



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**NINTH ASSEMBLY**

**14 FEBRUARY 2017**

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**Tuesday, 14 February 2017**

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

## **Petitions**

*The following petitions were lodged for presentation:*

### **Curtin draft master plan—petition 1-17**

*By Ms Le Couteur, from 1,950 residents:*

#### **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:

the Draft Master Plan for Curtin Group Centre was published in November 2015, following widespread consultation. The Community Engagement Report found that Curtin has a strong sense of community, and that the shopping centre's central courtyard should not be compromised with respect to sunlight. The final Master Plan has not yet been declared, but a development application has been lodged for a large, 24-metre, 6-storey development in the courtyard of the shopping centre of Curtin centre.

Your petitioners therefore request the Assembly to:

Ensure that, in the absence of the final Master Plan, the Minister follows the terms and recommendations of the Draft Master Plan for Curtin Group Centre to assess the acceptability of any development applications in the Group Centre and, in particular, ensure that the amenity of sunlight in the central courtyard (Curtin Square) is maintained, and any buildings are limited to no more than 2 storeys on Curtin Square.

### **Traffic control measures for Ginninderra Drive—petition 2-17**

*By Mrs Kikkert, from 1,329 residents:*

#### **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that traffic control lights should be placed at the intersection of Tillyard Drive and Ginninderra Drive.

Your petitioners therefore request the Assembly to upgrade the existing traffic control measures.

*The Clerk having announced that the terms of the petitions would be recorded in Hansard and referred to the appropriate ministers for response pursuant to standing order 100, the petitions were received.*

*Pursuant to standing order 99A, the petitions, each having more than 500 signatories, were referred to the Standing Committee on Planning and Urban Renewal and the Standing Committee on Environment and Transport and City Services respectively.*

**MS LE COUTEUR** (Murrumbidgee) (10.02), by leave: I am very pleased that today this petition from the people of Curtin has been lodged in the Assembly. This is a petition from nearly 2,000 people. Nearly a third of the adult residents of Curtin signed this petition, which shows how important this issue is to the community. It is really important that we make sure that our planning system is responsive to the views of the community, particularly in this instance when, in Curtin, a draft master plan was prepared in 2015. It has not been progressed since then, but it would appear to me and to the people who signed that petition that the proposed DA is not consistent with that draft master plan.

I think that is one of the things fuelling the discontent, and possibly anger, of the people of Curtin. They were consulted about what was going to happen to their shopping centre. They made their views clear, and they thought that the government was on side, basically. They now find that a DA has been lodged that would appear to be clearly non-compliant with the master plan. There are many words that could be used to describe that—rude, annoying, discourteous; harder ones than have been used.

As well as not being consistent with the draft master plan, in my admittedly not technical opinion, it is not consistent with the Territory Plan. It will also be a very appalling development insofar as it is six storeys whereas currently there is a one-storey development, so it will block out the sun in the afternoon in Curtin Square, which is why people really do not like it. It would appear possibly that the DA has been lodged now to circumvent the master planning process. Hopefully, that is not the case, but that is the impression given to the people of Curtin. The other thing that has happened is that the proponent has threatened to close the shops if the DA is not approved, which would seem to be blackmail at the least, and that is really not the way to run a planning system.

The Greens and the people who put forward this petition are not against some redevelopment in Curtin. In fact, the master plan has two storeys going up to four storeys on that site. I think the people of Curtin all recognise that some change will happen, but this is not the appropriate change.

I am disappointed that it had to happen, but given that it had to happen, I am very pleased to be here today supporting a petition by 2,000 members of our community saying, “We want better planning in Canberra, in particular in Curtin. Follow the draft master plan.”

**MRS KIKKERT** (Ginninderra) (10.05), by leave: I have presented a petition signed by 1,329 Canberra residents calling on the ACT government to install traffic control

lights at the intersection of Tillyard Drive and Ginninderra Drive. This dangerous intersection is a very serious issue in my neighbourhood—one that affects not only my family and me but also many who live in my electorate of Ginninderra, and thousands of other Canberrans every day.

As a resident of Charnwood, I have been aware for a long time of some of the risks that this intersection poses. While I was working with my local community and standing for election last year, it became clear that installing traffic lights at the intersection of Tillyard and Ginninderra drives is a top priority for many people whose travel requires them to use this intersection.

As most are probably aware, Ginninderra is a major arterial road corridor, with a two-lane dual carriageway cross-section where it is intersected by Tillyard Drive. This intersection has drawn attention for many years, owing to a high number of traffic accidents. It was part of the federal black spot program, and funds were allocated for signage and concrete island improvements in 2011. This, however, did not prove to be enough to reduce traffic collisions at this intersection.

Multiple accidents at this intersection have made the news since the 2011-improvements, including collisions between cars, motorcyclists and also cyclists. Some victims were lucky enough to be relatively unscathed, but others have been reported to require hospitalisation after being stabilised by paramedics.

Roads ACT crash statistics reported 300 casualty crashes in Canberra's northern suburbs over the past five years. More than 200 out of the 300 crashes occurred at intersections, with 10 of these crashes occurring at the Tillyard-Ginninderra Drive intersection. This intersection is listed as one of the top four most dangerous intersections in Belconnen which were responsible for one-fifth of all casualty crashes at intersections in the area. In addition to actual collisions reported, numerous local residents have related to me that they regularly experience near-misses at this intersection, and regularly observe other drivers having close calls as well, especially during peak hours and when lighting obscures vision.

As a local resident who uses this intersection on a daily basis, I personally note its danger. I have spoken to constituents who have told me that they take a longer, alternative route in order to avoid this intersection entirely, both for their own safety and for the safety of their passengers. And it is not just local drivers who understand the need for safety improvements to this intersection. The Belconnen Community Council have also identified the intersection of Tillyard and Ginninderra drives as problematic, and encourage a specific study to be undertaken as the ACT government considers the long-term effects of their infrastructure plans in west Belconnen.

In addition, the 2014 west Belconnen technical traffic report revealed that, in particular, eastbound Ginninderra Drive in the left lane during morning peak hours exceeded the recommended traffic volume. The report also predicted the situation to worsen in coming years, with a significant increase in traffic.

Unfortunately, despite these ongoing problems and increasing concerns, the ACT government has to date failed to take the action needed to improve the safety of

this intersection. The Tillyard Drive traffic study was initiated by the ACT government late last year, with the stated aim, to quote Minister Fitzharris, of ensuring that “all Canberra roads are safe for both drivers and other road users”. The study called for community feedback via survey and also hosted information sessions at Charnwood and Fraser shops, all of which sounds as though the government may finally be willing to do something to protect the people who use this dangerous intersection. But no; despite the name of the study, the intersection of Tillyard Drive with Ginninderra Drive has been specifically excluded from the Tillyard Drive traffic study. As you can no doubt understand, Madam Speaker, this has frustrated many of my constituents, more than 1,300 of whom have signed the petition that I present today.

In summary, the intersection of Tillyard and Ginninderra drives is known to be dangerous, with a long history of accidents and collisions. Data from Roads ACT identify it as one of the top four most hazardous intersections in the Belconnen area. The Belconnen Community Council have expressed concerns about this intersection, and those who use it know full well how risky this intersection can be, especially during periods of heavy traffic or when the sun is low on the horizon. Yet the ACT government has done nothing to improve the safety of this intersection and even excluded it from its recent study supposedly designed to make Tillyard Drive safer. This is not good enough.

As a member for Ginninderra and a resident of Charnwood, I represent and amplify the voices of my neighbours and all those who are affected by the dangers posed by this intersection. I would like to thank all those in my electorate who have raised this issue with me. I am committed to continue raising this issue until traffic control lights are installed at the intersection of Tillyard and Ginninderra drives, for the safety of my constituents as well as the safety of all road users who pass through my electorate. I commend this petition, with its 1,329 signatures, to the Assembly.

## **Justice and Community Safety—Standing Committee Scrutiny report 2**

**MRS JONES** (Murrumbidgee) (10.12): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 2, dated 7 February 2017, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MRS JONES:** Scrutiny report 2 contains the committee’s comments on seven bills, 87 pieces of subordinate legislation and two regulatory impact statements. In this scrutiny report the committee has commented on the Discrimination Regulation 2016. This subordinate law was made as a schedule to the Discrimination Amendment Act 2016, which amended the Discrimination Act 1991. The Discrimination Amendment Act was passed in the previous Legislative Assembly.

It is an unusual situation in that the subordinate law is made by the passage and commencement of the Discrimination Amendment Act and by the fact that new paragraph 124(3)(c) inserted into the Discrimination Act by the Discrimination Amendment Act has the effect of removing the subordinate law from the subordinate law scrutiny remit of the committee, as it removes the requirement to present the subordinate law contained in the schedule to the Legislative Assembly. This is because the committee's subordinate law remit is in relation to "any instrument of a legislative nature made under an act which is subject to disallowance and/or disapproval by the Assembly (including a regulation, rule or by-law)".

The situation is complicated by the fact that the Legislative Assembly's power to disallow a subordinate law or a disallowable instrument, set out in section 65 of the Legislation Act 2001, is premised on an instrument having been presented to the Legislative Assembly. If there is no requirement to present this subordinate law to the Legislative Assembly, there can be no power to disallow. This is most unusual. No justification is provided in the explanatory statement to the Discrimination Amendment Act for this unusual approach.

While the exercise of "making" a regulation by principal legislation, of course, arguably enhances legislative scrutiny, in the sense that it effectively receives the same level of scrutiny as a piece of primary legislation, the committee is interested to know the reason why that approach was taken in this instance.

In this scrutiny report the committee has drawn this issue to the attention of the Legislative Assembly. The committee has also sought the minister's advice as to why the unusual "making" procedure was adopted for this subordinate law. The report was circulated to members while the Assembly was not sitting.

I would like to add that the committee met this week, outside its normal meeting times, in order to discuss matters being raised this week in the Assembly which have had to be considered by the committee in an extremely short time frame. The committee also discussed bills that come to the Assembly without going through the scrutiny committee. In relation to this week's bill, the Assembly will be asked to allow it to be tabled and voted on within this week.

I will recap for the Assembly, at the beginning of this term, the role of the scrutiny committee, taken from the Legislative Assembly website. The committee examines all bills and subordinate legislation presented to the Assembly. These traditions have been adopted, without exception, by all scrutiny committees in Australia. Non-partisan, non-policy scrutiny allows the committee to help the Assembly pass into law acts and subordinate legislation which comply with the ideals set out in its terms of reference, which in this place includes the Human Rights Act and other general rights that we have always paid attention to.

On the matter of last-minute tabling of amendments, as well as, essentially, bills, Mr Ramsay has written to the scrutiny committee advising that he intends to move amendments to the Statute Law Amendment Bill 2016 and the Justice and Community Safety Legislation Amendment Bill 2016 (No 3). SO 182A requires the

scrutiny committee to comment on government amendments to bills unless the amendments are urgent, minor or technical or in response to prior scrutiny comment.

A protocol which the committee has adopted in the past, and advised to the government, is for the government to provide proposed amendments to the committee no later than 14 days prior to the sitting at which they will be moved. This time frame is not onerous. It enables the amendments to be provided to our legal advisers for a report to be drafted and for the committee to consider carefully the draft report at its scheduled meeting for the week prior to the sitting week.

Mr Ramsay's letters are dated 7 February, that is, seven days prior to this sitting on 14 February. Whilst the committee appreciates the Attorney-General's advice regarding the technical need for the amendments, the committee notes that historically very few proposed government amendments to bills are referred to the committee, as required by standing order 182A. Rather, the government's common practice has been to seek the Assembly's leave to deal with its proposed amendments, purportedly because they are urgent, minor or technical or in response to scrutiny comments. The committee reminds the government that it should refer proposed amendments to it, and that the appropriate time frame is at least 14 calendar days before the amendment is proposed to be moved.

The previous scrutiny committee chair made a statement in the last Assembly to this effect, in May 2016. In the statement the chair also referred to the introduction and passage of bills in the same sitting period. He noted:

It is acknowledged that from time to time urgent legislation will come before the Assembly which must be dealt with expeditiously and, as a consequence, will not have the benefit of comment from the scrutiny committee during debate in the Assembly. However, such occasions should be rare and exceptional.

## **Government priorities**

### **Ministerial statement**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (10.18): I am very pleased this morning to outline the government's policy and legislative priorities for 2017. The government's plan is to make the Canberra we love even better. We will support Canberrans when they need help; we will invest in infrastructure to keep our city moving and our economy growing; and we will deliver stronger schools and hospitals for everyone.

I said during the 2016 campaign that the election would define our city for years to come. Canberrans overwhelmingly supported the clear and positive plan that we took to the election. After a busy first 100 days we are already delivering on our commitments. We will realise the full potential of Canberrans and our city by capitalising on our advantages as a smart, livable, inclusive and connected community.

Since forming government we have been getting on with job of doing what Canberrans elected us to do. The parliamentary agreement for the Ninth Legislative

Assembly negotiated between the Labor and Greens parties sets out a progressive agenda that builds on the positive outcomes of previous agreements and reflects the shared policy program that Canberrans supported. It covers health care, education, an integrated transport network, social housing, housing affordability, inclusivity, protecting the environment, and mitigating climate change amongst many other key areas.

This is the government's commitment to Canberrans. Canberrans continue to want a progressive government. They voted for a progressive government in October last year, and that is what we will deliver.

Over the past 12 weeks we have worked hard so that we can start delivering on our promises. Amongst many pieces of work we have delivered the funding to commence the essential first steps of stage 2 of the city-defining light rail network; become a signatory under the international Under2 MOU renewable energy movement; purchased green bins for Kambah and Weston Creek which we will soon roll out to registered homes; established a new Office for Disability and an Office for LGBTIQ Affairs and we are establishing an office for mental health; saved the Environmental Defenders Office and the important work that it does following federal Liberal cuts and local Liberal indifference; removed hurdles to increase organ donation rates; delivered a strong and effective awareness campaign about the importance of backyard swimming pool safety; run a series of welcome events to make new students feel at home in our city; and commenced the necessary committee processes to review and improve the Electoral Act and establish an ACT integrity commission.

We have started the business case work for the new nurse-led walk-in centres, the work to buy electronic devices for all ACT public high school students and the work to establish the new urban renewal authority which will build the future of our CBD. And that is just the start.

The government committed to a range of projects in the election campaign and Canberrans chose us to deliver them. Our city's economy is strong. Our unemployment rate continues to be low despite many significant economic challenges thrown at this city in the past few years. Business confidence continues to grow, and we are firm on our commitment to return the budget to balance when we stepped in to protect the local economy after the savage federal cuts from 2014 onwards. Our economy is now on a path of stable, strong and diversified growth.

To continue this, the government is introducing important policies that impact on the everyday lives of Canberrans. By funding the services and infrastructure Canberrans voted for we are securing a better future for our city. The mandate for light rail is clear; two elections have proved this. Canberrans want light rail. Canberrans voted for a north-south light rail spine linking Gungahlin to Woden and beyond. Construction of stage 1 is progressing rapidly. It is on schedule, and work to build stage 2 has commenced. The procurement of professional services to the ACT government for stage 2 is now underway. These tenders went to market in November and have been well received by industry.

A Labor government will always ensure that our education sector has the funding and facilities it needs to deliver education for all. This government will continue to make Canberra schools safe schools. Every Canberra student has the right to feel safe at their school regardless of their gender or sexuality. We have funded the safe schools program. We simply will not let the benefits of this program be jeopardised by a backward-looking coalition federal government.

Our arts scene is thriving and we will continue to help it flourish. We have continued funding to the Art, Not Apart festival. Floriade is currently our biggest annual tourism event. We want to build on that success, and we have funded the inaugural Floriade Fringe, further expanding our arts scene and refreshing our city's iconic tourism event.

Since I became Chief Minister just a little over two years ago the government and the community have worked together to deliver important policy reforms. In 2017 we will continue this progress. We have connected Canberra to the world with our first international flights. The business and tourism opportunities that are possible because of this are starting to flow. Our universities are major employers and are working together to attract students from around the world and are raising our city's profile as they rise up the international rankings.

Our economy is continuing to diversify, riding out wave after wave of federal Liberal job cuts to be one of the strongest in the country. Our unemployment rate of 3.7 per cent is the equal lowest in Australia. Our public transport network is convenient, reliable and affordable with light rail stage 1 on the way. Free senior and concession off-peak travel commenced in January, and more of the rapid buses are due to be added to our network this year.

This is a city that keeps on getting better, and Canberrans recognise this. We are a more nationally and internationally engaged city, and Canberrans voted for that process to continue. To ensure that Canberra continues to be a modern and confident city, this Assembly will consider a range of important pieces of legislation this year. This legislation puts the needs of Canberrans first, and the emphasis continues to be on making Canberra a better place to live, a better place to study and a better place to work. Our legislative priorities impact on Canberra's families, how they move around our city, our important natural environment, and planning reform amongst other areas.

During this sitting week Minister Ramsay will introduce legislation that strengthens the government's response to domestic, family and sexual violence and promotes family safety. Our response in this area has been nation leading and we will continue to support those most in need and expand the support services available to them during this term of government.

Across future sitting weeks Minister Ramsay will seek to bring forward a comprehensive red tape reduction package to make government more efficient and effective.

Minister Stephen-Smith will seek to improve the efficiency of legislation that supports the Aboriginal and Torres Strait Islander Elected Body and makes amendments to support the implementation of the step up for our kids out of home care strategy.

One of our key election commitments to Canberrans was to reduce alcohol-related violence and to improve the vibrancy of Canberra's night-time economy. We are fulfilling our commitments straight away, and Minister Ramsay will introduce work to remove unnecessary regulation to the liquor industry in coming weeks.

To attract high-tech health businesses to our city Minister Fitzharris will bring legislation on gene technologies used in the territory into line with national standards.

To help the introduction of our city-defining light rail network the government will introduce transport reform legislation that will enable road users and light rail to jointly exist within Canberra's road environment, supporting the operation of the light rail network.

Canberra is one of the world's most livable cities because of the natural beauty that surrounds our city. The government is committed to conserving our environment and mitigating the impacts of climate change. As part of this commitment, Minister Gentleman will introduce the Nature Conservation Amendment Bill which will reduce paperwork and strengthen conservation outcomes when minor public works are required in nature reserves. Linking livability with the natural environment is a key part of the work the government will carry out in 2017.

Over the coming months the Deputy Chief Minister, Minister Gentleman and I will establish a new urban renewal authority and a new suburban development agency. Both will start their work on 1 July this year. This is wider work that will showcase cutting edge design in both urban and suburban environments while continuing to meet the demands of a growing city in an area of natural beauty. Minister Gentleman will also introduce work to amend several pieces of legislation within the planning, building and environment portfolio.

The government's work over the next few months is focused on what Canberrans value most and what they want from their city. Canberrans want to know the government is listening to and working for them. Our debates in this place will have the interests of all Canberrans at their heart.

This ACT government that I lead is refreshed, it is reinvigorated and it is more positive than ever about our city's future. The government was re-elected because of our bold, optimistic, long-term vision for Canberra, and all members of the government will make sure that we continue to deliver a better Canberra for the future.

I present the following papers:

Government priorities for 2017—Ministerial statement, 14 February 2017.

Priority Legislation Items—Autumn 2017.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

## Health reporting Ministerial statement

**MS FITZHARRIS** (Yerrabi—Minister for Health, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (10.29): Health services are one of if not the most important service a government can provide to its community. Each year, thousands of Canberrans access our health services, either through our public hospitals, community health centres and walk-in centres or through our programs and support services. And our doctors, nurses, other health professionals and the non-clinical and administrative staff that support them do a fantastic job delivering these high quality tailored services to our community 24 hours a day, 365 days of the year.

