (2 volumes), dated 2 September 2013.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2012-2013—Cultural Facilities Corporation, dated 29 August 2013.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2012-2013—ACT Gambling and Racing Commission, dated 9 September 2013.

**Mr Rattenbury** presented the following paper which was circulated to members when the Assembly was not sitting:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2012-2013—Territory and Municipal Services Directorate (2 volumes), dated 19 September 2013.

### **Alexander Maconochie Centre—capacity Ministerial statement**

**MR RATTENBURY** (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (4.00): I seek leave to make a ministerial statement concerning the pressures faced in the Alexander Maconochie Centre which I was scheduled to give earlier in the day but which was deferred due to the lunch break.

Leave granted.

**MR RATTENBURY:** I rise today to provide a statement on the current pressures facing the Alexander Maconochie Centre, or the AMC. As members would be aware from recent statements I have made in the media, the AMC is currently experiencing record population and separation pressures and is nearing full operational capacity.

It is a fact that it is impossible to precisely predict future numbers of detainees, and this is the case across all Australian jurisdictions. In the case of the ACT, for instance, it is hard to imagine a more unpredictable scenario than the one the AMC has faced in 2013. Just 10 months ago, in January 2013, detainee numbers sat below 240. They have exceeded 340 in the last few weeks. That is a growth of more than 40 per cent.

This rapid growth in numbers is unexpected. In short, this is an extraordinary situation and one that requires immediate attention and a whole-of-government response.

I express my deep respect for and gratitude to the Corrective Services staff who are acting with exceptional professionalism under very trying times. They are all working in a difficult environment and they are doing it extremely well.

I would like to focus on the current situation before us, but I acknowledge that there has been a lot of discussion regarding the past. I am focused on those matters that have been presented to me in my time as minister, but I will say that regardless of whose projections were used, and whatever else was decided on over 10 years ago, the situation before us is completely unprecedented.

The average number of detainees in the AMC had risen consistently since the prison opened, as members would know. What may be of some surprise is the dramatic increase on the 2012-13 average of 266.

Going back to the 2008 financial year, the average detainees across years has been, with the percentage increase over the previous year: 2008-09, 176; 2009-10, 189—a 7.39 per cent increase; 2010-11, 228—a 20.63 per cent increase; 2011-12, 259—a 13.6 per cent increase; and then 2012-13, 266—a 2.7 per cent increase.

In the past 10 months, as I have said, actual daily numbers have risen by more than 40 per cent, from less than 240 to a peak of 343 yesterday, 21 October 2013.

Now that we are all aware of the actual numbers, I trust that all members, were they in my position, would pause and ask, as I have done, “What is driving this unprecedented increase?”

Since becoming Minister for Corrections, I have been working extensively with corrections to address the growing population demands at the AMC in the short, medium and long term. In the course of these discussions it has become clear that, while there are many possible drivers, the issues are too complex for any single cause.

We can look to increases in police numbers, changes to maximum penalties for certain offences and trends in sentencing. We can consider social and economic drivers relating to criminal behaviour and increased numbers of people remanded in custody.

But the truth is that none of these factors alone can explain the increase and the fact remains that, regardless of these trends, Corrective Services is daily experiencing operational pressures that require increased resources and support.

In the short term, we have increased raw accommodation numbers from 300 beds to 366 beds with the installation of bunk beds in some cottage bedrooms and cells.

It must be noted, however, that not all beds can be utilised at all times due to separation of categories of detainees—for example, men and women, remand and sentenced. In each of the above categories there are further separation requirements, including various categories of protection and mainstream detainees.

Corrective Services staff and management have also responded with exceptional professionalism in their day-to-day management of detainees. These include implementation of some immediate steps to minimise the impact of increasing detainee numbers and separation issues and maintaining our human rights compliance. They include the addition of physical separation barriers in some areas to enhance separation between certain categories of detainees; implementing complex personal movement schedules, including increased intelligence gathering, escorting and enhanced supervision of high risk detainees; daily triaging of high needs detainees; maximising accommodation space with the installation of bunk beds in some cottage bedrooms and cells; and exploring further options, including interstate transfer for detainees with specific therapeutic needs that cannot be met in the ACT.

These measures have been undertaken with proactive engagement and discussions with the Human Rights Commission, Ombudsman, Public Advocate, official visitors, health commission and other stakeholders.

An oversight agency forum is held bi-monthly at the AMC as a forum to discuss and communicate issues and challenges at the AMC.

In addition, \$7.3 million was allocated in the 2013-14 budget over four years to support ACT Corrective Services in effectively managing offenders on parole or court-ordered sanctions and provide additional resources to meet increases in service demand and trainee correctional officers' expenses.

The government has provided \$3 million from the 2013-14 ACT budget for design works on a prison expansion. This funding will enable the development of plans for new flexible accommodation, which I am progressing with my cabinet colleagues. We cannot afford to postpone this work.

Cabinet has also recently approved a series of roundtables to develop better understanding of the drivers for increased detainee numbers and their impact on the AMC.

I expect that these discussions will be the basis for continuing work across government to address the AMC accommodation issues.

In the next few weeks, I will be convening these roundtables with key stakeholders in the criminal justice system. The roundtables are expected to have input from ACT government ministers and key stakeholders in the criminal justice system. This work is anticipated to culminate in further cabinet consideration of options in the earliest possible time frame.

The roundtables will gather key stakeholders, seek whole-of-government engagement in identifying issues and solutions, present a snapshot of the existing pressures and known issues, share information on current and ongoing work, including the scope and nature of data collection projects and reviews, consider possible legislative, policy and procedural implications and provide options for government consideration.

I am focused on the current situation and the needs of the future.

Beyond the built form of the AMC, it is clear that the whole criminal justice system is experiencing increased demand and that these pressures are not unique to the ACT. Nearly every state and territory is currently building bigger jails and trying to better respond to the issues of offending and recidivism.

The dilemma faced by any jurisdiction considering correctional facility needs, inevitably, is: what level of investment should be made? I want to make it clear, however, that this investment should not just be focused on building more jails, which have subsequent high daily detainee costs.

As I have said, this issue is not by any means unique to the ACT. Other governments are struggling to cope with increased detainee numbers and pressures on the criminal justice system. In this context, it is essential to explore the experiences of other states and territories and consider what might have benefit for the territory.

Some of these examples include Tasmania, New South Wales and the Northern Territory.

Tasmania has significantly reduced recidivism and prison expenditure by focusing heavily on community corrections as a viable and robust alternative to custodial sentencing. This work has been informed by collaboration with the courts and other stakeholders and has seen a renewed focus on rehabilitation and increased program integrity, earning the trust and respect of the magistrates.

Similarly, New South Wales has moved away from options such as periodic detention and is now focused on alternative sentencing, such as drug courts and electronic surveillance for certain types of offences.

In the Northern Territory, they are focused much more on industry and employment opportunities for detainees. In fact, they have named this approach “sentenced to a job” and have had initial encouraging signs of breaking the cycle of reoffending by offering education and training that is linked to actual employment.

I would also like to underline the principle of justice reinvestment, something supported by both the Labor and Greens parties. Put simply, this is the idea that investment in reducing offending behaviour and the drivers for those behaviours reduces the cost to society and the government in the longer term.

I am open to reviewing all of these ideas, and more, in the context of our own unique circumstances in the ACT.

We must also and at the same time consider what investment can be made in reducing crime, in increasing community safety and in sustainable models of rehabilitation. We, as a responsible government, are taking the right approach in addressing the problems in a coordinated manner, and I look forward to the valuable input of various experts and professionals.

Corrective Services cannot answer all these demands alone, and I thank the Chief Minister and my colleagues for the whole-of-government approach to what is really a whole-of-community issue. I present a copy of the statement:

Alexander Maconochie Centre—Current pressures—Ministerial statement, 22 October 2013.

I move:

That the Assembly takes note of the paper.

**MR HANSON** (Molonglo—Leader of the Opposition) (4.11): This is a disgrace. What we have just heard is a litany of excuses from the government’s chief excuse maker. It is a rewriting of history that is just quite extraordinary. The capacity problem at the jail was not unexpected. The series of reports and advice given to the government in the lead-up to the opening of the jail made it crystal clear—and I

would invite Mr Rattenbury to go back and read those reports or, if he cannot be bothered, the front pages of various editions of the *Canberra Times*; or perhaps he can go back and read the *Hansard* in 2009, 2010, 2011 and last year—that the capacity of this jail was never going to be enough at 300.

What was unexpected was that for a while the numbers of prisoners in the jail were below those forecast, to this government's good fortune and to the community's good fortune. So the anomaly, what was unexpected, was that for a period of time we had prisoner numbers that were well below forecast. So do not come into this place saying that this is all a surprise when this government had direct advice, reports and analysis to the contrary. The capacity of 300 for this jail was never going to be enough. The government knew this. That is why the original capacity for this jail was planned to be 374—and 374 was the minimum. It was the bare minimum to have the capacity that it needed to have any sort of lifespan at all.

As we know, and as I have said repeatedly in this place—ignored by Mr Rattenbury—this government cut the size of the jail to a capacity of 300, which meant that it only had an operational capacity of 245. It did so for two reasons. First, it blew the budget. Its budget had already blown out by \$20 million and it needed to rein that in because it was a political embarrassment. Second, it wanted to open this jail before the 2008 election. It did so on 11 September 2008, the day before the caretaker period. As we all remember, it did not accept any prisoners for well over six months because it was not ready to be operational. This government rammed through a jail that was undersize, not ready to be opened and over budget for its own cheap political purposes. Mr Rattenbury is trying to rewrite history to try and create some illusion: "Let's all forget that. This is all unexpected. Let's solve it with a roundtable."

