



Debates

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Thursday, 30 October 2014

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Thursday, 30 October 2014

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

Petition

The following petition was lodged for presentation, by Mrs Jones, from 63 residents:

Roads—footpaths

To the Speaker and Members of the Legislative Assembly. This petition of residents of the Australian Capital Territory draws to the attention of the Assembly the need for a footpath of Tarraleah Crescent near the Lyons Early Childhood Centre. Pedestrians are currently forced to walk on the road and face considerable safety risks while accessing the school and a footpath will minimise this risk.

Petitioners therefore request the Assembly to **provide a footpath along Tarraleah Crescent, Lyons.**

The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister for response pursuant to standing order 100, the petition was received.

MRS JONES (Molonglo), by leave: This morning I will speak briefly to address the serious nature of safety concerns for many residents of Lyons, as well as families of those children who attend the Lyons Early Childhood School on Tarraleah Crescent and use Tarraleah Crescent as the pick-up and drop-off point for their children attending school in the early childhood centre.

Currently, there is only one section of footpath on Tarraleah Crescent and this covers only the immediate area in front of the school. However, during school pick-up and drop-off times parents and carers quite regularly must park up the road further on the hill on Tarraleah Crescent and walk down the road to access the school. There is no pedestrian crossing on Tarraleah Crescent. A mother with a pram might have to walk around a row of parked cars and down the middle of the road. This is made all the more dangerous while there is traffic coming from both directions at busy times of the day.

The lack of a footpath is also a safety risk for the many residents who live in the cul-de-sac that branches off Tarraleah Crescent, as well as the street itself, who would regularly walk down this road to access the Lyons shops or the bus.

It has been a real safety concern for the school community for quite some time and now the principal of the early childhood school, as well as the Woden Community Service director, have provided letters in support of the petition, which I would like to table as well. I seek leave to table the letters.

Leave granted.

MRS JONES: I table the following papers:

Lyons, Tarraleah Crescent—Provision of a footpath near the Lyons Early Childhood School—Copies of letters from the—

Service Director Children's Services, Woden Community Service, dated 6 August 2014.

Principal, Lyons Early Childhood School, dated 14 August 2014.

The letters are from Mary Hutchinson, the school principal, as well as Susan Henderson, the service director children's services at Woden Community Service Inc, and are in support of the safety needs of the community of families and children who attend the school.

In light of all of this evidence provided by the parents at the school—and, in particular, I recognise Sally Underwood, a member of the school P&C who is here with us today—I ask that you respond to the feedback, minister, provided by residents in this petition, and recognise that the dynamic of Tarraleah Crescent has changed since its initial development and that the early learning centre makes the street much busier than it otherwise would have been.

Finally, I ask that you reconsider the original priority rating placed upon this job and place it higher on the list of works to be undertaken in the immediate future, so that it can be completed as soon as possible.

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrective Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Sport and Recreation), by leave: Briefly, I would like to assure Mrs Jones and those who have signed the petition that Roads ACT, as part of my directorate of Territory and Municipal Services, will look at this petition very closely and at the issues that have been raised by both Mrs Jones and the representations that go with the petition.

As members know, we have an ongoing warrant system for new community paths in the ACT. At last count there were around 220 requests that had been put onto that. I see most of the requests, and there are quite a lot of them across Canberra. We simply need to weigh up the many requests for footpaths. As members would be aware, there are parts of the city where footpaths simply were not built and we have a catching-up job to do. So I will certainly look at this in the context of the many other worthy cases that have been put forward seeking additional footpaths in the ACT.

ACT Asbestos Task Force Ministerial statement and paper

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Higher Education and Minister for Regional Development) (10.06), by leave: I would like to take the opportunity to provide a formal update to the Assembly on the government's response to the issue of Mr Fluffy loose-fill asbestos.

Obviously events have moved very quickly in the past few days and I think it is important to place on the record where things are up to today. I also recognise the home owners and affected residents who have come in to the Assembly today. We are very conscious that this week has been extremely tough for all of you, as have indeed the past months.

I hope that as more information has followed Tuesday's announcement you have had the chance to look more closely at the framework for the proposed buyback program and what it may mean for you. I accept that while some people are happy and relieved, some remain very anxious and others remain angry.

Throughout the course of the past few months, as the government has refined our response to the task force report into Mr Fluffy homes, we have been very conscious of the distinct and different views of the families, owners, tenants and residents of the 1,021 homes, including those who want to go, those who want to stay and rebuild and those who want to stay in their home as it is.

We have sought to accommodate these wishes, which are very strongly held, in the framework which we have now made public. But it is impossible to ensure everyone's wishes and circumstances are dealt with entirely. Today we are sending more information to home owners about the proposed buyback and demolition scheme and soon we will be able to announce public meetings where questions can be asked and answered.

I want to be clear on how the government's decisions have been informed. Our state of knowledge has grown rapidly since February this year when the Work Safety Commissioner wrote to affected home owners. The advice of the task force report, contributed to by leading experts from around Australia, is unequivocal that the 1,021 homes affected by the Mr Fluffy legacy cannot be made safe. Our only option, however distressing, dislocating, difficult and costly, is to act to demolish and dispose of these homes.

This position is confirmed by the 600-odd assessments which have been conducted this year, the unavoidable facts that they have presented and that we have had to face up to. We make this decision with home owners in the front of our minds as we seek to provide an outcome that is fair and reasonable. We also have the future of the city in our minds. It is in all of Canberra's interests to get rid of this 50-year legacy.

I am very disappointed that we will receive no contribution to the net cost of this program from the commonwealth, particularly as they are so deeply entwined in the history of this issue. But with the circumstances we have found ourselves in, the government has made the decision to act comprehensively and expeditiously with the program we have announced. We believe it is the right decision. We have sought to balance fairness for home owners with a scheme which the ACT community can afford.

The buyback offer will be at an independently determined market rate, as if no loose-fill asbestos was present. It will allow repurchase of an equivalent Mr-Fluffy-free

home. We will undertake the complex and expensive processes of demolition, disposal and block remediation. We will waive the stamp duty on the purchase of a new home, or the repurchase of the block, to the value of the duty that would be payable on the buyback price.

All families who leave their homes before the settlement will have access to the emergency assistance of \$10,000 for interim accommodation and contents, with additional support for children. I am also making representations to telecommunications companies, utility providers, banks and insurers to seek their support and compassion for Mr Fluffy owners and residents relocating in the coming months.

We believe this is a fair and ethical position. But I acknowledge today it is not what everybody wants.

I am conscious of the concern among owners about their options to repurchase their land. We will work with those who want to do so, including facilitating access to land rent schemes, but we cannot afford to replace old with new. This is not about profiteering. On the contrary, our community is absorbing a major cost. We have preserved our options around the future treatment and resale of these blocks only to lessen the budget impact and make the scheme possible in the first place.

I also want to touch on the issue of contents, which I know is causing concern for some. Through the task force, the government has released further information this morning on contents which makes clear that it is not the case in most homes that all contents will need to be disposed of. For many homes, you will be able to keep the majority of your possessions.

The ACT government is acting to support people in our community who have been through an enormous ordeal. In some ways their experience has been that of a natural disaster. In other ways it has been more silent and more hidden. Some have dealt with it all on their own for fear of the stigma associated with Mr Fluffy. I would like to quote now from some letters sent to me in recent weeks from owners and residents dealing with the effects of this problem. From one home owner:

Emotionally, it is difficult to admit to your social circle that your home is a Mr Fluffy house. Reactions vary from horror to sympathy and people who visited in the past choose not to socially interact with you in your home. It is a difficult situation to live with ...

From another:

We have always been able to help ourselves, have been fully employed in the workforce in the ACT for over 30 years, raised our three children and always paid our way. That is why the situation we now find ourselves in is out of our control and so distressing.

And from a third:

We didn't think this would have much effect on our son being two years old, however when we are discussing "Mr Fluffy" or the situation we are in he keeps coming up to us both saying "Sorry Mummy" "Sorry Daddy" and rests his head on our lap as if he can sense the heartbreak in our voice ...

This is a small glimpse into the human impact of this issue. Later this morning I will table the group impact statement of the Fluffy Owners and Residents Action Group. It contains hundreds of accounts like this over more than 300 pages, all of which are heartfelt, often heartbreaking and very moving. They illustrate the way this issue has affected the full spectrum of our community.

I know the process of writing has been very important for many owners and residents in dealing with the distress and upheaval of recent times and I hope that the tabling today provides the acknowledgement they have sought.

Many of the stories contained in this statement paint a picture of the shock and grief for many learning they lived in a Mr Fluffy home, and what that means. Stories of the guilt from potentially exposing infants, children, loved ones and friends to the risk of exposure to Mr Fluffy asbestos are powerful. People's selfless reactions show that for most, the greatest fear is for their families. There are stories of newborns coming home from hospital, children playing as renovations were carried out, generations of families enjoying those times together over many years.

The statements also tell of the social isolation and guilt that have come with learning of the risks of living in a Mr Fluffy home: friends that no longer visit; play dates and sleepovers, which are such normal activities for most households, stopped suddenly; cherished memories and favourite pastimes which, with new knowledge, turned to images that haunt and upset.

After reading all of these stories, one thing is clear: not one of the people dealing now with such anguish knew of the risks present in their homes, and no-one did anything wrong. I genuinely hope that by having a way forward, the distress which fills these pages can be eased and the upset and worry which so many speak of can be calmed.

I acknowledge today the advocacy of those who have stood bravely to argue their case, to make governments listen, often having to share their most difficult times publicly. They are the true heroes of this painful Canberra story, and I thank each one of them today.

The decision to demolish 1,021 houses is a big call. But I cannot see any other way through this. We cannot let this legacy continue. It has plagued this city now for more than half of Canberra's history. It must end and it will with the buyback scheme being put in place this week.

Canberra is a kind and caring city. This is part of what makes it a great place to live. We have seen over the years that when some are struggling or suffering, the community rallies to support them and do what we can to help. This is the approach that I have taken as Chief Minister when considering the options before us. Some

have argued that we should not do anything; others are saying that we have not done enough. What we have done, which sets this government apart from others, is to make our decisions based on evidence and try to do what is right. Not the easy thing but the right thing.

We have set out to make good, as much as we can, mistakes of the past. For us, doing nothing was simply not an option.

Given the upheaval which still lies ahead for Mr Fluffy residents, it is vital that they continue to take care of themselves, and particularly to look after their own mental wellbeing and that of their partners and families. There are good services and skilled clinicians available to support people should they need it. No-one needs to deal with this by themselves.

In terms of next steps, I have mentioned the public meetings which will soon be announced. The community and expert reference group, which will meet later this morning, will also carry out important engagement with the Mr Fluffy community. Dr Sue Packer as chair, and other CERG members, have extensive expertise in recovery from such difficult situations, and I do urge owners to engage with these forums and drop-ins as they happen.

The dedicated call team at Canberra Connect will continue to offer assistance by phone, and has already taken more than 2½ thousand calls relating to Mr Fluffy since July. The task force will continue to provide information and answer questions, both in person and online.

In partnership with the ACT Medicare Local, the government will continue to cover the cost of families accessing psychological and emotional support. Longer term, the Chief Health Officer is well advanced in preparations for a detailed health study which the government decided to conduct following discussions with the community in July and August. This will seek to quantify the risk of disease compared with the risk in the general population and identify potential subgroups that might be at higher risk. I will provide information on this important work as it progresses.

Just as this issue has been a major struggle for more than 1,000 families in our community, it has been and will continue to be a major undertaking for the ACT government. Again, I acknowledge the work of the task force head, Mr Andrew Kefford, and his team. They deserve recognition for their professionalism, commitment and their tireless efforts to individually support the affected home owners.

The work of those who advised the government to respond so proactively to the lessons of the Downer house deserve special commendation today. Fearless and frank advice from the public service to ministers and cabinet is essential to good government. Those officers successfully argued their case up to their minister at the time, Minister Corbell, and through him to the cabinet table late last year, which led to the original mail-out of the 18 February letter which has changed so many lives. I know that I am eternally grateful for their efforts. At the right time their efforts will be recognised more formally.

I also recognise the bipartisan support shown by the opposition, and particularly Mr Hanson, and I look forward to continuing this approach as much as possible.

To the home owners, I thank you for the patience and resilience you have shown as you have come to terms with and tried to deal with this great challenge. Our decision to rid the city of Mr Fluffy once and for all, however difficult it is now, is without doubt in the long-term interests of the entire Canberra community.

I present the following paper:

Mr Fluffy loose fill asbestos—Update on the ACT Government response to the issue—Ministerial statement, 30 October 2014.

I move:

That the Assembly takes note of the paper.

MR HANSON (Molonglo—Leader of the Opposition) (10.19): I thank the Chief Minister for her words, which I acknowledge were very heartfelt. I take this opportunity to acknowledge all of the Mr Fluffy home owners who are here in the chamber today.

Many of us here have met with and heard stories from Mr Fluffy home owners. We understand the stress and the anguish that you and your families have been through. I want to acknowledge how difficult it has been for all of you and that your community leaders—Liberal, Labor and Green—understand, although we cannot experience, the plights that you face.

The opposition has worked hard with the government, both at the local and at the federal level, to make sure that there has been a response. It has been a bipartisan approach. There have been occasions when we have sought to prompt the government or when there have been issues that we have put forward. I would like to acknowledge that they have been responded to by the government and that the ACT government, when it has been asked by the opposition to take certain actions, has responded.

I would like to also acknowledge the work done at the federal level, by our local Liberal and Labor members—Senator Seselja, Senator Lundy, Andrew Leigh and Gai Brodtmann—all of whom have also worked very hard to make sure that there has been a response for the Mr Fluffy home owners.

This has been a very difficult issue. We now have reached a significant milestone. There is a way forward. It is going to now move from a process where there have been discussions, negotiations and advocacy to one where there is action and implementation. That is an important step. It is a change in where we will take this approach, but it is going to be no less difficult. I acknowledge that this process, as it unfolds, is going to be very difficult for government and very difficult for home owners. From the opposition's point of view, we will continue to maintain the bipartisan support that we have shown to the government on this issue because this is far too big an issue for anybody to be playing politics with.

But I do express that we will continue to hold the government to account. We will continue to pressure the government when we see that it is required and we will continue to offer alternative solutions when we see that there are other solutions to be had. Ultimately, what we all want from this place—all 17 of your parliamentarians here—is something that is fair, that is completed effectively and that is completed in a timely fashion.

On behalf of the opposition I acknowledge this has been a difficult journey; I acknowledge there is a long way to go. But your parliamentarians on this side of the chamber will be standing with you to make sure that, once and for all, Mr Fluffy is resolved in the ACT.

MR RATTENBURY (Molonglo) (10.23): I would also like to begin by recognising the Mr Fluffy home owners and residents who have come to the Assembly today for this important discussion. This has been a difficult time for you all, and I can only imagine how stressful it has been and how much it has disrupted the lives of so many people. I have read some of your stories that have been shared through the media and also in the impact statement of the Fluffy Owners and Residents Action Group, which will be tabled here in the Assembly today—your individual struggles and how this situation has impacted each of you uniquely and deeply. I know that the Canberra community is behind you, and our thoughts are with you during this difficult time.

While this week's announcement is a way forward, I acknowledge that there are still difficult times ahead. Sadly, the best advice we have points to the need to demolish affected homes. I appreciate the upheaval this will cause for home owners and residents, but I hope you do feel embraced by the community in seeking to support you through this difficult process.

I also understand that this is a difficult task to ask of somebody—to move out of the family home and leave behind the memories and the effort and love that go into creating a home for your family. It is a hard thing to do, but it is also the right thing to do. I understand that this solution may not suit every individual circumstance; however, given the scale of the situation, with over 1,000 homes affected, it is an extremely challenging issue. I hope that people consider the package put forward by the government to be a positive outcome for those who are in this situation.

I would like to acknowledge the Chief Minister and her genuine desire to act in the best interests of owners and residents. We have been left with a toxic legacy, and I believe the Chief Minister has done everything possible to get the best outcome for the people of Canberra. It is disappointing that the commonwealth really has done the absolute minimum, and could have done more to assist in this situation given the 50-year legacy that we the current generation have inherited.

But we must now do what we can to resolve the situation quickly and move forward. Our thoughts are with those in the community who face the difficult reality of saying goodbye to their homes. I hope that in the years ahead, they will find and make many new happy memories as they enter the next phase of their lives.

Question resolved in the affirmative.

Paper

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Higher Education and Minister for Regional Development): For the information of members, I wish to table the brave stories from the Fluffy Owners and Residents Action Group's first group impact statement. I present the following paper:

Fluffy Owners and Residents' Action Group—First Group Impact Statement—
Hope in grief: confronting Mr Fluffy's toxic legacy in Canberra and
Queanbeyan, dated October 2014.

Canberra Connect Statement by minister

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrective Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Sport and Recreation) (10.26): I present the following paper:

Canberra Connect Emergency Response Capability—Statement by Minister.

Madam Speaker, do we wish to have a short break or should we proceed with business?

MADAM SPEAKER: I am entirely in the hands of the Assembly.

MR RATTENBURY: Members, I believe we should take a short break at the Speaker's request.

MADAM SPEAKER: The Assembly will suspend until the ringing of the bells.

At 10.27 am, the sitting was suspended until the ringing of the bells.

The bells having been rung, Madam Speaker resumed the chair at 10.34 am.

MR RATTENBURY: Thank you, Madam Speaker, for that brief adjournment. I have just presented a copy of the statement. I now move:

That the Assembly takes note of the paper.

Canberra Connect plays a key role in the territory's response to emergencies. Its capabilities and responsiveness to emergency situations are continuously improved, and as we are at the start of our bushfire and storm season, it is timely to reflect on the state of Canberra Connect's preparations.

Canberra Connect's emergency response role was first tested in 2003 as the city responded with the effects of the bushfires that raged. At that time Canberra Connect was only recently formed, and its call centre and online capabilities became a key part of the public information backbone to the response, both operating 24/7.

It is now 11 years later, and Canberra Connect's and the ACT government's emergency response capability has matured significantly since then.

Canberra Connect now has a defined public information liaison role as outlined in the ACT community communication and information plan, a subplan to the ACT emergency plan. It works closely with all relevant areas of both ACT and federal government to ensure that its emergency capability and responsiveness are effective.

Canberra Connect representatives attend the emergency coordination centre and public information coordination centre when they are activated. This liaison officer plays a key role in clarifying public inquiries received by Canberra Connect, helping the teams to gauge the effectiveness of communications as well as ensure that information provided through Canberra Connect is up to date and accurate.

Canberra Connect's role has grown over the years. It provides emergency call handling services on behalf of several directorates, including for storms, floods, fires and other incidents affecting the safety or health of ACT residents and businesses.

From bus service disruptions to road closures, fallen trees, stormwater drains being blocked or overflowing, assistance schemes and helping people re-establish their lives or businesses after a devastating event, Canberra Connect has been there to help our community to access government services, as well as assisting behind the scenes.

In 2013-14 Canberra Connect handled over 1,500 calls and 700 requests for assistance for the State Emergency Service. It also provided online registration and call handling services in response to the Sydney Building fire.

Canberra Connect is a general contact point for matters like death cap mushrooms and it delivers call handling services on behalf of the ACT Health Protection Service during public health events. A public health event may include, but is not limited to: a communicable disease outbreak; release of biological, chemical and radiation hazards; contamination of the drinking or recreational water supply; food supply contamination or a food-borne illness outbreak; pharmaceutical or therapeutic good contamination, adverse events or recalls; major loss or damage to sanitation infrastructure; and/or the public health consequences of extreme weather events or natural or technological disasters.

Canberra Connect also provides the community with information during animal-related emergencies, such as when the ACT was controlling equine influenza or when the community was being alerted to the presence of the invasive species Madagascan fireweed, and is also a contact point for the national emergency animal disease watch hotline.

Canberra Connect also supports smaller emergencies like the electrical incident at Gowrie Primary School earlier this year, by providing information to the community on school bus services.

Over the past year, several enhancements to the territory's public information emergency response have been made as part of the ACT government's continuous improvement of this important public service.

Canberra Connect's physical capacity has expanded. Over the years several different sites have been used as alternative locations for the Canberra Connect contact centre to operate from, including the Dickson motor vehicle registry, the Ron Reynolds centre in Curtin and Callam Offices in Phillip. All alternative locations for operations required more than a week's notice to set up, as equipment had to be transported. The ability to secure access to these sites at short notice was limited. TAMS has this year now established an alternative operating site for the Canberra Connect contact centre co-located at the Canberra Connect Belconnen shopfront in Swanson Plaza. The room has been equipped with eight workstations and has been successfully used since April 2014 when needed. TAMS is also undertaking work this financial year to permanently establish the Ron Reynolds centre in Curtin for the same purpose.

The government's call handling responsiveness has also improved. Shared Services ICT has optimised and redistributed the 200 ports that are used to manage Canberra Connect's phone capacity so that call queue management is more effective and efficient, allowing a higher number of inbound calls to be answered. Prior to the project, the 13 22 81 phone line and the 132 500 State Emergency Service phone line both had a limit of 64 calls in queue.

The project has optimised the total number of calls in queue so that up to 181 calls in queue can be accommodated, providing a better service to the community. If the SES queue capacity is reached, customers now also hear a message play rather than a busy signal as they previously did. The busy signal could be mistaken by the caller as a line fault and cause further concern in an already stressful situation. The SES message helps to better respond to community expectations by advising the caller they have called at a time of very high call volumes and to try again in a few minutes or to call 000 if their situation is life threatening.

Canberra Connect has continued to successfully test its escalation arrangements under the national emergency call centre surge capability. This is a bilateral agreement between each state and territory jurisdiction and the commonwealth that was established at a Council of Australian Governments meeting in April 2009.

In the event of an emergency that exceeds or is anticipated to exceed the ACT's capacity where the event is of territory significance, the ACT can request the commonwealth's assistance in call handling. The agreement allows for the overflow of calls from local services, such as Canberra Connect, to commonwealth agency call centres such as those managed by the Department of Human Services, in the event of a state emergency.

To date the ACT has not required this service; however, other states have used it. For example, the Queensland state government activated the arrangement during the flood emergency a couple of years ago when Brisbane through to north Queensland was declared a natural disaster zone and several people lost their lives.

While each emergency event is unique, Canberra Connect has a well-practised set of preparations that is built off strong, ongoing collaboration and early pre-warning conversations between Canberra Connect and the emergency services arms of government such as ACT Policing and the State Emergency Service, as well as the communication teams across ACT government. Canberra Connect also has close working relationships with the operational arms that support community recovery, such as ACTION, Roads ACT, City Services, ActewAGL and the Community Services Directorate.

And while not all emergencies allow for forewarning, Canberra Connect has a reputation for responsiveness and customer care. For example, the Australia Day storms of 2013 saw Canberra Connect staff back at work taking calls within 15 minutes notice. Staff genuinely enjoy being able to help the community. At times they even help resolve personal emergencies, like the mum who called to say that her daughter dropped her car keys down a grate in Turner, where the keys were found and returned, or the lady who last week rang terrified of a snake in her laundry, where rangers came out to retrieve the snake.

Emergency response capability is an essential responsibility of government. I am pleased to have shared with the Assembly today the existing capability of Canberra Connect, as well as recent enhancements, which will assist the Canberra community at times of need.

Question resolved in the affirmative.

Dangerous Substances (Asbestos Safety Reform) Legislation Amendment Bill 2014

Ms Gallagher, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Higher Education and Minister for Regional Development) (10.43): I move:

That this bill be agreed to in principle.

The Dangerous Substances (Asbestos Safety Reform) Legislation Amendment Bill 2014 and complementary Work Health and Safety (Asbestos) Amendment Regulation 2014 form a legislative package which together adopt the national model regulations on asbestos and strengthen asbestos safety management in the territory. The regulatory impact statement used to inform the development of the national model regulations estimated that by 2020 there will be 40,000 diagnosed cases of asbestos-related lung cancer in Australia and an additional 13,000 Australians will have developed mesothelioma.

As members of the Assembly are well aware, asbestos is a most insidious legacy of past building practices. As a government, we must be forward looking and introduce measures that protect both the safety of the community and those who work within it. For this reason, the government is introducing this bill and associated regulation amendment to modernise asbestos safety management in the territory.