As health minister, I am very proud of the quality healthcare system we have here in the ACT, and I am proud of the record investments this government has made and will continue to make to ensure everyone in our community can get access to health care when and where they need it. This is particularly important as our city continues to grow.

As the new Minister for Health, it is important to me that not only do we have a high quality healthcare system that Canberrans trust but also we have the right data available to us to monitor and track our performance. As members are aware, recently the annual report on government services was released, and some ACT health data was not available to the Productivity Commission at the time of reporting for that report.

Obviously, this is disappointing, but I am determined to make sure that the community and health stakeholders have full confidence in the data produced by ACT Health and that ACT Health and I, as minister, are accountable for its performance. That is why I have asked for a comprehensive, system-wide review that takes us back to the basics of the collection, analysis and reporting of our health data.

Madam Speaker, these are complex matters, and following last year's work to provide assurances over data governance and protocols regarding the ACT Health public health services quarterly performance report, I have been advised that there is more work to be done. That is why I have asked for this system-wide review.

I want to reiterate that ACT Health has been proactive in recognising these issues and acting upon them immediately. ACT Health needs time, though, to ensure that its data management and quality assurance processes are robust and accurate. The ACT government has been open with the community that ACT Health management and reporting processes need improvement. These issues have been widely canvassed in the media, here in the Assembly and in budget estimates and annual report hearings on a number of occasions in the past.

The ACT government has acknowledged, as has my directorate, that improvements must be made, and actions have been taken to investigate the extent of the problems and to review ACT Health's governance and protocols in relation to the management

of its data. Indeed, following last year's budget estimates hearing for Health, while reviewing the third ACT Health quarterly performance report for 2015-16, ACT Health's director-general identified further issues with data in the report and took immediate action to conduct an internal review of the accuracy of the data.

Once it was determined that errors existed, the director-general immediately engaged PricewaterhouseCoopers as an independent expert to review ACT Health's data governance and protocols and to provide independent quality assurance of any data released publicly through the 2015-16 annual report, the quarterly performance reports and, subsequently, data for this year's report on government services. The initial focus of this work with PwC was the accuracy and integrity of the data for the annual report and quarterly performance reports. This was stated very clearly in ACT Health's media release of 9 November 2016 with the release of its four quarterly performance reports for 2015-16.

The Health Directorate has also had ongoing communication with key health stakeholders such as national reporting agencies like the Australian Institute for Health and Welfare, AIHW, the National Health Funding Body, NHFB, and the Independent Hospital Pricing Authority, IHPA, as well as with the ACT Auditor-General.

As the work to resolve the data management issues at ACT Health is ongoing, the directorate has been unable to meet certain data reporting deadlines. This applies to elements of the 2017 report on government services released earlier this month. There were some data gaps in chapter 12, which relates to public hospitals, and in chapter 13, which relates to mental health services. Although ACT Health was unable to meet the submission deadlines for these indicators, significant efforts were made by the directorate to work with our national reporting agencies to submit the data. ACT Health is also continuing to work with the commission to ensure that future ROGS reports contain this data.

I would like to take this opportunity to acknowledge the significant support provided to the directorate from PwC and the AIHW to deliver data to the Productivity Commission. I would also like to thank the Productivity Commission, the NHFB and IHPA for their support.

In addition to the 2017 ROGS report, there may be future reports, such as the Australian Medical Association's public hospital report card, that will be affected by the late data supplied to the AIHW. I have asked for further quality assurance work to be undertaken before the ACT Health half-yearly performance report is tabled. In addition, I will ensure that the directorate not only resolves its data management issues for all future reporting but also provides assurance on past data. I would also like to reassure the Assembly that my advice is that this does not impact upon financial contributions from the commonwealth.

The work to review ACT Health's data governance and protocols is ongoing. As part of this system-wide review, ACT Health staff are working hard to resolve these issues, and this work includes undertaking integrity validation checks against source systems,

developing and implementing a formal change control process for amendments to reporting, a review of the structure of the ACT Health branch responsible for data reporting to ensure an appropriate focus on and resourcing of data governance and development of an implementation plan for a governance assurance framework. I have also asked ACT Health to consider the most effective means of reporting health data to our stakeholders as well as to the Canberra community, including the use of real-time reporting.

This work is about delivering robust quality assurance of ACT Health's data governance systems to resolve these issues and is expected to continue over the next 12 months. I will provide quarterly reports to the Assembly within this period.

Before concluding today, I want to be very clear that although data reporting issues are administrative in nature and do not affect the quality of health services we deliver, as Minister for Health I know how important it is that the community, our patients and our health sector stakeholders have confidence in health reporting. I remain committed to providing data that accurately reflects the demand for and performance of the services that are provided in our hospitals, in our healthcare facilities and throughout our programs. Indeed, as noted as part of this work, I have asked Health to provide advice on how we improve this reporting and the availability of real-time reporting and access to health data.

I would also like to reiterate to members that there has been substantial work undertaken within ACT Health to proactively address these complex data governance issues. In particular, I want to acknowledge the actions taken by the Director-General of ACT Health.

Ongoing work to improve data quality assurance processes is a key priority, and the government will continue to be open with the community about these matters. I have also asked the Health Directorate to keep the ACT Auditor-General informed of progress.

As this work progresses, I will provide regular quarterly updates to the Assembly, and will also anticipate the upcoming annual report hearings as an opportunity to provide further information to members on the work being carried out and the way forward.

I present the following paper:

ACT Health reporting—Ministerial statement, 14 February 2017.

I move:

That the Assembly take note of the paper.

**MRS DUNNE** (Ginninderra) (10.38): I welcome this statement, but I think it is rather late. This statement should have been made in December last year at the first possible opportunity the minister had to talk about this data. We have known for some time that there is a problem with the data; the minister should not have waited until the public was alerted through the absence of data from the ROGS report.

The minister was the Assistant Minister for Health for most of last year and was the spokesman on health through the ACT election; she would have clearly known well before December that there were issues with data which had been reported to the Auditor-General back in September. This statement made by the minister today raises more questions than it answers.

We need to know exactly what the problems are with the data. The minister has failed to account in her statement for the work that has already been done by the Auditor-General and with experts advising the Auditor-General on the data issues in the hospital and the reports that are pending there.

The minister needs to come clean with the Assembly and tell the Assembly when she first knew that there were problems with this data and why, when the annual report was tabled in December this year, there was not some caveat about the data then. If there is a problem with the data in the ROGS report and there are problems with data in relation to the AMA report cards which are coming out, there are potentially problems with the data in the annual report, and I think it is incumbent upon the minister to have highlighted that to the Assembly.

As I have said, this matter raises more questions than it answers. I will be discussing with my colleagues and others in this place whether or not this issue should be referred to the health committee for inquiry and report, because this needs to be dealt with in a very open way.

I will have much more to say on this matter in the coming weeks, but that is sufficient for the time being.

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

## **Aboriginal and Torres Strait Islander affairs**

### **Ministerial statement**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Community Services and Social Inclusion, Minister for Disability, Children and Youth, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Multicultural Affairs and Minister for Workplace Safety and Industrial Relations) (10.40): Madam Speaker, I thank you for the opportunity to speak to the Assembly today. On 13 February 2008 the nation stopped as the then Prime Minister, Kevin Rudd, gave the nation's apology for the stolen generations. In the apology then Prime Minister Rudd apologised:

... for the laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians ... for the removal of Aboriginal and Torres Strait Islander children from their families, their communities and their country

and

for the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind.

The ACT Legislative Assembly also showed its support and solidarity by reaffirming the ACT's own apology first given in this Assembly. On 17 June 1997 the then Chief

Minister, Kate Carnell, apologised to the Ngunnawal people and other Aboriginal and Torres Strait Islander people in the ACT for the hurt and distress inflicted upon their people as a result of the separation of Aboriginal and Torres Strait Islander children from their families.

Madam Speaker, the word “sorry” holds special meaning in Aboriginal and Torres Strait Islander cultures. As you would no doubt be aware, in many Aboriginal communities “sorry” is an adapted English word used to describe the rituals surrounding death, which is referred to as “sorry business”. “Sorry” expresses sympathy, empathy and an acknowledgement of loss. For many the apology represented a public admission of the government’s responsibility for decades of trauma, loss and separation from family, community, culture and land. It acknowledged the experiences of the stolen generations and represented an important stage of the journey of healing for many stolen generation members. This week we mark the ninth anniversary of the apology.

I would like to take this opportunity to restate the ACT government’s commitment to Canberra’s Aboriginal and Torres Strait Islander people. Whilst acknowledging that we have a long way to go in closing the gap, we continue to support Aboriginal and Torres Strait Islander people in the ACT in many ways.

I would also like particularly to highlight the opportunity for Aboriginal and Torres Strait Islander community members to participate through the Aboriginal and Torres Strait Islander Elected Body. The elected body is made up of seven members democratically elected to represent the interests and aspirations of the local community. It provides direct advice to the ACT government, with the aim of improving the lives of Aboriginal and Torres Strait Islander people here in the ACT. The elected body is unique to the ACT and highlights the very important role of our local Aboriginal and Torres Strait Islander community in contributing to oversight and policy development.

The next election for the Aboriginal and Torres Strait Islander Elected Body will be held during NAIDOC week in July this year. The call for nominations will commence on 15 May and I encourage any interested Aboriginal and Torres Strait Islander person with a passion to support their community to nominate as a candidate. This election provides an opportunity for all Aboriginal and Torres Strait Islander people in the ACT to have a say in how they are represented, and I urge all community members to vote in this process.

The current elected body, of course, was responsible for negotiating the Aboriginal and Torres Strait Islander agreement: a statement of commitment to reconciliation and wellbeing of communities, an articulation of relationship principles and a description of key focus areas on which we agree to work together for improved outcomes. Under the agreement, the ACT government and the elected body work together to build strong families and connected communities, improve the delivery of health, housing, economic and social services and ensure equitable outcomes for all.

The 2016-17 budget includes a range of initiatives to support Aboriginal and Torres Strait Islander people. A key feature of this is the provision of coordinated

cross-government support for the Aboriginal and Torres Strait Islander initiatives across the areas of health, justice, community services, education, environment and land management. These initiatives will ensure better coordination, promotion and awareness throughout government, reduce duplication and improve linkages across programs.

The government is also providing resources to increase awareness of the Aboriginal and Torres Strait Islander Elected Body's role in representing the views and concerns of Aboriginal and Torres Strait Islander people living in the ACT. In particular, this role includes building greater connections with the ACT Aboriginal and Torres Strait Islander community in order for them to share their views and concerns on matters of significance to the ACT government.

I am committed to working with Canberra's Aboriginal and Torres Strait Islander community to achieve more equitable outcomes for Aboriginal and Torres Strait Islander people and to celebrate their diverse cultures and contributions to the life of the capital. To progress reconciliation in the ACT we are working to develop strong relationships built on trust and respect that are free of racism and we are seeking to create opportunities for full and equitable participation in the life of the territory and the nation.

Reconciliation Australia has identified five interrelated dimensions of reconciliation: race relations, equality and equity, institutional integrity, historical acceptance and unity. Unity is described as:

... an Australian society that values and recognises Aboriginal and Torres Strait Islander cultures and heritage as a proud part of a shared national identity.

This is what we are aiming for. As we look to the future and continue to work towards unity and reconciliation, we will also continue to celebrate past achievements.

Madam Speaker, 2017 marks 50 years since the 1967 national referendum to allow Aboriginal and Torres Strait Islander people to be counted in the census and to remove reference in the Australian constitution which discriminated against Aboriginal people. This referendum saw the highest national yes vote ever recorded, with 90.77 per cent voting for change.

This year also marks 25 years since the landmark Mabo decision. On 3 June we will commemorate the 1992 decision of the High Court of Australia which declared that terra nullius should not be applied to Australia, legally recognising the prior custodianship of Aboriginal and Torres Strait Islander people and their special relationship with the land. On 11 August 2016 the Legislative Assembly passed a resolution calling on the ACT government to work with the community to establish a Reconciliation Day public holiday in 2018 and mark the 50th anniversary of the 1967 referendum and the 25th anniversary of Mabo with significant community events.

I am pleased to note that officials are working with their commonwealth colleagues on significant community events to mark the important anniversaries this year. I am also

continuing former Minister Bourke's work towards a Reconciliation Day public holiday next year. I will have more to say about this soon but it is something I am keen to get settled, and I commend the previous minister for his commitment to this.

Over recent weeks we have seen a renewal of debate over the date Australians should celebrate our national day, Australia Day. As we all know, many Aboriginal and Torres Strait Islander people consider the date the First Fleet established itself in Sydney Cove as invasion day or survival day. As such, January 26 is not a day of celebration but rather one of sorrow. Many non-Indigenous Australians also find it impossible to celebrate on 26 January, however much they may feel pride in Australia generally, knowing that the first Australians are excluded.

Although it appears to have gained momentum this year, this change of the date debate is not a new one. In 2000 the Council for Aboriginal Reconciliation, in winding up its work and presenting the national strategy to sustain the reconciliation process, urged governments, organisations and communities to promote symbols of reconciliation and stated:

This would include changing the date of Australia Day to a date that includes all Australians.

The Chief Minister recently proposed that we should change the date when we become a republic. I agree that we should be celebrating our own republic day sooner rather than later but maybe we could do things back to front. How about we pick a date that suits us all for a national celebration, move Australia Day to that date and then make sure we become a republic on that date? Unfortunately the commonwealth government does not seem much interested in engaging in this debate. In the case of the Deputy Prime Minister, name calling seems to be more the order of the day. But we in the ACT government believe that it is a discussion the nation should be having.

This brings me to another important national discussion. Australia is the only commonwealth country that does not have a treaty with its Indigenous people. Some jurisdictions are however taking action. In 2016 both the South Australian and Victorian governments announced that they would enter into treaty discussions with the local Aboriginal people. The Northern Territory has also included treaty discussions as a priority for 2017.

Here in the ACT we actively acknowledge and promote the cultural rights of Aboriginal and Torres Strait Islander people. This is reflected in the Aboriginal and Torres Strait Islander agreement of 2015-18 and in the Human Rights Act. A national treaty would recognise Aboriginal people's prior history and prior occupation of the land, as well as the injustices many have endured. It would offer a platform for addressing those injustices and help to establish a path forward based on mutual goals. Next week I will be meeting with a number of my state, territory and federal Labor counterparts to talk about the path forward, and I am keen to hear from them about how their discussions are progressing.

My speech here today focused on the government's role in committing to promoting and acknowledging Aboriginal and Torres Strait Islander people, their

culture and their contribution to Australian society. I look forward to providing the Assembly with further updates as our community continues its journey towards reconciliation and working together to improve equitable outcomes for all its citizens.

I present the following paper:

Aboriginal and Torres Strait Islander Affairs—Ministerial statement,  
14 February 2017.

I move:

That the Assembly take note of the paper.

**MR MILLIGAN** (Yerrabi) (10.51): I will just briefly speak in response to the minister's statement. I welcome the minister's words in recognition of this important year, the 50th anniversary of the national referendum which removed an area of discrimination from the Australian constitution and allowed Aboriginal Australians to be counted in the census, recognising them as citizens of this great country of ours. This continued the movement begun by the Menzies government which amended the commonwealth act to give Indigenous Australians the vote in federal elections in 1962. It was a momentous time in our nation's history, one that lives on in the country today as our governments work together to close the gap in Indigenous disadvantage.

We look forward, with members opposite, to the day when our Indigenous peoples will truly be equal with their non-Indigenous counterparts in education, health and economic outcomes.

Question resolved in the affirmative.

## **Revenue Legislation Amendment Bill 2016 (No 2)**

Debate resumed from 15 December 2016, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MR COE** (Yerrabi—Leader of the Opposition) (10.52): I rise to make a brief statement in support of the Revenue Legislation Amendment Bill 2016 (No 2). At present, stamp duty is due at the exchange of contracts and must be completed prior to the settlement. As anybody who has bought property would know, proof of payment in the form of stamp duty is a necessary prerequisite for settlement to occur.

In contrast, the new model proposed in the legislation we are debating today shifts the payment due date until after settlement occurs. This change will make the process much smoother and remove the need for a paper trail proving that the relevant duty has been paid prior to settlement taking place. As such, the changes present opportunities to do far more online than has happened in the past.

It will also mean that in the event that settlement does not eventuate, the refunding process will not be required as payment would not have been made prior to settlement.

This is particularly relevant for purchases that are made off the plan that may not actually eventuate.

Madam Speaker, the opposition see this change as an important reform and are happy to support its passage today. Much of the detail will follow in regulations and determinations; so the opposition will closely monitor the process. In the event that there are any unintended consequences as a result of this legislation, the Assembly should move quickly to resolve them. The opposition support the bill.

**MR STEEL** (Murrumbidgee) (10.54): Madam Speaker, I rise today to speak in support of the Revenue Legislation Amendment Bill 2016 (No 2) that the Treasurer introduced to the Assembly on 15 December last year. This bill will help to improve housing affordability for people in my electorate and the whole Canberra community. In particular, this bill introduces welcome changes to stamp duty which will improve housing affordability for people buying off the plan, including for young people entering the market for the first time.

When homebuyers purchase property in the ACT they will no longer need to pay stamp duty up-front when contracts are exchanged. The proposed amendment will instead provide that buyers pay the duty when the lease is transferred. For people purchasing an existing dwelling this will provide a short reprieve from stamp duty. But for those who are purchasing a house or apartment off the plan, this will mean a more substantial benefit.

These homebuyers may not have to pay their stamp duty for a period of years. It will occur at the completion of their home when settlement occurs. This will enable people to make their initial deposit and then have the opportunity to save for their final payments. And there are many of these people in my electorate.

The district of Molonglo Valley is thriving. The first residents in Denman Prospect have just moved into their new homes. New apartments and houses are being built as I speak in Wright, Coombs and other parts of the Molonglo Valley, which will only continue to grow into the future. For Canberrans entering the market and looking at building in these suburbs and others across the ACT, the proposed bill will assist in realising their dream of home ownership.

The bill also proposes to make the often difficult and costly process of buying a home much easier for families. As the Chief Minister described, the ACT will transition to a barrier-free model for collecting conveyance duty. The barrier-free model makes paying of stamp duty straight forward by creating just one point of contact through Access Canberra. These amendments will cut unnecessary red tape by simplifying the transaction process.

Access Canberra will collect all the necessary information on behalf of the ACT Revenue Office, reducing the number of government agencies homebuyers have to directly transact with. This will make sure that taxpayers' money is being used more efficiently while making the process of buying a house less time consuming and costly.

The barrier-free system will also make the procedure for claiming concessions and exemptions easier for buyers by providing for claims to be made at the point of registration. The strengths of this bill in the transition to the new barrier-free system will reach the people that need it most, first homebuyers.

This bill builds on the reforms the government is already making to phase out stamp duty and will benefit all Canberrans looking to enter the housing market. Importantly, the bill will benefit young families and couples entering the property market by improving housing affordability throughout the conveyancing process. I commend the bill to the Assembly.

**MS CHEYNE** (Ginninderra) (10.57): I am also pleased to have the opportunity to speak briefly today in support of the Revenue Legislation Amendment Bill 2016 (No 2), a mark of progress in simplifying and streamlining property transactions. The purchase of a property is something many Canberrans aspire to do. However, few of us are well acquainted with the formal conveyancing process, and the transaction to acquire our dream home can become stressful and confusing. It was not so long ago that I was navigating these many steps myself as a first homebuyer in the Belconnen town centre.