Let me be pretty clear that if Mr Rattenbury in this place had listened to what the opposition was saying in various motions directly about the capacity of this jail—I invite you to go back and read the motions from 2009, 2010, 2011 and 2012—he would realise that we warned of this. What did the Greens do at that time? They did not support any of those motions. They ignored them. They sneered at the opposition for just rabble rousing and raising concerns that were not legitimate and turned every single debate into a debate about needles and syringes. While we were warning about the capacity of this jail that is now having such a detrimental effect on prisoners and staff, all that Mr Rattenbury wanted to talk about over four years in the last term was putting needles into the jail. But now he has inherited this problem he is trying to rewrite history. I would say to you, Mr Assistant Speaker, that this is absolute hypocrisy.

We were told by the then minister, Simon Corbell, in 2007 when he was questioned by the opposition about the capacity of this jail—and these were his words—"This jail will have capacity for 25 years in its current bed configuration." But what we know is that this jail is full. What we know is that there are bunk beds that have been cobbled together and put in there to try and retrofit it. What we know is that Mr Rattenbury's solution to this problem that we consistently warned this government and the Greens about over the last four years is to now say, "Oh, well, let's have a roundtable." It is quite decisive stuff, I would have to say.

**Mr Rattenbury:** You're an angry man, Mr Hanson.

**MR HANSON:** I am an angry man. Mr Rattenbury interjects that I am an angry man, and I am an angry man. I will tell you why. It is not just for the reasons I have outlined. One of the solutions that we had in the first place was not to build this jail at all but to spend that \$140 million—now it is going to be \$150 million, \$160 million or \$170 million—on our health system and we could keep the prisoners in New South Wales. I was attacked by Mr Rattenbury. I was attacked by Mr Stanhope. I was attacked by everybody from the left side of politics for daring to say that we could have our prisoners in New South Wales—I remember it distinctly—and that I was uncaring.

What we see now is that Mr Rattenbury from the Greens—it may not have been you directly, Mr Rattenbury, but it certainly would have been Ms Bresnan, your Greens' spokesperson for corrections—

**Mr Rattenbury:** Just make it up, Jeremy. Just make it up. Say whatever you like. Make it up. Go on.

**MR HANSON:** You are getting angry now, aren't you? You have been making up your whole statement. It is a farce; it is hypocrisy. What are we seeing now from the left of politics, the progressive left that sneered at the Canberra Liberals for daring to suggest that New South Wales was the solution? I can find you the quotes—and I will, Mr Rattenbury; I will come back into this place and I will read them to you—no doubt from your colleague Ms Bresnan and from Simon Corbell and John Hargreaves, and hopefully we can find some from others. We now find that the problem that we predicted, the problem that we said was apparent and that we warned this government about, has come home to roost and the sneering seems to have stopped. The only thing the government has come up with in response, other than having a roundtable, appears to be, "Let's look at sending prisoners back to New South Wales," having sneered at the opposition for having said that for years.

The government have got themselves into a position that is appalling. They have spent tens of millions of dollars of taxpayers' money above and beyond what was promised. They have delivered a jail that was at capacity the day it opened. It is bursting at the seams. It is causing a situation where the jail is impossible to operate optimally. It is causing a situation where prisoners and corrections officers are put in a very difficult position. I have great sympathy for our very professional Corrective Services who bear the brunt of this. Whilst corrections officers were warning of this—and I know, because I got correspondence from corrections officers—and telling me that they were being put in an impossibly dangerous situation, the government ignored it. All that was happening from the Greens, from Mr Rattenbury and his colleagues, was to ignore that and to say, "We are going to put needles in the jail." That is all we heard from them.

A minister who has ignored this subject for so long and has allowed this situation to develop when we warned against it is now making statements that are dripping with hypocrisy and rewriting history. I think that demonstrates to all and sundry why this

jail is viewed in the broader community and, I think, in the words of the *Canberra Times*, as something like a “dysfunctional fiasco”, but I will check my words.

Question resolved in the affirmative.

## **Housing—affordability**

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

**MR ASSISTANT SPEAKER** (Mr Doszpot): Madam Speaker has received letters from Ms Berry, Dr Bourke, Mr Coe, Mr Doszpot, Mr Gentleman, Mr Hanson, Mrs Jones, Ms Lawder, Ms Porter, Mr Smyth and Mr Wall proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Mr Hanson be submitted to the Assembly, namely:

The importance of affordable housing in the ACT.

**MR HANSON** (Molonglo—Leader of the Opposition) (4.20): I am very pleased to speak in the Assembly today on this matter of public importance because it is clear, to this side of the Assembly at least, that the issue of affordable housing is a real and critical concern for Canberrans. Home ownership has been historically one of the foundation aspirations for generations of Australians. Australians have aspired for generations to get a number of things—people want a good education, people want employment, they want a good job, and people who you talk to, regardless of their background, want to own their own home. For many Australians, buying their own home is the most important financial decision of their lives. It is a significant investment. However, this aspiration is for many Canberrans becoming more and more difficult every year, and it is being made worse by this ideologically driven and out-of-touch Labor-Greens government. The Labor-Greens government spends the increased taxes it levies on ordinary Canberrans on things that do not really help them in many cases—indulgent follies such as the *Skywhale*. Driving up the cost of housing can be directly attributed to the decisions made by this government.

But before I address the negligence of the Labor-Greens government, let us have a look first at how bad the housing affordability situation is in Canberra. Here are some of the facts. In Canberra we have some of the most expensive houses in the country. Currently the median Canberra house price is \$540,000, \$25,000 above the average Australian price of \$525,000. These numbers just slip off the tongue sometimes and do not really sink in, so let me reiterate them: the median price of a house in Canberra is over \$540,000. For an average young couple starting off life, they are facing the hurdle of well over \$500,000 just to get an average home. For those Canberrans trying to buy a unit to enter the market, the story is not much better. The median Canberra price for a unit is \$405,000. From the point of view of many Canberran first homebuyers, \$405,000 for a unit or \$540,000 for a house are figures that are completely disheartening and unachievable.

We hear from member opposite not to worry about the average price of a home. First-time buyers have to start at the bottom of the rung and work their way up. The median house price for a first homebuyer is \$420,000. So if you are trying to buy your first home, you are looking at \$420,000.

Housing affordability is a real issue. For a first homebuyer saving to get a house deposit together, it is made more difficult in many cases because of the high rents they pay. So while they are in rental accommodation it is very difficult to try to save money because of the high rents. In fact, since Labor has come to power in Canberra, rents have increased by more than 77 per cent.

Let us have a look at what Labor and the Greens have done to make this situation worse: pushing up unit prices, pushing up house prices, pushing up rates and, as a consequence, pushing up rent. The tax reforms that have been pushed by Mr Barr with the support of the Greens will triple the rates of Canberrans. Stamp duty is set to increase to 7.25 per cent for some homebuyers, despite claims that it will be abolished. There will be increased stamp duty for more than 50 per cent of first homebuyers through narrowing the eligibility for concessional rates and increasing payments on the least expensive houses from a nominal \$20 to over \$10,000.

ACT fees and services will cost an average household over \$9,000 a year. The tax on units, the lease variation charge, can add up to \$50,000 onto the price of every unit in an apartment development, which will inevitably be passed on to buyers. First home owners are now facing a situation where 50 per cent of the first homebuyers' charges in stamp duty are increased because concessions have been removed.

Let me go through in some detail how the Labor-Greens government is trashing housing affordability in Canberra. I will go to the lease variation charge. It is a tax on units and it increases the price of units. I make the point that for many first home owners, the entry point to housing ownership is through a unit. The remission rate in 2013-14 has dropped to 55 per cent, and the tax is failing to collect what it is supposed to. This is a bizarre tax in that it is not even collecting what it was meant to. This is really a tax on business and a tax on development. It is actually stifling development and having a reverse effect.

The 2012-13 budget estimated that \$23.4 million was going to be collected. However, as at the release of the June quarter, only \$15.5 million had been collected. The question is: how much economic activity has been slowed to drag in that \$15.5 million and how much would that economic activity be worth? It would be exponentially higher than that \$15.5 million. Subsequently, the estimated revenue across the forward estimates has been revised down.

I will refer to various suburbs and look at the change of use charge for units in a block of five to 10 units. In Braddon, a unit is going to see a charge in 2013-14 of \$31,500; Turner, \$31,500; and Phillip, \$24,000. For dual occupancies in the financial year 2013-14: Kambah, a \$20,000 slug; Mawson, a \$31,000 hit; and Aranda, a \$27,000 hit. Two things will happen out of that. Either a developer will say, "Right, well, the margins aren't going to be there. There's too much risk, and I'm going to do my development elsewhere," as many of them are doing—Mr Barr knows many of them are simply going to Queanbeyan or elsewhere in New South Wales, some as far as Victoria, to do their developments because it is just too costly to do them in Canberra because of the LVC—or they will do their developments and the LVC will be passed

on to the consumer. So the first homebuyer, the struggling young couple perhaps, trying to buy that unit will find themselves in a situation where they are going to be paying \$31,000 extra this year for that unit.

The issue of rates is also important. On average they have increased since 2001 when this government came in by more than 90 per cent. But let us look at particular suburbs. Banks has had a 152 per cent increase in rates and Charnwood, 158 per cent. We hear that Charnwood is a pocket of social disadvantage and we hear this government say they will not increase rates for people facing social disadvantage. But the evidence is that since they have come in rates have increased in Charnwood by 158 per cent. Chisholm, 130 per cent; Dunlop, 137 per cent; Spence, 148 per cent; and Holt, 138 per cent. None of those places—Banks, Charnwood, Dunlop—are areas of social privilege, but look how their rates have gone up.

We know their rates are going to triple because when we asked the government how this was going to work Mr Barr said, “Go to Quinlan,” and Quinlan showed us rates tripling. The simple facts are that the government is abolishing \$350 million worth of taxes—there is no dispute about that—but they are passing that all on to rates. And the only thing that can then happen is for revenue from rates to triple. There is no other way to do it.

In the 2012-13 budget rates went up by an average of 9.6 per cent, or \$104. In 2013-14 rates increased by an average of 10 per cent, or \$139. The budget shows an increase of 10 per cent a year, and that is without any increase to your property in terms of unimproved land value. So if it is going up 10 per cent a year and you extrapolate that out, then revenue from rates will triple in just over 11 years.