This legislative reform package adopts the national harmonised asbestos safety model regulations, with a small number of significant adaptations, to preserve the territory's strong stance on asbestos safety, consolidates relevant asbestos-related definitions into the Work Health and Safety Regulation 2011 and transfers the licensing function for asbestos assessors and removalists to work health and safety laws, as is the case with other high risk work licences, retains current duties in the Dangerous Substances Act 2004 insofar as they apply to situations not covered by the work health and safety laws, including do-it-yourself home renovations, and makes necessary consequential amendments to the Dangerous Substances Act 2004, Work Health and Safety Act 2011, Building Act 2004 and the Construction Occupations (Licensing) Act 2004 and subordinate laws.

The reform package will enhance asbestos safety in the territory by clarifying safety management of asbestos in residential premises, ensuring WorkSafe ACT as the work safety regulator is notified of asbestos removal work five days before it commences, introducing health monitoring provisions for workers who are exposed to asbestos, aligning regulatory frameworks with other jurisdictions facilitating mutual recognition of comparable asbestos assessor and removalist licence holders, ensuring judicial review focuses on safety with effective licence suspension provisions, improving safety outcomes by requiring class A asbestos removalists to have a certified safety management system, adopting up-to-date model asbestos codes of practice and permitting the territory to approve asbestos-specific codes which cater for our largely unique situation regarding loose fill asbestos.

It is important to note that this reform package does not adopt the national model regulations word for word. Rather, the government has been diligent in ensuring that safety standards are not reduced as a consequence of the reform and, where possible, we have made decisions that strengthen work health and safety regulation over and above that of other jurisdictions.

Some examples of this are where we have removed the ability for an unlicensed competent person to undertake functions reserved for licensed asbestos assessors in the territory. In the ACT this critical work must be undertaken by a licensed asbestos assessor. A regulation has been added to specify that asbestos must be assumed to be present if an approved warning sign is displayed at the premises. An approved warning sign is unique to the territory and relates to residential premises known to have contained loose fill asbestos.

The territory has mandated an asbestos awareness training course that must be undertaken by workers who may carry out work involving asbestos. The Minister for Workplace Safety and Industrial Relations has also declared a list of certain occupations that must undertake this training course, and we have omitted the section in the model regulation which permits the removal of up to 10 square metres of non-friable asbestos or asbestos-contaminated dust without an asbestos removal licence.

On this last point, it shows how serious the government is about asbestos safety. Unless the removal of bonded asbestos is minor or routine maintenance work, or other minor work carried out in accordance with the regulations, it will no longer be permitted in the territory except where undertaken by an appropriately licensed person. This means that if you are a person conducting a business or undertaking and you have been contracted to remove an area of the size of an average bathroom lined with bonded asbestos sheeting, it must be removed by a licensed asbestos removalist. Of course all friable asbestos must be removed by a licensed class A asbestos removalist.

Public and, particularly, worker safety is the main reason for these reforms. While it will assist in the program announced yesterday for homes affected by loose-fill asbestos insulation, this reform has a broader application. It will apply to asbestos safety management more generally. The government remains committed to continuing to have nation-leading asbestos management frameworks and practices.

A critical element of this reform package is the requirement for WorkSafe ACT as the work safety regulator to be notified five days prior to friable asbestos removal occurring and, in addition, the work safety regulations specify that if friable asbestos removal work is being undertaken on a residential premises anyone occupying premises in the immediate vicinity of the workplace must be informed. This is a practical regulation that will add to the community safety focus of the reforms.

Stakeholders and industry—including the ACT Work Safety Council, licensed assessors and removalists, the Master Builders Association, Housing Industry Association, Electrical Trade Union and the Construction, Forestry, Mining and Energy Union—have been specifically consulted and actively support these proposals.

The bill and associated regulation amendment introduce an important reform that will have positive safety implications in the territory for years to come and ensure we remain at the forefront of asbestos safety regulation. I commend the bill to the Assembly.

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

Crimes (Sentencing) Amendment Bill 2014

Mr Corbell, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (10.50): I move:

That this bill be agreed to in principle.

I am pleased to present the Crimes (Sentencing) Amendment Bill 2014 this morning. The bill is the first part of a two-stage process to repeal periodic detention. The decision to repeal periodic detention will bring the ACT into line with other states and territories who have used and dispensed with periodic or weekend detention for a range of reasons. In the ACT these reasons include the limitations of the sentencing option to effectively offer programs of rehabilitation and the significant challenges involved in safely managing offenders with different classifications and protection status.

The bill will introduce changes to sentencing in the territory by limiting the extent to which ACT courts may impose periodic detention as a sentence of imprisonment for a criminal offence. In doing so, it marks the first step in abolishing periodic detention altogether, as announced by the Minister for Corrective Services on 31 March this year. It also marks the first step in reviewing sentencing in the territory as part of the government's recently announced justice reform strategy.

The bill changes the circumstances in which periodic detention will still be available in the short term in three main ways. The first main change is to the way that combination sentences may be imposed, by removing the ability of the courts to impose a sentence of imprisonment that combines full-time detention and periodic detention. This is necessary at this point in order to bring about the end of periodic detention in a timely and controlled way.

At present, on occasion, the courts impose sentences of imprisonment that mean an offender spends time in full-time detention at the Alexander Maconochie Centre first, followed by further time of imprisonment to be served as periodic detention. The result of this is that there are already a small number of offenders whose sentences mean that they are not due to complete periodic detention until 2017. Removing this combination of sentences of imprisonment will keep the number of offenders still serving periodic detention at that time to a minimum.

The second main amendment proposed by the bill is to limit any sentence of imprisonment to be served by way of periodic detention so that the sentence must end before 1 July 2016. This limitation will apply whether periodic detention is being imposed as a standalone sentence of imprisonment or as part of a combination sentence. This means that the closer a sentencing exercise takes place to 1 July 2016, the shorter the period of imprisonment that may be served by way of periodic detention. The purpose of this provision is, again, to ensure a timely end to periodic detention.

The third main feature of this bill is found in the transitional provisions which will apply the amendments to offences sentenced, or resentenced, on or after the date the bill commences. This aspect of the bill has been given particularly careful consideration as it potentially raises human rights implications, and I refer the Assembly to the explanatory statement to the bill for the detailed consideration of these human rights.

If the bill were to apply to offences committed on or after the commencement date, as opposed to offences sentenced, the result would be that the territory would be required to provide facilities for sentences involving periodic detention to be served many years into the future for a very small number of offenders. This is clearly highly undesirable. It would not be the best use of public funds and would undermine the decision already taken by the government that periodic detention is not the best available sentencing option.

I am very conscious of the fact that I am presenting this bill to start the move away from the use of periodic detention without delivering a replacement or alternative at this time, but there are very good reasons for this. Firstly, there is the need that I have already referred to earlier to bring periodic detention to a managed, timely end. If I were to delay this step until such time as an alternative sentencing option became available, then the territory would incur unnecessary costs in having to provide periodic detention facilities. Secondly, it is essential that the development of a replacement option is thoroughly researched and evidence based before being added to the sentencing legislation.

This, therefore, brings me to how this bill fits into the wider justice reform strategy which I announced on 2 May this year when I gave evidence to the Standing Committee on Justice and Community Safety's sentencing inquiry. The government has committed funding through the budget process for a two-year justice reform strategy. In broad terms, this strategy will examine sentencing laws and practice in the ACT and how they can be improved to achieve the best possible outcomes for our justice system and the broader community. More specifically, the main goals of the first year of the justice reform strategy are to manage the move away from periodic detention and introduce a community-based sentencing alternative.

The creation of that community-based sentencing alternative to imprisonment will necessarily involve wide-ranging consultation, including across government, with those with involvement in the justice system and with the broader community. There will be a number of research projects undertaken by academics, and the government will be looking carefully at the experiences of other jurisdictions both in Australia and overseas to understand the lessons that should be learned.

A further bill, introducing a community-based sentencing alternative to imprisonment, is planned for next year. This means that although I am not bringing detailed proposals to the Assembly at this time the second bill will be ready for introduction well before periodic detention ceases to operate.

In the meantime, I would draw to the attention of the Assembly the very flexible sentencing options already available in the territory which can be adapted to individual cases to ensure offenders are dealt with appropriately by the courts. A sentence of imprisonment will still be able to be served in a variety of ways. The options available to the courts will be full-time imprisonment, periodic detention for between three months and a period that does not extend beyond 30 June 2016, a suspended sentence order and, if eligible, parole.

It is worth emphasising that a suspended sentence order and parole can be accompanied by conditions where appropriate. It will also remain the case that other types of sentences can be combined with imprisonment, such as good behaviour orders which may include community service conditions or rehabilitation program conditions. In addition, good behaviour orders can be used as a flexible, non-custodial option that can be tailored to create a sentence that achieves the purposes of sentencing as set out in the Crimes (Sentencing) Act, such as punishment and rehabilitation of an offender.

This flexibility of the ACT's sentencing regime provides the courts with the ability to take account of the factors that can be relevant in a particular matter and which need to be weighed up before being reflected in a suitable sentence. Of course, that is not to say that there is not room for further improvement. All sentencing regimes bear close examination and review from time to time, a sentiment with which I imagine the Standing Committee on Justice and Community Safety would agree, given their ongoing sentencing inquiry.

Sentencing is a particularly challenging area of the justice system and must adapt and change as technology develops and research and innovation provide opportunities for improvement. Our judiciary face the challenge daily of creating a sentence that is appropriate and proportionate to the seriousness of the offence. It is for us, the legislature, to provide them with the best tools possible. This bill is just one step in that process of review and change. I commend the bill to the Assembly.

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

Water Efficiency Labelling and Standards (ACT) Bill 2014

Mr Corbell, Pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (11.00): I move:

That this bill be agreed to in principle.

Madam Speaker, the government is presenting the Water Efficiency Labelling and Standards (ACT) Bill this morning. Water efficiency labelling and standards legislation are a scheme that was first enacted in 2005 by the commonwealth and then by Australian jurisdictions as part of the national water reforms. The objects of the legislation are to conserve water supplies by reducing water consumption, provide information for purchasers of water use and water saving products, and promote the adoption of efficient and effective water use and water saving technologies.

In 2005 the ACT passed legislation closely incorporating the commonwealth law. The water efficiency labelling standards scheme is administered by the commonwealth, which is responsible for determining the efficiency of a product such as a washing machine, registering and deregistering products, monitoring compliance and/or investigation of alleged breaches. However, since 2005 the commonwealth has made a number of reforms and amendments to its act, including a number of legislative determinations and regulations. This has resulted in inconsistencies between the commonwealth law and that of the ACT. The same situation has occurred with the states and the Northern Territory.

Rather than draft a set of extensive amendments to the existing ACT statute, it has become apparent that the simple and more effective approach is to create a new bill for the ACT. This new bill incorporates the latest commonwealth legislation and adopts the commonwealth water efficiency laws as a law of the territory. Adopting the commonwealth legislation as an act of the territory will overcome the need for the ACT to enact further commonwealth amendments and regulations that may need to be made from time to time. This approach is being adopted by other jurisdictions across Australia, with a number of states and the Northern Territory having already enacted similar legislation.

The Water Efficiency Labelling and Standards (ACT) Bill 2014 is a necessary and non-controversial but routine reform to the ACT's current water efficiency and labelling standards legislation. If this bill is passed, the existing ACT water efficiency legislation will be revoked. The ACT will continue to be involved in the administration and review of the effectiveness of the WELS scheme, as it is known.

There are no human rights issues with regard to the bill. The ACT bill will differ from the current commonwealth legislation in one respect—the criminal penalty imposed for three offences. The ACT bill will retain a monetary penalty of 60 penalty units instead of the six months imprisonment that applies in the commonwealth law if it is found that a person fails to provide information to a water efficiency labelling scheme—WELS—inspector or fails to answer a question to a WELS inspector. The territory has taken the decision to vary our law in this respect because it believes that a monetary penalty is sufficient deterrent to provide for compliance. I commend the Bill to the Assembly.

Debate (on motion by **Ms Lawder**) adjourned to the next sitting.

Gaming Machine (Red Tape Reduction) Amendment Bill 2014

Ms Burch, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS BURCH (Brindabella—Minister for Education and Training, Minister for Disability, Minister for Multicultural Affairs, Minister for Racing and Gaming, Minister for Women and Minister for the Arts) (11.04): I move:

That this bill be agreed to in principle.

Today I present the Gaming Machine (Red Tape Reduction) Amendment Bill 2014 which brings forward the red tape reduction provisions of the gaming machine reform package which I announced on 2 October this year. The important reforms contained in this bill have been developed in consultation with the clubs industry and will reduce unnecessary red tape and regulatory burden so that our clubs can get on with doing their business. They complement other recent red tape reduction initiatives that have been supported by the government with the aim of supporting our community clubs through some challenging times.

The bill amends the Gaming Machine Act 2004 to accommodate the reforms announced while ensuring that the territory retains a robust regulatory and harm minimisation framework for the operation of gaming machines. The reforms seek to place further emphasis on building a contemporary framework of regulation so that we do not burden our clubs with outdated requirements. At the same time, the amendments have been constructed so as not to restrict the ACT Gambling and Racing Commission's ability to regulate it as it sees necessary.

The bill alleviates unnecessary red tape by allowing licensees to move gaming machines within already authorised gaming areas without the need for unnecessary administrative approvals, clarifying legislative provisions in relation to changing club constitutions at the direction of the commission which now may occur without an election of voting members, replacing gaming machine access registers with a less burdensome computer cabinet access register, removing the requirement for the licensing of gaming machine attendants with the abolition of gaming machine access registers, increasing licence terms for machine technicians to three years in line with other recent increases for licensing periods for people employed in the gaming industry, and allowing small clubs to pay their problem gambling assistance fund contributions on an annual basis in arrears.

In addition to having a positive impact on gaming machine licensees, these reforms will result in greater efficiencies to government through a reduction in administrative overheads for the commission. The amendments have been drafted with an eye to providing consistency with other gambling and wagering laws in the territory and, where appropriate, with other jurisdictions.

This government is committed to the ongoing reduction of unnecessary red tape for our community clubs, and the amendments I introduce today are yet another example of this commitment in action. The government will continue to work with industry to explore further opportunities for freeing up administration but always within a framework of maintaining appropriate compliance and harm minimisation arrangements. I commend the bill to the Assembly.

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

Canberra Institute of Technology Amendment Bill 2014

Ms Burch, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS BURCH (Brindabella—Minister for Education and Training, Minister for Disability, Minister for Multicultural Affairs, Minister for Racing and Gaming, Minister for Women and Minister for the Arts) (11.08): I move:

That this bill be agreed to in principle.

I present to the Assembly the Canberra Institute of Technology Amendment Bill 2014. Skills education is a vitally important part of the education landscape in the ACT. It is through skills and vocational education that we in Canberra have the hot water for our showers, that our cars work, that we can get our morning coffee and that we can be assured that our very homes and places of work are built to the highest of standards. Simply, skills education is central to the continued economic and social prosperity of our community.

The Canberra Institute of Technology has for many decades been central to ensuring that Canberra has the skills it needs to thrive. CIT plays, and will continue to play for years to come, a critical role in the future of vocational education and training in the ACT, as both our public provider and our largest registered training organisation.

The vocational education and training landscape is shifting. As a result it is both an exciting and challenging time. There is a tremendous amount of activity and change occurring with a range of national and jurisdictional developments taking place. One of our biggest challenges is raising the profile of vocational education and training and ensuring its benefits are understood right across our community. It is vital that we have a strong public provider as well as a vibrant private market competing to deliver government-funded training.

In order to achieve the best possible outcomes for the territory the ACT government has been carefully shaping its thinking around aspects of skills reform, including contestability in the vocational education and training market. We are in the fortunate position of being able to look at the reforms undertaken in other jurisdictions to inform the way that contestability might work best in the ACT.

Many of the changes underway in other jurisdictions have not been kind to the TAFE sector. The ACT's implementation plan for the national partnership agreement on skills reform was explicit in its commitment to support CIT to continue to thrive in a more competitive market. As part of this commitment, the ACT pledged to develop and implement revised governance arrangements for CIT. The focus is to give CIT a more business orientated governance structure, allowing CIT to be more flexible, responsive and competitive in a more student-centred market.

CIT's governance has been an ongoing subject of discussion and activity between CIT and the government for a number of years, with the implementation of a governance strengthening plan for CIT back in 2011. Internal organisational structure reviews of CIT have been also been undertaken since that time.

More recently, in meeting our commitments under the national partnership, the CIT Advisory Council commissioned a review of its governance and autonomy late last year. The final report provided to me earlier this year highlighted that it is increasingly difficult for CIT to operate as an integrated part of the public service while also responding to the push to be more competitive.

In considering this report, the ACT government has confirmed that we must ensure that the CIT is positioned for success in increasingly competitive vocational education and training and higher education markets. The ACT community expects a lot from CIT as the premier provider of training services, and the ACT government is seeking to ensure it can continue to meet and exceed those expectations.

With this in mind, the purpose of the bill is to prescribe future governance arrangements whereby CIT can meet the twin objectives of operating as a public provider of vocational education and training and operating with greater commercial and entrepreneurial focus in an increasingly contestable training marketplace. The government considers this is best achieved if CIT is a territory authority with a governing board, and this bill provides for that.

In summary, the major amendments contained in the bill propose the establishment of a governing board replacing the existing CIT Advisory Council; the appointment of an independent chair and deputy chair of the governing board with extensive, contemporary expertise and knowledge of industry and business; the establishment of the role of chief executive officer appointed by the governing board, to replace the director of the institute; and that the governing board become responsible for setting fees, with the minister able to issue guidelines on fee setting for government subsidised services, which the governing board must comply with.

Let me expand a little on these proposals. A governing board will be established, replacing the CIT Advisory Council. A governing board will allow streamlining of decisions and the full application of fiduciary responsibility to the conduct of CIT affairs.

There will be a total of up to 11 members on the governing board. Overall, membership of the governing board will include expertise or knowledge of industry or business and knowledge of vocational education, and, in addition, members with social policy expertise, financial expertise and governance, human resources or legal expertise. This will ensure that a broad range of skills and knowledge are represented on the governing board. It is also important for the governing board to have an independent chair and deputy chair with extensive expertise and knowledge of the industry and business. This will ensure strong leadership for the governing board.

Except as provided in the bill, the provisions of the Financial Management Act 1996 will regulate the operations of the governing board, including the appointments, functions, meetings of the board and any prescribed requirements and obligations on it as a territory authority.

In terms of effectiveness, there is a need for the governing board to have a balance of public service and non-public service membership to meet CIT's objectives of operating as a public provider with the absolute imperative of a flexible business organisation. Consequently, the bill provides for two nominees from government directorates to be members from those directorates with responsibility for education and training and economic development.

As we commit to the introduction of a new governing board, I would like to take this opportunity to thank the advisory council for its contribution over many years. As already mentioned, the advisory council has set the groundwork for the future governance arrangements set out in the bill I am presenting today.

The bill will also abolish the role of director of CIT, the most senior position, and replace it with a CEO who will assist the governing board in the running of CIT. The CEO will be a member of the governing board, as required by the FMA. The position of CEO is integral to the operations of CIT as a territory authority. Consequently, a transitional amendment ensures continuity of the senior-most position in CIT by prescribing that the director, on the day before the legislation commences, becomes the CEO until the governing board appoints a CEO, within a 12-month period from the commencement day.

The bill amends the provision for fees to enable the minister to make guidelines about the fees CIT may charge for government subsidised training products and services. It is appropriate as part of the broader changes in the bill to enable the governing board to charge fees for educational products and services it delivers. This provision allows for the minister to issue guidelines on fee setting for government subsidised services with which the governing board must comply.

This approach strikes a balance between enabling the governing board to have the capacity to set fees in a competitive and contestable market whilst ensuring that the minister is able to give appropriate guidance about fee setting in particular circumstances. For example, the minister may consider that exemptions or concessions should apply to a person or group of people because they are experiencing some disadvantage. As mentioned earlier, we are in a time of much change, and, as such, it is important government does what it can to ensure CIT is positioned for success. Whilst owned by government, greater autonomy for CIT will aid in further establishing the view of CIT as an education and training institute of fundamental importance for the ACT with its own distinctive business approach

The combined effect of the provisions in the bill is to create a more agile CIT, able to effectively respond to rapidly changing circumstances and ensuring a future governance arrangement whereby CIT can operate as a public provider and also operate with a greater commercial focus. This will go a long way towards promoting the role of quality vocational education and training and providing a skilled workforce that meets the current and future needs of the ACT economy.

In closing, I again put on record my thanks to the advisory council, for their support and guidance on this bill; to the officials within CIT, for their input; and to the officials within the directorate, for drafting this bill. I commend it to the Assembly.

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

Visitors

MADAM DEPUTY SPEAKER: We have just adjourned debate on a bill in relation to the CIT, and I would especially welcome to their Assembly the certificate III students from the CIT adult migrant education program. Welcome.

Executive business—precedence

Ordered that executive business be called on.

Mental Health (Treatment and Care) Amendment Bill 2014

Debate resumed from 28 October 2014, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (11.19): Madam Deputy Speaker, I welcome this bill this morning, and I am pleased to speak on it from my perspective as Attorney-General.

The bill outlines important reforms to the way mental health services are provided in the territory. In particular, it pays close regard to issues that protect people's rights and their obligations in relation to this bill. The bill is the subject of very detailed and lengthy consideration by the Health and Justice and Community Safety directorates, in consultation with the broader community.

In particular, the bill has regard to those issues that need to be addressed in terms of the protection of people's rights when they are subject to orders made by the Civil and Administrative Tribunal. These are important considerations that have been extensively worked through as part of the detailed public consultation process.

It is worth highlighting and commending the work of the officers of the Justice and Community Safety Directorate and the Health Directorate in the development of this legislation over an extensive period. The complexity and the difficulty of the issues that are faced, in particular the need to protect people's wellbeing and protect their rights to self-autonomy and the capacity to make decisions that affect their own circumstances wherever possible, is, I believe, a very critical balance to be achieved.

It is also worth highlighting that the bill has seen significant engagement by the broader community. We have seen a range of organisations, including mental health groups, advocates, mental health consumers and those who work on our tribunals and other agencies, all of whom have been closely engaged in the development of this new bill. Their work, in particular, also needs to be recognised.

I would like to further highlight the role of government in relation to protection of human rights and people with a mental illness who will be affected by the new provisions in this bill. The role of government is not simply limited to refraining from arbitrary or illegal actions which unreasonably limit or infringe on human rights. The role of government is also to support and promote rights within the community.

While some of the new provisions in the bill engage and proportionally limit rights, a number of the amendments engage and support rights for people in our community who have a mental illness.

The explanatory statement for the bill highlights the government's obligations to undertake measures to protect citizens, described as the doctrine of positive obligations. This doctrine encompasses the notion that governments not only have a responsibility to ensure that human rights are free from violation but that governments are required to provide for the full enjoyment of rights.

This notion has been interpreted as requiring states to put in place legislative and administrative frameworks designed to deter conduct that infringes human rights and to undertake operational measures to protect an individual who is at risk of suffering treatment that would infringe their rights. For example, the bill supports the rights of non-discrimination and equality before the law, protection from torture or cruel, inhumane or degrading treatment, and humane treatment when deprived of liberty.

Aspects of the bill also complement the government's justice reform strategy, which is considering a broad range of issues relevant to the criminal justice system, including therapeutic jurisprudence responses for offenders with alcohol and other drug and mental health issues. Therapeutic jurisprudence can be described as being practical findings from the behavioural sciences to suggest techniques that legal professionals can use to do their job better.

The justice reform strategy provides an opportunity to consider further measures to build on existing therapeutic jurisprudence approaches in the ACT. These approaches improve outcomes for offenders and offer opportunities for diversion from the justice system and reductions in recidivism.

Today I would like to focus on the new forensic provisions in the bill that aim to better address the intersection of people with a mental illness and the criminal justice system. Most people with a mental illness do not commit crimes. Nevertheless, people with a mental illness comprise a disproportionate number of the people who are arrested, who come before the courts and who are imprisoned.