Even with the assistance of a legal professional to purchase a property, buyers still have a heavy load of paperwork to complete and payments to wrap their heads around before settlement, such as insurance applications, loan documents, and payment of their deposit and conveyance duty. It is a complicated process.

This bill contains a number of measures to simplify this process. The payment of conveyance duty and lodgement of title documents will be consolidated, exemption categories will be streamlined and nominal fees will be done away with.

Under the current model of conveyancing, the many steps that must be completed to purchase a property are heavily concentrated in the period between the exchange of contracts and settlement date. The need to stick to strict time frames can make the whole process seem pressured and stressful. One of the steps that currently need to be completed before settlement is the payment of conveyance duty.

To pay their conveyance duty, a buyer must lodge their duty documents with the ACT Revenue Office, claim any relevant concessions or exemptions, make payment, and have the contract of sale stamped as proof of payment. All of this must occur before settlement. These documents are then lodged again after settlement with Access Canberra to affect a transfer of title.

The Revenue Legislation Amendment Bill introduces a new system, the barrier-free model. Under the barrier-free model, the buyer does not have to worry about paying conveyance duty until after settlement has been completed and the buyer has acquired title to the property. After settlement, the buyer will lodge their conveyance documents just once, with Access Canberra, and then will have 14 days to pay their duty.

The barrier-free model removes unnecessary pressure on buyers by lightening the workload and financial pressures in the period between the exchange of contracts and settlement. Conveyance documents will now only have to be lodged once and buyers will not have to pay conveyance duty until after they have acquired title in their new property.

Madam Assistant Speaker, this new model will particularly benefit people who are buying a property off the plan because they can pay their deposit and then save up for their conveyance duty while their new home is being built. This will help all homebuyers, and especially first home owners and young families in the Ginninderra community, as it will ease the burden of saving up for a deposit in a growing property market.

In particular, somewhere like the Belconnen town centre has a number of large proposed developments where I expect people will be able to buy off the plan. So the potential impact and reach of these beneficial changes is great.

The bill also consolidates the exemption categories so that it will be easier for buyers to determine whether they are eligible for an exemption. This will create further transparency in a complicated transaction.

Finally, the bill contains a number of other amendments to remove red tape and abolish nominal fees. The bill will remove all fees of \$20 and \$200. The government recognises that these fees, which were originally introduced as a partial cost recovery measure, are no longer justified.

Processing property conveyances is largely done on a digital platform, meaning that the processing of transactions is less intensive and payments are handled electronically. The expenses involved in debt recovery also mean that retrieving small fees is not economical. Removing these nominal fees is a common-sense approach from government.

The Revenue Legislation Amendment Bill 2016 will provide homebuyers with a welcome simplification of the conveyancing process. By introducing the barrier-free model, consolidating exemption categories and doing away with nominal fees, the bill will remove unnecessary pressure and uncertainty during the conveyance process.

**MS LE COUTEUR** (Murrumbidgee) (11.02): The Greens will be supporting this bill in general. We support the reduction of red tape as long as that does not lead to an impact on things that the Greens feel are important, such as the environment or social justice when what is called red tape is sometimes there for a reason.

In this case clearly it is not there for a reason. It is just a hangover of how things were originally done, particularly manually. As the two previous speakers have pointed out, we now have digital processing of stamp duty. All of this can be done a lot more easily. I am very pleased that the government is moving along with the digital world and making things easier both for the people of Canberra and for the people in government who are administering the rules.

Also, housing affordability is a very important issue. It will make a very tiny positive impact on housing affordability; so the Greens are happy to support the bill today.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (11.03), in reply: I thank members from all sides of the chamber for their support of this legislation today. The government is committed, of course, to continuing the ACT's tax reform progress. We want to reform our tax system to make it more efficient and continue to serve Canberrans well.

Our plans are to build a modern tax system that is fit for the times. It goes, of course, beyond our long-term reforms to land tax. The Revenue Legislation Amendment Bill 2016 (No 2), as we have heard, introduces an innovative new way for people to pay stamp duty when they purchase a property in the city.

Like our other tax reforms, this new barrier-free model is an Australian first, Madam Assistant Speaker. It removes the payment of duty from the middle of the property transaction to the end of the process after settlement has occurred. This means that the requirement to pay duty will not contribute to the time it takes to complete a property transfer.

Under the current arrangements, a contract cannot be settled until duty is paid, which usually takes between five and 10 working days. This reform also reduces the number of interactions with government, because the required documents can be lodged with the Land Titles Office as part of the process to register the land title. The Revenue Office does not become involved with the transaction until after the title is lodged for registration at the Land Titles Office after settlement.

The Revenue Office will use the information to issue an assessment without needing to contact the taxpayer twice. Concession eligibility will be assessed at the same time, and this reduces processing times. The barrier-free model delivers many benefits for the community. In addition to cutting red tape and turning transactions around faster, the model also allows for the point of taxation to be postponed to the latest possible date. This gives taxpayers the cash flow benefit of paying at the latest possible opportunity, reducing their borrowing and financial pressures.

This particularly benefits purchasers buying their homes off the plan, who often have a very long time frame between exchange and settlement of contracts. Under the barrier-free model they will not have to pay stamp duty until after they have settled on the property. We know that many of those who buy off the plan are first home owners taking that first important step into the property market. This reform will ease the up-front cost burden of doing so.

I must say at this point, though, that the ultimate way to remove that burden is to abolish stamp duty. The ACT is the only government in this country removing stamp duty from all property transactions. We are doing this in a phased way over a period of 20 years, but we are now more than a quarter of the way through that process.

I note that this removal of stamp duty has been bitterly opposed by our political opponents on the conservative side of this chamber over two elections now. They have run outrageous scare campaigns against the most important and fundamental tax reform being undertaken by any state or territory government in this country in this century.

They have opposed it twice. I am delighted to say that they remain on the opposition benches, and will continue to do so whilst they continue to oppose the most progressive and important tax reform in this country at the state and territory level.

The particular benefits that come for purchasers are outlined in this bill. Changes to conveyance duty are part of a wider transformation of revenue collection. The replacement of the existing revenue collection system makes significant improvements to the way tax is collected and administered. It delivers a better, a faster and a smarter service to ACT taxpayers.

The government allocated \$30 million across three years to the revenue collection transformation project, which is part of our government's digital Canberra action plan. Overall, we are investing \$85 million in a range of digital technology initiatives to improve the government's services to Canberrans.

The bill will commence upon my written notice to align the commencement with the new IT system. The Revenue Office, along with the Land Titles Office, will engage stakeholders to provide plenty of advance notice of the change. Engagement with stakeholders, including conveyance solicitors and banks, to help them understand the new model has already begun and will continue in the months ahead.

This reform can be delivered in the ACT for two reasons. The first is the ACT's land titles database, which centralises details about almost all land in the territory due to the leasehold system of property title. The ACT government is also the only state or territory government that has responsibility for collecting general rates—

*Mr Hanson interjecting—*

**MR BARR:** I see that the former Leader of the Opposition, in his new bearded hipster guise, is following me again, Madam Assistant Speaker. This is a very important reform. What it means is that—

**Mr Hanson:** What else am I following you in?

**MR BARR:** Too many policies; too many policies. The ACT government, as I say, is the only state or territory government that has the responsibility for collecting general rates. This gives the territory a unique and ongoing relationship with all property owners. It provides an avenue for the Revenue Office to verify transfers of property with the new owner after the transaction is finished.

One important element of this bill is the inclusion of conveyance duty as a tax in arrears that is payable with the sale of land for tax in arrears. This means that stamp

duty in arrears can be recovered in the same way as rates, land tax or land rent. This is an important revenue protection measure as the tax will no longer be collected prior to the settlement.

Stamp duty is a tax with a long history. The conveyance process that has developed across Australia assumes the properties are still transacted with physical documents; hence the concept of paying duty on a stamp. Simply moving the conveyance process online would not in itself realise the full benefits of going digital. Overhauling its administration is in line with the government's commitment to improve service delivery and to reduce red tape overall.

This bill makes the payment of conveyance duty simpler; it makes it fairer; and it makes it more efficient. These are the principles that underpin the government's tax reform agenda and have done so since I began the reform process in 2012. It is wonderful to have won two elections on this groundbreaking tax reform agenda and to be here today to see the passage of this other significant reform to the territory's revenue systems. I commend the bill to the Assembly and thank all members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Transport Canberra and City Services Legislation Amendment Bill 2016**

Debate resumed from 15 December 2016, on motion by **Ms Fitzharris**:

That this bill be agreed to in principle.

**MR DOSZPOT** (Kurrajong) (11.12): This bill, the Transport Canberra and City Services Legislation Amendment Bill 2016, proposes two changes to the Domestic Animals Act concerning issues related to dangerous dogs. While I believe that these changes are welcome, and we will be supporting these two clauses, they are just a start to addressing many other aspects of the dangerous dog legislation.

After 16 years in government, this Labor-Green administration has at last listened to Canberrans in the suburbs and has started to address what has been a problem in the management of dangerous dogs, a problem that has dragged on for many long years and about which we have, in the Liberals, received many complaints from the community and which we will be further addressing. The bill also proposes one change to the Public Unleased Land Act, and we understand that this clause will be withdrawn.

Just briefly addressing the proposed changes and amendments to the Domestic Animals Act 2000 and the Domestic Animals Regulation 2001, clause 4 of the bill clarifies the role of the registrar's ability to issue a dangerous dog licence and other registrar matters. While this is an improvement, it highlights what is currently a complex arrangement. The government is proposing a somewhat bandaid approach to fixing the legislation where a complete revision of the section is probably warranted. We will be supporting this amendment.

Clause 5 of the bill enables the person who has been attacked, or an owner of an animal that has been attacked, to review decisions of the registrar. This is a major improvement and returns the balance of treatment of two parties under law. Over the years the inadequacy of the current legislation has been a major concern to the victims of dog attacks. There has been a justifiable perception that the rights of the dog owners have taken precedence over those of the victims. We will support this amendment.

Generally on the dangerous dog issue, I would like to commend the minister for finally addressing this matter. On the other hand, I do not believe that the minister's introduction to this legislation amendment, as a bill that makes minor and technical amendments, recognises the many issues that victims have had to face to get a right of appeal. It has been a long-required amendment that has caused much pain, emotional and financial impost on many in our community. They would not describe these as minor issues.

There is more to do. The Canberra Liberals are talking to the community. We have had dozens of concerned dog owners and victims of dog attacks contact us since this issue has had a heightened profile in the media over recent months. This is a matter that does need more work. We will be supporting clauses 4 and 5 of this bill.

**MS CHEYNE** (Ginninderra) (11.15): I am pleased to speak today in support of the Transport Canberra and City Services Legislation Amendment Bill 2016. This bill will make technical amendments to our dangerous dog licensing regime. Canberra is a wonderful city to keep pets. Anyone who has seen me out and about with my dogs knows that I love taking advantage of our amazing outdoor spaces to keep my whippet and Italian greyhound happy and healthy.

However, dog ownership also comes with the responsibility of properly managing our pets for the safety and amenity of our community and other animals. One aspect of this is the management of dangerous dogs. Some dogs are automatically considered to be dangerous dogs under this regime, such as those dogs that have been trained as guard dogs or dogs that have been determined to be dangerous dogs in other jurisdictions. In other cases, the registrar has discretion to decide whether a dog that has attacked or harassed a person or animal is a dangerous dog. A person must not keep a dangerous dog without a licence.

The Domestic Animals Act prescribes the criteria that the registrar must consider before making a decision to issue a dangerous dog licence. Additional considerations apply if the owner is applying for a licence after their dog has been seized for a

contravention of the act and is subsequently declared to be a dangerous dog. The bill does not change these rules. However, the language and structure of the provisions on seized dogs will be updated to clarify their meaning and operation.

Other amendments to the domestic animals regulations will update which decisions of the registrar are reviewable. In particular, the bill would amend the regulations so that a decision of the registrar to grant a dog licence will be reviewable. Currently only those decisions to refuse a licence can be reviewed.

Madam Assistant Speaker, these changes will provide individuals who have been aggrieved by the conduct of a dangerous dog with an opportunity to apply for a review of the registrar's decision to grant a licence if they consider the licence should not have been granted. The Transport Canberra and City Services Legislation Amendment Bill 2016 makes several important amendments to the Domestic Animals Act and domestic animals regulations. I commend this bill to the Assembly.

**MS LE COUTEUR** (Murrumbidgee) (11.18): The Greens also have concerns about dogs and how we best regulate them. I think, as everyone has said, this is a vexed question. There have been arguments backwards and forwards on both sides, but we are happy to support the proposed increase in appeal rights for victims of dog attacks. It seems a sensible balancing of the rights of all concerned. In general, we want to keep our legislation up to date to deal with issues as they occur in the community such as dog attacks.

I understand that there will soon be an amendment proposed to this legislation talking about omitting the removal of signs element of the legislation. To avoid wasting time, I foreshadow that the Greens are happy to support that omission at this point in time and are very happy to support the rest of the bill going forwards.

**MS FITZHARRIS** (Yerrabi—Minister for Health, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (11.19), in reply: I thank members for their support today. The Transport Canberra and City Services Legislation Amendment Bill 2016 makes minor and technical amendments to several pieces of legislation within the Transport and City Services portfolio. By improving operational efficiency and clarifying minor aspects of policy the bill also delivers on the government's promise to reduce red tape.

Specifically, this bill makes minor and technical amendments to the Domestic Animals Act 2000, the Domestic Animals Regulation 2001 and the Public Unleased Land Act 2013, although I understand we will be omitting the passing of a clause within the Public Unleased Land Act.

Under the Domestic Animals Regulation changes, a new item will be included in the schedule of reviewable decisions in the Domestic Animals Regulation 2000 to make it clear that a person who, or whose animal, has been attacked or harassed by a dog, is able to seek a review through the ACT Civil and Administrative Tribunal of the registrar's decision to issue a dangerous dog licence.

This change will reflect contemporary views that victims of dog attacks should be able to appeal decisions about the declaration of a dangerous dog and its conditions of release. It will improve the administrative efficiency of tribunal matters. The issue of whether the victim of a dog attack can request a review of the registrar's decision to grant a licence to keep a dangerous dog will no longer need to be debated in the tribunal.

In the year to 30 June 2016, the Domestic Animal Services unit investigated 360 dog attacks and seized 124 dogs. Resolving the issue through this regulatory amendment will minimise unnecessary time spent in the tribunal to debate such issues. The proposed amendment will ensure that the concerns of dog attack victims are taken seriously and that the rights of dog owners are not put ahead of community safety. This is in line with the overarching purpose of the domestic animals legislation, to ensure the safety of the public.

The bill also makes small technical amendments to the Domestic Animals Act 2000 to clarify the registrar's ability to issue a dangerous dog licence in a situation where the dog was declared dangerous after it was seized.

Madam Assistant Speaker, just to acknowledge other comments made by those members including, notably, Ms Cheyne, who is well known for walking her two dogs around her electorate of Ginninderra, and also Mr Doszpot's comments, certainly dangerous dogs and the management and responsibility of pet owners in the ACT is high on my list of priorities, as noted in my ministerial statement last year.

There is a substantial piece of work underway on animal welfare policy. Once I have received that and it has been made available for public comment—it has already had considerable input from the Animal Welfare Advisory Council—this work will underpin future work on further regulatory and legislative changes that we need, which will include ensuring that we have responsible pet ownership here in the ACT. That follows on from the changes made last year to legislation which strengthened the ability of the government to pursue animal neglect cases as well.

Certainly the discussion that we had across the chamber when these minor and technical amendments to the Public Unleashed Land Act were first put forward was before the Assembly resolved to have a committee into the 2016 election. I certainly support the move to have these amendments to the Public Unleashed Land Act taken into consideration by that committee.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR COE** (Yerrabi—Leader of the Opposition) (11.23): I move that part 4, clause 7 be omitted.

Amendment agreed to.

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

Bill, as amended, agreed to.

## **Planning, Building and Environment Legislation Amendment Bill 2016 (No 2)**

Debate resumed from 15 December 2016, on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

**MS LAWDER** (Brindabella) (11.24): The opposition will support the Planning, Building and Environment Legislation Amendment Bill 2016 (No 2). This bill is the latest in a series of omnibus bills in the planning, building and environment space and contains minor policy amendments to a number of regulations and pieces of legislation, including the Climate Change and Greenhouse Gas Reduction Act 2010, the Planning and Development Regulation 2008 and the Utilities (Technical Regulation) Act 2014.

The bill also proposes a number of technical and editorial amendments to legislation, including the Environment Protection Act 1997, the Nature Conservation Act 2014, the Nature Conservation Regulation 2015, the Planning and Development Act 2007, the Planning and Development Regulation 2008, and the Utilities (Technical Regulation) Act 2014.

Many of the amendments in this bill are intended to be minor and remove administrative complications, such as removing section 10 of the Climate Change and Greenhouse Gas Reduction Act 2010 because energy efficiency targets are now provided for in the Energy Efficiency (Cost of Living) Improvement Act 2012.

There is also a change to the Planning and Development Regulation 2008 to ensure consultation is required for developments over 7,000 square metres for one or more than one building. Previously these had only needed consultation if a single building over 5,000 square metres was proposed. Under this change community consultation will now be required prior to a development application being lodged.

I foreshadow that on Thursday I will be moving a motion referring a question about minor and technical amendments to the Administration and Procedure Committee. In this instance we are not opposed to this change but it brought to mind instances where changes that come through the PBELABs and SLABs, which are intended to be minor and non-controversial, in some cases have a little more meat on their bones. We will be seeking guidance from the admin and procedures committee as to what principles may be applied to determine which ones are minor and non-controversial. That is coming up on Thursday and, as I said, we are not opposed to this change.

Under the Utilities (Technical Regulation) Act the changes proposed are to the definition of “small or medium scale generation”, and allows for it to be changed in regulation. As a result of this amendment, generators up to 200 kilowatts will not be required to obtain an operating certificate. That is another good change that removes some red tape.

There is a technical amendment to the definition of “reserves” under the Nature Conservation Regulation 2015 as a result of Territory Plan variation 351—west Belconnen urban development—which commenced on 22 July 2016. The definition changes from “special purpose reserve” to “nature reserve” as the majority of the Woodstock and Woodstock West Special Purpose Reserve has become a nature reserve. Previously most was described as a special purpose reserve but now only a small strip of land will be retained as a special purpose reserve.

There is a technical amendment to the Planning and Development Act 2007 to make it clear that if an application to ACAT is withdrawn, dismissed or struck out the DA can proceed. Currently the Planning and Development Act 2007 is silent on this matter. This is another worthwhile amendment.

A technical amendment to the Utilities (Technical Regulation) Act 2014 allows regulated utilities to provide notification of reportable incidents. A dangerous incident, serious damage to a property or the environment, or the death of a person can now be notified by email or a smart form. Previously this was only by telephone within 24 hours after the regulated utility became aware of the incident.

In conclusion, the opposition is pleased to support this amendment bill which makes sensible changes to the planning, building and environment legislation, especially in dealing with increased community consultation. As elected members, we are all aware of the importance of that. This morning we heard, through a petition presented by my colleague Ms Le Couteur, about the concerns of the Curtin community with regard to planning changes there.

I thank the minister for bringing forward these worthwhile changes and I thank the minister’s office for their assistance with providing a briefing and information. We are pleased to support this change today.