The problem is that there is no response from the government that refutes these claims. I will go through some quotes from the *Hansard* of estimates last year. Mr Coe always asks a good question:

**Mr Coe:** Have you actually done the work for 20 years?

**Mr Barr:** I refer you to the Quinlan tax review.

We have already made the point that Quinlan says they triple. Katy Gallagher said in the *CityNews*:

There is no plan to triple rates—that’s a lie.

In the annual reports hearings Mr Barr said:

No, at no point did I deny there would be pain.

The government claims they have done the modelling. Mr Barr said at the estimates this year:

**Mr Barr:** I know exactly what the effect of my reforms will be.

**THE CHAIR:** You have done modelling, surely?

**Mr Barr:** Yes, there is a variety of modelling.

But when we have asked him on what is probably about half a dozen occasions now to table that modelling in a variety of forums, he has refused to. He says he will not do it because there are a number of variables and they will consider it each time. So maybe we could use this as another opportunity as we have this discussion today to ask Mr Barr to table the modelling he has done so he can put to bed once and for all what is going to happen with our rates. But he will not, and we know he will not. He is just going to hope that this tax reform can keep moving without that modelling being tabled and that your rates will triple before it is tabled.

The real indignity of this is that it is essentially a bit of death tax by stealth. Many older Canberrans are in established properties and do not want to leave those properties in places like Deakin or Curtin. People have been in those properties in some cases for 30, 40, 50 years and they simply cannot afford to pay that increase in rates. What is the government's response? "Not a problem. A death tax, we will take it out of your estate." A death tax on people who have struggled and worked and lived in their homes for decades. And when you are out doorknocking—Mr Barr probably does not know what doorknocking is—you meet these people and they will tell you what effect it has on their lives when they see a rates bill they simply cannot pay.

We think housing affordability is a core function of this Assembly. We do not subscribe to the Quinlan view—squeeze them till they bleed but not until they die—which has been taken on by Mr Quinlan's protege, Mr Barr. We took a number of policies to the last election that would have an immediate effect: repeal the tax reform that triples rates, cut stamp duty in half for eligible first homes purchased up to \$500,000, extend the homebuyer concession scheme to established homes, and reduce the government's unit tax, the LVC, to the 2011-12 level with immediate effect.

Housing affordability is an area very dear to our hearts, and I look forward to hearing Ms Lawder's comments on this issue. It is an issue we will continue to drive in this Assembly, and we will continue to fight while this Labor-Greens government pushes up rates, pushes up people's stamp duty, pushes up government fees and services and cripples the business sector through a whole raft of regulations and laws that make it so difficult for people to do business.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (4.35): I thank Mr Hanson for raising the issue today. The government is undertaking a number of measures aimed at making home ownership, and rentals, more affordable.

The strength of the territory economy over the past decade or so has meant that demand for housing has been very strong. This is particularly due to our high, above national average, incomes; our very low unemployment rate; and our very high rate of population growth.

Although average incomes in the territory are high, the ongoing strength in demand for properties to purchase and rent has meant that housing affordability does indeed remain a key issue, particularly in the lower two income quintiles.

This is why the government has pursued a number of policies aimed at putting downward pressure on prices in the market.

Last year the government released phase III of the affordable housing action plan, which included 14 measures to improve affordability. Some of the initiatives have already been implemented—for example, reducing land tax on properties with average unimproved land values between \$75,000 and \$390,000; introducing variable thresholds for affordable housing based on dwelling size; making significant cuts to stamp duty on every single property in the territory, a point I will return to in a moment; increasing the property and income thresholds for the homebuyer concession scheme; and being innovative in looking at unlocking new parcels of land for new housing, particularly by supporting small clubs to assess the viability of their sites for residential development.

The following initiatives are underway: investigating higher targets for affordable housing requirements in our englobo releases; encouraging institutional investment in affordable rental properties; offering lease variation charge remissions to facilitate the redevelopment and adaptive reuse of commercial accommodation that delivers affordable housing; developing a sustainable land and affordable housing guide to assist industry; and releasing land for short-term accommodation.

Other initiatives that are more complex and will be undertaken in the medium term include increasing the supply of affordable rental properties through the transfer of land or surplus properties to the community housing sector; assessing and considering options for facilitating residential development on other underutilised community facility sites; investigating a requirement for the delivery of public and community housing in large infill and greenfield residential developments; and exploring options for extending the OwnPlace scheme into englobo and joint venture developments. These are just some of the initiatives the government is pursuing.

We have made a significant change to our policy focus around the encouragement of the supply side of the market. The only effective way to put downward pressure on prices is to dramatically increase the supply of housing. In the statistics I quoted in question time today, we have seen just how the market has responded to that. In the last quarter, there were more dwelling approvals in the ACT than there were in Tasmania and the Northern Territory combined.

We are seeing the market responding to a number of signals from government, particularly the increase in the first home owner grant, focusing on new accommodation. We do not push the price of existing homes up by having an increased amount of money in people's pockets chasing the same number of houses. That is inflationary, and the evidence over the last decade is that it is one of the major reasons why house prices have increased—because the supply has remained the same and yet demand has been fuelled. What is needed is supply-side solutions, and that is what the government has in place.

In addition, with the homebuyer concession scheme, which provides significant discounts on conveyance duty for those eligible—which includes those with household incomes of up to \$160,000, so about three-quarters of Canberra households are eligible—the stamp duty falls to just \$20. When combined with the first home owner grant in the purchase of a new home, that is a \$26,000 boost to a first homebuyer—a \$26,000 boost by way of a stamp duty cut and a first home owner grant for a new home.

It is no wonder that we are seeing a massive surge in building approvals, as we have sent a very clear signal to the market to supply more houses. That is what will assist in meeting the affordability challenge.

Not only do these changes benefit first homebuyers; they help drive an increase in the number of dwellings available across the territory. This puts downward pressure not only on house prices but on rents. We have seen that flowing through the economy in recent times.

It is interesting that Mr Hanson spoke of the lease variation charge and made the suggestion that every unit was \$31,000 more expensive as a result, in a number of areas.

*Mr Hanson interjecting—*

**MR BARR:** Unit prices have fallen since the LVC was introduced, Mr Assistant Speaker, so there goes that little campaign out the window. The facts do not bear it out. We have seen unit prices—

*Mr Coe interjecting—*

**MR ASSISTANT SPEAKER** (Mr Gentleman): Order, members! Mr Coe!

**MR BARR:** We have seen unit prices falling across the territory—so much so that there are now calls from industry for the government to slow down the release of land for new units. We are being told that there is an oversupply of units in the city.

*Opposition members interjecting—*

**MR ASSISTANT SPEAKER:** Minister, I ask you to take your seat for a minute. Members on the opposite side, I have called you to order a number of times now. Mr Coe, I have mentioned your name once. Can we please hear from the minister in silence.

**MR BARR:** Thank you, Mr Assistant Speaker. As part of the government's tax reforms, stamp duty has been cut on every single property in the territory. It may have escaped the Leader of the Opposition, but marginal tax rates apply. It is not that you pay 7.25 per cent flat if your house is above a certain value; you pay a marginal rate, just like your income tax, according to the different brackets for stamp duty. And we have been cutting those.

Those opposite went to the last election proposing to put stamp duty back up. They want to put stamp duty back up. They want someone who buys a \$300,000 home to pay another \$1,400 in stamp duty. That is their position. They want someone who wants to buy an average home in the territory to pay another \$3,500 in stamp duty. That is what they want, Mr Assistant Speaker. Their position is: “No, we would rather hit you with \$3,500 up front, and soon it will be \$10,000 up front, in order to avoid having to pay another \$100 a year in rates.” It is \$10,000 up front, \$100 a year in rates. Do the maths on that, Mr Assistant Speaker.

That is why we are reforming taxation. Stamp duty is the biggest inhibitor to affordable housing. That is why the Grattan Institute made this the key focus of their report released this week. It looks at the complexities of reforming tax to make housing more affordable and says:

Repealing stamp duty in favour of an annual property tax would greatly lower the cost of moving, making it easier to relocate for job opportunities, or to a more suitable home. It would also encourage the more productive use of land in our cities.

Indeed, of the three recommendations in this report, “Elimination of stamp duty and introduction of a broad based annual property tax” is the key recommendation. The report recommends that the change be phased in, which is exactly what the ACT government is doing. In today’s *Financial Review*, referring to the Grattan Institute’s report, the reporter notes:

A call to replace stamp duty with a broad-based annual land tax has been widely backed by the property industry, which says it would improve home ownership and stimulate construction.

That is exactly what we are doing in the territory. It is the right policy setting. Of course we should be pursuing it. Every government in Australia should be pursuing it. It is the right thing to do. That is why we are doing it.

**MR RATTENBURY** (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (4.45): The importance of affordable housing in the ACT is of keen interest to me in my role as Minister for Housing, as the minister responsible for homelessness, as an MLA, and simply as a Canberran.

The issue of affordability, and the various definitions that relate to renting and home ownership, is subject to considerable debate and discussion in the ACT. It seems that every other week we see a different report or study on this issue. I thank the leader of the Canberra Liberals for bringing this matter to the Assembly today; and yet it was an issue that was disappointingly underrepresented by the federal coalition in the recent election. I hope that Mr Hanson will reconsider his stated claim that the Legislative Assembly has no role in national affairs, and will overcome this reluctance and start talking with his federal colleagues as soon as possible about his quite genuine concerns.

The various national partnerships on housing affordability, rental affordability and homelessness are vital to the ACT government's response to these problems, and there is some uncertainty to date on what the new government will do in this area. In fact, far from there being uncertainty, there is actually no policy. With a number of these agreements due to come to an end in June 2014, this uncertainty or this vacuum is making it difficult for services to properly plan for the future. It is quite vital that the federal government soon makes it clear what it intends to do on these national partnership agreements—whether it intends to continue providing funding or if it is going to leave a massive black hole when it comes to tackling some of these issues.