The new forensic provisions in chapter 7 apply to forensic patients, people with a mental illness or mental disorder who have come into contact with the criminal justice system. Forensic patients may include people who are detained in a correctional centre or place of detention, who are serving a community-based sentence, who are required to submit to the jurisdiction of the ACAT by a court order made under the Crimes Act provisions relating to unfitness to plead and mental impairment, or who are required to submit to the jurisdiction of the ACAT by a court order made under the commonwealth Crimes Act.

The forensic provisions will provide oversight and safeguards for how the treatment, care and support of forensic patients are managed. The scheme will also facilitate appropriate service responses for forensic patients living in the community with support and supervision by relevant services. This is achieved through the establishment of a new suite of forensic mental health orders.

Forensic mental health orders are based on existing psychiatric treatment orders and community care orders currently made by ACAT. The chief psychiatrist is responsible for applying for and supervising forensic psychiatric treatment orders and the care coordinator is responsible for applying for and supervising forensic community care orders. A forensic psychiatric order applies in the context of mental illness where a community care order applies in the context of a mental disorder.

A forensic psychiatric treatment order made in relation to a person may contain one or more of the following conditions: that the person be detained at an approved mental health facility, undergo psychiatric treatment, care or support, other than electroconvulsive therapy or psychiatric surgery, undertakes a counselling, training, therapeutic or rehabilitation program, has limits on communication with other people, must live at a stated place, or must not approach a stated person or stated place or undertake stated activities.

In contrast, a forensic community care order made in relation to a person may contain one or more of the following: that the person be given treatment, care or support, may be given medication for the treatment of the person's mental disorder that is prescribed by a doctor, is required to undertake a counselling, training, therapeutic or rehabilitation program, has limits on their communication with other people, lives at a stated approved community care facility or be detained at a stated approved community care facility or another stated place, or must not approach a stated person or stated place or undertake stated activities.

Unless revoked sooner, a forensic mental health order remains in force for three months or, if consecutive forensic mental health orders have been in force in relation to a person for one year or more, one year. The ACAT may also review a forensic mental health order in force in relation to a person on its own initiative or if it is a requirement to do so under another provision of the act.

Forensic mental health orders are different from mental health orders in a number of ways. The most distinguishing feature is that the person's decision-making capacity is not a criterion for the making of a mental health order. This is due to the ACAT having to instead consider whether the person has seriously endangered or is likely to seriously endanger public safety regardless of their decision-making capacity.

The criterion of considering serious endangerment is the second distinguishing feature of forensic mental health orders. Serious endangerment is a matter for the ACAT to determine on the balance of probabilities and is not defined in the bill. This criterion requires the ACAT to take a risk-based approach to the question of serious danger presented to the public by the person.

Forensic mental health orders also require an increased role for the ACAT in determining the treatment, care and support measures to be provided to a person subject to a forensic mental health order. This includes considering leave applications for people who are detained in an approved mental health facility or approved community care facility on a forensic mental health order. Improved information-sharing protocols and new entitlements for people entered onto the affected persons register also form part of the suite of forensic provisions.

The bill also provides a new scheme for the transfer of certain detainees with a mental illness from a correctional centre to an approved mental health facility. The bill defines a correctional patient as a detainee with a mental illness for whom a mental health order or a forensic mental health order cannot be made. The detainee must have decision-making capacity and consent to treatment, care and support, including transfer to the facility.

The purpose of the bill, therefore, with respect to correctional patients is to make certain that this small, important group of detainees can effectively access inpatient mental health treatment while providing appropriate mechanisms for the oversight of their transfers. The bill supports people subject to the criminal justice system who are living with a mental illness or disorder by identifying and providing for their care, treatment and support.

The bill, taken as a whole, is, I believe, a good demonstration of the government's commitment to ensuring that the rights of the vulnerable, particularly those caught up in the criminal justice system, are properly protected. I commend the bill to the Assembly.

Visitor

MADAM DEPUTY SPEAKER: Before I call the next speaker, I would like to recognise that a former member of this place, Mr David Lamont, is in the gallery. We welcome you this morning.

Mental Health (Treatment and Care) Amendment Bill 2014

Debate resumed.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Higher Education and Minister for Regional Development) (11.31), in reply: The Mental Health (Treatment and Care) Amendment Bill 2014 arises from an exhaustive review of the Mental Health (Treatment and Care) Act. The act is now 20 years old and over that time there have been significant changes to the environment in which it operates. These changes include greatly increased funding of services from the federal and ACT governments, changes in mental health service delivery, particularly the adoption of the recovery model, and the advent of the ACT Human Rights Act and other human rights advances including the United Nations Convention on the Rights of Persons with Disabilities.

The bill includes major changes to the way treatment is provided to people with mental illness. These changes will increase a person's opportunity to have a voice in deciding their own treatment. A basic issue considered in the review of the act was how to include consideration of decision-making capacity in the act. This affects the operation of mental health orders and many other treatment decisions under the act.

Decision-making capacity is being introduced into mental health legislation in jurisdictions across Australia and internationally but is quite new as a formal criterion. The change is led by human rights advances, mainly the United Nations Convention on the Rights of Persons with Disabilities and the ACT Human Rights Act. A distinct project reviewing the implications of including decision-making capacity added nearly 24 months to the overall review process.

Other major changes—advance consent directions and nominated persons, increased inclusion of mental health carers in treatment planning—required similar careful consideration to balance human rights considerations and to ensure the need for people to have an increased voice in treatment is balanced with the ability of services to continue to deliver safe and effective care.

I would like touch on a few of the important changes included in this bill. Under the bill, decision-making capacity will become the main criterion for deciding whether a person is placed on an involuntary treatment order. Decision-making capacity has always been the basis for deciding guardianship orders. Assessment of capacity is a well-established process. Across Australia and internationally, jurisdictions are moving to make capacity the main criterion for mental health orders.

It is important to note that a person's risk to others or themselves will continue to be considered. However, the risk will have to be of a serious nature if the person is to be placed on an involuntary order when they are assessed to have capacity. The effect of the change is expected to be that more people will make their own decisions about treatment, and in most cases involuntary treatment orders will be made on criteria similar to guardianship orders, helping to bring mental health treatment into the mainstream.

The bill also includes advance consent directions for people with a mental illness. Advance consent directions are an agreement made with the treating team where the person is well and has capacity, setting out the treatment they want and do not want if or when they become unwell. Advance consent directions are similar to health directions for medical treatment.

In the ACT advance consent directions are negotiated with the treating team, ensuring that they will provide for a clinically effective treatment. However, if a treating team considers that in the particular circumstance the treatment agreed is inappropriate or unsafe and the person lacks the capacity to agree to a change, the ACAT can make a ruling.

The bill includes provisions for a person with mental illness to appoint a nominated person who knows their wishes and can speak and advocate for them. A nominated

person may be a carer or another person whom the individual trusts. A nominated person cannot make decisions such as agreeing to treatment but can express the person's view when they may be too unwell to do so themselves. A nominated person must be advised or consulted at a number of points in the treatment process so that they can provide input. The provision provides an opportunity for the person to have an advocate and means the treating team will know who the best person is to ask about the views and preferences of the person receiving treatment.

The bill includes new principles and a number of provisions throughout to support a stronger, collaborative working relationship between clinicians and carers. For example, a carer's view must be taken into account when consideration is being given to ending a cared-for person's involuntary treatment order.

Carers often have a big role when a family member has a mental illness, particularly if the illness is ongoing or involves repeated episodes of illness. Carers need support, including information, to enable them to provide safe and effective care. The bill does not limit consultation with carers. Clinicians, record holders, are also currently able to provide treatment information to a carer where the person does not have capacity and the clinician considers the information is needed by the carer in order to provide safe and effective care.

The limitation on providing treatment information only occurs when the person has capacity and does not consent to the information being provided. It is further limited so that information may be passed if the situation is life threatening or an emergency. These provisions are in the Health Records (Access and Privacy) Act, principle 10, and are the identical provisions applying in broader medical healthcare.

The review of the act has highlighted the need to ensure that record holders understand the current provisions and that they enable information to be provided in a range of circumstances in order to support safe and effective care. This will be an outcome of the review at a policy, protocol and training level.

It can be challenging to adequately support carers and, at the same time, provide necessary protection for a consumer's right to privacy. The government is confident that the provisions in this bill set a framework to attempt to get that balance right.

The bill proposes that people with a mental illness who elect to comply with treatment but are not assessed as having capacity to make the decision can be treated under a guardianship order or power of attorney. This measure will avoid people being placed on an involuntary order when they are not refusing treatment.

The bill includes new information-sharing measures that provide for agencies to develop protocols to clarify what information is to be shared when care is shared between agencies. These provisions aim to ensure that information necessary for people's safe and effective care is shared and that the person's privacy is otherwise protected.

New forensic provisions match those in larger jurisdictions and answer an emerging need in the ACT as we grow. These new provisions also required careful consideration in a human rights compliant jurisdiction.

The resulting bill delivers a major shift towards a more collaborative approach to mental health service delivery and fits well with the recovery approach adopted by mental health services, which supports people to determine their own pathway to recovery as much as possible.

I would like to reply to some of the further points made by Mrs Jones on behalf of the opposition on Tuesday, and I thank Mrs Jones for her indication that the opposition will be supporting the bill today. Regarding the provisions to enable ambulance paramedics to transport people to hospital for emergency assessment and care, I emphasise that this measure is eagerly anticipated in the mental health community as a way of normalising people's transport to hospital, where possible, without the stigmatising public presence of police. It has been implemented in a number of other Australian jurisdictions.

Ambulance paramedics will be provided with the same apprehension powers and search powers currently available to a doctor or an appointed mental health officer but, like them, they will not be expected to apply those powers where the person resists. In this situation police remain available to assist. After this measure attracted some attention early in the review, consultations were conducted with ambulance paramedics. In the consultations, paramedics were unambiguously accepting of the new role, seeing it as a natural extension of their current work.

Mrs Jones raised the issue of staffing and safety in the coming secure mental health unit. I have previously notified the Assembly of a second bill to update the few remaining sections of the Mental Health Act not addressed in the review process and hence enable a completely new act. I wish to advise the Assembly that a further bill is currently in policy development prior to drafting, and this bill addresses security and other arrangements for the new unit. This development is proceeding, using a consultative process including officers of the Forensic Mental Health Service and the Justice and Community Safety Directorate and is planned for enactment in time for the commissioning of the new unit.

If I could just make some comments on the consultation process, the review of the Mental Health (Treatment and Care) Act has been guided by an advisory group of over 40 stakeholders, including mental health consumers and carers, advocacy groups and agencies responsible for implementing the act. The review has been exhaustive and has involved a great deal of consultation across the community. Indeed, the consultation process has shaped the legislation that we are debating today, and the debate, as I have said, about decision-making capacity added two years to the review to get that right, as it came up quite early in the consultation process.

The review began in 2006 with the release of the first discussion paper for public consultation. In November 2007 an options paper was released, which examined in more detail issues including the relationship in mental health legislation between voluntary and involuntary treatment and care, advance directives and forensic mental health. During 2008 and 2009 the review advisory group examined the very complex issues around decision-making capacity, supported and substituted decisions, and assessment of a person's decision-making capacity in the context of mental illness and as a criterion for involuntary treatment orders. Currently, risk to self or others is the main criterion for making mental health orders.

This work led to the November 2009 public consultation on those issues through the framework paper. At the same time, a specific forensic mental health options paper was released. The paper, together with feedback from stakeholders and the public, underpins the forensic mental health amendments presented today.

In August 2012 the Attorney-General and I released a paper titled “First exposure draft of the Mental Health Amendment Bill” for public comment. Early in the review we had agreed that proposed amendments to the Mental Health (Treatment and Care) Act 1994 would go through a two-stage exposure draft process so that the community and stakeholders could be confident their contributions had been taken into account. This two-stage exposure draft process and public consultation was complemented by meetings with stakeholder groups, briefings to members of the Assembly and an iterative process with the review advisory group. The time taken for the review compares with contemporary reviews in larger jurisdictions that have been considering a similar magnitude of change.

A number of people have shown considerable commitment to the review process. I would like to thank some of them today: David Lovegrove, representing the Mental Health Consumer Network, who has provided a significant amount of input throughout the review; Simon Vierek, representing the Mental Health Community Coalition; representatives of Carers ACT; Linda Crebbin, first as the Children and Young People Commissioner and later as President of ACAT; Helen Watchirs and other representatives of the Human Rights Commission; Ron Cahill for his support when Chief Magistrate; representatives of the ACT Disability, Aged and Carers Advocacy Service, Advocacy for Inclusion, Legal Aid and the Youth Coalition of the ACT; John Hinchey as the Victims of Crime Commissioner; Dr Peggy Brown as Chief Psychiatrist and later Director-General of ACT Health; my colleague Simon Corbell who initiated the review as Minister for Health and who has continued to support it in his role as the Attorney-General; all of the staff involved in the mental health policy unit at ACT Health who have worked tirelessly and very collaboratively with the mental health sector more broadly, who have attended the meetings, who have written the submissions, who have drafted the cabinet submissions, the bill and the framework papers and who have genuinely sought to address all of the issues that have been raised through this extensive process.

The amendments included in this bill will come into force 12 months from the date the bill is passed. This will allow time for a comprehensive education and training program for stakeholders, for production of plain language documents and for services to build capacity to implement the new provisions which do create a very different mental health legislative framework here in the ACT.

In recognition of the level of change that is being implemented, I will introduce a second bill, to be called the Mental Health Bill, in early 2015. As mentioned, the second bill will provide a framework for transition to new the act. Provisions for the secure mental health unit will be proposed in a separate bill. To enable agencies to embrace the change, a comprehensive implementation is planned, including a framework and skills for assessing decision-making capacity.

In conclusion I would like to thank the people living in the ACT who have a mental illness and who have supported this work—they have been very courageous in advocating the need for change and in being prepared to work with us—and, of course, the many thousands of carers who care for their loved ones at times often of great stress, for their preparedness to work with us to try to find that balance that is so hard to achieve in real life and reflect that in the rigidity of a legislative arrangement.

The bill we are passing today comes at a historic time for this city. It greatly changes older legislation that had become out of date and shifts that balance back to people who have a mental illness, whilst respecting the rights of carers and those who are providing treatment to make decisions when they need to. I commend the Mental Health (Treatment and Care) Amendment Bill to members. I present the following paper:

Revised explanatory statement to the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Higher Education and Minister for Regional Development) (11.46): Pursuant to standing order 182A(b) and (c), I seek leave to move amendments to this bill that are both in response to comments made by the scrutiny committee and minor and technical in nature.

Leave granted.

MS GALLAGHER: I move amendments Nos 1 to 52 circulated in my name together [*see schedule 1 at page 3908*]. I present a supplementary explanatory statement to the government amendments.

The government's amendments are all considered minor and technical in nature but there are several that are worth mentioning today. They are explained in the supplementary explanatory statement and explanatory points that are provided for the information of members.

Amendment 14 is a change to section 36G(2) of the amendment bill. It requires that a person subject to an assessment order has been made aware of the order. However, an emergency assessment order can be made specifically when notifying a person is likely to result in harm to themselves or others. This amendment removes the need for notification in the case of an emergency assessment order.

Amendments 15 and 31 address what the ACAT must take into account when considering a mental health order and a forensic mental health order respectively. ACAT must take the views of the person responsible for the day-to-day care of the consumer into account. However, it is not considered that ACAT must take the wishes of the person responsible for day-to-day care into account in the same way they are required to consider their views; “wishes” being the word deleted by these amendments.

Amendments 27 and 28 amend section 41AA of the bill, which aims to ensure that a person detained under the act has a thorough psychiatric examination and a thorough physical examination and that a United Nations requirement is satisfied that the person is not detained unless the detention is supported by two qualified opinions.

It is recognised that a thorough psychiatric examination may be conducted at several points in the process leading to detention. These amendments aim to ensure that if an examination conducted in the process leading up to detention meets the requirements set out in the explanatory statement for “thorough” it need not be repeated.

Amendment 40 relates to new provisions in the bill which give rights of access to information important for their safety to people affected by the offending behaviour of a person with a mental illness or disorder, similar to those afforded to victims of crime. Section 48ZZF lists and limits who may have access to that information. This amendment includes on that list a court, if the court is dealing with a related matter.

Amendment 42 relates to new section 72 which provides a review by ACAT of a person’s detention in corrections custody when they have been referred by a court for immediate review by ACAT. If the person’s mental health state indicates a need for mental health care, the bill’s provisions do not prevent continued detention in corrections custody as it may be the only option immediately available which serves the interests of public safety.

However, national forensic mental health principles recommend that care be provided in a health environment in these circumstances. This amendment clarifies that ACAT will review the person’s detention in corrections custody monthly while it continues. The intent of the frequent review is to help ensure that detention in corrections custody does not continue any longer than necessary.

Finally, with respect to amendments 47, 48, 49 and 50, when a person is found not guilty by reason of mental impairment or not fit to plead and referred to ACAT, the court may set a nominated term which is the maximum time for which the person can remain under the oversight of ACAT as a result of the offence. These amendments provide that the court must consider, when setting a nominated term, whether there is another nominated term applying to the person and decide whether the new nominated term is to be served consecutively, partly consecutively, concurrently or partly concurrently with the other nominated term.

I thank members for their agreement to deal with these amendments today and also the scrutiny committee for alerting us to some of the amendments required.

MRS JONES (Molonglo) (11.50): Regarding the amendments, the opposition will support them, particularly in regard to the changes being made to give a more detailed explanation in some cases, particularly in regard to community care orders, forensic mental health orders and involuntary detention, and which, obviously, it is very important that we get right.

The bill has taken a seven-year period to prepare and there are many amendments—50 or so. The opposition reflect that we often are sitting here dealing with a large number of amendments. However, we do agree that it is very important to get the situation right.

Whilst dealing with the amendments, I would like also to clarify some of the statements made earlier in the debate. Dr Bourke came into this place and made unhelpful statements, suggesting that I had suggested we do away with patient confidentiality. He does a disservice to his own party by making such ridiculous suggestions. I think that carers' needs should be maximally dealt with, not that patient privacy be done away with.

There is a vast difference between a system that is open to the maximum extent possible and using systems of privacy and human rights to keep people out of the system. As the Chief Minister explained in her statement, this is something that we have to continue to try and work on, even if it is through the process of policy and procedures. It is a known problem in the system. The government have chosen not to deal with it through legislation, which is their prerogative. However, it is a known issue that needs to be addressed over time.

Regarding Minister Rattenbury's comments earlier in the debate, I did not claim that seven years was wrong; I asked why seven years was reasonable. And it is an extraordinary period. We were not left with a choice between a rushed bill with no consultation versus a seven-year period, and it is an oversimplification for Minister Rattenbury to suggest that that is the only dichotomy that the government faced. It also could have perhaps been done in three or four years and that would not have constituted a rush.

This bill, with its amendments, is long awaited and gives clarity to a number of areas regarding how we as a community best manage, in particular, severe mental health concerns. The bill, with amendments, does make some significant improvements. But in relation to carers, I maintain that it does not go far enough. Carers are a vast group of family members and loved ones of people in our community who suffer severe mental illness as well as other health concerns.

The bill, with amendments, also sets up a framework for the transfer of inmates from our correctional facilities to the secure mental health facility when it is built. I acknowledge that the Chief Minister has explained that there will be another bill, to continue to set up the system for this to occur.

I will wait and see whether such a move is practically workable when health staff are therapeutically trained, not correctionally or justice trained. While we do not want people with a mental illness to fill our corrections facilities, as it is not necessarily the

right place for them, we will be monitoring quite carefully how the government intends to make a facility with a mixed corrections and health clients focus safe for all, and a healthy workplace for staff. We look forward to the further bill and we will support the amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

Environment Protection Amendment Bill 2014

Debate resumed from 18 September 2014, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MS LAWDER (Brindabella) (11.55): I am pleased to be able to speak on the Environment Protection Amendment Bill 2014 today. Firstly, I indicate that we will support this bill today. Back in April I spoke in this place and I was critical over the situation that occurred at the Koppers Wood Products timber treatment plant in Hume. At that time I raised concerns about a perceived if not real lack of detail, lack of reporting or lack of action on the part of both the company and the EPA when it came to the management of this situation.

At that time I brought forward a motion to have the Koppers site and the pollutants reviewed externally and independently. More recently I was pleased to hear that no environmental damage had occurred as a result of the situation. While it was disappointing that it took a public situation, including coverage in the media on the Koppers site, to bring or galvanise these amendments today, having said that, we are very pleased some good changes are occurring to this piece of legislation. Perhaps they are overdue, but they are positive nonetheless, and I will comment briefly on a couple of them.

Removing government immunity in this amendment bill is good for business, the environment and the residents of Canberra. I think it is the public interest test—that is, government departments should be held to the same if not higher standards than business or individuals, and we are pleased this change is being made.

An addition to the legislation to ensure that out-of-territory polluters who pollute water or land in the ACT can be prosecuted is also a good thing for the ACT environment, and the inclusion of enforceable undertakings in this bill is positive. The enforceable undertaking allowing the offender the ability to rectify their damages rather than being prosecuted in court is a good option for any offender who accidentally causes environmental harm. We were concerned about the strict liability offence that had been introduced into this section if an enforceable undertaking was broken. However, I understand there may be government amendments on this, which we would support. Should an offender breach an enforceable undertaking, the EPA can simply go back to the drawing board and proceed with fines or prosecution, and this appears to be a fair process.

The change to the contaminated sites register is a step towards greater transparency and will show a better picture of the sites of concern in the ACT. The introduction of official internal appeals I hope will provide an equitable and legitimate form of appeal process without an entity having to engage ACAT in the first instance.

The introduction of licences for waste transfer stations and e-waste sites should be a good thing for the environment, providing it does not cause unnecessary red tape for small businesses or needless expense. The introduction of “potential” or “likely” to cause harm in this bill will be good to endeavour to protect the environment before harm actually occurs.

I thank all those involved in the preparation of the Environment Protection Amendment Bill 2014 and their work and dedication. In closing, Madam Deputy Speaker, we are pleased to support the changes being made in this bill, and I hope it assists the EPA in protecting our environment from damage in the future for the benefit of all Canberrans.

MR RATTENBURY (Molonglo) (11.58): The Greens will be supporting this bill today. The review of the Environment Protection Act has been undertaken over the past two years and involved the release of a discussion paper and public consultation period. The review of the act concluded that a complete overhaul of the legislation was not required, however, a modernisation of the act and a streamlining of language was required as well as a new regime of enforceable undertakings to provide a gradation of the responses available to the EPA in pursuing compliance measures.

There is no doubt that there could have been more fundamental changes to the Environment Protection Act and the Environment Protection Authority than what has been proposed by the government and we have before us today. However, what has been put on the table are good initiatives and will hopefully go some of the way in improving the operation of the act and the functions of the Environment Protection Authority.

I will take some time to run through some of the key changes to the act that are contained within the bill. There is no doubt that the objects of the 1997 act are somewhat a product of their time and have benefited from some streamlining in this amendment bill. The objects have been reduced from 16 points down to a leaner nine, and the objects have benefited in the main from the additional clarity.

New section 3D adds an outline of the principles that a person administering the act should have regard to. These are important principles in any environmental management regime: the principle of shared responsibility, the precautionary principle, the inter-generational equity principle and waste minimisation principle. I also understand that Minister Corbell will be moving an amendment to re-include the polluter-pays principle, which I believe was inadvertently omitted from the list of principles. Certainly the rest of the act incorporates and applies the principle of the polluter paying, and it is a key aspect of modern environmental law that needs to be retained.

One of the more substantial components of the bill are the new provisions around enforceable undertakings. Enforceable undertakings will provide the EPA with an extended toolkit with regard to the management of offences under the act. While enforceable undertakings may be voluntary agreements that industry or business would enter with the EPA, they are negotiated in the context that the regulator believes an offence has taken place already—that is, there is an alleged offence under the act. An enforceable undertaking can deliver a win-win for government and industry if it means that there is an agreement that environmental reparation will be undertaken.