**MS ORR** (Yerrabi) (11.30): I rise to speak in support of the Planning, Building and Environment Legislation Amendment Bill 2016 (No 2). I will leave it to Minister Gentleman to talk about the principal amendments in the bill, but I would like to take this opportunity to discuss some of the technical amendments made by this bill to the Nature Conservation Act 2014, the Planning and Development Act 2007 and the Planning and Development Regulation 2008. I will discuss a few of these amendments by way of example. The Assembly should note that the bill makes a number of other technical and editorial amendments that make good practical sense and improve the operation of the territory’s legislation.

The amendment in clause 7 of the bill is to section 100A of the Nature Conservation Act. Section 100A provides for the responsible minister to decide when an action plan

is needed for an applicable species. Clause 7 is an editorial amendment that makes the operation of the provision more clear and removes redundant wording. Clause 7 substitutes the word “and” for the word “or” in section 100A(4)(a).

This has the effect of requiring only one of the elements to be satisfied rather than both before the minister can decide that an action plan is not required for a species. Section 100A(4) will now allow the minister to decide that an action plan is not required if the minister is satisfied that (a) the species does not occur in the ACT or occurs infrequently, or (b) having no plan will not increase the risk of extinction of the species.

The construction of this provision with an “and” instead of an “or” appears to have been a drafting error and produced an unsatisfactory result, as the second element in (b) is redundant if the species does not satisfy subsection (a) by occurring in the ACT. Therefore, the minister may now decide that an action plan is not required if the species does not occur in the ACT or, if it does occur in the ACT, having no plan will not increase the risk of extinction. The amendment in clause 7 of the bill will ensure that action plans are directed to the species most at risk in the ACT and that limited resources are being used in the most effective way.

The next amendment I would like to discuss is made by clause 16 of the bill. It amends the power in section 395B of the Planning and Development Act 2007 in which the Planning and Land Authority can request contact information for lessees from the Commissioner for Revenue. This information is then used by the Planning and Land Authority to be able to notify the public of proposed development activity near to them. This is an important administrative power that assists in planning notification processes and in notifying the current owners of properties of development proposals.

Currently this contact information can be requested no more than once every three months. The amendment changes this to allow for more frequent requests for information, that is, once every month to ensure that the authority has up-to-date contact information for lessees. This will assist the Planning and Land Authority to access more current contact information and notify the current lessee of the properties in the immediate vicinity of the development. It will also enhance the provision of information to the community so they are informed of opportunities to have a say on development in their area.

This is another initiative of the government to ensure that people have the opportunity to engage in the planning process and that the process works for them. This practical measure is consistent with the government’s aim to bring planning back to the people. It is important to note that the Planning and Development Act already expressly provides that the Commissioner for Revenue must release this information when it is asked for by the Planning and Land Authority. While there is a general right to privacy and confidentiality with personal information such as contact details, this right is limited by the power to release the information in the existing section 395B. The amendment does not materially engage the right to privacy by allowing for more regular access to information that is already able to be obtained under the

legislation. In any event, it is a positive and practical measure to keep the community informed.

The Planning and Land Authority must also adhere to the Information Privacy Act 2014, including through implementing its privacy policy, to make sure that personal information is protected from unauthorised disclosure. The Planning and Development Act also contains a number of safeguards around the use and release of personal information.

The final amendments I would like to discuss are made to sections 1.100A and 1.100AB of schedule 1 of the Planning and Development Regulation 2008. These sections relate to matters that are exempt from development approval. They allow the Planning and Land Authority to make an exemption declaration which states that a dwelling or alteration does not stop being an exempt development because of a minor non-compliance with the rules identified in the declaration. Exemption declarations allow some non-compliant developments to remain exempt where the non-compliance is minor and reasonable. For example, the corner of a garage encroaching beyond the building envelope when it has a minor impact may be eligible for an exemption declaration.

The amendment inserts a note into sections 1.100A and 1.100AB to make it clear that an exemption declaration cannot be granted in respect of a rule that is described as mandatory within a development code. This note confirms that exemption declarations cannot be given for mandatory rules because this would make the declaration inconsistent with the Planning and Development Act and the relevant code in the Territory Plan. This amendment does not change the law but makes its operation more immediately clear. The notes inserted by clauses 23 and 24 of the bill seek to remove the confusion that relates to exemption declarations and mandatory rules and provide a clear way forward for how the provisions operate.

Today I have provided three examples of the technical and editorial amendments contained in the bill. These examples are indicative of the other amendments contained in the bill and demonstrate that the changes are appropriate for an omnibus bill and make good practical sense. This bill reflects the government's effective and responsible use of the omnibus bill process to ensure that legislation is accessible to the community, easily understandable and the intent of provisions is clear. I commend the bill to the Assembly.

**MS LE COUTEUR** (Murrumbidgee) (11.36): As previous speakers have said, this bill makes minor positive amendments to the planning, building and environment legislation. Part of it relates to renewable energy, and my colleague Mr Rattenbury will speak to that part of the bill. I will speak briefly about the planning parts and, in particular, the changes in requirements for pre-DA consultation. I am particularly interested in that because I was significantly involved in the original legislation which led to this.

I can definitely say that this is fixing an oversight or an error: no-one really thought the 5,000 square metres could be in a number of different dwellings or different

buildings and therefore would not be covered by it. This is definitely fixing something which would have been written differently had anybody thought about it at the time.

I share the concerns of Ms Lawder that sometimes what is put down as minor is not minor to some people. I think that is very worthy of investigation by the admin and procedures committee, and I wish them well with it. The Greens are happy to support the bill. My colleague Mr Rattenbury will have some more to say on the renewable energy parts of it.

**MR RATTENBURY** (Kurrajong) (11.38): Some of these minor amendments relate to the Climate Change and Sustainability portfolio for which I am responsible. I thank Mr Gentleman for sponsoring this bill as there are some quite worthwhile important amendments in this bill that will make it easier for people to operate solar systems.

The first involves a change to the definition of “small or medium scale generation” in the Utilities (Technical Regulation) Act 2014, or the U(TR) act. This change is given effect to by clauses 25, 27 and 29 of the bill. Overall this change ensures that the U(TR) act is targeted to large commercial-scale energy generators and that smaller commercial generators are not captured by the Utilities Act. This is a deregulation and red tape reduction measure for smaller commercial solar electricity generator owners and ensures there is an appropriate level of regulation in place without the need to also meet the requirements of the Utilities Act, including the requirement to obtain an operating certificate.

Clauses 28 and 29 of the bill create a new regulation that sets the lower limit of regulation at systems generating 200 kilowatts, an increase from the previous lower limit of 30 kilowatts. The upper limit remains the same at 30 megawatts. Smaller generators—30 kilowatts to 200 kilowatts—that are no longer regulated by the Utilities Act are still required to be installed in compliance with the Electricity Safety Act 1971, completed by ACT licensed electricians and have submitted certificates of electrical safety.

The additional requirement for an operating certificate is unnecessary regulation for these generators. All of the risk elements of the work are appropriately covered by the requirements of the electrical safety legislation. In practical terms and putting all of that technical language aside, this is targeted at people who want to put a decent sized system on their warehouse roof, say, and who do not want to be seen as an electricity utility but simply somebody with a reasonably large solar system.

Another minor policy amendment is the removal of the requirement for the minister to set an energy efficiency target under the Climate Change and Greenhouse Gas Reduction Act 2010. The amendment is made by clause 4 of the bill. It is necessary because the energy efficiency target is no longer necessary under the Climate Change and Greenhouse Gas Reduction Act 2010 as energy efficiency improvements are now legislated through the Energy Efficiency (Cost of Living) Improvement Act 2012. I emphasise that this is not a lessening of the government’s commitment to energy efficiency; rather, it recognises the good work done under the Energy Efficiency (Cost of Living) Improvement Act 2012 through the energy efficiency improvement scheme

and removes the duplication of requirements to set energy efficiency targets under two acts.

The final amendment in the Climate Change and Sustainability portfolio relates to reporting of notifiable incidents under the Utilities (Technical Regulation) Act 2014. The amendment is made by clause 26 of the bill and allows for the reporting of notifiable incidents by email as well as the existing method of telephone. This represents a business improvement as regulated utilities can more easily meet their reporting requirements under different pieces of legislation through email communication. The requirement to notify the incident and the time frame to do so remain unchanged, ensuring that the technical regulator will be notified in a timely manner of serious incidents having occurred.

Having outlined those amendments I am pleased to say, as Ms Le Couteur has already indicated, that the Greens support this legislation.

**MR GENTLEMAN** (Brindabella—Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal) (11.41), in reply: I thank members for their contributions and support for the Planning, Building and Environment Legislation Amendment Bill 2016 (No 2). The bill reflects this government's commitment to ensuring that the territory's legislation remains up to date, agile and adaptive to changing circumstances. It demonstrates the government's commitment to best practice administration and taking opportunities to remove unnecessary red tape.

The PBELAB process provides an efficient avenue to make a number of minor amendments to legislation administered by the Environment, Planning and Sustainable Development Directorate. The bill makes minor policy, technical and editorial amendments to acts in the portfolios of planning and land management, the environment and heritage, climate change, and sustainability. As Ms Lawder advised, the bill makes amendments to the Planning and Development Act 2007, the Planning and Development Regulation 2008, the Environment Protection Act 1997, the Nature Conservation Act 2014 and the Nature Conservation Regulation 2015. The bill also amends the Climate Change and Greenhouse Gas Reduction Act 2010 and the Utilities (Technical Regulation) Act 2014.

While the bill contains only minor amendments, today I propose to revisit a number of the more significant amendments contained in the bill which I spoke about when I introduced the bill to the Assembly in December last year. I would like to mention some of the other important elements in the bill.

First, I would like to talk about the red tape reduction measure in the bill. When introducing the bill, I spoke in detail about the amendment to the definition of small or medium scale generation—as Mr Rattenbury has discussed—in the Utilities (Technical Regulation) Act 2014. This definition determines whether a generator is considered to be a regulated utility service and therefore captured by the regulatory regime in the ACT.

Currently, if a generation project produces more than 30 kilowatts, it falls under the definition of a regulated utility service and must comply with the regulatory scheme in the act. This often includes small commercial installations operating from small business rooftops. Specifically, this requires the service to hold an operating certificate, which is granted after the electricity generation project is assessed to ensure that it is operating a safe, reliable and efficient service that has long-term serviceability and functionality.

The amendments contained in clauses 25, 27 and 29 of the bill, as we have heard from Mr Rattenbury, alter the definition of “regulated utility service” so that the regulatory regime of the Utilities (Technical Regulation) Act is appropriately targeted to larger commercial systems generating over 200 kilowatts and less than 30 megawatts. This is done by prescribing the limits in the definition by regulation so they can be altered more easily in the future, to keep pace with technological change and advances made in the electricity generation industry.

This change was made to reduce the regulatory burden and red tape for operators of smaller commercial electricity generators, such as rooftop solar systems on commercial buildings and schools. This regulation is considered unnecessary for installations generating less than 200 kilowatts because they are also regulated by the Electricity Safety Act 1971, which requires the systems to be installed by licensed electricians and checked by an electrical inspector. The community can rest assured that, despite the removal of the unnecessary regulation, appropriate controls remain in place that will ensure that the risk elements of this work are undertaken safely and subject to safety checks.

This amendment will benefit around 30 current operators of rooftop solar systems and demonstrates the government’s commitment to facilitating the generation of clean energy by removing unnecessary regulatory obstacles.

When introducing the bill, I also spoke in detail about the amendment to community consultation requirements in the Planning and Development Act 2007. I would now like to revisit the amendment in clause 19. The Planning and Development Act 2007 requires pre-development application community consultation for certain types of major development. This ensures that the community has the opportunity to be informed about and comment on major development proposals before the development application is lodged and assessed.

The amendment to the Planning and Development Regulation in clause 17—Ms Le Couteur commented on this—prescribes a new category of major development that must undergo pre-DA community consultation. The amendment will require a pre-DA community consultation for developments with multiple buildings with a combined total gross floor area of more than 7,000 square metres. Pre-DA community consultation is currently required if the development proposal includes a building that has a gross floor area larger than 5,000 square metres. A development proposal that includes multiple buildings, each with a gross floor area of less than 5,000 square metres, is not covered in all circumstances, even if the combined area is quite large.

This amendment will impact on a small number of developments each year. However, closing this gap in the legislation ensures that significant developments with multiple buildings totalling over 7,000 square metres are required to engage the community at the earliest stage.

This amendment demonstrates the government's commitment to bring planning back to the people and ensure that the community has a say in how the local area develops. While on paper it has a minor regulatory impact for major developments, I consider this to be mandating what good developers already do and what should really be industry best practice. I see this as an opportunity for developers to garner community support for their proposals and to achieve high quality development outcomes.

The final minor policy amendment that I would like to revisit is made by clause 4 of the bill. This amendment removes section 10 from the Climate Change and Greenhouse Gas Reduction Act 2010. Section 10 requires the responsible minister to set an energy efficiency target. However, since that act was made, a new act, the Energy Efficiency (Cost of Living) Improvement Act 2012, has come into effect. This new energy efficiency act now comprehensively provides for energy efficiency targets and objectives in the territory through the energy efficiency improvement scheme. The energy efficiency act makes the requirement to set an energy efficiency target in section 10 of the Climate Change and Greenhouse Gas Reduction Act 2010 redundant and unnecessary regulatory duplication.

This amendment is not a reduction of the government's energy efficiency and sustainability goals. It does not represent a softening of the government's commitment to deal with the causes of global warming. It is merely the removal of a redundant provision in the interests of ensuring that legislative requirements are located in the most appropriate acts and are not unnecessarily duplicated.

In my introduction speech, I talked about a number of technical amendments contained in the bill. I will not revisit these amendments today other than to say that the technical and editorial amendments contained in the bill are made to improve the legislative drafting and provide greater clarity around the intent and operation of these provisions. My colleague has provided a number of examples of these amendments to demonstrate their usefulness and how they are effective in addressing the goals of this bill, and I want to thank Ms Lawder for her contribution.

In summary, I think it is apparent that this bill has fulfilled its purpose in making minor amendments to ensure that planning, building and environment laws remain effective, up to date and clear in changing circumstances. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## Statute Law Amendment Bill 2016

Debate resumed from 15 December 2016, on motion by **Mr Ramsay**:

That this bill be agreed to in principle.

**MR HANSON** (Murrumbidgee) (11.50): The Canberra Liberals will be supporting this bill. That includes the late amendment, which I will talk to at the end of this speech. As has been noted elsewhere, statute law amendment bills are intended for minor and technical amendments, not for changes in policy or the purpose of a head law. Those changes should be dealt with in stand-alone bills. This is particularly important if there are amendments that are passed without reference to the scrutiny of bills committee. This is a vital part of ensuring that both the purpose of SLAB bills is maintained and that we avoid unintended consequences.

We have been through this bill. For the most part it meets those purposes. I thank the Attorney-General's office for their briefings on this bill. At that meeting we discussed the issue of making sure that we did not avoid scrutiny or have late notice amendments where this was possible. I look forward to making sure that happens. Certainly, the indication from the Attorney-General's staff is that they will endeavour to do that.

This SLAB is broken into three schedules: minor amendments, structural amendments and technical amendments. I will go through each in turn, starting with the minor amendments. The Annual Reports (Government Agencies) Act 2004 is amended to provide that territory instrumentalities and certain other bodies must prepare annual reports in the same way as other agencies. This was an unforeseen outcome from a consequential amendment to the Public Sector Management Amendment Act 2016. We are well aware of the importance of reporting requirements and support the amendment.

The Financial Management Act 1996 is amended in schedule 1 to replace references to "generally accepted accounting principles" with "accounting standards". That is a clear example of updating legislation. We support that.

Amendments are made to the Lifetime Care and Support (Catastrophic Injuries) Act 2014 to include the Nominal Defendant in the list of entities with whom the commissioner may exchange information about the treatment and care needs of a person utilising the act.

The Public Sector Management Act 1994 is amended to allow a returning LAMS officer to ask for a determination of the officer's classification and salary on returning to the public service. Given how long some staff can serve in this Assembly, this is an amendment that we support.

Turning now to the structural amendments, schedule 2 makes several changes. For example, it amends legislation to omit redundant definitions. Similarly, the dictionary is also amended by omitting the definition of "CrimTrac" and inserting a new

definition of “Australian Criminal Intelligence Commission” which is the name of the new entity created following the merger of the Australian Crime Commission and CrimTrac on 1 July last year.

Schedule 3 contains minor or technical amendments. These are usually initiated by the Parliamentary Counsel’s Office. These amendments include corrections, updating language and so on. These amendments in this bill appear to conform to the intent of the SLAB. They are only minor, technical and non-controversial in nature.

I turn to the late notice amendment. On 7 February, notice of an amendment was received as well as a request to dispense with standing order 182A. The proposed amendment is in response to the case of an adopted person seeking to repeal an adoption order and seeking to formally recognise his relationship with his biological father.

This was unable to be done due to an apparent oversight of drafting resulting in an unintended consequence. This was reported pretty widely, including in the *Canberra Times* on 9 December last year. On initial consultation, we understand that the government undertook to review the case, consult with the established review on adoption law and to present recommendations.

However, after investigation, the A-G’s office advised that such an investigation was not necessary as it had established that it was, in fact, an error. It was never intended to operate as had transpired. This amendment fixes this error. We support the amendment but note that late notice amendments, unless there is a time imperative, may not receive the opposition’s support in the future.

That said, we support the bill. I thank the stakeholders. We consulted with various stakeholders on this legislation. I again thank the minister’s staff for the briefing, and also my senior adviser, Ian Hagan, who again has done all this and tied it all together.

**MR RATTENBURY** (Kurrajong) (11.56): The Greens support this bill and the minor and technical amendments it introduces to the ACT’s statute books. Primarily these are minor updates and corrections. I do not believe there is anything problematic in the legislation the attorney has spoken about in introduction. Mr Hanson has made a few comments. I have nothing further to add.

What I can say is that we will also agree with the suspension of standing orders to introduce the minor amendment to correct the issue with the Adoption Act, which was identified by now-Justice Mossop. This error was an unintentional outcome from a previous minor change. It is appropriate now it is identified that it is corrected as soon as possible.

I agree with Mr Hanson that the time frame is not the usual ideal process. But it is important to correct this error and I appreciate the fact that the attorney has briefed people in advance of this. We are comfortable with the change and will be happy to support it today.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (11.57), in reply: The Statute Law Amendment Bill 2016 carries on the technical amendments program that continues to develop a simpler, more coherent and accessible statute book for the territory through minor legislation changes. It is an efficient mechanism to take care of non-controversial, minor and technical amendments to a range of territory legislation and conserving the resources that would otherwise be needed if the amendments were dealt with individually.

Each individual amendment is minor, but when viewed collectively they are a significant contribution to improving the operation of the affected legislation and the statute book generally. I thank the opposition and the Greens for their support in this matter.

Briefly, the Annual Reports (Government Agencies) Act 2004 was amended consequentially by the Public Sector Management Amendment Act 2016. Following the amendments, the term “public authority” was replaced with “public sector body” and located in the Legislation Act 2001. However, the term did not include territory instrumentalities or declared bodies. As there was no intention to reduce the reporting requirements for these entities, the Annual Reports (Government Agencies) Act is amended to reinstate the reporting requirements for territory instrumentalities and declared bodies.

The Financial Management Act 1996 is amended in schedule 1 to replace references to the term “generally accepted accounting principles” with “accounting standards”. The current definition of generally accepted accounting principles is omitted from the dictionary because it is potentially unclear and a new definition of accounting standards is inserted instead.