During the election campaign the Australian Greens brought forward a fully costed and comprehensive national housing road map that contained nine key policies addressing the full spectrum of housing needs from social housing to private rental and home ownership. I will be talking with my federal colleagues about this uncertainty about the national programs, and we will be continuing to raise these needs for the ACT at every opportunity I have, including with the federal minister.

I raise the federal policy debates simply to make it clear that this is a major problem facing all levels of government in all jurisdictions. Australia is facing an affordability crisis; and there is a clear need for collaboration and innovation to successfully overcome it. On a local level, I would like to acknowledge the work of Minister Barr. The affordable housing action plan, now in phase III, has provided a strong environment in which to grow affordable housing.

*Mr Hanson interjecting—*

**MR RATTENBURY:** Far from being the sort of interjection that you make, Mr Hanson, it is actually about the fact that these policies have delivered real outcomes on the ground that most interests me, not the banter that you carry on with in this place.

The ACT government is to be commended for recognising the need and taking positive, proactive steps to improve the situation. That is work that needs to continue, to bridge some of the remaining gaps that exist on the spectrum of housing.

The ACT, as is often the case, presents some unique characteristics to consider. The recent housing affordability report from the Real Estate Institute of Australia indicated that the ACT was the most affordable housing market in Australia based on the home loan affordability indicator, which aims to capture the effect of the main influences on housing affordability, namely average incomes, the average size of a home loan and average interest rates. It is the average incomes component of this formula that presents the real challenge to policymakers in the ACT, as we all know that we have some of the highest wages in the country per head of population.

On the other hand, we also know that the rental market in the ACT, while relaxing slightly in recent times, has historically been amongst the highest in the country. Affordable housing refers to dwellings which households on low to moderate incomes can afford while meeting other essential living costs. It includes public housing, not-

for-profit housing and other subsidised housing under the national rental affordability scheme, together with private rental and home ownership options for those immediately outside the subsidised social housing system.

Housing costs are generally considered affordable if they do not exceed 30 per cent of the household income of those in the bottom 40 per cent of the income range. However, as Anglicare Australia has recently reported, there are weaknesses with the 30 per cent of income housing stress measure, such as what constitutes housing costs and how to account for household income. The 2013 “rental affordability snapshot” found that there are practically no affordable rental options to be found in Canberra or Queanbeyan for any of the low income households studied.

Put simply, there are many households in our city that are considered disadvantaged, as their income is much lower than average. This makes private rental and home ownership unachievable for some people in our city, where it may be considered more possible in other cities or regional areas of comparable populations. The *Disadvantage in the ACT* report issued by the National Centre for Social and Economic Modelling this month found that approximately 20,000 Canberrans were experiencing financial and housing stress and relative poverty.

Quite clearly, we as a community need to do more to address these inequities. We have a strong partner in CHC Affordable Housing—the sort of on-the-ground outcome I was referring to earlier when Mr Hanson was interjecting. This is a not-for-profit development company that delivers affordable properties for both sale and rent to the ACT community. In my own portfolios, the Community Services Directorate and Housing ACT have been developing new and innovative models of social housing, working closely with the national rental affordability scheme and providing much-needed tenancy support services.

Perhaps one of the clearest examples of this work to date is the progress on the Common Ground housing development, a priority under the parliamentary agreement. Making good use of the national rental affordability scheme, in partnership with the Snow Foundation and a strong community housing provider, Common Ground will provide stable housing for those experiencing homelessness and also create new homes for affordable rental tenants. Mixing these tenants will create a new and positive environment and has been a success in other jurisdictions. I would like to acknowledge the work undertaken to support this initiative in the term of the last Assembly by Amanda Bresnan, a strong advocate for the issues we discussed today.

This year I introduced new legislation designed to support and grow the community housing sector, and I look forward to doing more in this area in consultation with peak community sector bodies such as ACT Shelter and ACTCOSS.

We can sum it up quite simply: housing affordability is approaching a crisis in Australia, and no-one can deny that it is vital that all levels of government face up to the challenges to meet the needs of people trying to break into the housing market. Housing is essential, and safe and secure housing should be considered not a privilege for the wealthy but a basic human right for all.

I look forward to the continued input of all ministers and members, and community providers and private sector stakeholders, as we continue to work to address housing affordability in the ACT. It is a problem that people in the community talk to me about, and I know they talk to other members. It is a source of stress for people in the community. Some of the figures I identified today paint the picture of the very real situation that we face out there.

Whilst government has made progress in innovative products, it is clear that that has not been able to keep up with the problem. We do have more work to do. That is the challenge that sits in front of us. What that challenge needs is actual solutions. It is easy to come into this place and identify the problem. We are all quite capable of that. It is easy to come into this place and scoff at the steps that have been taken. The real challenge for all of us is to continue to work to actually deliver real, practical outcomes on the ground that meet the needs of those that are struggling to find stable, secure and safe housing.

**MS LAWDER** (Brindabella) (4.54): I also rise today to speak on the importance of affordable housing in the ACT. Of course, it is no secret that this is a topic I am very interested in. In my previous role at Homelessness Australia I saw the direct consequences of the affordable housing crisis we have in the ACT.

Housing affordability relates directly to a person's ability to pay for all aspects of their housing, and there is not one easy fix. It is an intricate issue which is a product of local economic and social policy, employment and rates of pay, the management of the public housing system, the cost of utilities and, of course, rates and taxes. It is a multifaceted and complex balancing act, and in the ACT we can see that perhaps it is not quite balanced. Housing affordability, which we are talking about today, is about not just home ownership but home or house rental as well.

The Anglicare Australia rental affordability snapshot for 2013 stated:

Persons employed in lower paid industries or reliant on Centrelink benefits have next to no options in this market.

It goes on to say that "the rental affordability situation for families and individuals reliant on government benefits or the minimum wage remains extraordinarily bleak" in Canberra.

Only last week RP Data research showed that less than 30 per cent of suburbs in Canberra have a median house price of less than \$500,000. And out of 900 suburbs in Australia with a median house value of less than \$300,000, the ACT did not have a single one of those suburbs.

We have above average rates of homelessness, and the public housing waiting list continues to grow. In the last two years the waiting list for public housing in the ACT has increased over 40 per cent. There are 11,851 public housing properties in the ACT, and as of 30 June 2,231 were on the waiting list for these houses. Simply, that means we would need 20 per cent of the current public housing tenants to vacate for one

reason or another to accommodate those on the waiting list, or else we would need a significant increase in the number of public housing properties.

However, with the housing affordability issue we have in the ACT, this is not realistic. There is no step between current public housing and the private Canberra rental market. This is very important. We need to give people a hand up, not keep them reliant on handouts.

At one end you have people in public housing who are at the upper end of the scale but cannot afford to make the jump to the private market. Then you have residents at the other end who desperately need the assistance of public housing and are on the ever-increasing waiting list, so may tip over into homelessness. There is no one-size-fits-all solution. That means we need to pay more attention than ever to finding policies to improve the situation in our community.

It is generally accepted that the pressure on the public housing system is a direct consequence of issues associated with private rental affordability in Canberra. Last year there were 94 eviction notices issued for households earning more than \$80,000 per annum and living in public housing. Of these, 62 either bought their homes or vacated the premises. The problem for the people remaining is that they are competing with many other potential tenants every single time they apply for a private rental property, and a lot of them simply cannot afford to buy. It is also well recognised that landlords and real estate agents, from a risk management perspective, will choose a potentially higher paid public sector worker over those who have just come out of public housing and are in sectors which may not be stable or well paid.

With the average private rental price in Canberra remaining at \$430 a week, there is no chance for low income households to get a look in. Amongst all of this, we have increasing rates, as Mr Hanson has just reiterated, which will directly put pressure on the cost of housing by potentially thousands of dollars each year. When landlords are charged increased rates, they pass this on to tenants through increased rents. Landlords are not in the business of absorbing tax increases imposed by the government; they simply pass them on to the tenant.

The approach to the issue of housing affordability needs to be widespread, considered and consistent. It needs to include public policy, private investment, philanthropic and community groups and approach it at all levels. It needs to, as some speakers have already said today, incorporate land release policy, lease variation charges, urban infill, community housing, first home owner schemes and many other factors. A lack of affordable housing has its flipside in keeping people in homelessness services, as identified in the Auditor-General's report on the national partnership agreement on homelessness from June this year.

I do believe that all of us in this place genuinely wish to increase the supply of affordable housing and reduce and end homelessness. Access to affordable housing in the ACT is vital for our community, especially for younger people, and we cannot afford to ignore this issue. It is something that we will continue to focus on as an important issue for all Canberrans.

**MS PORTER** (Ginninderra) (5.00): As we know, the ACT government is working hard to make homes more affordable, and one of the most effective ways to make housing more affordable is through releasing land to create more supply and put downward pressure on house prices and rents. The Riverview Group will construct 4,500 new homes adjacent to Holt and west Macgregor over the next decade. This will house about 12,000 people. It will increase the supply of housing to the territory and boost housing affordability. The first 200 blocks are anticipated to go to the market in 2015, and there will be a number of affordable housing blocks and rental opportunities. Most of the blocks in this development will be eligible for the homebuyers concession scheme and stamp duty for all properties is, of course, also being lowered due to the government's phased abolition of this tax.

Providing affordable housing is about more than just bricks and mortar and land; it is about creating sustainable communities with access to education and community facilities. I am excited about the new communities that will grow in west Belconnen. The Riverview development will include sustainability and cost effectiveness, as I said, and provide new community facilities and expand existing community facilities.

Last month it was announced that 552 dwellings at the site in Lawson are scheduled for release this financial year. The suburb will eventually accommodate about 1,850 dwellings in a mix of low, medium and high density development, with a small retail area and two community facility sites. Lawson takes advantage of its location close to Belconnen centre, University of Canberra, Canberra Institute of Technology, Calvary hospital and Lake Ginninderra.