Generally, enforceable undertakings are entered into after a pollution accident, and in some ways that is frustrating as obviously it would be preferable for a system that prevented accidents. But they can save time and money spent in court by focusing on actions that will actually deliver environmental reparation or benefit.

The EPA is likely to spend some time thinking about how it can best use this new tool in the toolkit and whether or not it could be suggested for lower level breaches where offences, such as reporting offences, have already occurred. Enforceable undertakings can be utilised in response to environmental harm, but also where there is a likelihood of environmental harm, another significant amendment delivered in this bill. One of the interesting features of the enforceable undertakings approach is that when a person enters into an undertaking, the legislation specifically states that this is neither an express or implied admission of fault or liability by the person in relation to the alleged offence. Nor is it relevant to deciding fault or liability in relation to the alleged offence.

This is an important feature in order to get maximum cooperation between entities and the EPA in working through an undertaking, but I think it will be important that the EPA is clear that there might be occasions when penalties should just be pursued. The EPA will also need to be clear in negotiating appropriate undertakings that deliver environmental reparation in an appropriate manner and in an appropriate time frame.

The expansion of this scope of the act to include likely or potential harm will deliver a significant change for the operation of the Environment Protection Act. This broadens the definition beyond actual or realised harm. As the explanatory statement notes, this will provide the necessary tools to proactively tackle transient and cumulative environmental impacts. To date, there have been no offences applying to actions that have the potential to result in serious environmental harm but fall short of actually causing environmental harm.

It clearly makes sense for the EPA to be able to act in these circumstances and have the powers to take steps in a manner that seeks to ensure an identified issue does not become a much more serious problem. It is consistent with definitions of “environmental harm” in other jurisdictions such as New South Wales, Queensland, South Australia and Victoria.

Clause 32 of the amendment bill also provides for an internal review process, a process by which the EPA can internally review decisions made in relation to matters

in schedule 3. Previously applicants could only get a review of any decision through ACAT. The internal review process provides an additional mechanism to review a decision prior to or in place of taking a review to ACAT. Internal reviews must be completed within 28 days and do not prevent the operation of the initial decision. One useful feature of this process is that reviews can be sought by the entity that made the application or by any other person whose interests are affected. This adds a layer of scrutiny to the process that means that a member of the public could seek an internal review of a decision in the public interest, and I think this is a very welcome addition to the legislation.

A significant change to the act, as Ms Lawder mentioned, is to ensure that the territory is liable for an offence under the act without exceptions. Previously the territory was immune from criminal liability. I agree this is a good change. There is no reason that we, as the government, should not be as accountable to the law on environmental protection as business and industry. Governments should not be in the business of setting laws for other people that do not apply to themselves, particularly when they are engaging in comparable businesses. We have a responsibility to show leadership, especially in the area of environmental protection.

The bill also has amendments that will see the extraterritorial application of the act, which for a jurisdiction of our size and with our geography is particularly pertinent. This will mean that environmental incidents that occur wholly outside the ACT but have an impact on the ACT, such as water pollution from interstate, will be captured by the legislation.

There are also some administrative changes to streamline operation of the act. Changes to public notification of the granting of authorisation remove the requirement for this to be advertised in a daily newspaper, which I agree is a little quaint these days. However, I was surprised to note there was no replacement provision in this part of the act nor any other part of the act that require the notifications to be published on the EPA website. Of all the documents produced by the EPA, only environmental authorisations and environmental protection agreements are accessible on the website.

Noting this removal of the provision to publish in a daily paper in this clause triggered a look at other reports and documents that do not have requirements for them to be published online. Currently a range of documents, including environmental improvement plans, emergency plans, environment protection orders and results of reviews of an environmental authorisation are not readily available online, and they probably should be considering that that internet is now the public space where documents are generally viewed. As this can be a resourcing issue for agencies, I have not moved an amendment in this regard today. However, I understand that the EPA's intention is to upload documents to their website to make them publicly available. As technology improves and resources are available, more documents will be available online. At present I believe, due to the complexity of sampling results and audits, the majority of people view the instruments in person at the EPA offices. I note there are a number of scrutiny committee concerns around strict liability, and, again, I understand that Mr Corbell will be moving amendments in response to their concerns.

The bill also makes a few changes to the schedules in regard to class A and class B activities—namely, the operation of a waste transfer station and the operation of a commercial facility for the treatment of the hazardous components of e-waste are added to the list of class A activities, and the operation of a facility for the storage and dismantling of e-waste is added as a class B activity.

The intent of the proposed amendment related to transfer stations is to improve the EPA's capacity to manage the range of potentially environmentally hazardous activities being conducted at transfer stations, including storage and handling of chemicals and e-waste.

In relation to the aspects of e-waste management, treatment of the hazardous components of electronic waste will be regulated as a class A activity and require the waste recycler to procure an environmental authorisation from the EPA. The storage and dismantling of electronic waste will be regulated as a class B activity and be subject to an environmental agreement under the Environment Protection Act. This will cover e-waste collection at the Mitchell and Mugga Lane transfer stations.

There are other amendments, some of which I am especially pleased to see, which relate to erosion and sediment control measures for development sites. There are new definitions for "erosion" and "sediment control measures" and new offences outlined for sites differentiating between those above and below 0.3 hectares. We know erosion caused by developments can have a significant impact on our local waterways, and I am pleased to see these changes.

It is also interesting to note the definition of "development" in this bill is different to the definition used in a bill we will be debating soon—the Nature Conservation Bill, which uses the Planning and Development Act definition. The Environment Protection Act definition is a little broader to encompass a range of works that could impact on soil or water, such as earthworks or work that would affect the landscape.

In summary, this bill is a step in the right direction for the EPA. It delivers a broader set of provisions that I hope they will utilise effectively in ensuring compliance with environmental regulations under the act. The enforceable undertakings combined with the extensions to the definitions of environmental harm to include "likely" or "potential harm" should enable a stronger response from the EPA in managing breaches of authorisations and to achieve the best outcomes for the environment.

It is important to note that even with additional provisions it is very important that we continue to resource the EPA to ensure that they can effectively carry out the work they are being tasked to do. We are a small jurisdiction and we do not have the heavy industry that other jurisdictions have, but there is no doubt that, over the years, the capacity of the EPA to respond effectively and in a timely manner has been questioned due to what appears to be limited resources.

I also believe the EPA must ensure the development of a culture that takes on those who engage in environmentally damaging behaviour and uses the full extent of its powers when it needs to. There have been limited prosecutions under the Environment

Protection Act to date, and while detailed analysis of individual cases may well show good reasons for that, we also know that, in the past, the EPA have been reluctant to take action where they could possibly have done so. I hope that with these new provisions there is a renewed vigour at the EPA to flex their muscles when they need to, for the sake of the environment and for the good of our community. I am pleased to support the bill today.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (12.11), in reply: I thank members for their support of this bill.

The territory is a unique jurisdiction comprising modern urban centres, suburban and rural living and infrastructure coupled with large areas of nature for the enjoyment of the community. We really are the bush capital. Modern, effective and efficient environmental laws, including those contained in the bill, aim to protect this environment for the benefit of all Canberrans and all Australians, who have a stake in the national capital.

The act and its regulation are an integrated legislative framework that protects the ACT's environment by promoting environmental awareness, encouraging progressive environmental improvement, facilitating the implementation of environmental protection measures and providing a regulatory structure to help reduce and eliminate the discharges of pollutants into the air, land and water.

The bill proposes a number of amendments to the Environment Protection Act and its regulation. The proposed amendments may be characterised into three broad areas: firstly, major amendments to the act to implement the recommendations from the 2012-13 review of the territory's environmental protection laws; secondly, specific activity-related reforms in response to operational experience on the part of the EPA; and, finally, minor and technical amendments to the act and regulation to improve their day-to-day operation.

These amendments will contemporise the act and will assist in its administration. Legislation in other jurisdictions, such as Victoria and Western Australia, also clearly distinguishes between the objects of the act and the principles to be applied to its implementation.

I would like to make a point in relation to the government amendments to the principles of the act in relation to the polluter-pays principle. It was through the scrutiny of bills process and investigation into enforceable undertakings that it became evident that this important principle had not been included in the objects as it should have been. The principle was omitted by error during the drafting stage of the bill. It is moved as a government amendment as it is both urgent and minor or technical in nature.

The polluter-pays principle is essential to the underlying premise of the bill—that is, that polluters should bear the appropriate share of the costs that arise from their activities. While this premise is actually implied and applied throughout the amendments proposed by this bill, it nevertheless needs to be explicitly stated. The amendment will achieve that.

I would like to thank the scrutiny of bills committee for its consideration of the bill. I welcome the committee commending the proposal to provide for enforceable undertakings as an alternative to criminal prosecutions for an offence against division 15.1 of the act. I also thank the committee for querying the appropriateness of deeming as a strict liability offence failing to comply with a court order following a contravention of an enforceable undertaking. It was not the intention to make this offence strict liability, and, therefore, I have circulated a proposed government amendment to proposed section 136K(4) which would have the effect of removing this provision from the bill.

The ACT is blessed with a great natural environment. It is one of the defining aspects of our city and something the community expects the government to protect—clean air, clean land, clean water. The Environment Protection Act serves the territory well to minimise environmental harm and to protect the environment, but regulatory practice can always be improved and the updating of environmental laws is necessary over time, particularly as we learn from experiences and practices from other jurisdictions.

This bill contemporises the Environment Protection Act and its regulation. It addresses recommendations from the review of the territory's environment protection laws, it provides for alternatives to criminal prosecutions by creating enforceable undertakings, and it provides an additional review mechanism for Environment Protection Authority decisions.

I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (12.15): Pursuant to standing order 182A(c), I seek leave to move together amendments to this bill that are in response to comments made by the scrutiny of bills committee.

Leave granted.

MR CORBELL: I move amendments Nos 1 to 3 circulated in my name together and table a supplementary explanatory statement to the government amendments [*see schedule 2 at page 3919*]. The government proposes three amendments to this bill. One of the amendments responds to a query raised by the Standing Committee on Justice and Community Safety; two other amendments are urgent, and minor and technical, inserting into the bill a key principle found in all modern environment protection laws.

In response to the matters raised by the scrutiny of bills committee, the committee queried section 136K being a strict liability offence. Proposed part 14A, enforceable undertakings, which includes proposed section 136K, is an important addition to the territory's environmental laws which provides an alternative to criminal prosecutions for an offence against division 15.1 of the act.

An enforceable undertaking allows an alleged offender to enter voluntarily into a binding agreement to undertake actions to settle an alleged contravention of the law and remedy the harm to the environment and the community. If an enforceable undertaking is contravened, the EPA can apply to the court for an order. The court can order compliance with the undertaking, order payment of money or take any other action.

Proposed section 136K makes it an offence for a person to fail to take all reasonable steps to comply with a court order resulting from a contravention of an enforceable undertaking. The offence is limited to these specific circumstances. Based on the committee's query, the government has considered this matter further and decided not to progress this section 136K offence as a strict liability offence.

Through the scrutiny of bills process and investigation into enforceable undertakings, it also became evident that an important principle had been inadvertently omitted from the act—namely, the polluter-pays principle. This principle was omitted erroneously during the drafting stage of the bill. It is therefore moved now as a government amendment. The polluter-pays principle is essential to the underlying premise of the bill—that polluters should bear the appropriate share of the costs that arise from their activities.

This principle goes hand in hand with clause 33 of the bill, which inserts new part 14A, enforceable undertakings. It is upon this principle that the polluter should bear the appropriate share of the costs that arise from their activities. Under an enforceable undertaking, for example, the alleged offender may enter into an enforceable undertaking to agree to rectify alleged harm to the environment.

While it is an underlying premise of the bill, it is important that it remain explicitly stated in the principles of the bill, and that is the purpose of the other government amendments.

I commend the amendments to the Assembly.

Amendments agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 12.19 to 2.30 pm.

Questions without notice

Canberra Hospital—bed occupancy rates

MR HANSON: My question is to the Minister for Health. Minister, in the *Canberra Times* today the AMA ACT president describes “battles for beds” in the emergency department and the women and children’s hospital at TCH and warns that the situation is set to worsen. She goes on to say that if staff “are rushed off their feet all the time ... mistakes get made” and that this “has a huge impact on staff stress”. Minister, does TCH frequently reach unsafe levels of bed occupancy?

MS GALLAGHER: As the Leader of the Opposition knows, the target for bed occupancy is 90 per cent across the ACT health system. At times, and that is why it is a yearly reported figure, the numbers go above that—

Mr Hanson interjecting—

MADAM SPEAKER: Order, Mr Hanson! You have asked your question.

MS GALLAGHER: and at times they go below that. What I can assure people who use the hospitals is that if they need admission to the hospital, they will be admitted to the hospital, and they will be cared for by the most professional and dedicated staff. The comments by the president of the local AMA are in line with the AMA’s position, which is that 85 per cent is the safe way to run a hospital system, and I think there is a balance between having beds available and running an efficient system. In Victoria, for example, hospitals are funded at having beds occupied 95 per cent of the time. There is no national agreement on bed occupancy. There is no national agreement on how to calculate bed occupancy. And bed occupancy is not a figure that is used to measure the overall performance of the health system anywhere in the country.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, is the unsafe overcrowding at TCH causing mistakes to be made, as asserted by the president of the AMA?

MS GALLAGHER: I thank the Leader of the Opposition for the question and I would go back to my previous answer, when I said that anyone requiring hospital admission and care will be admitted to either Calvary or Canberra Hospital and will be treated with the utmost professionalism and care. All steps are made to reduce pressure on staff.

I would say that we have the best nursing to patient ratios of any jurisdiction. We have worked hard with the ANF to reach agreement on that. There are more nurses working in our hospitals than there are with the nurse to patient ratio in New South Wales, for example. We are mindful that, when the hospital is busy, staff are under additional stress. Where we can manage that, it is managed.

Canberra Hospital remains very busy. I have just had a meeting with the head of Little Company of Mary Health Care around looking at further ways to improve efficiency

across the system. Certainly in the last few months Calvary has not been as busy; it is Canberra Hospital.

We have over 1,000 beds available across the system, of which 60 per cent are at Canberra Hospital. Approximately 40 per cent are available at Calvary. It is essential that we ensure that both the hospitals are running as efficiently as possible and in an integrated way that supports the overall aim of the public health system.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Chief Minister, how is the government ensuring access to quality care across the health system for Canberrans?

Mr Hanson: On a point of order as to relevance to the question, the original question was very much about bed occupancy rates and bed occupancy. I am not sure that the question, although it obviously relates to the health system, is relevant to the specific line of questioning, which was about levels of bed occupancy and the statements by the AMA about the impact of them.

Mr Corbell: On the point of order, Madam Speaker, clearly the Chief Minister's answer related to system-wide attempts to respond to the pressures faced by the health system. Therefore Ms Berry's question is a very appropriate follow-up supplementary.

MADAM SPEAKER: On the point of order, standing order 113B says that the supplementary question has to be relevant to the original question or arise out of the answer given. The original question was about the situation of dangerous levels of bed occupancy at TCH; frequently reaching unsafe levels of bed occupancy. Mr Hanson's supplementary was: is the unsafe overcrowding of TCH causing mistakes to be made? In her response to the second of those questions the Chief Minister talked about conversations with Calvary and spreading the load. That does not to me indicate a discussion about access to health generally. Access to health generally is a much broader thing, and I would have to rule the question out of order. A supplementary question, Mr Smyth.

MR SMYTH: Minister, as asserted by the President of the AMA, is the unsafe overcrowding at the Canberra Hospital having a huge impact on staff stress and is the unsafe overcrowding at TCH set to worsen?

MS GALLAGHER: I do not accept it is unsafe overcrowding at all. Even when the hospital is running at 96 per cent, that still leaves a number of vacant beds across the system for people to be admitted to. We have had some claims going about levels way over 100 per cent. To have that, you would have to have a large number of people admitted to the hospital not in beds. So let us accept that the hospital is operating, it is very full, but I do not accept the language that has been used by the opposition.

Mr Hanson: Madam Speaker, on a point of relevance, I am sure the minister is going to get to it, but the specific question asked by Mr Smyth was about the impact on staff stress and whether this was set to worsen. I ask if the minister could be directly relevant to those points.

MADAM SPEAKER: Standing order 118(a) requires a minister to be directly relevant, so if you could come to the point off the question, Chief Minister.

MS GALLAGHER: I will if there is any time left. Going to the point of stress, yes, I would say that when the hospital is busy staff are under more stress. The hospital is a stressful environment at any time, and when the hospital is busy and beds are in short supply, there is an additional layer of stress, and that is why so much effort is being put in to minimise that stress and to support staff. One of those is the increase in beds, and Dr Gallagher's point today was about additional beds. I will repeat in this place: when we came into power in 2001, 670 hospital beds were available. We now have 1,048 funded beds across the system—a 56 per cent increase against a population increase of only 17 per cent. And more beds are coming on line, so, no, it is not going to get worse. *(Time expired.)*

Asbestos—loose-fill insulation

MR COE: My question is to the Chief Minister regarding Mr Fluffy homes. Chief Minister, what analysis has the government undertaken as to how variation 306 will restrict redevelopment, whether the blocks be RZ1 or changed to a higher density but still in the residential zones?

MS GALLAGHER: It is likely that particular arrangements will need to be put in place for Mr Fluffy homes as it relates to a number of different pieces of legislation, not only planning but heritage and tree protection as well. We are currently working through those issues. Obviously the announcement by the commonwealth on Monday was prompt in the sense that it was announced without knowledge to us and, now that we have confirmation that a concessional loan is being arranged, we are putting in place the necessary work that needs to be done to ensure that we can minimise the overall net cost to the ACT community and deliver a fair and reasonable outcome to the Mr Fluffy homeowners. It is highly likely there will be a number of pieces of legislation that will need to come—

Mr Coe: On a point of order, Madam Speaker, on relevance. Whilst we appreciate hearing about the recent developments, the question was specifically: what analysis has the government undertaken? That has got no relevance whatsoever to Minister Abetz's announcement.

MADAM SPEAKER: Your question was about draft variation 306?

Mr Coe: Yes.

MADAM SPEAKER: I uphold the point of order. I would ask the Chief Minister to try to be directly relevant to the question about analysis around variation 306.

MS GALLAGHER: If I could, my answer—and I went to it very promptly—went to the work that was underway on a range of legislative frameworks, including planning, from which variation 306 evolved, and heritage and trees. There has been some early work done about changes that need to be incorporated but it is not simply around

planning. There are other legislative instruments and acts involved, and that work is well underway now. I am happy to update the Assembly as it progresses.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Chief Minister, will the ACT wind back the impact of solar access requirements and the onerous multi-unit site rules that were put in place through variation 306?

Mr Corbell: On a point of order.

MADAM SPEAKER: A point of order, Mr Corbell.

Mr Corbell: Is that question seeking to ask the government to announce policy?

MADAM SPEAKER: I have people muttering, “Yes, it is,” and “No.” There are 17 politicians in the room, so everyone does have an opinion. Could you repeat the question please, Mr Coe?

MR COE: Sure, Madam Speaker. Will the ACT wind back the impact of solar access requirements and the onerous multi-unit site rules that were put in place through variation 306?

MADAM SPEAKER: I think it is a near-run thing. It could also be considered hypothetical.

Mr Coe: Most questions could, to be honest.

MADAM SPEAKER: Most questions could. I think it is lineball, but I will allow the question. There is a fair amount of latitude.

Members interjecting—

MS GALLAGHER: The task force will be providing—

Mr Smyth: On a point of order, Madam Speaker, Minister Corbell was muttering, “Of course you will,” and Ms Burch said, “No surprises.” I think they are reflections on the decision of the chair. If people do not like the decisions, they should follow the format, and you should ask them to withdraw.

MADAM SPEAKER: If members do not like a decision, there are means open to them. But I have called the Chief Minister.

MS GALLAGHER: The task force is preparing, in conjunction with other agencies, advice to government on necessary steps that need to be undertaken to minimise the cost to ACT taxpayers of the overall scheme and ensure a fair and reasonable outcome for Mr Fluffy home owners. To my knowledge, the issues Mr Coe has raised have not formed any pressing part of that advice, but I will wait until that advice is provided to me. As I said there are other issues like heritage and trees that we need to also consider carefully.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Chief Minister, what reduction in yield, and therefore cost recovery, will be caused by variation 306 on blocks where homes are to be demolished?

Members interjecting—

MADAM SPEAKER: No, I do not believe it is hypothetical. Maybe the Chief Minister does not have those figures to hand, but it is not a hypothetical.

MS GALLAGHER: It relates to my previous answer, which is, with the scheme that has now been announced and the loan that is now being provided, there is a whole range of work underway across government to provide the comprehensive advice; indeed, even knowing who is going to participate in the scheme. We do not know that at this point in time. We are going to give people the opportunity—

Mr Hanson interjecting—

MADAM SPEAKER: Order, Mr Hanson!

MS GALLAGHER: We are going to give home owners the opportunity to register their interest up to 30 June 2016—

Members interjecting—

MADAM SPEAKER: Order, members! Mr Corbell, Mr Hanson!

MS GALLAGHER: There is a period of time where, as more information comes from home owners about what their intentions are and we mobilise the advice across government about a range of different pieces of legislation, including from Treasury about the way to minimise the cost on the overall ACT community, those decisions will be taken.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Chief Minister, when will the government commence the rezoning of blocks to be available for development following the demolition of Mr Fluffy homes?

MS GALLAGHER: We have not agreed on a specific date. Again, it depends on a whole range of different variables, including how many people want to go from their homes, how quickly they want to go, and how quickly demolition contracts and removal and remediation works can be undertaken. This is a five-year program. There is a period of time now for us to consider all of the issues that the task force will bring to the table. It was only on Monday that we actually got the green light that a concessional loan was going to be provided. An incredible amount of work has been done over the last three days, but I think we all accept in this place that there is now going to be a staged implementation of that scheme, and decisions will be measured, careful and fully informed by all the information available to government.

Justice—restorative

DR BOURKE: My question is to the Attorney-General. Attorney, can you update the Assembly on how restorative justice is progressing in the ACT?

MR CORBELL: I thank Dr Bourke for his question. The ACT's restorative justice framework is one of the great achievements of self-government and, indeed, one of the great achievements of this Labor administration and previous Labor administrations. It has, I should acknowledge, been supported across the chamber by Liberal Attorneys-General as well.

The process for restorative justice first commenced with the re-integrative shaming experiment in 1995 commenced by one of my predecessors, Attorney-General Connolly. Restorative justice practices involve different ways of doing justice, and we continue to see effective outcomes in relation to restitution, the involvement of offenders in community volunteer work, apologies and services to victims and a whole range of other ways in which we see restoration to victims and effective shaming and rehabilitation in many instances of offenders.

We continue to see strong levels of engagement in phase 1 of the restorative justice program as it continues to work with juvenile offenders and their victims. In 2013-14, 113 referrals were received involving 231 offences, 130 young offenders and 171 victims. The ACT's restorative justice scheme celebrated a significant milestone recently by convening its 1000th restorative justice conference since the scheme's commencement.

In 2013-14, 230 people completed surveys following their participation in the scheme, consisting of 71 young offenders, 66 offenders' supporters, 79 victims and 14 supporters of victims. Overall, respondents remain overwhelmingly positive about their experiences with RJ. Satisfaction rates were 97 per cent, exceeding the key performance indicator of 95 per cent.

Of the agreements completed in the most recent full financial year we saw 88 hours worked by young offenders for the direct benefit of their victims, 152 hours worked by young offenders for the direct benefit of the community at large, nearly \$8,000 worth of compensation paid by offenders to victims for damages and losses incurred, \$185 worth of donations to charitable donations, and 101 hours completed by young offenders at counselling, educational programs and other pro-social activities.

These are really strong results as we engage young people in alternative justice sentencing options which are providing better restoration to victims, better support to victims and better recognition of wrongdoing and restitution by offenders. These are great outcomes and ones the government is looking at very closely as we undertake the next stage of work for our justice reform strategy over this year and the next year.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Attorney, can you please outline how restorative justice is impacting on Aboriginal and Torres Strait Islander youth?