The new definition is based on the definition of accounting standards in the commonwealth Public Governance, Performance and Accountability Act 2013, section 8, and is generally consistent with the definition of that term in equivalent legislation in other Australian jurisdictions.

The Lifetime Care and Support (Catastrophic Injuries) Act 2014, section 94(1), is amended to include the Nominal Defendant in the list of entities with whom the Lifetime Care and Support Commissioner may exchange information about the treatment and care needs of a participant in the lifetime care and support scheme under the act.

Other entities with whom the commissioner may exchange information include a licensed insurer under the Road Transport (Third-Party Insurance) Act 2008, a workers compensation insurer and the default insurance fund under the Workers Compensation Act 1951, a hospital where the participant is receiving treatment and care for the participant’s injury, the New South Wales Lifetime Care and Support Authority and the Compulsory Third Party insurance Regulator.

The Nominal Defendant deals with compulsory third-party claims in which the person at fault in a motor accident is uninsured or not identified, or if an unregistered vehicle permit is in force for the motor vehicle involved in the motor accident.

Under section 16 of the Lifetime Care and Support (Catastrophic Injuries) Act, both the Nominal Defendant and the licensed insurer may lodge an application for an injured person. Therefore, the need for the Lifetime Care and Support Commissioner to exchange information with the Nominal Defendant about a participant's treatment and care needs is the same as the need to exchange information with licensed insurers.

Although the commissioner may under section 94(1)(g) approve the Nominal Defendant as a person with whom information may be exchanged, for reasons of transparency and clarity for all parties who may be involved in an application, section 94(1) is amended to include the Nominal Defendant. The dictionary definition of LTCS scheme is amended to include people who have suffered a catastrophic injury arising out of or in the course of their employment.

This is consequential on an amendment to section 7 by the Lifetime Care and Support (Catastrophic Injuries) Amendment Act 2016 to extend the indemnity insurance scheme provided by the act to people who have suffered a catastrophic injury arising out of or in the course of their employment.

Schedule 1 also contains amendments to the Public Sector Management Act 1994 or the PSMA. The PSMA is amended to include provisions to the same effect as certain provisions that were omitted by amendments under the Public Sector Management Amendment Act 2016, or the PSM amendment act.

Firstly, under the Legislative Assembly (Members of Staff) Act 1989, as in force immediately before the commencement of the PSM amendment act, a returning LAMS officer could ask for a determination of the officer's classification and salary on returning to the public service.

A returning LAMS officer is an officer who, while an officer, was employed under the Legislative Assembly (Members of Staff) Act 1989 and has returned, or will return, to work in the public service. A new section 65A is added in the PSMA to allow a returning LAMS officer to ask for a determination of the officer's classification and salary on returning to the public service.

Secondly, the PSMA, section 152, gives statutory office holders and chief executive officers who employ staff under the PSMA certain management powers of the head of service under the PSMA. The definition of management provision in section 152(4) of the PSMA is amended to include a reference to part 4 of the PSMA to give these employers the head of service's power to employ executives under the PSMA.

Similarly, under the PSMA, as in force immediately before the commencement of the PSM amendment act, Calvary Health Care ACT Ltd was able to exercise certain powers of the head of service in relation to staff employed under the PSMA to work in the Calvary Public Hospital. The new division 8.3 gives Calvary Health Care

ACT Ltd certain management powers of the head of service under the PSMA in relation to public hospital staff.

The bill, schedule 2, amends the Legislation Act 2001 by omitting a redundant definition. The Legislation Act, dictionary part 1, is also amended by omitting the definition of “CrimTrac” and inserting a new definition of “Australian Criminal Intelligence Commission”.

A minor amendment is also made to the Legislation Act, section 38, to update language by omitting unnecessary words in line with current drafting practice. Finally, schedule 3 contains technical amendments of legislation that include correcting minor errors, updating language, improving syntax and omitting redundant provisions. In particular, various pieces of legislation are amended to reflect the change of entity from CrimTrac to the Australian Criminal Intelligence Commission.

As noted by Mr Hanson, amendments in schedules 2 and 3 are initiated by the Parliamentary Counsel’s Office. I would like to notify members that I have written to the Leader of the Opposition to advise of my intention to move an additional technical amendment at the detail stage of the debate. I will provide more information about that at the detail stage.

I would like to express my appreciation for members’ support for the technical amendments program. This program is another example of the territory striving for the best and leading the way with a modern, high quality, up-to-date and easily accessible statute book. 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 RAMSAY** (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (12.05): I seek leave to move an amendment to this bill that was not circulated in accordance with standing order 178A. Pursuant to standing order 182A(b), I seek leave to move an amendment to the bill that is minor and technical in nature.

Leave granted.

**MR RAMSAY**: I move amendment No 1 circulated in my name [*see schedule 1 at page 431*]. I table a supplementary explanatory statement.

The objective of the Statute Law Amendment Bill 2016 is to continue to enhance the ACT’s statute book to ensure that it is of the highest standard. The bill does this by omitting acts and regulations for statute law revision purposes only. The amendment

that I move today repairs a technical oversight from 2008 but it provides a very real and tangible benefit to the community today.

This past December an ACT Supreme Court case illustrated a problem. The case was about a person who, having been adopted in Australia, reconnected with his biological father in Germany. He applied to a German court to have the relationship formally recognised.

However, the German court stated that it would not recognise the relationship until the Australian adoption order was discharged. The ACT Supreme Court ruled that technical amendments of the Adoption Act 1993 that were made in 2008 had inadvertently removed the court's power to discharge an adoption order made under the circumstances of this particular case.

The then Associate Justice Mossop adjourned the matter and invited the government to amend the legislation promptly. That is the purpose of this amendment today. The amendment shows that the government is listening and will respond quickly to the needs of the community. Amending this legislation in the form of the amendment tabled is the quickest and most efficient way to respond.

Amendment agreed to.

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

Bill, as amended, agreed to.

## **Justice and Community Safety Legislation Amendment Bill 2016 (No 3)**

Debate resumed from 15 December 2016, on motion by **Mr Ramsay**:

That this bill be agreed to in principle.

**MR HANSON** (Murrumbidgee) (12.08): The Canberra Liberals will be supporting this bill, including the late amendments. Like the SLAB we have just gone through, the intent of this bill is to be an omnibus bill with minor or technical amendments. However, like the SLAB we also are going to be dealing with a late-notice amendment that has not been submitted in accordance with standing orders, but we will support that amendment. I will speak to that later.

It makes a number of changes to the legislation. Just going through a number of the more prominent, in regard to the Civil Unions Act 2012 we have recognised an interstate relationship as a civil union under territory law. This new section includes the requirements that the corresponding law must meet in order for the relationship to be recognised under the Civil Unions Act. These requirements are the same requirements imposed on civil unions entered into within the territory. We supported the intent of this bill last year; so we will support this, which is a bit of a tidy-up.

It makes amendments to the Coroners Act 1997 which provide that if a coroner reports to the Attorney-General in relation to an inquest or inquiry into a fire or disaster the coroner must also give a copy of the report to the responsible minister. If an issue of public safety is raised, then the responsible minister must also table a response to the report in the Assembly.

Importantly, the amendments also give the responsible minister the discretion to remove sensitive personal information that is likely to identify the deceased, after considering the concerns of the immediate family. In all cases the responsible minister's decision to remove the information must be made in the context of public interest. As this amendment has been through scrutiny and has been in the public arena for several weeks, we support this amendment. It looks reasonable and sensible.

The bill also makes amendments to the Guardianship and Management of Property Act 1991, including amendments to the act that allow the ACAT to suspend an enduring power of attorney instead of revoking it entirely. This amendment recognises it is not always appropriate to revoke an enduring power of attorney in its entirety, for example when the ACAT exercises its power to temporarily appoint the Public Trustee and Guardian under an emergency order.

With regard to the Human Rights Act 2004 and the Human Rights Commission Act 2005, there are amendments that remove some references to the Attorney-General and replace them with "Minister". However, some sections remain with references to the Attorney-General as the first law officer of the territory. These amendments appear technical.

In regard to the Juries Act 1967, this amendment allows airline operating staff to claim an exemption from jury duties, which was formerly available under the repealed air navigation regulations.

Amendments to the Tenancies Act 1997 allow the applicant for a protection order to apply to the ACAT for an order to terminate their residential tenancy agreement with the respondent named in the protection order, and this is part of the process of assisting people with protection orders.

The amendment to the Terrorism (Extraordinary Temporary Powers) Act 2006 is consequential to the Human Rights Act and the Human Rights Commission Act to replace "Attorney-General" with "Minister" in the terrorism act.

As I mentioned, there is an amendment to this bill that we got on 2 February, along with a request to dispense with standing order 182A, scrutiny. Again, at the same briefing I had with the Attorney-General's office, it was advised that this is a technical amendment from PCO, and essentially it is as simple as adding the word "or" to clarify that there is a singular requirement that needs to be met—"something or something or something" as opposed to meeting the three requirements. In essence, it was a drafting error from some time ago. We will support that, noting its late notice.

Again I thank the staff in the department who have picked up these requirements to change the legislation, and I thank the minister's staff as well as my own staff for their work in preparing this bill.

**MS CHEYNE** (Ginninderra) (12.13): I welcome the opportunity to speak today in support of the Justice and Community Safety Legislation Amendment Bill 2016 (No 3). The bill contains a number of important amendments that reflect the ACT as a progressive and sensitive community.

Today I would like to focus in particular on those aspects of the bill that amend the Coroners Act 1997 to better protect the privacy of ACT citizens. The amendments to the Coroners Act 1997 seek to ensure that parliamentary processes do not unnecessarily exacerbate the pain caused to families and friends in circumstances where the death of their loved one is investigated by the coroner.

Coroners' reports serve an important role in the community. The coroner must investigate the manner and cause of death of persons who died or who are suspected to have died in circumstances that are specified in the Coroners Act. Some examples are deaths that are violent, suspicious, caused by accident or related to that person having undergone an operation or procedure. As I am sure members can appreciate, any death in such circumstances is likely to be a painful and emotional experience for the family and friends affected.

In some circumstances a coroner's report will be tabled in the Legislative Assembly, and this should occur where the report raises matters of serious risk to public safety. This is an important process as it ensures that issues of public safety are on the public record, and so is the government's response to the coroner's recommendations. However, when a coroner's report is tabled in the Assembly, it increases the likelihood that the contents of that report will subsequently be captured by the media.

Coroners' reports can sometimes be published some time after the death that is being investigated occurred and, by their nature, often contain tragic and confronting information. Media attention can reopen old wounds and be distressing for family. Unnecessary publication of this material should be avoided wherever possible.

I am pleased that the amendments seek to minimise the potential impact that the tabling of coroners' reports can have on individuals in two ways. Firstly, the amendments clarify that the minister only needs to table a coroner's report if the report contains findings about any serious risk to public safety. Section 57 of the act is fundamentally about public safety. If there are no public safety issues there is no reason to table a report in the Legislative Assembly. With these amendments, the tabling of reports will be a matter of public safety and not of sharing private circumstances.

Secondly, the amendments grant the minister discretion to protect an individual's identity and personal information where it is appropriate to do so. In exercising this discretion, the minister is to have regard to the interests of the members of the

immediate family of the deceased person, the risk to public safety and whether or not it is in the public interest to de-identify the report.

Keeping in mind the public importance of coronial reports, redacting reports will not be the starting point for the minister. However, these amendments recognise the need for discretion, which can be exercised according to the circumstances of each case. Where it is appropriate to do so, de-identifying a coroner's report will help protect families from unwanted media scrutiny while ensuring that issues of public safety are still placed before this Assembly for the government's consideration and response.

The tabling of coroners' reports in the Legislative Assembly is important for public accountability in circumstances where the government should be made aware of and respond to serious risks of public safety. However, we should not lose sight of the potential impact the tabling of coroners' reports may have on members of our community. Clarifying the circumstances in which coroners' reports should be tabled will minimise unnecessary tabling of these reports.

It is also appropriate that we should provide the minister with the discretion to de-identify reports where it is appropriate to do so. These are important changes that will assist members of our community who are enduring tragic circumstances, and I commend the bill to the Assembly.

**MR STEEL** (Murrumbidgee) (12.18): I am very pleased to speak today in support of the Justice and Community Safety Legislation Amendment Bill 2016 (No. 3). I want to particularly focus on part 1.1 of the bill regarding recognition of civil unions under corresponding laws. The amendment to section 27 of the Civil Unions Act 2012 will recognise international same-sex and other-sex relationships in the ACT. This is another historic step by the Labor government to legally recognise and value the relationships of same-sex partnerships.

This amendment means that couples who enter into same-sex marriages will automatically be registered in the ACT. The law currently provides for automatic recognition of heterosexual couples who enter into marriages at the federal level. This has not extended to same-sex couples, and this amendment will provide them with recognition under our civil union laws. It also provides all people in a formally recognised relationship overseas, like a civil union, with recognition as a civil union here in the ACT.

This amendment is similar to recent changes made by the Victorian government, which has also introduced broad, automatic recognition. This amendment will, at least, ensure some recognition of marriages here in the ACT, be they civil unions. This is important to remove red tape for couples seeking recognition so that they do not have to enter into a separate partnership; and, by doing so, it also ensures that from a legal standpoint all couples are recognised as being in a legally binding union. For too long we have heard the heartbreaking difficulties that same-sex and other couples face in being recognised, whether it is as their partner's next of kin or otherwise. This can have very significant financial and emotional implications. So this change has a very pragmatic side to it because registration for a civil union may provide access to things such as health information in an emergency.

I know that many people in the LGBTIQ community feel that civil unions remain second-class recognition by our society of their commitment to each other. Marriage equality can only take place by changing the commonwealth Marriage Act, but until the time arrives when Australia ends marriage discrimination, many Australian couples are taking the opportunity to travel to other countries where their parliaments have enacted marriage equality and where the gender of those making their vows makes no difference.

Couples should not be forced into the terrible and yet joyous choice to be married overseas because they cannot get married in Australia. I can only imagine the mixed feelings about their country that these couples must have as they embark. On the one hand we have a very supportive population on this issue but on the other hand the federal legislators continue to collectively refuse to recognise in our federal law their love and commitment. But while we wait and advocate for marriage equality this bill will support ACT residents who have chosen to travel overseas to get married and it will also support the many same-sex couples from overseas who are recognised in their own countries but who have travelled to the ACT.

While this bill is a step forward to achieving improved equality for LGBTIQ people it is far from ideal. Despite these welcome changes, this bill does not and cannot provide for true marriage equality. The ACT Labor government is committed to continue to advocate and ensure equality before the law. We must continue to advocate for marriage equality through the commonwealth Marriage Act. It is about acknowledging that love and commitment between a man and another man or a woman and another woman should be recognised and respected through the symbolic and legal contract of marriage, and members of this place will have another opportunity to make their voice heard and known on this issue tomorrow.

I hope that we reach a time soon when we all can choose to get married here in the ACT regardless of who we are or our sexuality. We continue to fight for marriage in Australia but until that time our legislature can ensure that automatic recognition of marriages overseas can occur through our civil union laws. This bill introduced by Mr Ramsay is pragmatic. It provides recognition and protection to those who are recognised overseas as married.

This bill also demonstrates the ACT's ongoing commitment to an inclusive and progressive society that ends discrimination in all of the ACT's laws. I commend this bill to the Assembly.

**MS LE COUTEUR** (Murrumbidgee) (12.23): I am delighted and proud on behalf of the ACT Greens to speak in support of the Justice and Community Safety Legislation Amendment Bill. In particular I want to speak in relation to the amendments that allow couples in same-sex relationships who have married in jurisdictions where it is legal to be married to have their marriages recognised under our Civil Unions Act. The Greens have always believed that lesbian, gay, bisexual, transsexual, intersex and queer people should be treated equally under our laws and by our community. We have been the only party consistently resolute in standing up for marriage equality—no ifs and no buts.

All of us deserve to be recognised equally, and the love of two people regardless of their gender deserves to be respected and celebrated regardless of what the two people's sexuality is. I was recently married. I recognise that people really may want to get married. I of course did not have the challenge of trying to work out whether my marriage would be recognised. There was automatic, legal acceptance of our union and I did not have to worry about whether my relationship would be respected and honoured for what it was: a union of two people who love each other and have committed to live their lives together.

The Greens believe that freedom of sexual orientation and gender identity are fundamental human rights. We understand that acceptance, celebration and representation of diversity are essential for genuine social justice and equality and we believe in a Canberra that recognises and celebrates diversity.

When you think about it, this amendment is really a straightforward law expressing something which should be clear already and I think is clear already to this Assembly. It simply says that love is love and that a public and formal commitment of love is something that cannot and should not be restrained.

It was 20 years ago that former Greens leader Bob Brown became the first openly gay member of the parliament of Australia. In 1997 the Greens leader in Tasmania, Christine Milne, achieved reform to decriminalise homosexuality in Tasmania. Greens senators such as Kerry Nettle and Sarah Hanson-Young and MP Adam Bandt have worked tirelessly to introduce legislation in the federal parliament to try to achieve marriage equality.

The Australian Greens have consistently supported same-sex marriage and have sought to legislate in support of this position in both the 42nd and 43rd parliaments, and continue, of course, to do so today. The Greens led the vote against the plebiscite that the federal Liberal government was so keen to have and we have led attempts at reform in the state and territory parliaments around the country.

Canberra is a vibrant, diverse and progressive community. We were the first place in the country to end marriage discrimination under the law. It is shameful that our same-sex marriage act was found unlawful and that the 31 marriages that occurred in that very small window were all annulled—and one of my staff was one of the people involved in this, so this is a matter particularly dear to my heart—but at least we do have the Civil Unions Act, which allows couples of any gender to register their relationship. That is at least one positive thing that the ACT has been allowed to do.

While this amendment opens up the opportunity for more members of our community to have their relationships formally recognised it is still not marriage. It is good but it is not good enough. It is as progressive as we can be in the territory but it is not progressive enough when right around the world marriage equality is becoming a reality for LGBTIQ couples.

Nationally, we have an exciting opportunity to put marriage equality in place. But of course we need to work together. With the support of the majority of Australians, the

time, I believe, is right for marriage equality. The community understands it is just an issue of basic fairness. Marriage equality is an important step towards reducing the discrimination faced by lesbian, gay, bisexual, transgender, intersex Australians in same-sex relationships and, importantly, their families.

If the Assembly votes for marriage equality Australia will join countries like New Zealand, Ireland, Canada, Spain, Sweden and South Africa in recognising same-sex marriage. The Greens have listened to the community right from the start and we have acted. We are the only party that has voted for equality—every bill, every time.

Disappointingly, prejudice still exists within our homes, our schools, universities and workplaces. LGBTI youth suffer disproportionately from mental illness and are at risk from suicide and self-harm.

**Mr Hanson:** Madam Speaker, on a point of order of relevance, the legislation is specifically aimed at civil unions legislation in the ACT. We have a broad lecture from Ms Le Couteur on—no?

**MADAM SPEAKER:** There is no point of order. Mr Hanson, there is no point of order. Can you resume your seat. Ms Le Couteur, can you continue.

**MS LE COUTEUR:** Thank you Madam Speaker. As I said, LGBTI youth suffer disproportionately from mental illness and are at risk of suicide and self-harm. The current discussions about exemptions for religious and other organisations are just another form of exclusion and discrimination that will exacerbate the negative experiences that so many LGBTI people experience each day, and if Mr Hanson does not see why equal marriage is relevant to the issues that young people, that young LGBTI youth, are suffering from I guess it just illustrates why equal marriage is so important. People need to be accepted for what they are.