Lawson will also contain affordable housing. For detached housing the Land Development Agency is looking to partner with CHC Affordable Housing for delivery of about 15 compact blocks, which were mentioned by Minister Rattenbury before. For multi-unit developments, the LDA will introduce project delivery agreements or a deed of agreement that will deliver affordable housing consistent with the thresholds.

Also in my electorate, more student accommodation is being built by the University of Canberra. Earlier this year the ACT government provided the University of Canberra with a loan, via a credit facility, to purchase and redevelop wing 4 of the Cameron Offices in Belconnen for student accommodation. This will result in 131 new dwellings supported through the commonwealth's national rental affordability scheme. The university is aiming to grow student numbers from about 10,500 equivalent full-time student load to 16,500 by 2018.

This growth in student numbers will increase the number of interstate and international students studying at the university and will increase the demand for student accommodation. It is important that students, many of whom rely on youth allowance or part-time and casual work, will have access to affordable housing. I applaud the University of Canberra on their work in increasing this accommodation for their Bruce campus.

The second stage of the Eclipse development was recently opened. Eclipse comprises 233 dwellings developed by Community Housing Canberra on Braybrooke Street in

Bruce. It is close to the Australian Institute of Sport and the University of Canberra. The third and final stage of 92 dwellings is expected to be completed this year. When completed, Eclipse will include a mix of owner-occupiers, affordable rentals owned by CHC, and tenants renting from private investors under the national rental affordability scheme. In total, Eclipse will have 73 NRAS dwellings when finished.

In closing, the ACT government is continuing to progress a number of sensible steps to make housing more affordable in the ACT. I am pleased to say that through our land release program and through working with the commonwealth and private developers, we are achieving a wider range of affordable housing options for all Canberrans.

*Discussion concluded.*

## **Planning, Building and Environment Legislation Amendment Bill 2013 (No 2)**

Debate resumed from 19 September 2013, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR COE** (Ginninderra) (5.05): The opposition will be supporting the Planning, Building and Environment Legislation Amendment Bill 2013 (No 2). The omnibus bill contains mainly minor technical amendments to the Environment Protection Act 1997, the Environment Protection Regulations 2005, the Lakes Act 1976, the Planning and Development Act 2007, the Planning and Development Regulations 2008, the Public Place Names Act 1989 and the Utilities Act 2000.

There are two policy changes included in this bill. The first policy change allows the Environment Protection Authority to delegate its authority to officers or employees of a state and commonwealth environment protection agency. The amendment will make it easier for the EPA to work with its state and commonwealth counterparts on operations that involve multiple jurisdictions. The delegation authority provided in this bill is similar to the delegation authority held by the New South Wales Environment Protection Authority. It is hoped that the similar provisions in New South Wales and the ACT will encourage officers in both jurisdictions to work more closely on environmental operations, including emergency situations.

The second policy change allows the minister to make guidelines about the naming of public places. The guidelines will be notifiable instruments. Under current practice, decisions about place names are made in line with directorate policy documents. Formalising these policies into a notifiable instrument will increase transparency and accessibility by ensuring that the guidelines are readily available to interested members of the public. It is hoped that this will help members of the public to better understand the naming process.

This bill also contains technical and editorial amendments. Clause 6 clarifies that noise measures may be taken from one or more compliance points. Clauses 7, 8, 9 and 10 deal with the definition of Lake Ginninderra. The current complicated description

of Lake Ginninderra by geographical bearings is removed. The bill allows Lake Ginninderra to be declared by notifiable instrument in the same way as other lakes in the territory.

Clause 11 clarifies the definition of an ongoing provision, as referred to in the definition of an estate management plan. The amended definition makes it clear that an ongoing provision cannot introduce new subject matters that are not included in the territory plan. It also clarifies that a development contrary to the territory plan is not allowed.

Clauses 12, 13 and 14 deal with applications to ACAT for review of decisions about development applications. The bill also contains minor editorial amendments. The opposition is pleased to support this omnibus bill today. We hope that it will streamline environment protection operations and improve transparency in the naming process for places in the territory. We also hope that the technical amendments will streamline and speed up planning, building and environment processes in the territory. I commend the Environment and Sustainable Development Directorate for the work that has gone into this piece of legislation.

**MR RATTENBURY** (Molonglo) (5.08): This is the fifth of the omnibus planning and building legislation bills, or PABLABs as they are known. This bill before us today makes two minor policy amendments: it amends the Environment Protection Act to allow the EPA to delegate functions to other jurisdictions to enable collaboration with state and commonwealth counterparts. This will allow the EPA greater responsiveness to deal with natural disasters and emergencies such as fires or environmental accidents such as sewerage spills.

The second minor policy amendment is that it gives legal status to guidelines the minister must consider for the naming of public places. This will improve transparency and accountability in the naming process. The bill also includes minor technical amendments to a number of acts and regulations, such as editorial changes to keep legislation up to date, updating cross-references in the Planning and Development Regulation and clarifying the meaning of “ongoing provision” in the Planning and Development Act to make it clear that ongoing provisions cannot introduce new subject matter not already covered in the territory plan.

Madam Deputy Speaker, the omnibus bill delivers minor policy changes and technical amendments that are wholly non-controversial. I will be supporting this bill today on behalf of the Greens.

**MR CORBELL** (Molonglo-Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (5.09), in reply: I thank members for their support of this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Planning, Environment and Territory and Municipal Services— Standing Committee Report 3**

**MR GENTLEMAN** (Brindabella) (5.10): I present the following report:

Planning, Environment and Territory and Municipal Services—Standing Committee—Report 3—*Draft Variation to the Territory Plan No. 308—Cooyong Street Urban Renewal Area—Special Report*, dated 16 October 2013, including a dissenting report (*Mr Gentleman and Dr Bourke*), together with a copy of the extracts of the relevant minutes of proceedings and transcript of public hearings.

I move:

That the report be noted.

This special report has occurred because under *House of Representatives Practice* if a committee is unable to agree upon a report, it may present a special report to that effect with its minutes and transcript of evidence. The committee has been unable to agree on a report for this inquiry. Therefore, in accordance with *House of Representatives Practice*, the committee presents this special report to advise it has been unable to agree on a report and to present a summary of its proceedings.

I will provide the background to the inquiry. On 8 February 2013, pursuant to section 73 of the Planning and Development Act 2007, the Minister for the Environment and Sustainable Development, Mr Simon Corbell, referred draft variation to the territory plan No 308, Cooyong Street urban renewal area, to the standing committee for consideration and report to the Legislative Assembly.

On 8 August 2013, pursuant to standing order 246A, I, as the chair of the committee, made a statement to the Assembly to advise that the committee would present its report by 6 September 2013. On 17 September, I presented report 2, which was subsequently referred back to the committee. The committee held six public hearings, heard from 16 witnesses—members of community organisations, individuals, the Minister for the Environment and Sustainable Development and the Minister for Housing, as well as directorate officials.

The committee received 32 submissions which brought a wide range of issues to the committee's attention. The committee also undertook two site visits. The committee would especially like to extend its thanks to everyone who provided information and evidence to this inquiry, including directorate officials, interested organisations and members of the community.

Madam Deputy Speaker, I will now turn to the dissenting report authored by Dr Bourke and me. This report goes into detail on the whole inquiry process, the

issues raised by proponents as well as the submitters and witnesses to the inquiry. Our recommendations include that the development should proceed but that the concerns of residents and submitters should be considered.

It was clear during the inquiry that the vast majority thought the development should proceed and that the Cooyong area needs renewal. But there were concerns about proposed heights, community facilities and traffic. I am aware that the reporting period has lapsed but would ask the minister to consider the concerns raised during our inquiry when making his decisions.

I would like to take this opportunity to thank our secretary, Margie Morrison, our former secretary, Veronica Strkalj, the secretariat support group, all stakeholders, government officials and, of course, those providing submissions to the inquiry.

**MR COE** (Ginninderra) (5.13): It is disappointing that it was not possible for the committee to agree on a report and therefore that a special report was required. Of course, the reason we got into this situation was that in the last sitting the chair of the committee presented a document which he claimed had the support of the committee. He claimed it was a committee report when, of course, it had not been endorsed by the committee in the same way as every other committee report in the history of the ACT Assembly had been endorsed—that is, by a motion of affirmation.

It meant that committee resources were tied up. It meant that the Speaker's office, the Clerk's office and others were involved in having to provide advice, which I think most people would have thought obvious—that a report should be put to a meeting and a positive motion should be put forward and agreed upon before a document could be said to be representative of the committee.

I will be writing to the Speaker and to the Clerk to ask about the legitimacy of this report because it seems somewhat interesting that somebody could dissent from a special report, especially given that the special report was actually moved by the authors of a dissenting report. We have a situation whereby Mr Gentleman and Dr Bourke both have a special report but then also put in a dissenting report. I am not quite sure how this all stacks up. Once again, we might be in a situation where the validity of this document is questionable all because some people—it seems Dr Bourke and Mr Gentleman—are trying to be a little bit tricky.

As for the core issue, I have already had comments published in an earlier document which expresses the views of the opposition. We have serious concerns with what the government is proposing. I think there are concerns about the height, which are quite valid. I think there are concerns about the government as a property developer, which are serious concerns, and there are also views that were expressed about the risk of the government, yet again, engaging in the high-density public housing proposal.

So the opposition has put forward three alternatives which we hope would be considered by the government. That complete body of work done by Mr Wall and me is available in the earlier document published by Mr Gentleman in September.

**DR BOURKE** (Ginninderra) (5.17): I rise to offer a different viewpoint to the muddying of the waters around this matter that Mr Coe seems to want to continue. It seems to me that he is pulling rabbits out of the hat. The fact is that dissenting reports to this special report were discussed at the committee meeting and, as I recollect, it was agreed. It was agreed that we could have dissenting reports to this special report.