MR CORBELL: I thank Dr Bourke for the supplementary. Restorative justice has particular benefit for Indigenous young people. We have seen 53 Aboriginal and Torres Strait Islander young people referred to RJ in the last full financial year. This represents 40 per cent of the total number of young people referred to the program. That compares with only 27 per cent of all offenders being of Aboriginal and Torres Strait Islander origin in the financial year before.

So we have been able to lift the number of Indigenous young people being referred to RJ. Of course, we have been able to do that thanks to the implementation of an Indigenous friend program. My colleague Ms Porter was instrumental in lobbying for the financing for that position, which has seen more young Indigenous offenders brought into the RJ process. We have seen around 30 per cent of all young Aboriginal and Torres Strait Islander people referred to RJ processes compared to only 19 per cent of all Indigenous offenders in the year before. That is a really positive outcome, seeing more young Indigenous people engaged in RJ.

A great example is the referral of two young men who trespassed and did damage to a half-finished housing development over the Australia Day long weekend. The business owners who were the victims in this matter were frustrated by the repeated trespass and property damage on their sites but agreed to meet with the offenders and their families. The dialogue was heartfelt and respectful throughout. The boys apologised for their offence, the victims praised their courage to meet them face to face, and the young men were invited to spend time working as volunteers on the site, where they gained some really valuable work experience. That is a great example of restoration directly to offenders as well as to the victims. (*Time expired.*)

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Attorney, can you please explain how restorative justice contributes to meeting the needs of victims of crime?

MR CORBELL: I thank Ms Porter for the supplementary. RJ is victim focused. It is first and foremost about providing restoration to victims. We know from the research, we know from the lived experience of victims, that they find the RJ process in many respects much more meaningful than traditional court-based processes.

The reason for this is that it gives them a direct voice, it allows their voice to be heard through the RJ conference, it allows them to confront those who offended against them directly. There is no mediation; there is no capacity to hide behind a lawyer. There is no capacity to simply say, "You're not going to say anything in court; let your lawyer do all the talking." You have to face your victim directly. You have to face them and you have to try and explain your actions.

We know that victims who participate in RJ are more satisfied with their experience than those who see their cases dealt with through the courts. They also see a reduction in the desire of victims, especially victims of violent crime, to try to seek personal vengeance against their offenders. It also gives victims a much greater sense of closure, of completion of this traumatic moment in their lives, because they have

faced the people who offended against them, their offenders have had to deal directly with the consequences, and hearing the consequences, of their crimes against the victim and they are able then to move on with their lives.

So we see financial restitution, we see emotional restitution, an apology, and we see a better engagement by victims in the criminal justice process. And that is a good thing for everyone engaged in the criminal justice process.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Attorney, how does this work in the ACT on restorative justice compared with other states and territories?

MR CORBELL: I thank Ms Berry for the supplementary. Compared to other jurisdictions, the ACT has a pretty comprehensive RJ framework, although it is still only limited at this time to juvenile offenders. In other jurisdictions we see RJ used to a lesser extent for some circumstances, but it is not as comprehensive as the ACT scheme. Here in the ACT we have the capacity for referral to RJ by the police directly but also by the court or the Director of Public Prosecutions, where appropriate. That gives the capacity for a wider range of people to be brought into the RJ framework.

It is worth stressing, of course, that in the RJ framework it is only able to occur with the consent of both the victim or victims and the offender or offenders. Both need to be willing to be engaged. We see a high level of compliance and willingness to be engaged by both victims and offenders because often it is pointed out to them that this is a much more effective way of bringing resolution to the criminal offending than the traditional court-based system. It is not appropriate in every circumstance, but it is appropriate in many.

The government continues to look at options for expanding RJ. Considerations around that will be part of the government's justice reform strategy, which is looking at alternative sentencing options and how they can be applied more broadly. For example, at the moment RJ only captures young people. There is the capacity to capture adult offenders in the RJ program and there is the capacity to capture serious offending in the program as well, including crimes of violence and potentially even sexual offending.

These are matters that will be the subject of more detailed consideration through the justice reform program, which the government has laid out its funding commitment to in the most recent budget.

Convention centres—expansion

MR SMYTH: My question is to the minister for tourism. Minister, are you aware that the Victorian government have announced this week that they will support the extension of the Melbourne convention centre to secure and grow the market share for Victoria?

MR BARR: Yes, I am aware a number of state governments are investing in convention centre facilities.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, are you aware that the South Australian government are expanding the Adelaide convention centre, due for completion in 2017, to secure and grow their market share of Australia's convention and business meetings industry?

MR BARR: Yes.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, why is yours the only government in Australia that will not support the provision of appropriate convention centre facilities in their jurisdiction?

MR BARR: We are not.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, are you aware that large conventions are unable to come to Canberra because of the lack of available facilities at the Canberra convention centre?

MR BARR: Depending on the size of the convention, there are a range of other supply-side constraints in this city, including the number of hotel rooms, the size of our airport and the lack of international flights. There are a range of factors that would preclude this city from hosting large conventions of the 10,000, 20,000 or 30,000 delegate range. We do very well, though, in the smaller associations market. In our centenary year we had a massive influx of interest.

Mr Smyth: And we are turning people away.

MR BARR: In our centenary year, we went out and targeted a big program of business events. We were not able to fit everyone in. It is not the case that that level of demand is there for our city every year. It is not there every year, and a number of associations moved their events out of sequence in order to have an event in Canberra in our centenary year. But it was the centenary year that was the contributing factor, not the level of facilities in the city.

Planning—Yarralumla brickworks

MR DOSZPOT: My question is to the Minister for Economic Development. Minister, the Canberra brickworks public consultation closed in July with the response to community feedback due to be delivered by the end of September. The response has now been delayed due to the overwhelming feedback and submissions the LDA has received. Minister, what level of support was there for the brickworks proposal in its current form in the community's submissions?

MR BARR: Mixed. The results were about fifty-fifty amongst Yarralumla residents in the survey work that was undertaken by the LDA, with about 68 per cent support for the proposal across the city. There is a degree of dissatisfaction within the suburb of Yarralumla. That is understood, and the proposals are being modified and a further draft proposal will be put forward.

As I have said in this place before, this has got five years to run. There are at least five consultation processes ahead of us before any development will occur.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, when will the community be provided feedback on the comments and the issues identified?

MR BARR: In the coming weeks.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, what exactly will the further public consultation for the re-worked plans consist of?

MR BARR: A revised draft proposal initially, and then there is a range of further consultation processes associated with any territory plan variation, national capital plan variation, estate development plan and any individual development application. So, Mrs Jones, there are five more opportunities over the coming years for consultation.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, what lessons has the LDA learnt from the significant current opposition to the brickworks proposal in putting forward other projects?

MR BARR: We cannot please everyone all of the time. It is useful, obviously, to—

Mr Hanson: You can't always get what you want.

MR BARR: You cannot please everyone all of the time. There will always be some people who oppose change. Some people also believe the city is not changing fast enough. Trying to balance those competing views is a challenge. But I would prefer the LDA come up with ideas, put them out in draft form, seek feedback and then seek to modify ideas in response to that, rather than being so timid as to not even being prepared to put a draft proposal out as one of five or six rounds of consultation.

Children and young people—child development service

MR WALL: My question is to the Minister for Education and Training. Minister, this week you have made mention several times of a service that you state will be up and running in 2015—namely, the child development service. Minister, where is funding for this service coming from and how much funding has been allocated to the establishment of this service?

MS BURCH: I thank Mr Wall for his question. The reference to the child development framework was mentioned also when we made the announcement of the early intervention services that will be in place, despite Mr Wall's best effort to scare the community otherwise, for the beginning of the term next year.

Mr Wall: On a point of order, Madam Speaker.

MADAM SPEAKER: There is a point of order; can we stop the clock?

Mr Wall: On relevance, the question was: where is the funding for the service coming from and how much has been allocated—not a commentary on comments I may or may not have made.

MADAM SPEAKER: I think that less than 30 seconds into the answer is probably a little harsh on the minister.

Members interjecting—

MADAM SPEAKER: I am sorry, Mr Rattenbury, I missed that one. What was that one? That I am never too early for—

Mr Rattenbury: I said it never seems too early for the glass jaws to stand up, Madam Speaker.

MADAM SPEAKER: I see. I am glad we got that one on the record.

Members interjecting—

MADAM SPEAKER: I am trying to make a ruling on a point of order. I probably contributed to the byplay so I do apologise to members.

Mr Coe interjecting—

MADAM SPEAKER: Mr Coe! I am trying to make a ruling. One of the rulings might affect you. My ruling is that, although I think 24 seconds into the answer is probably a little trigger happy, I was contemplating that the answer was not being particularly relevant and that it was a bit of a shot at the questioner rather than addressing the question. I would ask the minister, having put a bit of context around it, to get to the answer. The question was: where is the funding coming from for the child development service?

MS BURCH: I thank Mr Wall for his interest. I ask him to go back and look at the *Hansard* on that, in which it was explained that the framework will be a collaboration with Therapy ACT as we transition out of disability services, as I have said, by the end of 2016. There was also a component of working with the Health Directorate and the paediatric clinicians in town that support developmental delays in children who need that level of assistance. Also, the framework will involve our child and family centres.

I made comment that this work is being developed now. It was quite clear that it was around a reconfiguration of services. I will choose my words carefully because Mr Wall has informed this place that he is quite happy to put out loaded commentary and misinformation. If that is his style then I say that he will continue to do so. So I will choose my words carefully. I ask him to review the *Hansard*.

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

MADAM SPEAKER: A point of order. Can we stop the clock, please?

Mr Coe: I wonder whether Ms Burch's comments need to be made by way of substantive motion if in fact she is saying that Mr Wall has misled the Assembly.

MADAM SPEAKER: I did not pick that up. I thought that Minister Burch was being somewhat critical of Mr Wall, but I did not pick up that there was any imputation that he had misled the Assembly.

Mr Coe: In particular, Madam Speaker, she said that Mr Wall is prepared to give the Assembly loaded statements, which may be interpreted as being either a reflection on his character or indeed a way of misleading the Assembly.

MS BURCH: On that point of order, if I may, Madam Speaker, provide some clarity? I quote from on the *Hansard* of 22 October:

Through you, Madam Assistant Speaker, I say this to the minister: if a loaded, misinformed commentary is the only way of getting answers out of you and your directorate ... I will continue to do so.

I was just putting Mr Wall's words back to him.

MADAM SPEAKER: On the substantive point of order, I think it comes close but I do not think it offends the standing orders. I would ask members to be careful of their language and remind them that it is all in *Hansard*. Minister Burch, have you finished your answer?

MS BURCH: Yes.

MADAM SPEAKER: A supplementary question, Mr Wall.

Mr Doszpot: Madam Speaker, I have a point of order on the minister's answer. Under 118, on the point of relevance—

MADAM SPEAKER: No, the question is finished. It is over; I am not going back there.

Mr Doszpot: Only because you remain sitting.

MADAM SPEAKER: No, I am not going back there. Is there a supplementary question, Mr Wall?

MR WALL: Perhaps the minister will answer the second part of the first question, as to how much funding has been allocated to the program. Also, minister, can you explain whether existing staff in the department of education and training will be operating this service? If so, how many will be employed at the commencement of the 2015 school year?

MS BURCH: The child development framework is a work in progress. There is a commitment from the Education and Training Directorate, Therapy ACT, Disability ACT and Health to come together, as we transition into the national disability insurance scheme, about how we have that new system in place for those young ones that need our support through disability or developmental delays. So all of those agencies will form part of that new system. The final detail is not there, Mr Wall. Again I encourage you to go back and read *Hansard* and you will perhaps find that clarity.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, what consultation has been undertaken with DET staff on this service, and when did consultation take place?

MADAM SPEAKER: On which staff, Mr Doszpot?

MR DOSZPOT: DET, department of education and training.

MS BURCH: I will just clarify: it is the Education and Training Directorate these days, for Mr Doszpot's information.

This is a work in progress. It is, as I have said, a framework to make sure that as we move through this transition to the NDIS, when we withdraw from specialist disability services, as we have stated and as the Canberra Liberals support—that is their policy position, to support this—that consultation process will be fulsome for all staff.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, how much did the commonwealth cut from the support from child and family centres which you mentioned in your original answer?

MADAM SPEAKER: It is not relevant. I rule it out of order. The question was about the child service framework for 2015.

Dr Bourke: On the point of order—

MADAM SPEAKER: No, I have made a ruling. My ruling is that it is out of order.

Schools—chaplains services

MRS JONES: My question is addressed to the Minister for Education and Training, on the matter of the school chaplaincy services. Minister, there is doubt in the community about the status of this program and, given the uncertainty, would you please confirm that those schools that currently have a chaplain will continue to have one until 2018, regardless of whether they are in the government or non-government sectors?

MS BURCH: With regard to the chaplaincy program, the correspondence on the position of the commonwealth was very clear, that they would only support chaplains, despite the pleas from this government, the independent schools and the Catholic schools for that program to be able to support secular workers. One of the conditions of that agreement is that there is a panel from public schools, independent schools and Catholic schools. That panel will make the decision on where the chaplains go.

Until we form that panel, until we put the invite out to the schools, until we get a sense of which schools will put their hand up to be part of the program, we are unclear about where they go. It is certainly my position that I would have liked to have gone to the end of this year not having any of those jobs at risk but that was not to be, given the arrangements given to us by the commonwealth.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, given that, can a school that does not at present have a chaplain apply to engage one before 2018?

MS BURCH: One of the conditions of this arrangement is that an invite is put out to all schools, whether they have a chaplain or a secular worker now or not.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, how many secular workers are you prepared to fund through this program?

MS BURCH: The commonwealth's funding agreement absolutely excludes secular workers.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Compared to other states, why is the ACT government taking a different approach to co-funding?

MS BURCH: I do not believe that we are. The condition of the commonwealth funding of the chaplaincy program is that there are only chaplains to be employed.

Infrastructure—public-private partnerships

MS BERRY: My question is to the Treasurer. Treasurer, could you please explain why the ACT government has chosen public-private partnerships to deliver major infrastructure projects in the ACT.

MR BARR: I thank Ms Berry for the question. From the outset, it is important to acknowledge that all governments partner with the private sector to deliver infrastructure projects for the community. Public-private partnerships, PPPs, are but one type of delivery model, which is particularly suitable for complex infrastructure projects. Unlike the more traditional delivery models that we are used to in the ACT,

PPPs provide governments with a fully integrated and whole-of-life infrastructure package, including the design, construction, maintenance, operations and financing of a project.

Studies have shown that for the right type of project, a PPP can deliver savings of around 11 per cent compared with traditional models of delivery. But PPPs are not without risk, and they are definitely not for every project. They do have higher up-front costs in terms of time and procurement costs, but they also bring significant benefits for large and complex projects. Particularly, they bring price certainty and they bring timely delivery where the community will not pay until the project is fully complete and operational. They also provide the opportunity to access innovation and efficiencies from private sector skill and capabilities. And they provide integrated risk transfer to the private sector.

In simple terms, PPPs can deliver long-term solutions for complex major projects. They provide infrastructure that is well designed, maintained to a high standard and operated efficiently across the life of the project, which is typically 20 to 30 years. They provide certainty for government in pricing, in operations and in maintenance costs. And, importantly, they leverage private sector expertise.

So the government's view is that PPPs, in certain circumstances, can deliver real benefits to the ACT community in the delivery of major infrastructure projects.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Treasurer, how has the government approached the development of a framework for PPPs in the ACT?

MR BARR: The ACT government has benefited from the considerable work already undertaken in other Australian jurisdictions, and this helped inform our policy framework, the partnerships framework, which was developed through extensive consultation with private sector industry participants and other Australian governments. We have made a big effort in this policy framework to learn from both the successes and the failures of PPPs in other jurisdictions. This provides the ACT with a competitive position to encourage infrastructure investment.

Our first PPP—the ACT courts redevelopment—received six responses in the expression of interest phase. This is one of the highest levels of responses for a PPP project. It demonstrates the confidence the market has in the ACT government's policy framework and also for the pipeline of projects we have in the territory.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Treasurer, what projects are being considered under this framework?

MR BARR: As I indicated, our first PPP is the courts redevelopment. We have recently announced two shortlisted consortia to provide requests for proposal before the end of the year. Our second PPP will be capital metro. The capital metro industry briefing attracted huge interest from local, national and international private sector

partners. Tomorrow Minister Corbell will release the capital metro business case to the market. This continues the commitment from the government to being open and transparent in the delivery of this major transformative project. We will also be considering PPPs for other projects, including elements of the city to the lake project, including pieces of infrastructure that have been the subject of some interest in the Assembly this week. Not only do we have a vision for and commitment to major infrastructure, but we have an effective policy framework through which to deliver it. It is certainly in stark contrast to those opposite, who have put forward no policy framework for the procurement of major infrastructure projects.

MADAM SPEAKER: A supplementary question, Mr Wall

MR WALL: Minister, why were consortia being overlooked when shortlisting tenderers for PPP projects such as the law courts project?

MR BARR: They are not, and the process is competitive. The best bids in the expression of interest phase go forward to the request for proposal phase. If Mr Wall is suggesting that bids that were not as good as some of the others that came in should be included in a request for proposal phase just because they are local, that is really an invitation to consortia whose bid was not of the highest quality compared with the others to be wasting money.

There are costs associated with preparing a bid. If you are not shortlisted in the EOI phase, then you are simply seeking an invitation to spend money when you have already been assessed as not being of the standard of the other bids. All bids are of a high standard but some are higher than others.

Tourism—visitor numbers

MS LAWDER: My question is to the Minister for Tourism and Events. Minister, in addition to CommSec's state of the states report, which showed we have the second worst economy in the nation, the *State of the Industry 2014* report by Tourism Research Australia for 2013-14 noted that tourism levels in the ACT had decreased despite the efforts of the centenary year to attract visitors to the ACT. Minister, what was the reason for the 11.4 per cent decrease in visitor expenditure for the ACT?

MR BARR: On the first point I completely reject Ms Lawder's assessment that the ACT is the second worst economy in the country, and my point to her would be to stop talking down the ACT. Ms Lawder would do well to not talk down our economy.

Secondly, in relation to tourism figures, 2013 was the best performing year in tourism for this city since the Sydney Olympics. So since our country staged the biggest event in the world—

Mr Hanson: Since the Liberal government. Hear, hear!

MR BARR: It was actually a Labor government that brought the Olympics to Australia—Bob Carr's government. But never let—

Mr Coe: But we're talking about 2000.

Mr Hanson: You said since 2001.

MADAM SPEAKER: Order! This is what happens, Mr Barr, when you engage in conversation rather than answer the question.

MR BARR: It is a very good point, Madam Speaker. The ACT's tourism performance in 2013 was the strongest it has been since the Sydney Olympics, which was the biggest event in the world in that time and certainly had spill-over effects for tourism in the ACT. We continued to invest in our tourism and events promotion, and we will continue to see strong numbers for the territory.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, what is the cause of the 1.7 per cent decrease in visitor trips to the ACT for the 2013-14 year?

MR BARR: In fact that would represent a larger number of visitors than the 2010-11 and the 2011-12 component. But the biggest lift in tourism numbers did occur in the first half of the centenary year, in 2013. So we did have an exceptionally high first part of 2013. Whilst Ms Lawder is correct that there was a decrease, it was a very small decrease off a very high base, which was higher than the numbers we had received in previous years. Again if Ms Lawder wants to be in the business of talking down our tourism sector, she is welcome to do that. I am in the business of talking it up.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, could you tell us more about your efforts to lift tourism numbers in the ACT?

MR BARR: I thank Dr Bourke for the question. The ACT government, through visit Canberra and through our partnerships with Tourism Australia, works very hard to continue to promote our city. There are true innovative campaigns such as the Tourism Australia award-winning campaign, the human brochure. This weekend there is a further spin-off of the human brochure campaign, the 101 local humans who are inviting friends and relatives to Canberra over this weekend to showcase our city's many fantastic tourism offerings.

Through social media exposure, we continue to use cost-effective ways to promote our city in a range of different markets across our four key pillars of experience: food and wine, family friendly, action and adventure opportunities and those associated with the natural environment. We are continuing our efforts to promote our city in our largest markets, particularly Sydney, Melbourne and regional New South Wales, but also focusing on emerging international markets including Singapore and New Zealand.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, what was the reason for the 16.4 per cent fall in visitor nights spent in the ACT, and what is the reason for the 17.4 per cent decrease in average per night spending by visitors to the ACT?

MR BARR: Those figures are somewhat impacted by decisions of the commonwealth government in relation to travel for public servants. We are also seeing that having some impact upon the overall business market as a result of declines in commonwealth government travel that have always been an important part—

Mr Hanson: Who won the Olympics, Andrew? Was it John Fahey or Bob Carr, or did you mislead the Assembly?

MR BARR: It was John Fahey. That is a good point. It was John Fahey, delivered by Bob Carr.

Mr Hanson interjecting—

MADAM SPEAKER: Order! This is not a conversation.

MR BARR: I will acknowledge that. John Fahey did the big leap; Bob Carr actually delivered the event.

Members interjecting—

MADAM SPEAKER: Order, members! Mr Barr has the floor.

MR BARR: On Mr Smyth's substantive question before the interjections, there are obviously broader economic trends that are impacting upon people's discretionary spend. So, yes, the election of the federal government has sapped consumer confidence right across this country. There is no doubting that. And you are seeing decreased spending in a number of areas, particularly from those voters who have been slugged by the federal Liberals in the most recent budget.

Multicultural affairs—symposium

MS PORTER: My question is to the Minister for Multicultural Affairs. Minister, today we saw a multicultural interfaith symposium. What messages have so far come out of the symposium about building a welcoming multicultural and multifaith Canberra?

MS BURCH: I thank Ms Porter for her question and I also thank the members of the Assembly who participated in this morning's event. The feedback and the messages so far have been very positive and it was a very welcome opportunity for many of our multicultural leaders and our multifaith leaders.

There will be a full write-up that will go out to participants and a general report, but some of the commentary that has come out so far has recognised that some of those tensions are not as bad here—or do not exist to the same extent—as they may be in Melbourne or Sydney.

There was a keenness to talk about the issues. One thing was to do something about it. What will come out of this symposium this morning? Many recognised that everyone did a bit to help others. That will help create the cohesion of the community that we want. The importance of individuals' conversations was a key to how we lead the way; there is always something that individuals can do. There was very much a conversation about how we engage with those that are isolated within our community or the youth of our community and how we get to know each other a bit better. Whilst there was a strong focus on our Muslim community, we certainly reflected that any of our multicultural community can always, or may, feel isolated or excluded from our society and we need to make sure that we continue to keep an eye on that. And it was about respecting the dignity of difference being quite vital. There was certainly a sense of "how do we create a more open and consistent dialogue?" that came from today, and there are opportunities to do that.

I want to put on record my appreciation for Karen Middleton from SBS, who did an outstanding job this morning. I also thank the federal Race Discrimination Commissioner, Dr Tim Soutphommasane, for his presentation this morning. And of course there was the good work of the panel members. There was John Gunn from Multicultural Youth Services; Kerrie Heath, the principal of Dickson College; Superintendent Kath Grassick from ACT Policing; Dean Kahn from the Canberra Interfaith Forum; Azra Khan from the Canberra Islamic Centre; and young Canberrans Adongwot Manyoul and Ahmad Henricks.

I would also like to thank the Chief Minister, the attorney, Jeremy Hanson and Shane Rattenbury, who welcomed people to the symposium. I think the message that we delivered from this Assembly, from the highest house in this jurisdiction, sent a very strong message to them indeed. It in many ways came as a result of when I had a breakfast with multicultural leaders and the interfaith leaders over a period of a couple of weeks, and there was very much a unanimous understanding from those early morning meetings to have this symposium so that we can be very clear in our statement that everyone in our community, regardless of culture, regardless of faith, can come together with respect and dignity and participate fully in this.

For members' information, also what was released today was the discussion paper on cultural capital. This is seeking submissions from our community about what is the next framework for our multicultural society here in Canberra. There will be an open forum on 29 November for that. Also, the One Canberra Symposium will be published on YouTube tomorrow. I think it did capture a very strong sentiment about the importance of a multicultural community. *(Time expired.)*

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, what other individuals and groups participated in the symposium?