While this amendment is a step in the right direction, until we have marriage equality included in the commonwealth Marriage Act, prejudice and exclusion will still exist. We need strong leadership at a national level and the Greens will not stop fighting until we all have equality. The Greens stand up for genuine equality laws to stop religious schools, hospitals and homeless shelters turning away people or firing them because of their sexuality or gender identity. We will keep LGBTI issues on the agenda as part of creating an equal and inclusive society because we believe that when our community embraces all of our community, which includes, of course, diversity, and celebrates our differences as well as our commonality all of us benefit for a better society.

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

**Sitting suspended from 12.31 to 2.30 pm.**

## **Questions without notice**

### **ACT Health—reporting accuracy**

**MR COE:** Madam Speaker, my question is to the Minister for Health. Minister, is the data contained in the 2015-16 annual report for the Health Directorate accurate?

**MS FITZHARRIS:** I thank Mr Coe for his question. As I said in my statement this morning, this is a serious issue that I take very seriously. I have asked for a system-wide review of all processes to do with ACT Health data and reporting. I will not only have the certainty after this process is finished that all health data can be verified and are accurate in the future but we will also be undertaking a process to look at 2015-16 data. With the assurance processes that were provided to the directorate in November last year, which also informed the processes of assurance support in the 2015-16 annual report, and as this process takes place, the annual report will be verified. I look forward to further questions in the annual report hearings next month.

**MR COE:** Minister, at the time of tabling the annual report, were you confident about the data it contained?

**MS FITZHARRIS:** Yes, I was.

**MRS DUNNE:** Why did you not explain to the Assembly, given your admissions today, that there were problems contained in the annual report data?

**MS FITZHARRIS:** As I stated in my previous answer, at the time of tabling I did have assurances on the data provided in the 2015-16 annual report. On my return from leave last Monday I was made further aware of further issues in health data within ACT Health and have subsequently spent the last week in discussions with my directorate and providing them direction on the system-wide review which I have announced today.

### **Budget—update**

**MR PETTERSSON:** Chief Minister, can you inform the Assembly of how the government is getting on with the job of delivering its election commitments through last week's budget update?

**MR BARR:** I thank Mr Pettersson for the question and for his support, and indeed that of all of my colleagues, in the delivery of our election commitments. Last week's budget update demonstrated that we are getting on with the job of implementing those commitments that we took to the October election.

We are already getting stage 2 of light rail underway by delivering the funding to start scoping and design works. Over the course of the parliamentary term that work will progress. Whilst we will still be at a point in a few years' time to enter into the contractual arrangements of stage 2 of light rail, there still exists an opportunity for those opposite to have a third crack at running a negative campaign against public

transport provision in the city. We certainly look forward to them continuing their negative approach to this important infrastructure project for the territory.

*Opposition members interjecting—*

**MR BARR:** I am hearing some interjections. There might be a change of heart, having lost two elections now on light rail. We are hearing a little that maybe the Leader of the Opposition's position of outright opposition to light rail might be beginning to soften, but the interjections continue. Perhaps we can be confident that the Liberal Party will continue their outright opposition to public transport investment in the city.

The budget update also delivers on a number of other government commitments: commencing consultation on the new ice sports facility, boosting our city's events calendar, a strong arts funding package, and giving seniors and concession card holders access to free off peak public transport. We continue to focus on sound fiscal management of the territory's finances, and I note the significant \$85 million improvement in the territory's budget position as outlined in the update.

**MR PETTERSSON:** How is the territory's economy performing?

**MR BARR:** The budget update indicates very strong economic performance for the territory, in spite of quite an array of headwinds that we have been facing, particularly some fairly poor decisions coming from the federal Liberal government. But across the forward estimates we have maintained our clear path to return the budget to balance. We do not see a budget surplus as an end in itself—

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, please let the Chief Minister continue.

**MR BARR:** It is called 'enough rope', Madam Speaker: give these guys enough rope and they might just lose a sixth election in a row, because we have a series of former leaders, wannabe leaders, across the chamber there. Over an extended period—the adult life of many of my colleagues, in fact—we have seen you guys consistently take the wrong position on economic matters and consistently take the wrong position on major infrastructure projects for this city. Long may that continue, because on this side of the chamber we will put the jobs of Canberrans first, we will put economic growth first and we will put simple, fair and efficient taxation reform at the forefront of our economic agenda in order to ensure that we have the lowest unemployment rate that we possibly can have, that our economy triples in growth, which it has done over the past three years, and that we continue to see Canberra more nationally and internationally focused. The benefits of that are seen in terms of economic growth, low unemployment, rising business confidence, strong retail sales and significant construction activity. The ACT's economy is performing very strongly.

**MS CODY:** What has the government already achieved towards its election commitments and priorities in the first 100 days since the 2016 election?

**MR BARR:** I thank Ms Cody for the question. We went to the last election with a very clear vision for the city's future and we took a progressive policy and platform across infrastructure, health, education and community service. That was a big policy agenda, almost big enough for two parties. Whilst those opposite had very little to say positively—

*Opposition members interjecting—*

**MR BARR:** and continue today in the Muppet gallery interjections that we see to this answer. They continue their negative approach to politics in this territory. Infrastructure was a clear priority for the government at the last election. Inside the first 100 days of this term we have kick started work on stage 2 of light rail. Major construction works are underway on stage 1.

Health will always be a priority for the government. That is why we have provided additional funding to combat obesity, to assist people with spinal injuries and to increase organ donation rates. We will progress major school infrastructure upgrades over the summer holiday period and we maintain our steadfast support for the safe schools program.

On environment, on social inclusion, on the arts and on urban renewal a wide range of programs and projects is already underway. The government will continue to deliver its agenda during this parliamentary term. It was a positive agenda that we took to the people and we received overwhelming support for it. We will implement that agenda over the next four years.

I anticipate that it will be opposed by the conservatives, the Australian conservative movement that misrepresents itself under the guise of the Liberal Party in this territory, the mini Bernardis over here. You will be opposing us all the way. That is a good thing because it will allow the progressive voice of this city to be heard loudly over the noisy conservative rabble that is this long-term party of opposition. This long-term party of opposition, of negativity, is a party that has nothing positive to offer this community. (*Time expired.*)

### **Planning—Curtin master plan**

**MS LE COUTEUR:** My question is to the Minister for Planning and Land Management and relates to the Curtin master plan. In light of the petition with almost 2,000 signatures tabled this morning, can the minister assure the Curtin community that the government will ensure that the building approved will be consistent with the height limits shown in the draft Curtin master plan, and that these height limits will be continued in the final master plan?

**MR GENTLEMAN:** I thank Ms Le Couteur for her question. It is very important, as we go forward in planning for the territory, to ensure that we have all of the community's views in place when we are doing these important pieces of work. Master planning, of course, is a very important planning process across the territory, and we have seen some fantastic, successful results from master planning as well.

It is important that we look at opportunities for master planning in some of the older areas where residents have asked for some renewal. Curtin is a really good example, I think. We are going through that master planning process now. It began some time ago, in early 2015. The second round of community engagement on the master plan concluded early last year.

Some of the key messages from the community engagement indicated that there was strong community support for the recommendations within that draft master plan. There was also a range of community concerns raised about parking, building height, bulk and scale of development—close to that central courtyard as well. It is important that we take on board the representations this morning from the community regarding their views on whether developments fit within the master planning process. Of course, it still is a draft master plan, so it is yet to be concluded.

In regard to the development application, I can assure members of the Assembly that the independent authority will take into consideration whether or not the development application fits into the current rules and requirements of the territory plan. It is important that during the process of a development application, while the master plan process is occurring, the directorate works with property owners to prepare the right material that could go back to the community for another round of consultation on the master planning process. In the meantime, as we have heard, the owner at 44 Curtin Place has lodged that application now. (*Time expired.*)

**MS LE COUTEUR:** Can the minister assure the community that if the owners of section 62 block 7 carry out their threat to close the shops if they do not get their way, the government will use compliance actions and any other options to ensure that residents continue to have a shopping centre?

**MR GENTLEMAN:** I thank Ms Le Couteur for the supplementary question. It is important, of course, that we provide these sorts of conveniences for the residents of Curtin and other areas as well. Within that context, of course, there is a decision yet to be made by the independent authority, and it is important that we do have that independent authority to make a decision on that case.

In regard to earlier comments about what the proponent intends to do if they do not get approval or if they do get approval, it would be, I think, improper for me to make comments in that regard whilst it is going through that development application process.

### **ACT Health—reporting accuracy**

**MRS DUNNE:** My question is to the Minister for Health. Minister, when were you first advised about the current data problems with the Health Directorate data?

**MS FITZHARRIS:** I thank Mrs Dunne for the question. As I noted in my previous answer, I was advised of the current problems on my return from leave last Monday.

**MRS DUNNE:** Were you briefed on issues relating to data problems when you were the Assistant Minister for Health?

**MS FITZHARRIS:** Yes. As I indicated in my earlier answer, I was briefed on the issues regarding the quarterly performance reports last year when I was Assistant Minister for Health. I was not responsible for those reports, but I was briefed at the time. As I noted in my statement, the Director-General of ACT Health took immediate action to further understand those issues when she became aware of them after budget estimates last year.

**MR HANSON:** Minister, when did your directorate first become aware of the discrepancies, and how long did it take them to inform you?

**MS FITZHARRIS:** My directorate informed me, on my return from leave last Monday, on broader data accuracy issues, as I have previously stated. I was advised last year—

**Mr Hanson:** When did they become aware?

**MS FITZHARRIS:** Monday, 6 February.

### **ACT Health—reporting accuracy**

**MR HANSON:** My question is to the Minister for Health. Minister, which health services are you concerned about with regard to the accuracy of data?

**MS FITZHARRIS:** I am not concerned about health services, but we will be doing a system-wide review of all data processes. Some datasets, not all, were unable to be ready in time to be provided to the Australian Institute of Health and Welfare for their input into the 2017 report on government services produced by the Productivity Commission. I have no specific datasets that I can comment on right now, other than to say that all datasets will be verified over the course of the system-wide review.

**MR HANSON:** Minister, are the problems related to the original collection of the data, to any subsequent reporting of that data to another authority or with manipulation of the data?

**MS FITZHARRIS:** I would like to assure all members of the Assembly, through you, Madam Speaker, that I have no concerns about manipulation of any data but the review will be into data processes, data warehousing analysis for the purpose of reporting on a wide range of reports to the community, to the Assembly and to our commonwealth stakeholders.

**MRS DUNNE:** Minister, have any system changes been made since this issue was identified, going back to estimates last year, and what action has been taken to rectify previous datasets?

**MS FITZHARRIS:** As I have noted, action was taken to verify datasets specifically for the 2015-16 series of quarterly reports but since then the system-wide review will look into all processes to do with data and data reporting.

### **Schools—2017 school year**

**MS CODY:** My question is to the Minister for Education and Early Childhood Development. Minister, can you update members on the start of the 2017 school year, please.

**MS BERRY:** I thank Ms Cody for the question. This is a very important question. Many here will know firsthand that school has now gone back, and I am sure that any of you with young children now have your afternoons and evenings full of chattering conversation about the school day's activities and what is going on at school. It is a really exciting time for many, and I can report that the start to the 2017 year has gone very well in our schools.

On 30 January, I started my day visiting Palmerston District Primary School to welcome kindergarten students starting their first day of school. I enjoyed meeting parents and carers as well as their children as they began their education journey into big school and beyond. The first day at school can be a nervous but exciting moment for parents as much as students, so it was nice to be able to meet with them and share in that experience.

This year across the whole of the ACT's school system, approximately 75,000 students are studying across our 132 schools: 87 government and 45 non-government schools. This includes the 4,500 preschoolers who started their school experience within our schools. In our government schools specifically, we have nearly 25,000 primary school level students, around 10,500 high school students and over 6,500 college students. Our schools are diverse and welcoming.

I was also able to hand out the new edition of the popular guide *Starting school: a guide for families*, which provides some useful and important information for parents and carers as their children begin formal schooling. I am confident that parents and carers will find the advice and practical tips in this guide useful to help them and their children prepare for those first few weeks of preschool and kindergarten.

**MS CODY:** Minister, what support is available for students and families who are attending school?

**MS BERRY:** School communities are a great source of support for new students and families. The ACT government also supports low income families by providing additional funding to individual students and schools. The student resource allocation funding provides for an additional means-based loading of \$10.6 million and the school equity program around \$280,000.

We also have a range of other grants to assist students that need additional support. The secondary bursary scheme provides an annual one-off payment to low income

families who have students in year 7 to year 10. The schools equity fund provides targeted assistance to low SES schools for a range of activities such as targeted literacy and numeracy programs, cultural events and establishing stronger community connections to encourage parent participation.

The student support fund supports individual students in areas such as clothing, food and cultural experiences and the tutorial support scheme provides funds for schools to implement targeted strategies and programs to meet individual the learning needs and aspirations of Aboriginal and Torres Strait Islander students.

Through the future of education discussion paper, which I will speak about later this week, we will take a close look to make sure that these initiatives continue to support our children and young people to reach their full potential and to get the best outcomes through their education years.

**MS CHEYNE:** Minister, what investment has the government made in teaching and learning facilities available to students over the coming year?

**MS BERRY:** This government continues to invest in additional funding to ensure our learning facilities are continuing to improve for our students every year. We will continue to expand schools in the Gungahlin district through the schools capital upgrades program, which includes Harrison School, Amaroo School, Neville Bonner Primary School and Palmerston preschool.

The Belconnen High School modernisation program, which places an emphasis on science, technology, engineering and mathematics—STEM—curriculum programs will enable the school to continue to deliver modern facilities for students, staff and visitors and support enrolment demand in south Belconnen and the future development areas of Riverview and Molonglo.

Work is progressing at the Caroline Chisholm School on the centre for innovation and learning, which will deliver, science, technology, engineering and mathematics programs to students in the Tuggeranong school network. The new centre will include multipurpose learning spaces and state-of-the art equipment to support students enrolled at Caroline Chisholm School, feeder primary schools and the Tuggeranong school network as well as providing professional development to teachers from across the ACT public school system.

This, of course, is just a snapshot of some of the work that is going on across our schools. This year we also have new IT across our schools, which includes 2,625 new PCs delivered for teachers and expanded wireless in schools. ACT secondary schools are now the best connected in the country.

Of course, the \$100 million commitment for upgrades to schools which was announced during last year's election will continue this important work in building and further enhancing our learning spaces to support our teachers and students to achieve the best outcomes.

### **ACT Health—reporting accuracy**

**MRS KIKKERT:** My question is to the Minister for Health. What policy decisions were made on the basis of false data?

**MS FITZHARRIS:** I thank Mrs Kikkert for the question. None, to my knowledge.

**MRS KIKKERT:** What decisions take place within the hospital administration that rely on these sets of data?

**MS FITZHARRIS:** As I indicated this morning, health data is very important to a range of different stakeholders, both within the health system and the hospital, within the community and our health stakeholders. There is a process underway to assure the community and our stakeholders of the accuracy of all ACT data reporting. That process will take place and as each report and product is made available extra assurance processes will be applied to this.

**Mr Coe:** Point of order, Madam Speaker, on relevance. The specific question was: what decisions take place within the hospital administration? The minister has not come to that part of the question, which is in effect the question.

**MADAM SPEAKER:** The minister has some time left. She has answered and I am sure she will get to the point as she finishes.

**MS FITZHARRIS:** Decisions are made every day across the ACT health system, based on many different inputs, of course data being one of them. There is no falsified data that informs any ACT Health decision.

**MRS DUNNE:** Minister, how can you be confident that health administrators were not misled when making decisions regarding staffing, procedures or other resource allocations based on false data?

**MS FITZHARRIS:** It goes to the initial question from Mrs Kikkert. There was no false data. I want to be very clear: there was no false data, and no decision has been made on false data.

### **Electricity—outages**

**MS LEE:** My question is to the Minister for Regulatory Services. Minister, last Friday and over the weekend there was speculation that the ACT may experience power outages due to the predicted hot weather conditions and people were asked to consider how best to conserve their power needs. Who made that judgement that there could be power outages and on what basis was that assessment made?

**MR RATTENBURY:** Madam Speaker, I am the minister responsible for those matters. I was advised, through you Madam Speaker to Ms Lee, that, based on feedback from the Australian Energy Market Operator, otherwise known as AEMO, they were monitoring the New South Wales network for the likely outcomes last

Friday and they formed the view most of the way through Thursday afternoon that the demand between about 4 pm and 6.30 pm on Friday would exceed the available supply.

This was a combination of two factors. One was that because of the extremely hot conditions affecting large parts of New South Wales and the ACT there would be increased levels of demand, particularly for air conditioning. The second factor was that there was some lack of availability in New South Wales. There was speculation that two coal-fired power stations in New South Wales would not be able to operate at full capacity due to the heat that the state was likely to experience.

**MS LEE:** In the last week what and where did power outages occur? What was the cause?

**MR RATTENBURY:** I would have to take the specific details on those on notice. But I can give Ms Lee a broad statement now. My advice is that there were no outages caused by what might be considered a power shortfall, or deemed power shortfall. There were some outages in the Belconnen area last Friday afternoon. They were unrelated to that. I will need to provide members with detailed answers. I will do that as soon as I can.

**MR PARTON:** Minister, what preventative measures are being considered in the event of a similar situation occurring again this season?

**MR RATTENBURY:** To my knowledge this is the first time this has ever happened for the ACT, largely driven by broader events in the New South Wales grid. For a couple of reasons I have instructed my directorate to undertake a close evaluation of how last Friday played out. Going back to Ms Lee's original question, in light of that energy shortfall, we asked the community to consider switching off unnecessary power use to try to avoid that situation where there was an energy shortfall. We need to evaluate how effective that was. There are certainly indications that both in the ACT and across New South Wales, where a similar call was made, the community responded and there was a reduction in demand. That appears to be what ensured there was not a shortfall.

I have asked my directorate to also review the communications side of that. In going to Mr Parton's question directly, it is likely this will happen again in the future. We are likely to experience more extremely hot days. That is certainly the modelling for the future climate of the ACT and surrounding regions. We need to look very closely at what worked on this occasion, what did not and what protocols we might put in place if this is required again in the future.

### **Planning—Curtin master plan**

**MS LAWDER:** My question is to the Minister for Planning and Land Management. Minister, in relation to the Curtin group centre master plan, which began in early 2015 and had a second round in early 2016, why has it taken so long, and when do you expect the master plan for Curtin to be finalised?

**MR GENTLEMAN:** I gave some information earlier, in a preface to an answer in regard to the Curtin development application. Master plans do take a while, and it is important that we go through all of the opportunities to engage with the community on the master plan. Interestingly, what occurs on a number of occasions is that, as master plans and the draft process go forward and community consultation begins, more people get involved and there are more opportunities for listening to a wider, broad church in the community about the outcomes for a particular master plan, in this case Curtin, of course.

That is why it takes that length of time. Of course, it is a draft process, and we re-engage when other opportunities come up through the master planning process. I will not outline when this master plan will be completed. I hope that it is in the not-too-distant future, and that we will be able to announce it shortly.

**MS LAWDER:** Minister, how, if at all, will the draft Curtin group master plan inform the DA assessment process given that it is not finalised?

**MR GENTLEMAN:** It will be finalised, as master plans are finalised. They do inform then the territory planning and decision-making process of the independent authority. So I am sure that it will not be too long until the consultation rounds are completed with all of the stakeholders and the master plan is finalised.