But Mr Coe decides after the fact that he wants to have a go at that particular issue. Then he says that he thinks it was obvious that particular procedural matters should have happened in the committee. It was so obvious that he was not actually able to point in that particular committee meeting to *House of Representatives Practice* to draw to our attention the necessity for a motion to accept the report, which is not mentioned in our standing orders. In fact, when it actually came into the chamber, the Speaker had to seek advice as to how the matter should be dealt with. So it is not exactly common knowledge that this is how things should happen.

But we have learned that and we have found out that there is a House of Representatives practice which Mr Coe is now familiar with as well. But you cannot go back and rewrite what has happened in the past. That is what he wants to do, just to cast a particular angle so that he can cast some aspersions on the excellent chairing of Mr Gentleman. So I say to him: next time members of the opposition have a problem in a committee, why do they just not try to sort it out in there?

**MR GENTLEMAN** (Brindabella) (5.19), in reply: I thank everybody for their comments on this report. I would make clear in closing that, of course, the minutes do reflect the committee's deliberations, including the fact that the committee had agreed to proceed in deliberation on the chair's draft report according to the standing orders, as Dr Bourke has advised us here this afternoon.

I would also advise that, of course, no other report was presented at the time of deliberation. There is always an opportunity for members to present another report that can be debated. No other report was presented. The committee followed the Assembly's request to clarify adoption of the report. As I have said, the committee could not agree.

At this point there were no further processes available in the standing orders to proceed when a vote is tied on a report. So the committee looked at *House of Representatives Practice*. As I mentioned in my opening speech, *House of Representatives Practice* advises that if a committee cannot reach an agreement, it should proceed with a special report and present a summary of its proceedings.

At no other time has the committee operated outside the standing orders and, of course, it is always open for committee members when presenting reports to dissent from those reports as well. I thank members for their time.

Question resolved in the affirmative.

## Adjournment

Motion (by **Ms Burch**) proposed:

That the Assembly do now adjourn.

### Ronald McDonald House

**MS LAWDER** (Brindabella) (5.21): I rise this evening to acknowledge a special birthday in our community. Last Wednesday, 16 October 2013, marked the first birthday of Ronald McDonald House Canberra. A solace for families during difficult times, Ronald McDonald House Canberra provides a home away from home for those with critically ill children when they find themselves seeking refuge. It is a safe haven for families to ensure they can focus on the most important things. It alleviates any stress involved with organising food and accommodation while being only a few moments away from their children.

The last 12 months have been unquestionably successful for the house. Accommodation and support have been provided to hundreds of people over the year, some for just one night and others for much longer. The house is accessible 24 hours a day, seven days a week, so no matter what time of the day or night you might need this home, it is there.

For anyone who comes into contact with Ronald McDonald House there is no doubt in their mind that the success of this organisation is driven by some of the remarkable staff and volunteers who dedicate countless hours to this cause. They include Deirdre Brown, Caroline McIntyre, Marnie Murrell, Lorren Hyde, Narelle Casey and Jan Murphy, who work tirelessly to ensure that the house is the welcoming and comfortable environment that it is so well known for.

However, the task of having this house operational 24/7 is no mean feat and could not be done with these people alone. It would not be possible without the many invaluable volunteers. The tasks are rarely glamorous and can involve anything from cleaning bathrooms, remaking rooms, keeping the kitchen tidy, cooking and generally helping around the house, to talking with residents and visitors.

So this afternoon I would like to pay tribute to the Ronald McDonald House Canberra volunteers, including Sue Leonard, Elena Moon, Lorna Gordon, Kelli Youngs, Kay and Roger Harrison, Debbie Stevens, Theresa Dale, Pat Reid, Lorraine Palmer, Jimmy Chen, Dawn Manning, Mavis Comer, Kaitlin Reedy, Cheryl Sorahan, Wendy Bullock, Briony Clerean, Ross-Lyn Filmer, Maddy Carolan, Colleen Mays, Richard Holmes, Brooke Ellis, Sara Bicker, Michelle Kuzek, Margaret Napier, Bella Rogers, Elizabeth Tracey, Rachel Corey, Pam Arnott, Holly Haling, Harriet McIntosh, Kristen Mahoney, Mary Mond, Judith Stibohar, Margaret Oliver, Jenny Dent, Sandra Nelson, Briony Glerean, Rose Anderson, Jing-Ting Chan, Kevin Smith, Carole Boreham, Diane Knox, Jo Mond, Elizabeth Lockett, Karen Buick, Ruth Page, Shona Tidswell, Sam Ning, Mitchell Strachan, Janet Piddington, Gloria Gardiner, Rosemary Malone, Brett Folkard, Jeanette Dent, Gill Thorne, Jess Willis, Daniel Nguyen, Vicki Carn, Barry

Crozier, Rebecca Bollinger, Cathy Rouland, the Cummin Family, Sarita Amarathithada and Dan Mawbey. The house would not be able to do what it does without these people.

Finally, I must note that this service, like many in our community, relies so heavily on donations and fundraising. So should you have an opportunity to buy a raffle ticket, attend the ball or even buy a big mac on McHappy Day, I encourage you to do so to ensure this organisation can continue successfully into the future.

### **Water—Cotter dam**

**MR GENTLEMAN** (Brindabella) (5.24): On 12 October I was proud to attend the opening of the newly completed Cotter Dam by the Chief Minister. Joining me was, of course, you, Madam Deputy Speaker, Minister Barr, Minister Burch, Dr Bourke, Mr Doszpot, Mrs Dunne, ACTEW officials and hundreds of Canberrans. The event is a significant one in the history of ACT and Canberra. It provides the ACT with the opportunity to have a much more stable and secure water supply, which will allow the territory and its residents to deal with severe droughts without the necessity of severe water restrictions for well into the future. The dam provides approximately 10 times more storage space for water at a capacity of 78 gegalitres.

Along with these important infrastructural developments, as it always has, the dam provides a location for various forms of recreation. Many Canberrans have been going for picnics and swims by the Cotter River since the original dam was opened in 1915. I have been a regular visitor since a young boy and recall many pleasant visits, including the APTU Christmas parties held down on the river. I still have a Christmas gift from my father's union that I received when I was about seven years old.

There is a new Cotter Dam discovery trail, providing educational information about the dam as well as good views of the dam and the surrounding area. Part of the plans for construction of the new dam included design features intended to protect various endangered fish and crayfish species in the area. One such project was undertaken in conjunction with the University of Canberra, the ANU and the University of Sydney. This project consists of creating artificial reefs and fish habitats. These were created on the banks of the old dam in areas that were to be inundated by the newly built dam. These reefs are specifically aimed to accommodate the population of Macquarie perch, of which the area has the only stable population in the ACT. Along with the Macquarie perch, these reefs will provide new habitats for other species such as the Murray River crayfish, which is listed as vulnerable, and the famous Murray cod, which is also on the vulnerable list due to problems with water supply in the Murray-Darling Basin and overfishing of the species in the past.

It is a great thing to know that there are opportunities in our area to help maintain species of vulnerable and endangered animals which are having major difficulties in other parts of our country. The work put into this preservation of vulnerable and endangered species in the area has provided great examples and information for the Cotter Dam education program created in conjunction with the dam itself. The program is aimed at students from kindergarten to year 10 and gives a great insight into the intricacies of conservation and environmental consciousness on the face of urban and infrastructural development.

Many students were also provided with the opportunity to participate in excursions to the dam to facilitate their learning on the topic. This practical exposure to the environmental topics covered by the program help the students to gain a great in-depth understanding of the issues involved, the consequences of mismanagement, and the importance of protecting our natural heritage and diversity.

There were many interesting facets in the construction of the new dam, one of which was an initiative by ACTEW to position the camera trained onto the construction site from the beginning of construction. It posted a photo of construction every 180 seconds, giving an insight into the progress of construction. It is available to the public, and this excellent idea facilitates public knowledge and interest in the project.

Along with the image feed, the Friends of the Cotter Community Group was established to provide a network of communication to members of the public who make regular use of the area for recreational purposes. Members of the group get regularly updated on progress in the area, invitations to various events in the area and the opportunity to comment on and contribute to plans for different projects in the area. Public input into projects of such magnitude as the new Cotter Dam are important due to the possible impact on residents and patrons of the local area and the positive ideas and other input which are so often obtained from various members of the public of the ACT.

The new dam continues on its path of being completely filled, and it is fantastic to know this project is having a really positive effect on the public and the recreational aspirations of Canberrans as well, of course, as major positive impacts on natural diversity in the region and conservation efforts for which so many people volunteer their time and efforts.

I commend all for the effort which went into the construction of the new dam, and I also commend the efforts of the staff of ACTEW who organised a wonderful event to celebrate the opening of the dam.

### **Guises Creek rural fire brigade**

**MR SMYTH** (Brindabella) (5.29): I wish to bring to the attention of the Assembly the 25th anniversary of the Guises Creek rural bush fire brigade. The anniversary was held on Saturday, 12 October. We had a lovely dinner, and a number of the members of the brigade contributed information and photographs. They have published a book, *History of the Guises Creek Rural Fire Brigade 25th Anniversary 1988-2013*. The book is dedicated particularly to two members of the brigade who are no longer with us—Tony Morrison and Bob Moore. Tony and Bob were the first two presidents of the brigade and occupied that position for a total of almost 23 years. In terms of service to the community, both Tony and Bob certainly did more than their share of looking after their local area and looking after all of us in the brigade. They were both off the land and were dab hands at putting out a fire. As we joined they gave us all a lot of good advice and a lot of great assistance.

In the 25-year history of the brigade we have had four captains—Gerard Morrison, Clyde Hunt, Richard Cannell and currently David Wassall. The brigade has a great reputation, particularly for being a family brigade. There are members who joined a decade ago who had young kids or teenage kids and those kids are now in the brigade. So it is very much a family brigade. We celebrate as often as we can together, so we have an annual Christmas party and things like that. But the strength of the brigade is out of its sense of family.