MS BURCH: I thank Ms Porter for her question. In addition to those I have already mentioned who were on the panel with the Race Discrimination Commissioner, the symposium this morning was attended by the Chief Minister and the Leader of the

Opposition, and I think I saw every member of the Assembly come in for some part. There were a significant number of members of the Canberra Interfaith Forum representing the faith beliefs of our community, the leaders of the Canberra Islamic community, members of the ACT migrant and refugee service agencies, representatives and students from ACT government schools and colleges and the minister's student congress. They will follow this discussion on when the student congress meets tomorrow, so the conversation by that mechanism already is continuing across 86 schools and a number of our 40,000 students. It is important to continue that conversation. Indeed, many representatives from different community groups from across our great city also attended.

The audience this morning was a broad representation of our community in coming together to discuss this one important topic, and I think the fact that the reception area was pretty much full with people all talking of one voice reflects the motion put here last week by Mrs Jones: that we will stand and speak as one, that everyone in our society has a place and should be treated with respect and dignity. Everyone left this morning on a personal mission to continue that conversation within their own community groups from which they came.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Minister, what do you hope the outcomes and future directions of the interfaith and multicultural symposium will be?

MADAM SPEAKER: Asking the minister what she hopes is really (a) hypothetical and (b) asking for an expression of opinion. However, in the light of the topic, I will allow the question.

MS BURCH: The purpose of today's symposium was, quite genuinely, to discuss and explore ways in which we can strengthen the social cohesion of our community in the context of recent developments at a national level. The symposium did provide that opportunity for leaders of our multifaith and multicultural communities and other leaders and community partners to come together, find solutions and explore strategies to address those issues of concern that confront our community.

It was an important way to focus on and gain a general understanding of some of the issues that the communities are facing. During the latter part of it—Mrs Jones was there, I think, for the latter part—the symposium got down to the nuts and bolts about what are some of the practical ways that we can progress this now. That is what I was hoping for out of the symposium.

We will establish a community reference group now that will consider and oversee the implementation of many of those suggestions and recommendations that were heard. The final membership of that group will be sorted through over the next week. This morning at the symposium I announced that the co-chairs will be Azra Khan, who is the representative from the Canberra Islamic Centre down at Monash, and also John Hargreaves. Many of us in this chamber know of John's absolute passion and commitment for a fair and equitable society with a particular focus on supporting our multicultural community.

We will continue to focus our efforts to build trust, respect and community resilience, so we continue to have, quite simply, the world's best city to live in, and that is no small way due to the fact that we have such a vibrant multicultural community.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, are you able to table a list of who was invited to today's forum and also who will be invited to be involved in the faith groups and cultural groups?

MS BURCH: What I am proposing to do is put out a report so that the names of those that attended will be listed in the attendees and there will be a full script of the notions and the ideas that were raised. When that is—

Mrs Jones: On a point of order, on relevance, not to try to create problems but I really wanted to know who was invited and who will be invited, which was the question I was concerned about.

MADAM SPEAKER: I am sure that Minister Burch heard the question. If you are going to be that quick off the mark, then it is a bit difficult for ministers. Minister, if you could keep in mind Mrs Jones's question when you are answering the question.

MS BURCH: Yes. There will be a full list of the names of those that participated. I am not quite sure if I can include those that were invited. I will put as much information as I can into a final report. Certainly, when the reference group is finalised, the names of those people will be made public. They are out of our multifaith and our multicultural community. I hope to see them harnessing the energy and enthusiasm from today and putting that into actions over the next month.

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

Papers

Ms Gallagher presented the following papers:

Official Visitor Act, pursuant to section 17—Official Visitor for Mental Health—Annual Report 2013-14—summary.

Health Act, pursuant to section 15(4)—ACT Local Hospital Network Council—Annual Report to the ACT Minister for Health—2013-2014 Financial Year, dated 22 September 2014.

Mr Barr presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2013-2014—

Economic Development Directorate—Corrigendum, dated October 2014.

Land Development Agency—Corrigendum, dated October 2014.

Disability services official visitor report—2013-14 annual report

Paper and statement by minister

MS BURCH (Brindabella—Minister for Education and Training, Minister for Disability, Minister for Multicultural Affairs, Minister for Racing and Gaming, Minister for Women and Minister for the Arts): For the information of members I present the following paper:

Official Visitor Act, pursuant to section 17—Official Visitor for Disability Services—Annual Report 2013-14.

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

Leave granted.

MS BURCH: I am pleased today to present the annual report for the Official Visitor for Disability Services. The annual report outlines the activities of the Official Visitor for Disability Services for the period 1 September last year to 30 June 2014.

The Official Visitor for Disability Services is a newly established role, following the enactment of the Official Visitor Act 2012. Most significantly, the establishment of this role has allowed for a visiting and complaints mechanism for people with a disability living in community settings.

During the reporting period amendments were made to the Disability Services Act 1991 to strengthen the official visitor role. This legislation ensures that the Official Visitor for Disability Services can continue to operate effectively under the national disability insurance scheme.

There are currently two official visitors for disability services who have been appointed to share the role. They are Ms Narelle Hargreaves and Ms Sue Salthouse. They have taken on the challenge of establishing their role with great enthusiasm.

Over the last 10 months the official visitors have been raising awareness about the scheme. They have taken the opportunity to engage with people with a disability and their families and guardians and have delivered presentations about their role and functions to a range of community and government organisations. Conservatively, they have reached some 520 people across 137 locations.

The official visitors have also undertaken the important role of visiting people with a disability who are living in “visitable places” in the community. Under the Disability Services Act 1991, a visitable place is disability accommodation provided for respite or long-term residential purposes. This includes supported accommodation and respite services operated by Disability ACT, accommodation provided by community organisations and residential aged-care facilities that accommodate people with a disability who are aged under 65 years.

Over the last 10 months the official visitors have visited 116 visitable places. This is indeed an impressive effort. The visits have assisted them to engage with residents, their guardians and support workers and to build confidence about the role of the official visitor. Importantly, the visits have enabled the official visitors to hear about the things that are going well for residents and to find solutions to issues that are worrying residents.

From their experience, the official visitors have also been able to provide important advice in other areas. In particular, their experience has informed the development of the official visitor self-advocacy toolkit, launched in August this year. The toolkit aims to raise awareness about self-advocacy and the role of the official visitor. It informs people about their rights and how they can be assisted to speak out about their rights. It has been put out to all visitable places where people live, and the short films, which feature actors, are also available to watch online.

Ms Hargreaves and Ms Salthouse have also helped in the development of visits and complaints guidelines for the official visitors. The guidelines can be accessed on the legislation register. The tool provides information about the official visitor role and sets future official visitors in good stead to take on the role in supporting people with a disability.

In presenting this report I would like to take the opportunity to thank the official visitors for the great enthusiasm and efficiency with which they have undertaken their work. I have no doubt that both Narelle Hargreaves and Sue Salthouse have served, and will continue to serve, our community well.

Papers

Mr Rattenbury presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2013-2014—Territory and Municipal Services Directorate, including the ACT Public Cemeteries Authority—Corrigendum.

Mr Corbell presented the following paper:

Petition which does not conform with the standing orders—Lyons, Tarraleah Crescent—Provision of a footpath near the Lyons Early Childhood School—Mrs Jones (6 signatures).

Schools—parental engagement Discussion of matter of public importance

MR ASSISTANT SPEAKER (Dr Bourke): Madam Speaker has received letters from Ms Berry, Dr Bourke, Mr Doszpot, Mr Hanson, 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 Ms Berry be submitted to the Assembly, namely:

The importance of parental engagement and empowerment in our schools.

MS BERRY (Ginninderra) (3.43): The ACT government is committed to delivering the best schools and the best education for our children and young people. The evidence that has been gathered over more than 40 years is consistent, positive and convincing: families have a major influence on their children's achievement in school and that empowering parents and carers to be actively involved in their children's education should be one of our top priorities.

This is an area that the ACT is taking the lead on nationally and a subject that I am particularly passionate about. It is also a subject that I have reflected quite a bit on as a single mum of two wonderful primary age children. It is also a subject that I often feel a little guilty about, feeling that I am not doing enough with my children at home and at school, and it is a guilt that I know many parents and carers share.

But this discussion is not about making families feel guilty. The answer is not for families or teachers to simply do more; it is about working out how we can share the load and work together to support and encourage parents and carers to do what they can in their school community—not judging them and making them feel guilty for what they cannot do.

When schools, families and community groups work together to support learning, children tend to do better in school. They stay in school longer and they like school more. Only together can we learn how to support more involvement from parents, which will be an important strategy for addressing the achievement gap by some children.

Further recognition that parents and the broader community play a vital role in the education of our children is provided by school effectiveness research, which examines the contributions schools make to student achievement. It shows that the influence of the home on student achievement and learning outcomes is 60 to 80 per cent, while school accounts for 20 to 40 per cent, and points to the dynamic and unique contribution schools and families make to children's learning and achievement. This research reveals just how important it is for parents, schools and students and the community working together to build connected learning environments for our young people. Education and learning clearly continue beyond the school gates.

Parental engagement consists of building and maintaining partnerships between families, schools and communities. These partnerships will raise awareness of the benefits of engaging in their children's education and provide them with the capacity to do so. Parents do not need to have specialised knowledge or invest large amounts of time to be engaged in their children's learning. The bottom line is that parents can help their children achieve their full potential by engaging in their education from when they are very young through to graduation.

When I started writing this speech I asked a few people what they would say if they were talking about this subject. Here is one story that I would like to share from Shane:

I am the father of 4 daughters aged 9, 7, 6 and 3. Three of them are currently going to Hughes Primary School. Two of them have high functioning autism, one of which is in the autism unit of the school. The school has allowed and encouraged our, mine and my wife's, participation in a variety of activities. I have attended excursions and camps, often in place of a learning support aid. As well as other activities within the school such as guided reading and school assemblies.

The benefits for me personally are immense. I have been given opportunities to engage with my children on a level that the home environment doesn't allow. I have been able to observe how they are being educated, which for me personally has been very rewarding.

The benefits for my children have been both observed by myself and reported by their teachers as very positive. My children have each reported that they have enjoyed having their parents actively involved with the school. Or to quote my oldest daughter "I like you coming on my camp dad".

I doubt I would have been able to have so much involvement as I have had if I didn't have children with educational challenges. But it also wouldn't have been possible without the active involvement and encouragement of the Principal, Deputy Principal and 'ALL' the teachers and auxiliary staff at the school. Also I had to have a 'Working With Vulnerable Peoples' card, which I completely agree with.

In summary I am very much in support of parents being engaged with their children's school in a positive and progressive way. I have said to other parents at Hughes in the past. "My children are my world and I have entrusted them to the care of the school staff. I have been able to make observations of that care and our children are in great hands". I would not have been empowered to make this observation without this encouragement by the school to be involved.

I would like to thank Shane and his family for sharing their story. Shane, his family and the teachers and school leaders at Hughes primary are a wonderful example of just how important and rewarding being involved in your child's school can be.

While there are parents and families like Shane's that can be involved, I know from my own experience as a single mum and the conversations that I have had with other families that sometimes we just are not as engaged as we would like to be. It is not because we do not want to be but because of the reality of daily life—juggling work, keeping a house clean, homework, cooking, doing the shopping, gardening, kids' sports and many other things.

As well as the things that we have to juggle each and every day, some parents have also had bad school experiences themselves as students and may not feel like they want to be active in their child's school. Some parents are providing care as a single parent, and in west Belconnen we have the highest proportion of single parents in the ACT.

There are, of course, many other barriers that parents, families and carers face, such as speaking English as a second language, cultural barriers for immigrants and refugees, parents who work long hours and shift work, families where both parents need to work, housing stress and family breakdown—just to mention a few. Each family is different and we need to embrace and value this diversity. We need to reach out both as parents and teachers and as a government to break through these barriers and to support families to make the best contribution they can in their circumstances, and value that contribution.

We know both parents and teachers are already busy right now. This is not about simply doing more; it is about sharing the load and working together to support and encourage parents and carers to do what they can. Having parents and carers engaged and empowered in our schools will deliver wide-ranging benefits. It can be instrumental in shaping family practices and behaviours, the nature of our school communities and the experience of education for our children and families. Importantly, the positive academic and social impact is long term.

In many ways, the ACT is leading the nation in working out ways that we can better engage parents in our schools. The preschool matters program and the progressing parental engagement in the ACT project are two key initiatives that emphasise the value of parental engagement and empower parental engagement across all education sectors in the ACT. The minister will no doubt expand on these important initiatives and the work our government in doing to build even more effective partnerships between parents and schools.

The innovative and exciting research we have commissioned through the progressing parental engagement in the ACT project into how parents could best engage with their children's learning is framed by international evidence showing engaged parents can improve learning by the equivalent of six months of school attendance. Moreover, the effects are positive and life-long, with research showing us that family participation in education is twice as predictive of students' academic success as socioeconomic status.

A recent Australian Research Alliance for Children and Youth report concludes: "Resourcing and effectively progressing parental engagement initiatives is warranted, if not essential to, education reform and the future of Australia."

This is not just about schools either. As parents we need to make sure that we take the time to talk with our children about their learning and show an interest in how they are going in school. This is important because all our children and younger people deserve access to a quality education system which welcomes parents and carers into the community. There is no one-size-fits-all response and we need to make sure that parents, teachers and, most importantly, our children are supported and that this support and engagement is tailored to reflect the individual capacity and needs of families.

MR DOSZPOT (Molonglo) (3.54): I thank Ms Berry for bringing this matter forward for debate today. It is one that I and my fellow Liberals are in full support of. I confess I am a little bemused that someone of Ms Berry's well-known socialist beliefs and views would be so supportive of what essentially is a hallmark of conservative education policy.

Since coming to government, the federal coalition has focused strongly on both these issues. “Parental engagement” and “empowerment in our schools” are both modern buzzwords used frequently in conversations these days, whenever education matters are discussed. In truth, both have been the subject of much research, both domestically and internationally, for many years.

If we go to the first part of this MPI, parental engagement, I well remember the president of the Association of Parents and Friends of ACT Schools, APFACTS, coming to talk with me some months before the last election, expressing frustration that she was not able to get more traction on the importance of parental engagement within the ACT government and school community. I was able to reassure her that the ACT Liberals well understood the significance of parental engagement, not just as a policy framework, but in practice.

APFACTS have certainly led the charge on the need to invest in a better understanding of the importance of parental engagement. They have conducted workshops and spoken in many forums on this issue.

Earlier this year the minister for education announced that the ACT government was funding some work by the Australian Research Alliance for Children and Youth, ARACY, on a project to improve the level of parental engagement across ACT public, Catholic and independent schools. It is a welcome initiative, and I congratulate the minister for taking a collaborative and inclusive approach to this subject.

It was good to see the announcement endorsed by all sides of the education spectrum—Maira Najdecki from the Catholic Education Office; the ACT Council of Parents & Citizens Associations president, Vivienne Pearce; and the APFACTS president, Charuni Weerasooriya. Both parents groups had been lobbying for some time for what Ms Pearce termed “a more structured approach to parental engagement”.

The research the minister commissioned was aimed at establishing a definition of parental engagement, a measurement tool to look at levels of engagement across the ACT as well as benchmarking how parental engagement can improve outcomes. It is important that all facets of education in the ACT—public, Catholic and independent—are being included in this research, because there was a time, not so long ago, that ACT Labor ministers chose not to recognise any education system other than that delivered in a public setting.

The research alliance commissioned to undertake the work published a paper in 2012 titled “Parental engagement in learning and schooling: lessons from research”. The paper brings together current research on parental engagement, highlighting the benefits, demonstrating what works and also identifying strategies to facilitate engagement. It describes parental engagement in broad terms, calling it a partnership between families, schools and communities, raising awareness among parents of the benefits of engaging in their children’s education, and providing them with the skills to do so.

For many families this will come as something of a “So what? Do we really need to be told this? Doesn’t everybody engage in their child’s education?” The sad reality is that, no, many families do not. Some families, across the social and economic divide, believe schools are there to do their job and that is why they send their child to school. It is the school’s job to educate their children and they do not need to be involved in that.

In defence of those parents, it is often a case of being seriously time poor. With economic pressures, it is not uncommon to have both parents working; it is not uncommon for one or both parents to work more than one job. They rely on the school to ensure their child is getting every educational opportunity.

Additionally, in Canberra many of our schools have a high multicultural population and parents are often nervous or reluctant to become engaged. Language barriers, cultural barriers and unfamiliarity with Australian school curricula are all reasons why parents might hang back from inquiring too much of their child or their school about the work they are doing and what they are learning.

I trust the research that the minister has commissioned will provide assistance for all those parents who currently are not as involved as they could or should be, because we know that strong parental engagement delivers better educational outcomes. All the research over the last 40 years has shown that. The question is around how you get maximum engagement and maximum benefit. Equally, it is not about schools opting out of showing leadership in this area. For parental engagement to be truly effective, it has to be a balanced partnership, with each side knowing what role they play in educating a child, and what the relationship should be between school and parent.

When we move to the question of empowerment in our schools, the lines are a little more blurred. I have to challenge some on the other side of the chamber as to what they believe empowerment in our schools should look like. I have raised the issue of school autonomy many times in the context of estimates hearings. I know from responses from various education ministers over the years, and from the directorate, that it is claimed that school autonomy has been in operation in ACT public schools progressively since 1996.

However, I also know the ongoing opposition of the ACT branch of the Education Union and the ACT Council of P&C Associations to any extension to autonomy in our public schools. In 2012 the ACT AEU released results of a survey that claimed that seven out of 10 ACT schools were opposed to the idea of increased principal autonomy.

So how committed is this government to such a policy? In June this year, in the education estimates hearings, I drew the minister’s attention to the fact that in November last year the ACT AEU sent two ACT principals to an annual meeting of the international principals conference, at which opposition to school autonomy was strongly endorsed. I asked her whether, given that the ACT AEU and the ACT Council of P&C Associations have both voiced strong opposition to the principle of school autonomy, the government intended to continue in this direction. In her reply,

the minister said she was very supportive of it and suggested the principals she met with were also supportive, as was the directorate. So when the directorate says that the ACT's 86 public schools have always had a very empowered, autonomous environment and that our principals have always had a great deal of decision making, you have to ask where the two principals attending that conference came from and whether it is the directorate or the ACT AEU and the P&C associations that are offside with the majority view.

In September of this year, the ACT government signed up to the federal government's \$70 million independent public schools initiative. Minister Pyne said at the time:

The Australian Government's Independent Public Schools initiative will encourage greater autonomy in all 86 ACT schools by empowering local decision making ...

This funding will provide professional development and training for school governing bodies, principals and school leadership teams to assist them to make decisions in partnership with their own school community ...

Having the freedom to operate more independently will allow ACT government schools to better meet the needs of their students.

The funding is over four years and the ACT will receive close to \$1 million. Minister Pyne went on to say that the four pillars of this federal independent public schools initiative are teacher quality, school autonomy, parental engagement and strengthening the curriculum. However, the *Canberra Times* wrote it up under a headline "ACT takes cash but shuns autonomy pact". The article went on to say that the ACT has signed up to the federal government push for more school autonomy without committing to independent public schools. The unions claimed it was a win for them, having long campaigned against increased school autonomy.

So while we have Ms Burch claiming she has a school community totally supportive of school autonomy, clearly it needs to be a union-sanitised version of autonomy—"school autonomy lite", for want of a better name. She might like to consider the individual school, and how seriously and how far she wants each of our public schools to be controllers of their own destiny.

I think a rational, reasoned debate about school autonomy, engaging our school communities at both the teacher and parental level, would be useful in strengthening our ACT public schools. We know we have many ACT public schools that are bursting at the seams, while others just down the road are not. Why is that so? Do we know what makes a good school so good and so popular? We know all of the four pillars in the federal IPSI, teacher quality, school autonomy, parental engagement and strong curriculum, play a part, but what is the balance?

I know that those on the other side of the chamber get hung up on labels like "independent" when linked to public schools, believing that the term implies some sort of elitism, when it does not, and that is demonstrated in those states that have ventured down this path. But we need to understand where autonomy does start and finish. If, as the minister insists, she is supportive of autonomy, when schools seek

more freedoms they should be encouraged to do so. The federal funds will no doubt go a long way to assisting them to take those decisions and better equip them to make the right choices.

As I said at the beginning, the opposition welcomes this MPI and firmly believes in both principles of parental engagement and empowered public schools.

MS BURCH (Brindabella—Minister for Education and Training, Minister for Disability, Minister for Multicultural Affairs, Minister for Racing and Gaming, Minister for Women and Minister for the Arts) (4.04): I do thank Ms Berry for bringing this important matter to the Assembly. I do believe absolutely that effective parental engagement in schools is very much central to bringing out the best in our students.

Education is and always will be one of the ACT government's highest priorities. Parental engagement is an essential element of this priority and is highly relevant to the national reform agenda. I am a strong advocate of parental engagement, as I believe the best learning outcomes can only be achieved through a shared approach to, and a true partnership with, children's learning, informed by leaders, educators, parents and teachers.

The ACT government is committed to identifying the best evidence on what works and on translating that into practice. The things that make a difference are when parents read and tell stories to their children, support numeracy through everyday experiences, talk about ideas, school and family events, have high aspirations and demonstrate their commitment to education by being engaged and interested in their child's schooling. You need strong relationships between teachers and families to achieve this and you need a welcoming school to give parents a say in how their school is run. This is not just about what happens on school grounds; it is the relationship between the home and the school that is essential.

In this alignment with best practice and current research, the ACT is a nation leader in its current parental engagement initiative in partnership with the Australian Research Alliance for Children and Youth. The progressing parental engagement in the ACT project builds on the positive relationships that our schools have with their families and communities and will equip parents and schools to build that partnership, focus on children's learning and wellbeing and measure the impact that parental engagement in learning can achieve for children.

In the first year of the project ARACY has been exploring parents', teachers' and leaders' views about parental engagement. Throughout next year ARACY will continue to work with the ACT community, and the indicators of positive parental engagement in non-government and government schools will be determined, measured and acted on using a specially developed parent survey. This cross-sectoral initiative will provide the ACT with a comprehensive measurement on what strategies work best, in which contexts, and will enable schools to measure impact over time. It is through the partnership and work of ARACY and the ACT government that we will lead the nation in defining, measuring and enhancing parental engagement.

As the president of the ACT association of parents and friends put it:

This project will broaden the dialogue and involvement of parents beyond fetes, helping in classrooms and tuck shops, and come to the core of what is required of the partnership between home and school for the learning and wellbeing of our children.

I want to acknowledge Charuni's work on parental engagement before we entered into partnership with ARACY and her continued interest in this very important area. She is highly respected on a parental engagement level and is recognised nationally.

Research demonstrates that schools with strong parental involvement are 10 times more likely to show improvements in mathematics and four times more likely to show improvements in reading compared to schools in which parental engagement is not prioritised. This government is empowering schools through national research and highly effective strategies to ensure positive partnerships are formed from the very beginning.

It is the work that we have also undertaken through preschool matters that further highlights the critical role parents have in education. When we look at preschool matters, the success of those grant initiatives is reflected in the personal stories told by recipients in the 2013 grant round. A great example is the Isabella Plains Early Childhood School, where educators established strong connections between home and preschool through the development of a parent-led early literacy program based on cooking and sharing of family recipes. Throughout this program, family members and children shared language and culture, valuing each other's knowledge and expertise.

The impact of the funding is echoed in comments made by parents and educational leaders at Isabella Plains Early Childhood School. The deputy principal reflected the impact of the project by saying:

... the ice has broken and families have taken the steps to come into the classroom and be involved.

One parent at the school commented that she felt valued and really enjoyed the opportunity to share her culture within and beyond the school gates.

The local stories demonstrate the impact of the current work of the ACT government in enabling parental engagement from principle to practice. Families are indeed equal partners in education. I am committed to the development of strong, meaningful and sustainable connections between home and school. As I move around many of our schools, I make a point of talking to the parents, and to those on the P&C associations and the boards, because they are such a fundamental part of the school community. The other part of this is reflecting parental engagement and empowerment in our schools.