**Ms Lawder:** Point of order.

**MADAM SPEAKER:** Point of order.

**Ms Lawder:** The question was about how it would influence the DA, given that it is not finalised, not whether the master plan would be finalised at all. So it is as to relevance to the original question.

**MADAM SPEAKER:** The minister made response to master planning informing a DA process. Did you have anything to add, minister?

**MR GENTLEMAN:** Of course, what the authority does is look at the current rules and the territory plan in relation to current development applications, and master plans then inform that decision-making exercise once they are completed and form a part of our territory planning process.

**MRS JONES:** Minister, does that then confirm that the draft master plan will indeed not inform this DA, and did the public who have been involved in the master planning process waste their time?

**MR GENTLEMAN:** The public certainly did not waste their time. All of the information gathered from our community consultation goes into that master planning process. The directorate and the authority engage with the community all through that process on quite a number of different opportunities.

**Mrs Jones:** Point of order.

**MADAM SPEAKER:** Point of order.

**Mrs Jones:** It would be a shame to finish the answer without the entirety of it. It is on relevance. I asked if I can confirm therefore that the current incomplete master plan will therefore have no bearing on the DA which has been submitted.

**Mr Barr:** Madam Speaker, on the point of order more broadly, Mrs Jones rose to her feet 17 seconds after the minister began his answer. The minister has two minutes to complete an answer. I think it is unreasonable—

*Opposition members interjecting—*

**MADAM SPEAKER:** More broadly, whether it is this question time or others, if there are two minutes, oftentimes a point of order is taken within the first 15 or 30 seconds. I will ask—I should have stopped the clock—the minister now to come to the relevance in his concluding comments on this question.

**MR GENTLEMAN:** Certainly, Madam Speaker. What informs the decision-making process for the independent authority is, in this case, the development application process that is occurring with 44 Curtin Place. The community has put quite a number of engagements into the authority. They will judge all of those against the current set of criteria. That is not withstanding the master planning process. During the master planning process, the community made comment very similarly on the master plan for Curtin at the same time as it did on the development application.

**Mrs Jones:** Point of order. Can the clock be stopped?

**MADAM SPEAKER:** Minister, can you resume your seat for a moment.

**Mrs Jones:** Can the clock please be stopped.

**MADAM SPEAKER:** Your point of order is, Mrs Jones?

**Mrs Jones:** My point of order is that a very simple question was asked: does the incomplete DA have any bearing on the—

**MADAM SPEAKER:** I cannot determine how the minister answers the question.

**Mrs Jones:** No, but we got to the last seven seconds and we still did not have a yes or a no.

**MADAM SPEAKER:** Mrs Jones, there is no point of order. Please resume your seat. The minister has concluded his answer.

**Arts—funding**

**MS CHEYNE:** Can the Minister for Arts and Community Events report on how the government is delivering on our commitment to the arts in the midyear review arts package?

**MR RAMSAY:** I thank Ms Cheyne for her question. I note her particularly strong interest in the arts in the ACT and notably her excellent work with the Belconnen Arts Centre in our electorate of Ginninderra. I am pleased to advise that the midyear budget review delivers some very good news for the Canberra arts and festivals scene in line with our goal for bigger and better events in Canberra. We are funding the Art, Not Apart festival in 2017. We are committed to ongoing funding of this unique event which showcases local artists and helps to promote Canberra as an innovative arts and events destination. Now in its fourth year Art, Not Apart is a festival like no other. It pushes the boundaries of what is traditionally seen as art and it explores new connections between art forms and between artists and audiences.

We will also be supporting the inaugural Floriade Fringe to add to the already famous Floriade experience by creating a companion fringe festival which will offer an innovative, provocative and eclectic festival program. We are funding new signage for the Gorman House arts centre and the Ainslie Arts Centre to assist users of and visitors to the centres to find their way around these well-utilised and recently renovated facilities.

We have also announced an additional \$230,000 for the 2017 arts project round, which brings the number of projects by individual artists, groups and organisations able to be funded in 2017 to 28. All successful applicants have been notified. They include all arts disciplines, and they will contribute to the vitality and the diversity of the Canberra arts scene.

**MS CHEYNE:** Can the minister advise how the government will build on these commitments in 2017-18 and beyond?

**MR RAMSAY:** In accordance with our election commitments and the parliamentary agreement, we will be delivering the largest single increase in arts funding since self-government. That will reflect the value that art and artists provide to our local community. We will be providing ongoing funding for Art, Not Apart, and three years funding to Kulture Break, as well as additional ongoing funding for the arts grants program.

We are providing ongoing funding to the DESIGN Canberra festival, which is now in its fourth year. This fantastic festival, which I was pleased to attend last year, capitalises on Canberra's growing reputation as a livable, creative city, to bring together local, national and international design and craft communities and to celebrate design and craft.

We will begin work scoping a new Canberra arts biennial, a Canberra innovation festival and pop-up community arts festivals. We will be funding, to the tune of

\$17 million, the completion of stage 2 of the Belconnen Arts Centre, as well as significant upgrades to a number of other arts facilities, including the Tuggeranong Arts Centre, the Watson Arts Centre and Strathnairn. And we will be supporting the ANU School of Music's world-class advanced music program.

This is in addition to our existing funding of key arts and program-funded organisations, such as the book of the year, arts residencies and national initiatives including Arts Law and Asia Link, and the \$8 million we provide annually for the running of the Canberra Theatre Centre, the Canberra Museum and Gallery, the Nolan Collection, and three historic places.

This is all very clear evidence of the ACT government's commitment to Canberra having a diverse, productive and well-supported arts community.

**MR STEEL:** Can the minister advise what additional measures the government is taking to support both the Canberra arts community and the wider community in terms of access to the arts?

**MR RAMSAY:** I thank Mr Steel for his supplementary. In the past few months I have met with a number of significant local artists and art professionals and I have visited a number of Canberra's excellent arts facilities. The message that I am hearing from those many conversations is that artists are seeking to have a deeper engagement with government across an array of issues, and I am keen to work with the arts community to create an ongoing dialogue, listening to both sides, that will help the Canberra arts scene to continue to thrive and to innovate.

To assist with these discussions over the coming months, I am going to be looking at options to formalise an engagement process with the arts community which will support effective and robust debate and advice on the future of arts and culture in Canberra. I am also looking to continue consultation with the arts community on a new arts funding plan to more closely align our funding approach with the ACT arts policy later this year.

Another element to this engagement is to ensure that the arts in Canberra are inclusive for all Canberrans. We need to build a clear understanding of how public investment in the arts reflects community identity and fosters inclusion, for the arts have a social value as well as a cultural and economic value.

Participation and accessibility are critical components of making our arts and community events a success. So I bring a strong focus on inclusivity and accessibility, embracing Canberra's diversity of cultures, heritage, sexualities, age, income, gender, ability and location.

Upgrades to a range of community arts facilities will support community access to the arts and to arts development and I will ensure that Canberra has an events calendar that maximises social, cultural and economic benefits for the Canberra region.

### **Schools—maintenance**

**MR WALL:** My question is to the minister for education and training. Minister, to what extent are you aware of the ongoing dispute between contract cleaners at ACT government schools, such as Phillips Cleaning Service and Rose Cleaning Service, with your former union, United Voice, and what actions have you or your directorate taken in resolving this dispute?

**MS BERRY:** Yes, I am aware of the issues that have been raised by United Voice regarding cleaners in ACT government schools. Since becoming minister for education, I have instructed the directorate to refresh the panel and we are having a really good look at the contract to ensure that vulnerable workers like contract cleaners are protected and that industrial relations and other issues that could make the contract even stronger are included in those contract arrangements. All of that will conclude by the end of June this year.

**MR WALL:** Minister, can you assure the Assembly that Rose Cleaning Service and Phillips Cleaning Service will continue to be paid directly for work undertaken to date for the cleaning of ACT government schools?

**MS BERRY:** If the two contractors are providing work and are operating within the law, of course they will be paid.

**MR COE:** Minister, what influence has United Voice had on the selection of panel members for school cleaning?

**MS BERRY:** They would have no influence on the panel.

### **Asbestos—Ainslie shops**

**MR DOSZPOT:** My question is to the Minister for Planning and Land Management. Minister, are media reports correct that an asbestos-contaminated site at the Ainslie shops will be cleaned and will be available to be re-used, unlike the 1,023 Fluffy-contaminated homes around Canberra that are being demolished?

**MR GENTLEMAN:** I thank Mr Doszpot for his question. It is a very important topic for us to discuss as a community—the support for those people living through the asbestos task force changes. The government, the Assembly and the community have made a very important decision in relation to how we deal with asbestos contamination across the territory. I would not see that there is any opportunity in the long term to be able to stay in a house or a commercial property that has loose-fill asbestos in the ceiling. As we have said in relation to residential occupancies across the territory, the only long-term solution is to demolish those properties.

**Mr Coe:** A point of order, Madam Speaker.

**MADAM SPEAKER:** You did not get to a minute, Mr Coe, but a point of order.

**Mr Coe:** Almost half the answer, Madam Speaker. The specific question was: are the media reports true regarding the Ainslie shops being cleaned as opposed to demolished? We would appreciate an answer in response to that.

**MADAM SPEAKER:** The minister for planning, on relevance.

**MR GENTLEMAN:** Yes, I am getting to the nub of the question, but I wanted to give it some context, because it is important that the community understands the work that is ongoing with the asbestos task force, and the work that is ongoing with WorkSafe ACT. The media reports are not correct. The way of dealing with asbestos in the long term, the only safe way of dealing with loose-fill asbestos, is by demolition. But there may be some management options in the meantime, and this is what the task force and WorkSafe ACT are looking at.

**MR DOSZPOT:** Minister, what is the basis of the media reports?

**MR GENTLEMAN:** It is an interesting question. I think journalists like to sell newspapers. Of course what occurs is that they need to create an exciting story to sell those newspapers. Unfortunately it does affect our community. So it is really important, I think, that we have the truth out there that this government is very supportive of those that have been affected by loose-fill asbestos. We are going through the eradication program with the residential. WorkSafe ACT is inspecting the Ainslie shops at the moment to look at what can occur there.

As I said at the beginning of the answer, we know that the only long-term solution is demolition and we need to work through that process, look at the amount of contamination within this shopping centre, and WorkSafe ACT are doing that now.

**MS LEE:** Minister, if it is true that you are having ongoing discussions with the owner of the Ainslie shops, are you giving that same option to the 1,023 owners of Fluffy-contaminated homes to give their input into the long-term solution you are proposing?

**MR GENTLEMAN:** I do not believe that the premise of the question comes back to my answer. We are not having discussions with the owners of the shops in relation to the long-term use of Ainslie shops that are contaminated by loose-fill asbestos. WorkSafe ACT and asbestos inspectors are looking at the moment to identify how much loose-fill asbestos is in that space and will then identify a plan and work with the owners for the eradication of loose-fill asbestos.

### **Alexander Maconochie Centre—staff safety**

**MRS JONES:** My question is to the Minister for Corrections. Minister, I refer to the article in the *Canberra Times* on 24 January 2017 titled “Union ‘deeply concerned’” regarding an incident at the Alexander Maconochie Centre where three guards were assaulted. Minister, under what circumstances can it occur that three guards are assaulted, and how is it possible that the prisoner or the inmate was so easily able to assault security staff?

**MR RATTENBURY:** This follows on from the question Mr Gentleman was just asked in that I am not sure about the veracity of that newspaper report. I can confirm that there was an incident in the AMC on the date that Mrs Jones is referring to. I do not think it is accurate to characterise it as “three officers were assaulted”. Nonetheless, there was injury sustained, particularly by one officer, who required transportation to hospital, and there was a need to use force to restrain a detainee. That is the situation that occurred. I do not think the newspaper report was completely accurate.

These things do happen from time to time. Our staff are highly trained in how to deal with what can be very difficult situations. The acting head of Corrective Services followed up with the union after that newspaper article and there has been a discussion to follow through on the concerns that the union held.

**MRS JONES:** Minister, what immediate mitigation strategies have been put in place to prevent this from happening again, or is it simply something that you believe will always happen?

**MR RATTENBURY:** There is already a range of strategies in place to seek to avoid these sorts of incidents happening. Right through the corrections system, steps are put in place to avoid staff, particularly, being assaulted, to ensure as much as possible that other detainees are not assaulted and that staff have a range of training options to minimise the risk to themselves of being injured and to maximise their capability to ensure good order inside the AMC.

An example like this is one that there will also be significant reflection on, to look at whether improvements can be made, and that is part of an ongoing process of improvement in this sort of environment. But we also need to be realistic: this is a difficult environment and at times some detainees will seek to resolve matters through the use of violence. We need to ensure that our staff are best equipped and trained to minimise the risk of injury, to themselves in particular.

**MR WALL:** Can the minister advise the Assembly on the progress of implementing all the recommendations made to and agreed by the government since the establishment of the AMC given the long litany of issues that continue to occur there?

**MR RATTENBURY:** If I recall correctly, in the sitting week before Christmas this exact question was raised. A motion was passed and the government has undertaken to report back to the Assembly on the exact question Mr Wall has just asked me. That reporting date is in a couple of months’ time; I cannot recall the date of the top of my head. I will provide that information when it has been assembled.

### **ACTION bus service—services**

**MR STEEL:** My question is to the Minister for Transport and City Services. Can the minister update the Assembly on measures the government is taking to deliver on our commitments to better bus services for the people of Canberra?

**MS FITZHARRIS:** I thank Mr Steel for his question and his ongoing interest not only in better bus services but an integrated transport system for all of Canberra. I am pleased to update the Assembly on the significant progress the Barr Labor government has already made in delivering on our commitments to better bus services for all Canberrans. Unlike those opposite, we took an integrated public transport plan to the last election, including a fully costed bus plan. The re-elected Barr Labor government is continuing to deliver on this plan for our growing city.

In December the first of 20 new Transport Canberra blue buses arrived as part of our fleet replacement program, and all the remaining buses will be delivered to ACTION by the end of June this year. These new buses have a number of great features which I am sure all passengers will appreciate such as bike racks, full interior and exterior LED lighting, fewer internal steps increasing passenger safety, and renewed air conditioning ducted for better heating and cooling. The new buses also improve disability access for passengers, and by the end of 2017 Transport Canberra's bus fleet will have over 80 per cent of all its delivered buses disability compliant.

In our government's first 100 days, as well as continuing to deliver on bus replacement strategy, we have already delivered on our election commitment to provide free off-peak travel for seniors and concession MyWay card holders. This new initiative which commenced on 14 January, one month ago, has been well received by the community. So far there have been 83,314 trips taken during the off-peak period that qualified for this free travel, which is eight per cent of all travel during that period.

While it is still early days, we have seen positive signs for increased patronage. We will monitor this patronage but it is a great start and, as promised, it is delivering better access to public transport for Canberrans who need it most, making it easier for them to move around our city.

**MR STEEL:** Minister, how popular is the new Weston line, route 182, the all-day service linking Woden, Cooleman Court and Civic via the Cotter Road?

*Members interjecting—*

**MS FITZHARRIS:** I understand the opposition are thinking about what might have been if they had actually taken a policy platform to last year's election that the community could have supported. I thank Mr Steel for his supplementary, knowing how quickly his electorate is growing. As members will be aware, and for those new members who are not, this new service was funded in last year's budget, not only extending services through the Weston line but also enabling the extension of current services for Wright and Coombs in the growing Molonglo valley region. The Weston line commenced on 29 August last year and provides an all-day service linking Woden, Cooleman Court and Civic via the Cotter Road, which is undergoing duplication as we speak.

I am pleased to report that since the end of August last year the Weston line has carried 26,286 passengers, with an average of 1,123 passengers per week. This service

will be upgraded to a new orange rapid from Woden to the city via Weston Creek in 2018.

Labor introduced the rapid bus network, and we will grow the rapid bus network. As we outlined in our costed bus plan that we took to the electorate last year, the rapid bus network will grow from two services to nine over the next four years, in addition to stage 1 of our city-wide light rail network. The first additions to the rapid bus network will be delivered this year with the extension of the blue rapid to Lanyon, completing the link from Kippax to the Lanyon valley, a new green rapid from Woden to the city via Manuka and Barton, and the black rapid from Belconnen direct to Gungahlin. More rapid bus services will follow as we reallocate the 1.2 million bus kilometres that will be freed up by the first stage of the light rail network.

**MS ORR:** Minister, what are the latest patronage figures for the free city loop bus?

**MS FITZHARRIS:** I thank Ms Orr for her question and her ongoing interest in bus services and her wonderful blog—which I am not sure if she is continuing—on her bus travels from Gungahlin to the city every day. I am very happy to update the Assembly on the free city bus loop service.

As some members would remember the Transport Canberra free city loop service commenced on 4 July last year, providing a service of around 10 minutes between 7 am and 7 pm Monday to Friday in a loop across our city. I am very pleased to advise that the free city loop has been a great success and this month has carried over 52,000 passengers in total, with an average of 1,722 passengers per week.

Perhaps not all members of the Assembly were here when the service commenced, so many of you may not know that the Canberra Liberals planned to scrap this successful free service if they had won last year's election. This is probably not surprising because, more significantly, they also promised to scrap the light rail line, meaning a light rail network and integrated transport network for our city.

I was surprised to see recently on *WIN News* the new opposition leader and his team, along with former opposition leader Senator Seselja, out promoting the Red Explorer Bus. I have no doubt that this privately operated tourist service should be supported as it provides a great service to all Canberra's main tourist attractions. But the opposition must think we have short memories because as recently as July last year Mr Coe released a bus plan that would have put the Red Explorer Bus service out of service.

At the time the operator was quoted as saying, "There is no doubt that my business will have no future if this service goes ahead." Luckily for Mr Williams, his service is going ahead because the Canberra Liberals failed again to win the support of the Canberra community. (*Time expired.*)

### **Gungahlin—sporting facilities**

**MR MILLIGAN:** My question is to the Minister for Sport and Recreation. The minister, in response to a question without notice late last year, stated that the feasibility study was being conducted for the Gungahlin indoor recreation centre.

Minister, can you tell the Assembly when the study will be completed? Why has this matter not been acted on sooner, given that the ACT indoor sports facility study report recommended immediate action?

**MS BERRY:** The first part of the question was regarding a feasibility study for Gungahlin, Woden and west Belconnen. That will commence soon. Once I have the dates and the process for that feasibility study, I will let the Assembly know and am happy to involve Mr Milligan in that process.

The second part regarded the indoor facility study. That work has also been acted on. This led to the report and the work around opening up our schools as community and sporting hubs. We have had school facility upgrades to help indoor sport users to access school halls and facilities to carry out their sporting activities. That work has occurred at Alfred Deakin High School, Lake Tuggeranong College, Lyneham High School and Wanniasa high school.

**MR MILLIGAN:** Given the community support for an indoor sport centre and the growing ongoing need, will you consider expediting this process?

**MS BERRY:** It is happening very soon. It is not going to happen next year; it is going to happen this year. Within the next couple of months it will begin. I cannot do it any faster than that.

**MR COE:** Minister, will the study be done in house or will you get consultants to do it? If so, what is the allocation of funds for this work?

**MS BERRY:** A decision has not been made on who is going to be conducting the study. I will have to check on the actual funds and come back to the Assembly with that.

### **Greyhound racing—government policy**

**MR PARTON:** My question is to the Minister for Regulatory Services. Minister, on 15 December, in response to a number of questions regarding the greyhound racing industry, you said:

We have not said that we will be banning the industry. We will be working towards a transition process and towards the ending of the industry.