Over its 25 years the brigade has appointed five life members, they being Tony Morrison, who was the first president, Bob Moore, who became the second president, Dave Wassall, who is the current captain, Brian Cunynghame, who drives the tanker—Brian is always driving a tanker—and the current president, Dennis Kugler. Just to embarrass Brian, simply because he deserves it, there was a fire at the back of my house at Christmas 2009 when Simpsons Hill went up. Unfortunately, the new tanker had some malfunctions because the electricals were not working properly and it had to come off the hill, so they parked it on our front yard. My three-year-old looked at it and said, “Dad, why did Brian break the tanker?” I just have to put that story on the record to embarrass Brian.

But there are lots of stories in the history. A lot of them are fun stories of people getting bogged or people getting lost. There is a lot of serious story telling as well about the efforts of the brigade. It has been involved in numerous fires over its time. The brigade was certainly there for 2001 and 2003 in Canberra. We have been to numerous trips interstate, particularly New South Wales and Victoria. I think it is a very, very good history of the brigade.

Minister Corbell attended the dinner, which was much appreciated by the brigade, and Andrew Stark, the Chief Officer of the ACT Rural Fire Service came as well. We had the launch of the book, and the two Garys—Gary Mayo and Gary Hooker—must get a lot of credit. The majority of the photos in the book are from a gentleman called Gary Hooker, who is never far from his camera. I think he sleeps with the thing, and he records the activities of the brigade very, very well.

To the people who helped organise it—Gary Hooker, Gary Mayo, Dennis Kugler, Barbara Kugler, Mary Cunynghame, Anne and all the others—I would like to say thank you on behalf of the brigade and on behalf of your community for putting on the evening. Given we can still see some of the haze in the sky, I ask that we remember all the volunteers across Australia who are on a fire front today and who may end up on a fire front tomorrow, but particularly if we keep in mind the Guises Creek rural fire brigade, because they have been doing it for a long time now.

### **Malayalees community**

**DR BOURKE** (Ginninderra) (5.33): It is an honour and a pleasure, in being a member of this Assembly, to be invited to share in wonderful community celebrations. I thank the Canberra Malayalees community for warmly welcoming me to their recent Onam celebrations, which fall during the harvest festival of Kerala, a southern state of India.

Onam honours the legendary ruler of Kerala, King Mahabali, who ruled wisely and fairly and whose people enjoyed prosperity, happiness and equality. On this special day, the Malayalees community invoke the spirit of King Mahabali to visit the people of Kerala.

In keeping with the positive spirit of King Mahabali, this is a very happy time of festivities and feast celebration for Malayalees communities around the world. This celebration includes the buying and wearing of new clothes, symbolising the casting off of bad thoughts and feelings. Community feasting shares the inspiring positive messages of the golden age of their king, Mahabali.

I thank the Canberra Malayalees community for hosting this event and sharing it with Canberrans so that it is now a part of our precious multicultural way of life. It is a tribute to the Indian Malayalees families who have made Canberra their home and who contribute to our city through their economic, artistic, educational and cultural endeavours.

The Canberra Malayalee Association represents a rapidly growing community in our city with proud origins in Kerala. In the past seven years, the Canberra Malayalees community has tripled from around 500 people, to now over 1,500 enjoying Canberra as their home. They have brought special skills here and filled many roles in our community, especially in health, IT, government and the community services sector. They are also contributing to the dynamic cultural diversity of our city.

The Canberra Malayalees are one of several strong, cohesive communities with roots in the Indian subcontinent who have made Canberra home. We are lucky to be able to share and experience some of the incredibly rich varieties of culture from India thanks to the generosity of the communities that have settled and grown here in Canberra. Even with the vast array of cultures within India, there is common ground and a shared respect between our two countries. We share history, a system of government, a region and oceans. India is by far the world's largest democracy, a growing world power, economically and militarily. It has the world's largest movie industry, and India now dominates world cricket, even with the retirement of Sachin Tendulkar.

I thank the Canberra Malayalees community for sharing the wonderful Onam celebration, its positive outlook and a little bit of India in all its ancient and modern cultural richness.

### **Energy—smart blocks**

**MR COE** (Ginninderra) (5.36): I rise today to speak about smart blocks, an interactive online toolkit designed to help residents of high-rise buildings reduce their energy use and therefore the cost of energy. Residents of high-rise buildings use up to 25 per cent more energy than people living in detached dwellings. Up to half of this extra energy use is from common property, including pools, water systems, heating and cooling, ventilation, car parks and hallway lighting. It has also been estimated that there could be a saving of as much as 80 per cent of the energy used for lighting on common property.

Smart blocks is designed to provide information and guidance for apartment owners, strata managers and facilities managers. It was developed in a partnership between Strata Community Australia, City of Sydney, City of Melbourne, Green Strata and Owners Corporation Network of Australia. Smart blocks was developed with the help of a team of experts, including Adjunct Professor Alan Pears AM, Sustainable Solutions Pty Ltd; Brett Earle, Strata Data Group; Chiara Pacifici, Green Gurus; Michael Steele, Stratatas; Martin Harris and Russell Caird, Ausgrid; Grant Mifsud, Archers Body Corporate Management; David McGlashan, Facility Management Victoria Pty Ltd; David Malicki and Bill Liu, energy saver program, Office of Environment and Heritage New South Wales; Sharon Lameris, Sandy Papalia and Katrin Schmidt, Strata Community Australia; and Warren Overton, Viridis.

The smart blocks online toolkit helps residents throughout the process of improving energy efficiency in their building. The first step is for residents to engage with the executive committee or owners corporation and collect details about energy consumption and the building's maintenance and replacement plan. An independent energy consultant can help residents accurately determine how much energy is being used. Residents can then use this information to set up a building profile on the smart block site and invite other people from their block to join.

After setting up a building profile, residents can consider the suggestions provided by the online tool and seek quotes to determine the best option for their block. The online tool also helps residents work out the payback period for any up-front costs.

The next step in the process is to make the case for the changes. Anyone who has lived in a strata building will understand the frustrations facing residents who want to save on energy costs. Smart blocks provides assistance and advice to help residents gain executive committee or body corporate support for the changes. The final step in the process is to make the changes and record the energy savings. The smart blocks building profile makes it easy for residents to record this information.

Recently I was pleased to attend the launch of smart blocks in Canberra. Smart blocks is an innovative tool which I am sure will be very helpful to residents in Canberra's many unit blocks who would like to save on energy costs. For more information about smart blocks I recommend members visit their website at [www.smartblocks.com.au](http://www.smartblocks.com.au).

### **Canberra Friends of Dili**

**MR DOSZPOT** (Molonglo) (5.39): On Saturday, 14 September I had the pleasure of representing the Speaker, Vicki Dunne, at the Timor-Leste gift giving ceremony and re-signing of the Canberra Dili friendship memorandum of understanding. As part of this ceremony and to celebrate the centenary of Canberra, Canberra Friends of Dili released a travel diary of Timor-Leste called *Ten Canberrans and the Sleeping Crocodile*". This travel diary, written by Canberra Friends committee member Dr Stephen Utick and endorsed with a foreword by Abel Guterres, the Ambassador for the Democratic Republic of East Timor, is a journal of an expedition by Canberra Friends of Dili of 10 out of the 13 districts of Timor-Leste in July 2010.

The name the “land of the sleeping crocodile” comes from folklore and, whilst there are many versions which have been developed over time, it is thought that the name comes from a journey taken by a boy with the help of a crocodile and subsequently the crocodile’s eternal resting place, which is Timor-Leste. The crocodile plays an important part in the culture and history of Timor-Leste and is thought to protect its people. The diary provides travellers with an insight into Timor-Leste and the importance of the friendship between Australians and Timorese. Importantly, this diary records a number of Australian humanitarian and cultural projects, including those involving Canberrans that have helped forge a growing friendship between Timorese and Australians.

Timor-Leste is a country with a rich heritage. The diary details the issues surrounding Timorese life, which “is dominated by the here and now, the day-to-day business of survival”. Future planning has not formally been part of their culture. It is the fastest growing nation in South-East Asia. Unfortunately, it is also one of the world’s poorest, according to the UN human development index.

I thank Dr Stephen Utick for providing some information for me today. I have been very pleased to help promote this initiative by donating copies of the book *Ten Canberrans and the Sleeping Crocodile* to a number of Canberra government and non-government schools. I have encouraged the broader distribution to all schools across Canberra of this book.

I commend Canberra Friends of Dili—Dr Stephen Utick, Mr Robert Altamore and the whole committee—for their commitment to strengthening the relations between not only Canberra and its sister city Dili but also, more broadly, our countries. I congratulate them on another wonderful project. It is particularly relevant in our centenary year.

For the record, I would like to read into *Hansard* the names of the 10 Canberrans referred to in the book. The 10 Canberrans are: Barry Brown, president and convenor of the Canberra Friends of Dili; Robert Altamore OAM, secretary; Dr Tony Lamb, committee member; David Wintle, committee member; Glynis Kennedy, committee member; Janet Hindle; Dr Elizabeth Teather; Emeritus Professor David Teather; Dr Tomohiko Kimura; and, of course, Dr Stephen Utick, the 10th Canberran and the diarist.

## **Bushfires**

**MR RATTENBURY** (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (5.42): Members will have seen, of course, in the last few days, the very difficult circumstances being faced in New South Wales with the fire threat in the Blue Mountains and nearby areas. I think we have all watched with some sense of dread as the situation seems to have got worse.

In the context of that, I did want to take the opportunity to acknowledge that the ACT has made a significant contribution to fighting those fires in New South Wales. Thus

far, TAMS has contributed a total of 47 staff members in two separate deployments as part of the wider ACT strike force team organised by the ESA to assist with the fires. The first deployment of 23 staff left on Thursday, 17 October; they returned late yesterday. The second deployment left yesterday and is due to return late Friday night.