Mr Doszpot reflected on the level of empowerment within our schools and made reference to the agreement we have with the commonwealth for empowering local decision-making in ACT schools. He was absolutely right to say that ACT schools have long embraced local decision-making and school empowerment. It has been the case for some time and it will go from strength to strength.

The other comment he made was about independent schools. Here in the ACT we have 86 schools. We did not want, as the commonwealth first proposed to us, to identify 25 per cent of our schools as independent schools. With such a relatively small cohort of schools, compared to the larger jurisdictions, it seemed unreasonable to me, given that we are on the journey of empowerment, to only identify 25 per cent of our schools—20 of our schools or thereabouts—to be labelled independent public schools when we were already on the journey.

The commonwealth, for this agreement, saw sense in that. That is why—and this is a public document—I encourage Mr Doszpot to have a look at it. It very clearly states that we have signed up to empower local decision-making in ACT government schools and recognise that 86 of our schools will be involved in this. It goes over four reporting periods. The first reporting period has commenced and will end in March next year. We will undertake a baseline scan of the capability of our schools, test the level of local governance and accountability, develop a strategy that includes the delivery of the capability improvement program with an appropriate level of certification, and implement or trial this capability improvement strategy so that we have an uplift of all our schools and decision-making across all our 86 schools.

Appropriately, we will recognise the school-based leadership teams that meet the outcomes of this program and continue to implement the capability improvement strategy, including training and professional development across our schools. As I have said publicly many times, the people who know their school community the best are the parents of that school, the leadership of that school. They are the ones best placed to make decisions in regard to their schools.

Mr Doszpot, towards the end of his comments, again underlined the importance of local decision-making and went to the commonwealth focus, which is on local governance, increased accountability to local community and local management of school facilities, and certainly to look at increased delegation over staffing for local schools. But I think the underlying premise of what he was saying was that schools should have the autonomy to do local decision-making.

Whilst we were able to achieve this in this national agreement with the commonwealth, we were not able to achieve that in the agreement on the chaplaincy program. I find it difficult to comprehend that the plea to the federal minister, who espouses such clear words around local decision-making and empowering local schools, when he was presented with letters from the head of the Catholic Education Office and the head of the Independent Schools Association in the ACT seeking and pleading in many ways to be able to keep their secular worker or chaplain—the plea was to allow local schools to make the decision on that program—fell on deaf ears. Whilst they say they are all for school autonomy and local decision-making, it is not always the case. (*Time expired.*)

MR RATTENBURY (Molonglo) (4.14): I am pleased to speak to this matter of public importance introduced by Ms Berry today. Parental engagement became something of a buzzword during the last ACT election and it was also trendy nationally, as they say, but there is a lot of substance behind the term. I know that my

former colleague Meredith Hunter discussed this and related topics at great length with all education stakeholders during the term of the last Assembly, and it was a key item at many forums she attended as the ACT Greens spokesperson for education.

I would like to note that when I say “parental” or “parents” I also include other primary carers of school-aged children such as family members, adopted parents and carers. Parental engagement is an issue that cuts across the funding divides of government and non-government systems, and religious and non-denominational schools, and across state and territory boundaries. All carers and parents want the best for their children and want them to receive a safe and quality education, regardless of what schools they attend.

However, it must be acknowledged that not all parents have the same level of emotional investment in the day-to-day operations of their children’s schools. There are many reasons for this, but I would like to touch on just a few that may be pertinent to the discussion before us today and the ACT’s response to possible barriers.

Some parents may simply have the trust and respect of the school and of the teachers, do not feel the need to be more actively engaged and are happy with their child’s outcomes. That, of course, is a good thing. Some may feel disempowered and alienated from their child’s school and classrooms through real or perceived barriers to active communication such as cultural, religious, language or socioeconomic factors. Some parents may simply not have enough time to attend open days or school functions or, conversely, be actively dissuaded from engaging too heavily by their own children. We know quite a bit about the benefits of greater parental engagement for both the child and the parent—and, sometimes less tangibly, for the school as a community and the community as a whole.

I note that earlier this year Minister Burch announced that the ACT would be working with the highly respected Australian Research Alliance for Children and Youth to establish a definition of parental engagement, a measurement tool to look at levels of engagement across the ACT, as well as benchmarking how parental engagement can improve outcomes. Minister Burch and others would be aware of the existing piece of work undertaken by the research alliance and Dr Lance Emerson in 2012 that looked at lessons from research into parental engagement in learning and schooling and found many benefits in terms of high grades and test scores, more regular school attendance, better social skills, improved behaviour, better adaptation to school, increased social capital and a greater sense of personal confidence and efficacy for learning. The trick is not really in defining the positives of a greater parental engagement but in finding effective, sustainable and replicable methods of achieving it.

It is interesting that Ms Berry’s motion talks of both engagement and empowerment. I take that to mean empowerment for parents and children, not the separate but allied area of school-based boards and empowerment in that sense. These are indeed issues of empowerment that need to be considered in this debate, and they need to be addressed in a way that does not create adversarial outcomes between children, parents, teachers and principals.

As the previously mentioned Australian research alliance work found, a key purpose of continual communication and relationship building is to familiarise parents with the school and the language of education to ensure that they feel comfortable talking to teachers. While teachers are experts in pedagogy, parents are experts in their children's lives and need to be able to express concern, ask questions and offer guidance to schools on how their child learns and interacts with others. And just as importantly, although not always considered, are the views of the children themselves. Students also have a role to play in providing feedback on their learning styles and their preferences for certain areas of study, and should be encouraged to find their voice and to articulate those viewpoints to both parents and teachers in a way that supports better outcomes.

The ACT Greens are very supportive of the work that is being undertaken by the Education and Training Directorate; the Catholic Education Office, and in particular Mr Tim Smith's work for them on this issue; the independent schools; and also the Australian research alliance. I look forward to hearing more in the coming months and years about the ACT's growing evidence base. Again I thank Ms Berry for bringing this matter to the attention of the Assembly as a genuine matter of public importance and one well worthy of discussion in the Assembly this afternoon.

Discussion concluded.

Transport—light rail

MR COE (Ginninderra) (4.19), by leave: I move:

That:

- (1) this Assembly notes that the ACT Government has announced that the business case for Capital Metro will be published on 31 October 2014;
- (2) a select committee on Capital Metro be established;
- (3) the select committee shall consist of two members nominated by the Government and two members nominated by the Opposition, to be nominated to the Speaker by 5 pm on this sitting day;
- (4) the chair of the select committee will be an Opposition member;
- (5) the select committee shall inquire and report into the financial, economic, social and environmental aspects of the business case; and
- (6) the select committee shall report no later than the last sitting week in February 2015.

The motion before us today is about bringing additional scrutiny to the light rail business case, and indeed to the light rail project in general. As we all know, the government's proposed capital metro project running from Gungahlin to the city will be the biggest capital works project an ACT government has ever embarked upon.

This project, which is likely to cost in excess of \$800 million, is something which warrants the Assembly's time, and if this does not warrant the attention of a committee then I do not know what does. Whilst the Assembly's committee structure at present, whether it be through the estimates, public accounts or the planning, environment and territory and municipal services committees, has a role in reviewing the budget and the annual report for capital metro—indeed there have been a couple of hours of additional time allocated to the portfolio area—I believe a select committee needs to be established to properly go through what is entailed in the business case.

This business case should be a blueprint. It should be, in effect, the nuts and bolts of the benefits that a light rail system can bring to the ACT. And it is right and proper that that should be scrutinised. It is right and proper that a select committee should hear from the minister and also from the agency and any other concerned stakeholders that might like to give their views on the issue of capital metro and the business case being put forward by the government tomorrow.

Of course, we in the opposition do not know what is going to be included in tomorrow's business case. However, for months we have heard the minister talk about this business case as being the silver bullet for the justification for light rail in Canberra. So if that is the case, if it is indeed the silver bullet, if it is indeed the irrefutable document that will pave the way for light rail in the territory, I think it is right and proper that it warrants analysis by all members of this Assembly in more detail and also that expressions of interest be sought through written submissions and through public inquiry from members of the public.

Many members of the public, through many unsolicited approaches to the opposition, and also the community in general, have come forward with their views about the light rail project. Just today, another person came forward with some analysis. Mr Flint published a report which was distributed this week which showed that the cost of capital metro, if an availability payment were made, would be between \$99 million and \$143 million per year.

It is an interesting observation. We have not been able to look into the veracity of his claims, but we do know that if this project is going to cost \$1 billion and you put it at a rate of seven, nine or 11 per cent, it has to be in that vicinity. It has to be in that vicinity as an availability payment over 20 years.

So we are talking about very high stakes for the territory—in fact the highest stakes ever embarked upon. It is for that reason that I urge members of the government to support a motion which calls for additional scrutiny regarding the light rail project.

MR RATTENBURY (Molonglo) (4.24): I welcome the opportunity to discuss the issue of transparency of the capital metro project. We had a debate earlier this year, on 27 February, when Mr Coe brought forward a motion at that time and substantial additional time was allocated to the examination of the Capital Metro Agency through the committee processes of the Assembly, and commitments were made about additional time being made available. Certainly I know those discussions have been had in those committees through the course of the year, and there has been an opportunity to elicit a great deal of further information.

I have circulated an amendment to the motion today. I move:

Omit all words after “That” (first occurring), substitute: “this Assembly:

(1) notes that:

- (a) the ACT Government is delivering on its commitment to being open and transparent by releasing the full business case for Capital Metro to the community on 31 October 2014;
- (b) this is a step rarely taken by governments across Australia, and many other governments are working to prevent the public release of information about their transport infrastructure projects;
- (c) this Assembly has already debated this topic a number of times this year;
- (d) this Assembly resolved to give additional time for scrutiny of Capital Metro Agency through the Estimates Committee and an additional special public hearing of the Standing Committee on Planning, Environment and Territory and Municipal Services, whose remit specifically includes examination of transport services;
- (e) on 27 February 2014, the Assembly agreed that:
 - (i) at both the annual reports hearings and the estimates hearings, the relevant standing or select committee provide for a period of at least two hours to question the Capital Metro Agency, if required; and
 - (ii) officials from the Capital Metro Agency and relevant Ministers should be available for an additional 3.5 hours in 2014 for a public hearing before the Standing Committee on Planning, Environment and Territory and Municipal Services to discuss the Capital Metro project; and
- (f) further annual reports hearings by the Standing Committee on Planning, Environment and Territory and Municipal Services on Capital Metro are scheduled to occur on 21 November 2014; and

(2) calls on the Government to:

- (a) commit to making further time available for hearings if the time allocated to the Standing Committee on Planning, Environment and Territory and Municipal Services on Capital Metro and the 2015 Estimates Committee hearings are found to be insufficient to allow for full discussion of questions.”.

It notes a range of things that have taken place so far. It particularly notes the transparency of the ACT government in releasing the full business case. That is in stark contrast to many other jurisdictions which actively seek to constrain the release of that information. I think it is a real credit to the ACT government and it is a sign of the confidence in the quality of the work that the government has voluntarily, of its own volition, agreed to release the full business case for full public scrutiny.

I think that will be a very good thing. It will give a range of stakeholders a great deal more confidence in the project, and it will allow for what will undoubtedly be further public discussion on the matter. Overall that business case, when it is released, will underline why the cabinet has confidence in moving forward with this process. I am sure people will argue about elements of it, and I am sure that debate will continue over the coming months, but that is a healthy thing. Overall, it will be a significant step forward regarding the transparency of the project.

We are, of course, debating the topic frequently here in the Assembly. I made an off-hand remark the other day which seemed to cause some offence, and I certainly did not mean it in that way. But we are discussing it very regularly in this place, and I am sure we will continue to do so.

To that extent my amendment calls on the government to continue to make further time available for hearings in the existing committees, both in the Standing Committee on Planning, Environment and Territory and Municipal Services and in the 2015 estimates hearings. We have annual reports hearings coming up in a few weeks on 21 November—fully three weeks after the release of the business case. That will be an excellent opportunity to allow for more detailed questioning and scrutiny. Through this amendment there is a commitment from the government to make further time available for hearings so that the officials can answer questions from members of the Assembly and allow them to ask further questions and improve their understanding of that business case.

This amendment provides an ongoing level of transparency in addition to the significant transparency that the government is already providing on this project. I commend my amendment to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (4.27): As Minister for Capital Metro, I welcome scrutiny of this project. It is very important that we have scrutiny of significant capital infrastructure projects, and there is no doubt that capital metro is indeed that.

It is the case, as Mr Rattenbury has indicated, that the full business case, which will be released tomorrow, will provide a significant amount of detail for people to look at and consider. The government is taking the unprecedented step of releasing the full business case for a major infrastructure project at a time when other governments around the country are actively resisting the release of business cases, such as the Napthine Liberal government in Victoria, which is resisting—indeed resisting through the courts—the release of the business case for the East West Link project, for example. This government is proceeding with the release of its economic analysis and the business case for the capital metro project.

It is worth highlighting, as Mr Rattenbury does in his amendment, that this Assembly has already resolved to devote approximately 7½ hours of specific committee time—a full 7½ hours—to ask questions about the project. It is an unprecedented level of time to be devoted through the estimates and annual reports processes. It is worth

highlighting that Mr Coe was struggling in the last hearing on TAMS to fill that 3½ hours of dedicated time that the Assembly had ordered. He was struggling to do that.

Nevertheless the government remains committed and open to providing appropriate time. As Mr Rattenbury has said, there will be an opportunity less than three weeks after the release of the business case for very fulsome questioning to be had on the project and its business case at the annual reports hearing for Capital Metro Agency, as there will be next year in relation to the estimates committee process.

I note that in the motion that Mr Coe circulated earlier today he initially indicated that he wanted this proposed inquiry to report by February 2014. This proposal was such a rush job by Mr Coe that he did not do what would normally have been done, which was to put it on the agenda for Assembly business on Thursday morning. He obviously had not thought of this on Tuesday because otherwise he would have put it on the notice paper for Assembly business on Thursday morning. And it was such a rush job that the reporting date for his select committee inquiry was February this year. Clearly, there were all the signs of a rush job by Mr Coe, and we should consider his proposal in that light.

Nevertheless there is significant value in ensuring that the project continues to receive an appropriate level of scrutiny. Mr Rattenbury's amendment sets out a sensible way of utilising the Assembly's committee time to do that, and the government will be supporting Mr Rattenbury's amendment.

MR HANSON (Molonglo—Leader of the Opposition) (4.31): The opposition will not be supporting this amendment. Firstly, I would like to speak to the intent of what Mr Coe is trying to achieve here. I commend him for bringing this forward to this Assembly and continuing with his detailed scrutiny of this project, because the reality is that if it were not for Mr Coe and other experts in the community, this government would just be riding roughshod.

The government has said that this will cost in the order of \$800 million. The full price, the full cost, is in some dispute, because we do not know exactly what it contains. But with a price tag of about \$800 million it is the most expensive project in the ACT's history by quite a margin. Previously it was the dam, which was in the order of \$400 million. So it is double the most expensive infrastructure in the history of the ACT. Therefore, this uniquely demands the most scrutiny.

Remember as well, colleagues, that this is only phase 1 of what the government promises to be a multiphase project. So getting this right is enormously important. Understanding this phase, understanding this business case, is enormously important because the government has told us it is going to roll this out across the ACT.

The government has told us that this is going to be transformative. I have some scepticism about the transformational effect of light rail. But those opposite say this is going to transform the whole city. So if we have a project that is going to cost \$800 million and that is going to transform our whole city, in the words of those opposite, surely it behoves us to have a look at the business case and to do so in an objective fashion.

A committee inquiry would allow members of the community, experts, to have a look at it, and to get the full resources of the committee to have a look at this in a bipartisan way, to get experts in. Maybe David Hughes would be interested in submitting to the committee, maybe Leo Dobes, perhaps the Tuggeranong Community Council. I am sure there would be many people in our community, experts and people who are going to be affected by this, who would like to have their say, put submissions in and have input. The government intends to deny them that opportunity.

Mr Rattenbury's amendment waters that down. It contains lots of words. It is a page-long amendment, but ultimately it comes down to saying, "If you can find a bit of extra time in an existing committee, maybe you tack it on to the end of some of that." But that ignores the ability for people to make submissions, to appear before the committee and for it to focus deliberately on that business case. We will not be supporting the amendment. I commend Mr Coe's motion to the Assembly.

On a final matter, I refer to the ridiculously snide, petty and juvenile comments from Mr Corbell about the date being wrong. On the day that he has had to pull the nature conservation legislation because it is such a debacle, such a dog's breakfast of amendments spinning around, after years and years of putting it together, and we have all these amendments on the floor—

Mr Gentleman: A point of order, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER (Ms Lawder): A point of order, Mr Gentleman.

Mr Gentleman: It is on relevance to the motion. We are talking about the motion that is on the table at the moment, not the nature conservation legislation.

MR HANSON: On the point of order, Madam Assistant Speaker, in the debate the Attorney-General made the point that it was important to get the detail right when putting motions and pieces of information together. I am making the point that these things can occur, minor errors can occur, when you are putting things together, in the transcription and in the detail. It was picked up by Mr Coe. It is relevant in this debate to show that that is not the substantive issue.

MADAM ASSISTANT SPEAKER: I will not uphold the point of order because there is the ability to introduce topics of relevance, including the bill that was pulled today. But I would urge you to keep, as much as you can, strictly to the intent of the motion, Mr Hanson.

MR HANSON: I am happy to do so. I just wanted to make that point in order to point out how juvenile Mr Corbell was being.

We will not be supporting Mr Rattenbury's—well, it is the government's—amendment to this motion. We see again a government that is intent on steamrolling ahead with light rail at all costs. I commend Mr Coe for his ongoing work in scrutinising this project. Whether there is a committee or not, I know he will do a sterling job.

MR COE (Ginninderra) (4.37): To wrap up the debate, Mr Rattenbury and Mr Corbell pretty much tell us we should be grateful for the way they are handling this light rail project. They pretty much tell us that doing a business case and publishing a business case is as good as it can get and, therefore, we should be content with the way the government is managing this \$783 million project. Well, we are not content, and I argue that neither are the majority of Canberrans—in fact, I will go as far as saying neither are the vast majority—with regard to the process in which a deal to build light rail was done, the process by which the route was chosen and the lack of mandate this government has to pursue this as an issue.

It is all very well for Mr Corbell to come into this place and say it was a Labor election promise, but that was just for \$15 million or \$30 million. That was their policy. The genesis of this is a political decision; a political, partisan alliance between Mr Rattenbury and the Labor Party. That is the genesis of capital metro.

The government can talk about the transformational nature of it, they can talk about all the intangibles, they can talk about the way it is going to renew the city, but the fact is that all the numbers describe a different story. That is why we have seen numerous arguments in the paper and other media outlets about the case for and against light rail. I am yet to see a strong case put in favour of light rail that includes numbers because the government's case is all about the intangibles. It is all about a gateway. It is all about rejuvenation. It is all about opening up the corridor et cetera, et cetera. Well, if that is the case, why is it that the government's own Infrastructure Australia submission said otherwise? Why is it that only 3,500 commuters are predicted to use the service? There are 370,000 people in Canberra, and only 3,500 commuters are going to use this service. That is transformational? Less than one per cent of Canberrans are going to ride a tram in the morning to get to work, and somehow that is transformational.

In part we agree that this project has transformational qualities because this is going to transform the budget of the ACT. We are going to have transformational rates bills across Canberra. At at least \$783 million paid over 20 years at a discount rate of seven, nine, 11, 13 per cent, you are looking at perhaps \$100 million or \$150 million a year. That is an increase of \$500 every year for every single rates bill.

Mr Corbell: Garbage.

MR COE: Five hundred dollars every year.

Mr Corbell: Garbage.

MR COE: The only way—

Mr Corbell: Garbage.

MADAM ASSISTANT SPEAKER (Ms Lawder): Order!

MR COE: The only way it will not be \$500 for every single household in Canberra—

Mr Corbell: Garbage.

MR COE: will be if there is a special levy for people living up or down Northbourne Avenue—

Mr Corbell: Garbage.

MADAM ASSISTANT SPEAKER: Mr Corbell!

Mr Hanson: Madam Assistant Speaker, Mr Corbell is repeatedly interjecting, and I ask that you call him to order or to at least be witty or engaging with those interjections, as dull and uninspiring as he so often is.

MADAM ASSISTANT SPEAKER: Thank you, Mr Hanson.

Mr Corbell: I am giving it the status it deserves—and that's garbage.

MADAM ASSISTANT SPEAKER: Thank you, Mr Corbell. I did call you to order. Mr Coe has the floor.

MR COE: Unless you are going to have a uniform rates increase across all 145,000 households in the ACT, perhaps you will have a special levy—

Mr Corbell: Even more garbage.

MADAM ASSISTANT SPEAKER: Mr Corbell, please!

Mr Hanson: Madam Assistant Speaker, you have repeatedly warned Mr Corbell. Stop the clock.

MADAM ASSISTANT SPEAKER: Please stop the clock.

Mr Hanson: If he continues with those interjections, perhaps the member could be warned.

MADAM ASSISTANT SPEAKER: Thank you, Mr Hanson, for alerting me to that possibility. I appreciate your input. We will continue with Mr Coe.

MR COE: Thank you, Madam Assistant Speaker and Mr Hanson. If there is not a uniform increase to all households in Canberra, how is it going to be paid? It is not going to be spread evenly across all Canberrans. Perhaps there is going to be a special levy.

Mr Corbell: Even more garbage.

MR COE: Perhaps there will be a special fee paid by people who live along the corridor. What is that corridor going to be?

Mr Corbell: What rubbish. AAA credit rating. AAA credit rating, Alistair.

MADAM ASSISTANT SPEAKER: Stop the clock. Mr Corbell, I have asked you to desist from repeating your comments. If you continue, I will be forced to warn you. Please try to minimise your interruptions to a dull roar at the very least. Mr Coe.

MR COE: As I was saying numerous times until I was interrupted, if not a uniform rates increase, perhaps there will be a special charge for those living up and down the corridor. What is that corridor going to consist of? Is it going to be everyone in north Canberra? Is it going to be everyone in Gungahlin? Is it going to be everyone north of the lake perhaps? What that means is that there will be two Canberras—a Canberra that pays more and a Canberra that pays less. If that is so, surely that is an admission that this is not actually transformational for all Canberrans; it is transformational for only some Canberrans.

Mr Corbell: Rubbish.

MR COE: If you are going to have this special corridor, which is the high taxing corridor, the place where they get a little notice from Mr Corbell saying, “You can thank me by giving me another grand or two,” when that little note comes in—

Mr Corbell: Rubbish.

MADAM ASSISTANT SPEAKER: Mr Corbell, I warn you.

MR COE: There is going to be this special notice, this special love letter from Minister Corbell in the rates notices which says not IOU but UOI. That is what it is going to be—maybe \$1,000, maybe \$2,000, maybe \$3,000. You do not have to think too hard about it to realise that if it is going to be \$500 for every household in Canberra, if you are just going to keep that to maybe 10 per cent of the households in Canberra—14,000 up and down the corridor—perhaps you are looking at a \$5,000 rates bill each year. Otherwise where is this money coming from? If it is not coming from the taxpayers, where is this money magically coming from? That is what this motion is all about; it is about allowing people to actually give proper scrutiny to this project.

What we know from media outlets such as the *Canberra Times* is that there is no shortage of interest in the capital metro project. But it would be nice if the Legislative Assembly, through the committee process, actually gave these people an audience in this building. It would be nice if this Assembly created a forum whereby concerned citizens, those both in favour of and against the project, could come in here and put on the record of this place exactly what they think about this transformational project.

The Greens’ philosophy, as per their website, is underpinned by a belief in grassroots democracy in which all citizens have a right to express their views and have the capacity and opportunity to direct and participate in environmental, economic, social and political decisions. Isn’t that interesting, because my motion lists those very same four things: give us financial, economic, social and environmental aspects of this

project. We want to give the people of Canberra an opportunity to express their thoughts about this record infrastructure spend. If this is going to cost \$783 million, not including staff, not including Northbourne remediation, not including park and ride, not including all sorts of other offsite works, we think it is right that the people of Canberra have a say.