The staff who have gone have been deployed to the Blue Mountains complex of fires and have been active in property protection activities, as well as managing back-burning operations. The New South Wales authorities specifically requested our staff as we are able to offer well-trained firefighters who are experienced in mountain environments. Whilst most staff are attached to one of five TAMS-based RFS heavy tankers, some staff have been utilised in the local command centre. And one individual was specifically requested by the New South Wales Rural Fire Service for her skills in aerial reconnaissance, as part of a helicopter team flying over the fire ground for the purpose of strategic and advanced planning.

Whilst staff are there, they are working 12-hour shifts on a daily basis. From all the reports I have received, they have undertaken their duties with professionalism and distinction. Those staff who have returned have commented on the scenes of destruction they have witnessed, but also on the gratitude and goodwill with which they were received by their New South Wales colleagues and local residents.

I just wanted to take the opportunity to share this with the Assembly, to publicly thank those people who have gone north to assist with our neighbours in New South Wales. It is hard work for them. They do leave behind their families, and there is always that sense of trepidation, or at least apprehension, for those families who are left behind, because it is a dangerous environment. As well trained as our staff are, we all know that at times tragedy can occur.

I simply wanted to take this opportunity to publicly acknowledge the contribution of those who have headed north, to thank them for their efforts and to let them know that our thoughts are with them and their families—as well as with the many people in New South Wales who are really struggling at this time. The ACT is pleased to be able to make the contribution that we can to, hopefully, assist in bringing those fires under control as soon as possible.

### **Hospitality industry**

**MS BERRY** (Ginninderra) (5.45): I rise tonight to congratulate hospitality workers, including catering and restaurant employees, who had their penalty rates yet again protected following a decision of the Fair Work Ombudsman.

Earlier this month, the restaurant and catering association, RCA, put a claim in to the Fair Work Ombudsman that would lead to a reduction of penalty rates for employees working past 10 pm as well as effectively removing weekend penalty rates by providing for penalty rates being paid on the sixth and seventh shifts rather than on weekends.

As a former hospitality worker, I know how important penalty rates are, particularly to young people in our community, in order to make ends meet. Thankfully, the

commission has knocked back the RCA's claim, and restaurant and catering workers will be very relieved to hear that once again their penalty rates have been protected.

Had the decision gone the other way, there could have been dire consequences for many in our community. Students would have to take longer to complete their studies. Many others would be unable to pay their rent each week. And many people would be forced to seek second and third jobs to survive.

This is the fourth time in five years that the restaurant and catering association has threatened the penalty rates of low paid workers. I honestly reckon that it is about time they got the message and left penalty rates where they belong—in the pockets of low paid workers.

This is a serious issue for our community. Approximately 4.2 million Australian workers are entitled to be paid penalty rates. Of them, 650,000 are employed in restaurants and catering, with many thousands employed in the ACT hospitality industry. I would like to congratulate all of those workers and their unions who have fought so hard once again to ensure that they are fairly remunerated in their work.

### **Respite care**

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (5.47): I want to briefly acknowledge the creation of a new organisation, Duo, which is an amalgamation of Tandem Respite centre and Home Help Service. I want to acknowledge that Alistair was also at the official launch.

The merger came into play on 1 July, and it is a great success story. I would like to read from *Australian Community Management Magazine*. It has identified the merger as almost a textbook success. It says:

Tandem Respite and Home Help Service were well established, highly regarded and successful services. The amalgamation was not undertaken out of necessity but from the belief by the key stakeholders that a combined organisation would be able to provide even better quality services and be more sustainable than if the two were separate. In other words, it was not a forced relationship or one of convenience.

Duo Services is the outcome of more than one year of discussions, planning and preparation by the boards, CEOs and staff of Tandem Respite and Home Help Service in the ACT. In many ways, the amalgamation process was a near textbook operation and other community service organisations could well benefit from the Duo Services experience.

That is a great recognition of those two services. If this is not on your magazine table, I suggest you get it and read through this quite comprehensive process and the outline about what they did. In conclusion, the magazine says:

Duo Services is now up and running. The professional approval and support by the ex-CEO of Home Help Service ... and the energy, leadership and skills of the Tandem CEO and now CE of Duo Services ... cannot be underestimated. However, the senior staff of both organisations and the willingness of all staff were also essential to the successful amalgamation. Whatever the future holds for Duo, its birth was a great success.

That just tells us how these two great organisations in the ACT are standing up and preparing themselves for the significant social change that is coming to our community through the national disability insurance scheme.

Question resolved in the affirmative.

**The Assembly adjourned at 5.50 pm.**

## Schedule of amendments

### Schedule 1

#### Marriage Equality Bill 2013

##### Amendments moved by the Attorney-General

**1**

**Long title—**

*omit the long title, substitute*

An Act to provide for marriage equality by allowing for marriage between 2 adults of the same sex, and for other purposes

**2**

**Clause 1**

**Page 2, line 2—**

*omit clause 1, substitute*

**1**

**Name of Act**

This Act is the *Marriage Equality (Same Sex) Act 2013*.

**3**

**Clause 6 (a)**

**Page 4, line 5—**

*omit clause 6 (a), substitute*

(a) in relation to all marriages between 2 adults of the same sex that are not marriages within the meaning of the *Marriage Act 1961* (Cwlth), solemnised, or intended to be solemnised, in the ACT; and

**4**

**Clause 7 (1)**

**Page 4, line 12—**

*omit*

A person

*substitute*

Two people of the same sex

**5**

**Clause 7 (1) (a)**

**Page 4, line 13—**

*omit*

the person

*substitute*

each person

**6**

**Clause 7 (1) (b)**

**Page 4, line 14—**

*omit clause 7 (1) (b), substitute*

- (b) each person is not—
  - (i) legally married; or
  - (ii) in a civil union or civil partnership with someone other than the person's proposed spouse under the *Civil Unions Act 2012* (repealed) or the *Civil Partnerships Act 2008* (repealed) or a law of another jurisdiction that substantially corresponds to those territory laws; and

7

**Clause 7 (1) (c)**

**Page 4, line 19—**

*omit*

the person

*substitute*

each person

8

**Clause 7 (1) (d)**

**Page 4, line 22—**

*omit*

the person

*substitute*

each person

9

**Clause 9 (3) (a) (ii) (B)**

**Page 6, line 20—**

*omit clause 9 (3) (a) (ii) (B), substitute*

- (B) in a civil union or civil partnership with someone other than the other person under the *Civil Unions Act 2012* (repealed) or the *Civil Partnerships Act 2008* (repealed) or a law of another jurisdiction that substantially corresponds to those territory laws; and

10

**Clause 14**

**Page 9, line 24—**

*omit*

*Marriage Equality Act 2013*

*substitute*

*Marriage Equality (Same Sex) Act 2013*

11

**Clause 40 (1)**

**Page 26, line 4—**

*omit*

relationship

*substitute*

same-sex relationship

12

Clause 40 (2) (a)

Page 26, line 10—

*omit*

adults

*substitute*

adults of the same sex

13

Schedule 2, part 2.2

Amendment 2.3

Page 36, line 16—

*omit*

*Marriage Equality Act 2013*

*substitute*

*Marriage Equality (Same Sex) Act 2013*

14

Schedule 2, part 2.10

Amendment 2.18

Page 41, line 9—

*omit*

*Marriage Equality Act 2013*

*substitute*

*Marriage Equality (Same Sex) Act 2013*

15

Schedule 2, part 2.10

Amendment 2.19

Page 41, line 11—

*omit amendment 2.19, substitute*

**[2.19] Section 37H (1) (c)**

*substitute*

(c) if the parties to the civil partnership enter into a marriage under the *Marriage Equality (Same Sex) Act 2013* with each other—the end of that marriage.

16

Schedule 2, part 2.10

Amendment 2.20

Page 41, line 19—

*omit*

*Marriage Equality Act 2013*

*substitute*

*Marriage Equality (Same Sex) Act 2013*

17

Schedule 2, part 2.10

Amendment 2.20

**Proposed new section 37PC (1) (c)****Page 42, line 9—***insert*

- (c) if the parties to the civil union enter into a marriage under the *Marriage Equality (Same Sex) Act 2013* with each other—the end of that marriage.

**18****Schedule 2, part 2.10****Amendment 2.21****Page 46, line 12—***omit***19****Schedule 2, part 2.10****Proposed new amendment 2.21A****Page 46, line 14—***insert***[2.21A] Dictionary, new definition of *marriage****insert****marriage*** means a marriage under the *Marriage Act 1961* (Cwlth).**20****Schedule 2, part 2.10****Amendment 2.22****Page 46, line 15—***omit amendment 2.22, substitute***[2.22] Dictionary, definitions of *termination notice* and *withdrawal notice****substitute***1. *termination notice*—**

- (a) for part 4A (Civil partnerships)—see section 37I; and  
 (b) for part 4AB (Civil unions)—see section 37PB.

**2. *withdrawal notice*—**

- (a) for part 4A (Civil partnerships)—see section 37I; and  
 (b) for part 4AB (Civil unions)—see section 37PB.

**21****Schedule 2, part 2.12****Amendment 2.28****Page 48, line 10—***omit**Marriage Equality Act 2013**substitute**Marriage Equality (Same Sex) Act 2013***22****Schedule 2, part 2.17****Amendment 2.38**

**Page 50, line 10—**

*omit*

*Marriage Equality Act 2013*

*substitute*

*Marriage Equality (Same Sex) Act 2013*

**23**

**Schedule 2, part 2.18**

**Amendment 2.39**

**Page 50, line 20—**

*omit*

*Marriage Equality Act 2013*

*substitute*

*Marriage Equality (Same Sex) Act 2013*

**24**

**Schedule 2, part 2.24**

**Amendment 2.69**

**Page 56, line 21—**

*omit*

*Marriage Equality Act 2013*

*substitute*

*Marriage Equality (Same Sex) Act 2013*

**25**

**Dictionary, definition of marriage, paragraph (a)**

**Page 58, line 22—**

*omit*

people

*substitute*

people of the same sex

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