This government does not have a mandate to deliver light rail. The government should spend the next year or two talking about light rail, consulting with the community about light rail and then allowing the people of Canberra to make an informed decision rather than going ahead based on a partisan deal done by the Chief Minister and Mr Rattenbury.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 9

Mr Barr	Ms Gallagher
Ms Berry	Mr Gentleman
Dr Bourke	Ms Porter
Ms Burch	Mr Rattenbury
Mr Corbell	

Noes 8

Mr Coe	Ms Lawder
Mr Doszpot	Mr Smyth
Mrs Dunne	Mr Wall
Mr Hanson	
Mrs Jones	

Question so resolved in the affirmative.

Question put:

That the motion, as amended, be agreed to.

The Assembly voted—

Ayes 9

Mr Barr	Ms Gallagher
Ms Berry	Mr Gentleman
Dr Bourke	Ms Porter
Ms Burch	Mr Rattenbury
Mr Corbell	

Noes 8

Mr Coe	Ms Lawder
Mr Doszpot	Mr Smyth
Mrs Dunne	Mr Wall
Mr Hanson	
Mrs Jones	

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Adjournment

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

That the Assembly do now adjourn.

St Michael's Primary School

MR COE (Ginninderra) (4.52): I rise today to speak about St Michael's Primary School in Kaleen. St Michael's is a Catholic systemic school with 236 students in 10 classes from kindergarten to year 6. St Michael's takes an integrated approach to education where gospel values are reflected in policies, structures and relationships. Parents and teachers work together to provide a meaningful education. The school's motto is "Live in harmony".

St Michael's opened in 1982 with 250 pupils under the administration of the Ursuline Order. The Ursulines have a long tradition in education dating back to St Angela Merici, who founded the order in Bresica, Italy in 1535. St Michael's encourages parents to get involved in school life and provides many opportunities for them to volunteer. The parent representative network forms a link between the classroom and parents of the class. Parent reps for each class are a contact person for the class teacher and other parents to ensure that teachers receive assistance when required and parents are given the opportunity to help out and get information about their children's classes. Parent helpers are an important part of the school life and can be involved in classroom activities as well as excursions and camps, sporting activities and assistance with sacramental programs. Parents can also help out with the school canteen, working bees, the morning prayer gathering and the twilight fair.

The school community council provides an opportunity for members of the school parish and archdiocesan communities to support the school. The community council executive oversees a number of groups that are involved in running the school, including the finance committee, parent representative network, school environment, canteen, hospitality and events and school fair groups.

The community council members for 2014 are Colleen Welsh, Nicole Dwight, Father Warwick Tonkin, Sister Kate McMahon, Judy Walsh, Felicity Greenville, Leon Sanft, Stuart Duncan, Michelle Hastie, Kayla Tait, Jo Krippner and Pepe Warwick.

Last Friday I was pleased to attend the annual twilight fair at St Michael's. The twilight fair is always a highlight of the school year. This year the fair featured a variety of entertaining events including rides, raffles, plants, books, craft, jewellery and a white elephant stall. As usual, the fair also brought out the best cooks and bakers at the school, with a wide variety of delicious foods and drinks available.

I congratulate all those involved in organising the fair, including the organising committee, Steph Alves, Nicole Dwight and Annette Vickery. I congratulate the principal, Judy Walsh, and all the staff and the school community at St Michael's. For more information about the school I recommend members visit their website at www.stmichaelsps.act.edu.au.

The Assembly adjourned at 4.56 pm until Tuesday, 25 November 2014, at 10 am.

Schedules of amendments

Schedule 1

Mental Health (Treatment and Care) Amendment Bill 2014

Amendments moved by the Minister for Health

1

Clause 11

Proposed new section 16 (1)

Page 14, line 20—

omit

must ensure that the following information is

substitute

must ensure that current copies of the following information are

2

Clause 11

Proposed new section 16 (1) (a)

Page 14, line 23—

omit

copies of

3

Clause 11

Proposed new section 16 (1) (b)

Page 14, line 25—

omit

copies of

4

Clause 11

Proposed new section 16 (1) (c)

Page 14, line 28—

omit

copies of

5

Clause 11

Proposed new section 16 (1) (d)

Page 15, line 1—

omit proposed new section 16 (1) (d), substitute

(d) a list of the names, addresses, telephone numbers and relevant functions of the entities prescribed by regulation.

6

Clause 11

Proposed new section 22 (4) (a)

Page 19, line 13—

omit
is satisfied
substitute
believes

7

Clause 11

Proposed new section 22 (5) (b) (iii)

Page 20, line 3—

omit
persons'
substitute
person's

8

Clause 11

Proposed new section 27 (2) (a)

Page 25, line 28—

omit

9

Clause 11

Proposed new section 28 (6)

Page 29, line 3—

omit
subsection (5)
substitute
subsection (5) (a)

10

Clause 11

Proposed new section 29 (3) (a)

Page 29, line 17—

omit
persons'
substitute
person's

11

Clause 11

Proposed new section 29 (3) (b)

Page 29, line 19—

omit
persons'
substitute
person's

12

Clause 11

Proposed new section 36D (1) (b)

Page 38, line 5—

omit
 the mental health facility
substitute
 the approved mental health facility

13

Clause 11

Proposed new section 36D (3)

Page 38, line 23—

omit

14

Clause 11

Proposed new section 36G (2) (a)

Page 40, line 19—

omit proposed new section 36G (2) (a), substitute

- (a) the person has been made aware of the assessment order (unless the assessment order is an emergency assessment order); and

15

Clause 11

Proposed new section 36T (1) (d)

Page 49, line 5—

omit proposed new section 36T (1) (d), substitute

- (d) the views of the people responsible for the day to day care of the person, so far as those views are made known to the ACAT;

16

Clause 11

Proposed new section 36T (2)

Page 50, line 11—

omit proposed new section 36T (2), substitute

- (2) Before the ACAT makes a mental health order for the provision of particular treatment, care or support at a stated facility or by a stated person, the ACAT must be satisfied that the treatment, care or support can be provided at the stated facility or by the stated person.
- (3) The ACAT may ask the relevant person to provide information on the options that the relevant person considers are appropriate for the provision of particular treatment, care or support under the proposed mental health order.
- (4) The relevant person must respond to the ACAT within 7 days after receiving a request under subsection (3), or any longer time allowed by the ACAT.

17

Clause 11

Proposed new section 36X

Page 53, line 5—

omit
 satisfied
substitute
 it believes on reasonable grounds

18

Clause 11

Proposed new section 36Z (5) (a) (viii) to (xi)

Page 55, line 16—

insert

- (viii) if the person is a detainee, a person released on licence, or a person serving a community-based sentence—the corrections director-general;
- (ix) if the person is covered by a bail order that includes a condition that the person accept supervision under the *Bail Act 1992*, section 25 (4) (e) or section 25A—the director general responsible for the supervision of the person under the *Bail Act 1992*;
- (x) if the person is a child covered by a bail order that includes a condition that the child accept supervision under the *Bail Act 1992*, section 26 (2)—the CYP director-general;
- (xi) if the person is a young detainee or a young offender serving a community-based sentence—the CYP director general; and

19

Clause 11

Proposed new section 36ZB (3) (d) and note

Page 57, line 25—

omit proposed new section 36ZB (3) (d) and note, substitute

- (d) tell the carer that the carer is entitled to do either or both of the following:
 - (i) make a submission to the ACAT review of the psychiatric treatment order or restriction order;
 - (ii) apply to the ACAT to attend the hearing; and
- (e) tell the nominated person that the nominated person is entitled to make a submission to the ACAT review of the psychiatric treatment order or restriction order.

Note If a form is approved under s 146A for this provision, the form must be used.

20

Clause 11

Proposed new section 36ZD (2) (g)

Page 61, line 17—

omit

forensic community care order

substitute

forensic mental health order

21

Clause 11

Proposed new section 36ZF

Page 62, line 18—

omit

satisfied

substitute

it believes on reasonable grounds

22

Clause 11**Proposed new section 36ZG (1) (a) (ii)**

Page 63, line 8—

omit

stated community

substitute

stated approved community

23

Clause 11**Proposed new section 36ZG (2)**

Page 63, line 12—

omit

stated community

substitute

stated approved community

24

Clause 11**Proposed new section 36ZG (3)**

Page 63, line 15—

omit

stated community

substitute

stated approved community

25

Clause 11**Proposed new section 36ZH (3) (a) (viii) to (xi)**

Page 64, line 16—

insert

- (viii) if the person is a detainee, a person released on licence, or a person serving a community-based sentence—the corrections director-general;
- (ix) if the person is covered by a bail order that includes a condition that the person accept supervision under the *Bail Act 1992*, section 25 (4) (e) or section 25A—the director-general responsible for the supervision of the person under the *Bail Act 1992*;
- (x) if the person is a child covered by a bail order that includes a condition that the child accept supervision under the *Bail Act 1992*, section 26 (2)—the CYP director-general;
- (xi) if the person is a young detainee or a young offender serving a community-based sentence—the CYP director general; and

26

Clause 11**Proposed new section 36ZJ (3) (d) and note**

Page 66, line 26—

omit proposed new section 36ZJ (3) (d) and note, substitute

- (d) tell the carer that the carer is entitled to do either or both of the following:
 - (i) make a submission to the ACAT review of the community care order or restriction order;
 - (ii) apply to the ACAT to attend the hearing; and
- (e) tell the nominated person that the nominated person is entitled to make a submission to the ACAT review of the community care order or restriction order.

Note If a form is approved under s 146A for this provision, the form must be used.

27

Clause 12

Proposed new section 41AA (3)

Page 83, line 4—

omit proposed new section 41AA (3), substitute

- (3) The examination must not be conducted by a doctor who conducted the initial examination of the person under section 40.

28

Clause 12

Proposed new section 41AA (4)

Page 83, line 8—

insert

- (4) However, a thorough examination mentioned in subsection (1) (a) or (b) is not required if the chief psychiatrist is satisfied on reasonable grounds that—
 - (a) a doctor or psychiatrist recently gave the person such an examination; and
 - (b) the examination provides sufficient relevant information about the current physical or psychiatric condition of the person.

29

Clause 16

Proposed new section 42 (2A) and (2B)

Page 84, line 23—

insert

- (2A) If a doctor or mental health officer does not give the required information about the detention of a person to at least 1 of the people mentioned in subsection (2) (a) to (e), the doctor or mental health officer must tell the public advocate of that fact.
- (2B) The ACAT must, as soon as practicable after ordering under section 41 (3) that a period of detention be extended—
 - (a) take all reasonable steps to give the required information about the detention to at least 1 of the people mentioned in subsection (2) (a) to (e); and
 - (b) if the required information is not given to at least 1 of the people mentioned in subsection (2) (a) to (e), tell the public advocate of that fact.

30

Clause 16

Proposed new section 42 (3)

Page 84, line 26—

omit

opportunity to notify

substitute

opportunity and assistance to notify

31

Clause 43

Proposed new section 48Y (1) (e)

Page 95, line 19—

omit proposed new section 48Y (1) (e), substitute

- (e) the views of the people responsible for the day to day care of the person, so far as those views are made known to the ACAT;

32

Clause 43

Proposed new section 48Y (2) to (4)

Page 97, line 4—

omit proposed new section 48Y (2) to (4), substitute

- (2) Before the ACAT makes a forensic mental health order for the provision of particular treatment, care or support at a stated facility or by a stated person, the ACAT must be satisfied that the treatment, care or support can be provided at the stated facility or by the stated person.
- (3) The ACAT may ask the relevant person to provide information on the options that the relevant person considers are appropriate for the provision of particular treatment, care or support under the proposed forensic mental health order.
- (4) The relevant person must respond to the ACAT within 7 days after receiving a request under subsection (3), or any longer time allowed by the ACAT.

33

Clause 43

Proposed new section 48ZC (6) (a) (vii) to (x)

Page 102, line 11—

insert

- (vii) if the person is a detainee, a person released on licence, or a person serving a community-based sentence—the corrections director-general;
- (viii) if the person is covered by a bail order that includes a condition that the person accept supervision under the *Bail Act 1992*, section 25 (4) (e) or section 25A—the director general responsible for the supervision of the person under the *Bail Act 1992*;
- (ix) if the person is a child covered by a bail order that includes a condition that the child accept supervision under the *Bail Act 1992*, section 26 (2)—the CYP director-general;
- (x) if the person is a young detainee or a young offender serving a community-based sentence—the CYP director general; and

34

Clause 43

Proposed new section 48ZE (3) (d) and note

Page 104, line 14—

omit proposed new section 48ZE (3) (d) and note, substitute

- (d) tell the carer that the carer is entitled to do either or both of the following:
 - (i) make a submission to the ACAT review of the forensic psychiatric treatment order;
 - (ii) apply to the ACAT to attend the hearing; and
- (e) tell the nominated person that the nominated person is entitled to make a submission to the ACAT review of the forensic psychiatric treatment order.

Note If a form is approved under s 146A for this provision, the form must be used.

35

Clause 43

Proposed new section 48ZF (3) (d) and notes

Page 106, line 1—

omit proposed new section 48ZF (3) (d) and notes, substitute

- (d) tell the carer that the carer is entitled to do either or both of the following:
 - (i) make a submission to the ACAT review of the forensic psychiatric treatment order;
 - (ii) apply to the ACAT to attend the hearing; and
- (e) tell the nominated person that the nominated person is entitled to make a submission to the ACAT review of the forensic psychiatric treatment order.

Note 1 For principles that must be taken into account when exercising a function under this Act, see s 6.

Note 2 If a form is approved under s 146A for this provision, the form must be used.

36

Clause 43

Proposed new section 48ZI (2)

Page 110, line 18—

omit proposed new section 48ZI (2), substitute

- (2) A forensic community care order made in relation to a person must—
 - (a) state that the person must comply with any determination made under section 48ZJ (Role of care coordinator—forensic community care order); and
 - (b) be accompanied by a statement about how the person meets the criteria under section 48ZH (2) (Forensic community care order).

37

Clause 43

Proposed new section 48ZJ (4) (a) (vii) to (x)

Page 111, line 28—

insert

- (vii) if the person is a detainee, a person released on licence, or a person serving a community-based sentence—the corrections director-general;
- (viii) if the person is covered by a bail order that includes a condition that the person accept supervision under the *Bail Act 1992*, section 25 (4) (e) or section 25A—the director general responsible for the supervision of the person under the *Bail Act 1992*;

- (ix) if the person is a child covered by a bail order that includes a condition that the child accept supervision under the *Bail Act 1992*, section 26 (2)—the CYP director-general;
- (x) if the person is a young detainee or a young offender serving a community-based sentence—the CYP director general; and

38**Clause 43****Proposed new section 48ZL (3) (d) and notes**

Page 114, line 1—

omit proposed new section 48ZL (3) (d) and notes, substitute

- (d) tell the carer that the carer is entitled to do either or both of the following:
 - (i) make a submission to the ACAT review of the forensic community care order;
 - (ii) apply to the ACAT to attend the hearing; and
- (e) tell the nominated person that the nominated person is entitled to make a submission to the ACAT review of the forensic community care order.

Note 1 For principles that must be taken into account when exercising a function under this Act, see s 6.

Note 2 If a form is approved under s 146A for this provision, the form must be used.

39**Clause 43****Proposed new section 48ZM (3) (d) and note**

Page 115, line 16—

omit proposed new section 48ZM (3) (d) and note, substitute

- (d) tell the carer that the carer is entitled to do either or both of the following:
 - (i) make a submission to the ACAT review of the forensic community care order;
 - (ii) apply to the ACAT to attend the hearing; and
- (e) tell the nominated person that the nominated person is entitled to make a submission to the ACAT review of the forensic community care order.

Note If a form is approved under s 146A for this provision, the form must be used.

40**Clause 43****Proposed new section 48ZZF (5) (b)**

Page 140, line 8—

omit proposed new section 48ZZF (5) (b), substitute

- (b) any other entity except the following:
 - (i) the registered affected person;
 - (ii) a person mentioned in subsection (4);
 - (iii) a person with legal authority to act for the registered affected person;
 - (iv) if disclosure of the information is or may be relevant for a matter before a court—the court.

41**Clause 46****Proposed new section 62 (3) (a)**

Page 153, line 13—

omit proposed new section 62 (3) (a), substitute

- (a) the committee believes on reasonable grounds that—
 - (i) the surgery will result in substantial benefit to the subject person; and
 - (ii) all alternative forms of treatment reasonably available have failed, or are likely to fail, to benefit the subject person; and

42

Clause 56

Proposed new section 72 (2) (b)

Page 156, line 5—

omit proposed new section 72 (2) (b), substitute

- (b) if the ACAT does not order the release of the person—at least monthly while the detention continues.

43

Clause 56

Proposed new section 72 (5) (b)

Page 157, line 5—

omit proposed new section 72 (5) (b), substitute

- (b) make forensic mental health orders (including additional orders) in relation to the person; or
- (c) vary or revoke any of the mental health orders or forensic mental health orders in force in relation to the person.

44

Clause 56

Proposed new section 74 (1)

Page 157, line 16—

omit proposed new section 74 (1), substitute

- (1) The ACAT must review a condition under section 72 (4) to which an order for release of a person is subject at least every 6 months while the order is subject to the condition.

45

Clause 119

Proposed new section 139E (2) and note 1

Page 186, line 22—

omit proposed new section 139E (2) and note 1, substitute

- (2) Before approving a community care facility, the Minister must consult with any other Minister responsible for the operation of the facility.
- (3) An approval is a notifiable instrument.

Note 1 A notifiable instrument must be notified under the Legislation Act.

46

Clause 156

Proposed new definition of *treatment, care or support*, paragraph (c)

Page 202, line 7—

omit

47

Schedule 1, part 1.3

Amendment 1.9

Proposed new section 301 (4)

Page 206, line 7—

omit proposed new section 301 (4), substitute

- (4) A nominated term in relation to an offence takes effect on the day the Supreme Court nominates the term unless the court—
- (a) after taking into account any periods mentioned in subsection (3), nominates an earlier day; or
 - (b) orders that the term take effect on a later day so as to be served consecutively with (or partly concurrently and partly consecutively with) another term nominated for the person under this part or a sentence of imprisonment imposed on the person.

48

Schedule 1, part 1.3**Amendment 1.12****Proposed new section 302 (4)**

Page 207, line 7—

omit proposed new section 302 (4), substitute

- (4) A nominated term in relation to an offence takes effect on the day the Supreme Court nominates the term unless the court—
- (a) after taking into account any periods mentioned in subsection (3), nominates an earlier day; or
 - (b) orders that the term take effect on a later day so as to be served consecutively with (or partly concurrently and partly consecutively with) another term nominated for the person under this part or a sentence of imprisonment imposed on the person.

49

Schedule 1, part 1.3**Amendment 1.16****Proposed new section 304 (4)**

Page 208, line 12—

omit proposed new section 304 (4), substitute

- (4) A nominated term in relation to an offence takes effect on the day the Magistrates Court nominates the term unless the court—
- (a) after taking into account any periods mentioned in subsection (3), nominates an earlier day; or
 - (b) orders that the term take effect on a later day so as to be served consecutively with (or partly concurrently and partly consecutively with) another term nominated for the person under this part or a sentence of imprisonment imposed on the person.

50

Schedule 1, part 1.3**Amendment 1.19****Proposed new section 305 (4)**

Page 209, line 12—

omit proposed new section 305 (4), substitute

- (4) A nominated term in relation to an offence takes effect on the day the Magistrates Court nominates the term unless the court—

- (a) after taking into account any periods mentioned in subsection (3), nominates an earlier day; or
- (b) orders that the term take effect on a later day so as to be served consecutively with (or partly concurrently and partly consecutively with) another term nominated for the person under this part or a sentence of imprisonment imposed on the person.

51**Schedule 1, part 1.7****Amendment 1.49****Proposed new section 32JA (4)**

Page 220, line 18—

omit proposed new section 32JA (4), substitute

- (4) If treatment, care or support in accordance with the consent is likely to be required for longer than the initial consent period, the health professional must, before the end of that period—
 - (a) apply to the ACAT for approval to continue providing treatment, care or support in accordance with the consent; and
 - (b) unless the health professional believes on reasonable grounds that someone else has applied to the ACAT for an order appointing a guardian for the person—apply to the ACAT under part 2 for an order appointing a guardian for the person.

52**Schedule 1, part 1.9****Proposed new amendment 1.63A**

Page 225, line 13—

*insert***[1.63A] Section 16 (1), new example***insert*

- 4 if I do not have capacity to make a decision that needs to be made about my treatment, care or support for a mental illness

Schedule 2**Environment Protection Amendment Bill 2014**Amendments moved by the Minister for the Environment**1****Clause 6****Proposed new section 3D (1) (e)**

Page 5, line 24—

insert

- (e) the polluter pays principle.

2**Clause 6****Proposed new section 3D (2), proposed new definition of *polluter pays principle***

Page 6, line 5—

insert

polluter pays principle means that polluters should bear the appropriate share of the costs that arise from their activities.

3

Clause 33

Proposed new section 136K (4)

Page 19, line 9—

omit

Answers to questions

Canberra Hospital—adult mental health unit (Question No 333)

Mrs Jones asked the Minister for Health, upon notice, on 25 September 2014:

- (1) How many Provisional Improvement Notices have been issued since the Adult Mental Health Unit was opened.
- (2) What were each of the Provisional Improvement Notices issued for.
- (3) What was the timeline and outcome for each Provisional Improvement Notice.

Ms Gallagher: The answer to the member's question is as follows:

- (1) There have been two Provisional Improvement Notices (PIN) issued since the Adult Mental Health Unit was opened in April 2012.
- (2) The two PINs were issued:
 - On 28 March 2014 and the PIN contained three specific points:
 - i. the doors should be kept closed and not used until they are replaced with a suitable door that will meet the operational needs of a secure mental health facility.
 - ii. that within seven days of this notice being issued that these doors are reviewed by appropriately qualified people and a suitable replacement found and reported to the staff.
 - iii. that within 28 days of this notice being issued that the aforementioned doors are installed and operational.
 - On 25 July 2014 and the PIN contained three specific points:
 - i. within eight days either the number of consumers in the unit must be reduced to a level satisfactory to the Health Safety Representative (HSR), or temporary measures to increase the number of skilled nursing staff to a level satisfactory to the HSR,
 - ii. within six weeks the number of permanent nursing staff within the AMHU must be increased to a level satisfactory to the HSR, and
 - iii. within six weeks the Post Occupancy Evaluation (POE) must be finalised.
- (3) The timeline and outcome for the two PINs is the following:
 - For the 28 March 2014 PIN all actions were completely by 15 April 2014, and this PIN was closed.
 - For the 25 July 2014 PIN, the date for completion of the actions was extended until 31 October 2014. The actions in response to all points have been completed.

At a meeting on 15 October 2014 the HSR accepted and agreed that the three points in the PIN had been completed, and advised he would cancel the PIN under section 96 of the *Work Health and Safety Act 2011*.

Roads—territorial and municipal (Question No 335)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 22 October 2014:

- (1) What is the definition of a (a) territorial road and (b) municipal road.
- (2) How many kilometres of (a) territorial and (b) municipal roads are there in the ACT.

Mr Rattenbury: The answer to the member's question is as follows:

- (1) (a) Territorial roads are the main arterial and rural roads excluding the Barton and Federal Highways which are part of the National Highways.
(b) Municipal roads are roads which provide access to residential and commercial properties.
 - (2) (a) 600 kilometres at 30 June 2014
(b) 2,381 kilometres at 30 June 2014
-

Questions without notice taken on notice

Arts—policy framework

Ms Burch (*in reply to a question and a supplementary question by Mr Smyth and Ms Lawder on Thursday, 23 October 2014*):

The answers to the Members' questions are as follows:

Link to the 2013-2014 Annual Report for artsACT (Volume 1 and 2):
http://www.communityservices.act.gov.au/home/publications/annual_reports/2013-2014

Link for artsACT website:
<http://www.arts.act.gov.au/>

The overall budget figure for the arts in the ACT is \$8.52 million.