Can you please explain the difference between banning the industry and ending the industry?

**MR RAMSAY:** I thank Mr Parton for his question, and note the shadow minister's strong personal interest in racing. Yes, I have had a number of matters—

*Members interjecting—*

**MR RAMSAY:** As I indicated in December, as I indicated publicly beforehand and since, the government is continuing to follow through on its electoral commitments to

cease funding at the end of the current MOU and to move towards the end of the industry. We are in a range of conversations with people involved in the industry and involved in animal welfare, and there are a number of transition package matters being worked through at the moment. As those things come to fruition, we will be speaking more with people in the industry about how it is that we can move to the end of the industry.

**MR PARTON:** Minister, can you clarify whether it will be illegal to hold greyhound races in the ACT after your proposed “transition” period?

**MR RAMSAY:** The issue is that, as we end the industry, we are working with the industry as to what the various transition matters are. We have announced, and we are working within that, what it will mean. What it will mean is that we will get to that transition time and we will come to a conclusion at that point. The exact form of that—

*Opposition members interjecting—*

**MR RAMSAY:** We are moving to the end of the industry.

**MR DOSZPOT:** Minister, if it is not illegal to hold greyhound races, can you explain how the government intends to forcibly end an industry?

**MR RAMSAY:** The question started with an “if”. I am not accepting the “if”. There are a number of options, and we will work through towards the transition of the industry without jumping into hypotheticals.

### **Disability services—national disability insurance scheme**

**MS ORR:** My question is to the Minister for Disability, Children and Youth. Minister, can you update the Assembly on the transition of the ACT government’s specialist disability and therapy services as part of the rollout of the national disability insurance scheme?

**MS STEPHEN-SMITH:** I thank Ms Orr for her question. Of course the ACT Labor government, like Labor governments and oppositions around the country, remains fully committed to the NDIS and would never consider holding the NDIS hostage for other policy goals.

I am pleased to advise the Assembly that the transition of ACT government disability services to the national disability insurance scheme has in fact been completed ahead of the planned schedule. In April 2014 in preparation for the NDIS the government made a decision to exit therapy services by December 2016 and to exit the provision of specialist disability accommodation services by the end of June 2017. As it stands, all Therapy ACT clients actually transitioned to the NDIS by the end of September last year, three months ahead of schedule, and individuals with an NDIS plan are now able to choose their therapist, giving them greater choice and control of the services that they are receiving.

The last Disability ACT group homes transitioned to a non-government provider on 5 January this year, almost six months ahead of schedule. Residents, families and guardians were able to choose a non-government provider to support the needs of each group home. As a result of the government's decision to exit group homes we have seen a number of new providers enter the ACT market. The previous 53 ACT government group homes are now being supported by 14 non-government providers.

Of course the transition of group homes has also meant that the staff who supported ACT government clients also have made transitions. Many have remained in the sector, with some of these staff remaining in the same group home supporting the same residents they have cared for for many years. I would like to take this opportunity once again to thank the staff of Therapy ACT and Disability ACT who have managed this transition so smoothly.

**MS ORR:** Minister, how is the government maintaining oversight of disability services as the NDIS is rolled out?

**MS STEPHEN-SMITH:** I would particularly like to thank Ms Orr for this question. This question of quality and safeguards was one of the first matters I raised with the directorate on becoming minister. In talking about disability services and choice and control, we are talking about services that are purchased by many highly capable people with a disability who are quite able to make their own decisions about service providers. But we are also talking about vulnerable people who have never been empowered before to make such choices and for whom the transition to choice and control may be confronting.

I am pleased, although not surprised, to say the ACT government prepared well for the NDIS rollout by amending the Disability Services Act 1991 to ensure quality and oversight were maintained during the trial period. These amendments commenced on 1 July 2014. Among other things, the Human Services Registrar was established to implement quality and safeguarding arrangements, and that will continue until the national quality and safeguarding framework has been fully implemented.

The Human Services Registrar assesses providers' compliance with the Disability Services Act requirements for both new providers seeking to register with the National Disability Insurance Agency in the ACT and currently funded providers who are seeking to expand their service delivery.

The Human Services Registrar assesses compliance with the standards and makes a recommendation to the NDIA, but does not make the final decision. There are issues around this that I have raised with the federal minister regarding some glitches in the system, and I am pleased to say those are being worked out.

The national quality and safeguarding framework which was announced by COAG in January 2017 is expected to be fully operational by 2018. Its intention is to underpin the NDIS with a nationally consistent quality and safeguards framework. The ACT has been actively involved in its development.

**MR PETTERSSON:** Minister, how will the government ensure that the NDIS continues to provide better services and support for people with disability?

**MS STEPHEN-SMITH:** I thank Mr Pettersson for his question. Each person's NDIS journey is of course different and Community Services Directorate staff continue to provide advice and support in responding to individual client matters. One of the other ways we are working to improve services is to support service providers and families to reduce and eliminate restrictive practices, that is, behaviour management tools that deprive people of their liberty in some way. There is a consultation currently underway on this, seeking the views of all stakeholders, including people with disabilities, their families and carers, to establish how we go about overseeing the use of restrictive practices in the future and supporting their elimination over time.

At a broader level, state, territory and commonwealth disability ministers receive the report from the NDIA on performance each quarter. Through the Disability Reform Council I am able to raise policy matters with the NDIA and my state and territory colleagues to ensure that we address the concerns as they arise.

Last year, ministers also agreed to bring forward a planned review of the NDIS by the Productivity Commission. This review has now commenced and will provide a report in September. Its focus is on the sustainability of scheme costs, impact on mainstream services and whether efficiencies have been achieved. The ACT government will make a substantial submission to reflect the experiences and feedback of Canberrans with a disability, their families, carers and disability service providers.

I am determined to ensure that we understand the experience of Canberrans accessing the NDIS and use that information to inform our submission to the Productivity Commission. I will be working with the new disability reference group on this, but I encourage all members who receive feedback from constituents to let me know what you are hearing, so that we can put that information to good use.

The NDIS is making a real difference to the lives of many people with a disability and it is incumbent upon us all to support its implementation with honest feedback while understanding that it is a massive reform.

**Mr Barr:** I ask that all further questions be placed on the notice paper.

## **Answers to questions on notice**

### **Question 1**

**MRS DUNNE:** I seek an explanation under standing order 118A from the Minister for Health in relation to question on notice No 1, which was due for answer on 12 January, in relation to medical specialists.

**MS FITZHARRIS:** I apologise to Mrs Dunne. That question on notice was provided to me, I believe, late last week. I had some further clarifications done for your benefit, and I plan to sign it on returning to my office after question time. I apologise for the delay.

### **Explanation noted**

**MRS DUNNE** (Ginninderra) (3.39): In accordance with standing order 118A(b) I move:

That the Assembly take note of the explanation.

In doing so I note that the minister did not receive the answer to this question until 6 February, when it was due on 12 January.

Question resolved in the affirmative.

### **Questions 42, 43, 44, 45, 46, 47, 48, 49 and 50**

**MRS JONES:** In accordance with standing order 118A I seek an explanation from the Minister for Police and Emergency Services as to the reason for his failure to answer questions on notice Nos 42, 43, 44, 45, 46, 47, 48, 49 and 50, which were due on 15 January 2017.

**MR GENTLEMAN:** I apologise to Mrs Jones for the lateness in answering these questions. As members will see from the questions on the notice paper, they are quite detailed. I am happy to inform Mrs Jones that all of the research has been done. I have signed off all of those questions and they are on their way to her office.

### **Explanation noted**

**MRS JONES** (Murrumbidgee) (3.40): That does not explain why they are late. I move:

That the Assembly take note of the explanation.

I note that it is a significant delay given that tomorrow it will be a month after they were due, that being also my birthday.

Question resolved in the affirmative.

## **Papers**

**Madam Assistant Speaker** presented the following papers:

Progressive and inclusive policies, pursuant to the resolution of the Assembly of 14 December 2016—Copy of letter from the Chief Minister to the—

Federal Attorney-General, dated 23 January 2017.

Prime Minister, dated 23 January 2017.

Legislation Act, pursuant to subsection 228(1)—Schedule of relevant committees to be consulted in relation to appointments made by Ministers to statutory offices, dated 30 January and 3 February 2017.

Auditor-General Act, pursuant to section 17(5)—Auditor-General's Reports  
Nos—

11/2016—2015-16 Financial Audits—Financial Results and Audit Findings,  
dated 21 December 2016.

1/2017—WorkSafe ACT's management of its regulatory responsibilities for  
the demolition of loose-fill asbestos contaminated houses, dated 20 January  
2017, together with a corrigendum to the Report.

## **Financial Management Act—consolidated financial report Paper and statement by minister**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (3.42): For the information of members I present the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 31 December 2016.

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

Leave granted.

**MR BARR:** I present to the Assembly the December quarter consolidated financial report for the territory. This report is required under section 26 of the Financial Management Act 1996.

The December quarter headline net operating balance for the general government sector was a surplus of \$139.7 million. This result was a \$58.5 million improvement on the year-to-date budget surplus of \$81.1 million. I can advise the Assembly that total revenue for the general government sector for the quarter to 31 December 2016 was \$2,687.5 million. This is \$15.5 million higher than the December year-to-date budget of \$2,672 million. This is mainly due to regulatory fees and one very large conveyance revenue, for the interest of members, for the sale of 50 per cent of Woden plaza.

Total expenses were \$47.1 million lower than the December year-to-date budget. Total expenses were \$2,629.2 million. The year-to-date budget was \$2,676.3 million. So revenue is up \$15.5 million, expenses are \$47.1 million lower, and the net operating balance for the general government sector is a surplus of \$139.7 million, a \$58.5 million improvement on the year-to-date budget surplus that was anticipated to be \$81.1 million. The decrease in expenses was mainly due to lower than anticipated supplies and services of \$43.8 million. This is associated with the timing of repairs and maintenance expenditure.

I am pleased to advise the Assembly that the general government sector balance sheet remains strong, represented by key indicators such as net financial liabilities and net worth. I commend the December quarter 2016 report to the Assembly.

## **Financial Management Act—budget review 2016-2017 Paper and statement by minister**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (3.45): For the information of members I present the following paper:

Financial Management Act, pursuant to subsection 20A(2)—  
Budget 2016-2017—Budget review.

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

Leave granted.

**MR BARR:** I present the 2016-17 budget review, prepared in accordance with section 20A of the Financial Management Act 1996. The budget review reaffirms the government's commitment to building a stronger and more diversified economy while investing in initiatives that create jobs. The government remains committed to supporting and boosting the ACT economy, with a focus on creating jobs and delivering services to the community. We remain committed to investing in infrastructure that generates economic growth and supports our community in the longer term.

The government is continuing to create more jobs for Canberrans and improving the territory's productivity through its investment in major infrastructure projects. The territory's capital works program represents projects totalling more than \$2.9 billion over four years and includes projects such as the hugely popular light rail stage 1, the University of Canberra public hospital and the new ACT law courts facilities.

The 2016 election provided Canberrans with an opportunity to have their say on these projects. With the election result, particularly the exceptional primary vote for the Labor Party along the stage 1 corridor of light rail, which approached 60 per cent in some booths, Canberrans sent the strongest possible signal that they support the delivery of major infrastructure projects. Let me say that this government will continue to work hard to deliver this program of positive and city-defining infrastructure developments.

Prudent service delivery remains at the forefront of the government's efforts. Our positive and inclusive values and principles were clearly reflected not only in the 2016-17 budget but in the policies we took to the election and that were so strongly endorsed by the people of Canberra last October. Careful economic management, as indicated in the documents I have just tabled, the provision of world-class services and support for those who need a helping hand will remain a focus of our future policy work.

The 2016-17 budget saw the ACT government make a clear statement of our values and our priorities. We rolled out the largest-ever family violence prevention strategy delivered in the territory's history, and we will respond and improve on this priority

area. We will continue to care for the vulnerable, we will continue to be the most inclusive community in Australia and we will act decisively in response to issues of immediate need.

Like previous budgets, the 2016-17 budget focused on the themes of health and education, economic growth and diversification, suburban renewal and transport, and livability and social inclusion. The government is already delivering a range of new initiatives announced in that budget, and taken to the election. We will continue these significant investments in order to create jobs, diversify the territory's economy and support the growth of our community right across the city of Canberra.

The 2016-17 budget review which I have tabled in the Assembly today shows the government is continuing this momentum, and delivering on the services and projects that Canberrans voted so overwhelmingly for. The budget review shows an \$85.7 million improvement in the headline operating balance. I note that in the documents I have just tabled for the first six months of the year the government is operating a surplus of \$139.7 million. This is a \$58.5 million improvement on the year-to-date budget.

We are seeing through the budget review an \$85.7 million improvement in the headline operating balance. Economic growth, as measured by gross state product, was 3.4 per cent in the 2015-16 financial year. That was well above the two per cent forecast, and it is representing a continuing trend. The one thing that has been tripling in this economy is the rate of economic growth, and that is something that we on this side of the chamber are very proud of.

It reflects a very strong economic outlook for the territory. Importantly, it shows that the government's fiscal strategy is working. We are very proud of that fiscal strategy, and we are very proud of the contrast in approaches between what we have delivered in the past three years and what the alternative would have been under a Hanson administration. When we look to the future, a Coe administration would be even more conservative than a Hanson administration, if that is possible—but it is. Mr Coe, in his comments already on economic policy, has demonstrated a very sharp shift to the right as far as the local Liberal Party's position is concerned.

Further proof of the success of our strategy came from international ratings agency Standard & Poor's, which reaffirmed the ACT's AAA long-term and A1+ short-term local currency credit ratings in August last year. I can advise the Assembly that as we progress towards the 2017-18 ACT budget, Canberrans can be assured that we will continue to provide vital funding for health, education, transport and community services. We will continue with our taxation reform plan. We will continue to build a fairer, more sustainable and more equitable revenue base for the territory's future, one that is based on good public policy principles of moving to the most efficient tax base possible for this jurisdiction.

Building a strong and growing economy that creates jobs is one of the government's highest priorities, and we will continue to focus on this in this parliamentary term, as well as delivering the infrastructure agenda that we took to the election, the social policy agenda that we took to the election and the progressive agenda for this city that

was so strongly supported only a few months ago. I commend the 2016-17 budget review to the Assembly.

## Paper

**Mr Barr** presented the following paper:

Territory-owned Corporations Act, pursuant to subsection 9(2)—Icon Water Limited—Summary of changes to the constitutions of subsidiary companies—Statement to the Assembly.

## Education and care services national law—regulations

### Paper and statement by minister

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Women and Minister for Sport and Recreation) (3.52): For the information of members, I present the following paper:

Education and Care Services National Law as applied by the law of the States and Territories—Education and Care Services National Amendment Regulations 2016 (2016 No 810), together with an explanatory statement, dated 16 December 2016.

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

Leave granted.

**MS BERRY:** As Minister for Education and Early Childhood Development, I am pleased to table Education and Care Services National Amendment Regulations no 238A in the Assembly. The NQF, the national quality framework, establishes a national scheme for the regulation of education and care services, and has improved educational and developmental outcomes for children attending services approved under the national law. As part of the scheme, the national law provides for the certification of supervisors. Certified supervisors are eligible to be appointed as the nominated supervisor of an education and care service or to be placed in day-to-day charge of a service in the absence of the approved provider or the nominated supervisor.

Section 114 of the national law provides that the regulatory authority of a participating jurisdiction may grant a supervisor certificate to a person in a prescribed class of persons without needing to undertake the application process set out in sections 106 to 113. Regulation 238A of the national regulations, which was inserted in June 2014, prescribes the classes of persons to whom the regulatory authority may grant supervisor certificates under section 114 of the national law. The amendment regulation extends the operation of regulation 238A until 31 December 2017 to continue to allow supervisor certificates to be granted by the regulatory authority to a class of persons, rather than individual applicants, so that an approved provider of an

education and care service can decide who their certified supervisors will be without needing a separate approval from the regulatory authority.

The extended operation of regulation 238A maintains the benefits gained by the June 2014 amendments. This year, the Education Council approved reforms to the national law and regulations. As part of these reforms, it is anticipated that the need for certificates will be removed altogether. Instead, providers will determine who is a supervisor, and make a record that that person is a supervisor. In the interim, the extension amendment will ensure a smooth transition to the anticipated national legislative changes.

I submit the explanatory statement outlining further details regarding the amendment to regulation 238A of the Education and Care Services National Regulations.

## Papers

**Ms Berry** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2015-2016—Education Directorate—Corrigendum.

Auditor-General Act, pursuant to subsection 21(2)—Auditor-General's Report No 7/2016—Certain Land Development Agency Acquisitions—Government response.

## Midwife insurance exemption regulation 2016 Paper and statement by minister

**MS FITZHARRIS** (Yerrabi—Minister for Health, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (3.55): For the information of members, I present the following paper:

Health Practitioner Regulation National Law—Health Practitioner Regulation National Law Amendment (Midwife Insurance Exemption) Regulation 2016 (No 126/2016), without an explanatory statement, dated 10 October 2016.

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

Leave granted.

**MS FITZHARRIS:** I am pleased to be able to table today the Health Practitioner Regulation National Law Amendment (Midwife Insurance Exemption) Regulation 2016. On 8 April 2016, the Council of Australian Governments Health Council agreed to an extension of the professional indemnity insurance exemption for privately practising midwives until 31 December 2019 while work continues to identify a national insurance solution.

On 7 October 2016, health ministers reiterated their support for maintaining women's choices in terms of birthing options while supporting a timely, safe and national

solution for privately practising midwives to continue to deliver intrapartum care in home, otherwise known as home birth services.

The COAG Health Council made the Health Practitioner Regulation National Law Amendment (Midwife Insurance Exemption) Regulation 2016—I will refer to it as “the regulation”—to extend the current exemption for privately practising midwives providing home birth services for a period of three years to 31 December 2019.

The COAG Health Council agreed that in conjunction with the extension exemption, the Nursing and Midwifery Board of Australia would be asked to undertake an audit of all privately practising midwives who provide home birth services, and to bring a report on the operation of the board’s safety and quality guidelines for privately practising midwives, and the results of the audit, to the council at the end of 12 months of operation of these guidelines in December 2017.

This regulation was published in the Victorian government gazette by the Victorian Government Printer on 11 October 2016 in accordance with section 245(3) of the national law. The regulation was tabled in the Queensland parliament on 4 November 2016. I have tabled a copy of the regulation for the information of members.

## Papers

**Mr Gentleman** presented the following papers:

Planning and Development Act, pursuant to subsection 242(2)—Schedule—Leases granted for the period 1 October to 31 December 2016.

Loose Fill Asbestos Insulation Eradication Scheme—Update on the ACT Government response—Quarterly report—1 October to 31 December 2016.

**Mr Ramsay** presented the following paper:

Coroners Act, pursuant to subsection 102(8)—ACT Coroner’s Court—Annual Report 2015/16, dated 21 December 2016.

**Ms Stephen-Smith** presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2015-2016—Community Services Directorate—Corrigendum.

**Mr Gentleman** presented the following papers:

### Performance reports

Financial Management Act, pursuant to section 30E—Half-yearly directorate performance reports—December 2016, for the following directorates or agencies:

Chief Minister, Treasury and Economic Development Directorate, dated February 2017.

Community Services Directorate, dated February 2017.

Education Directorate, dated February 2017.

Environment, Planning and Sustainable Development Directorate.

Housing ACT, dated February 2017.

Justice and Community Safety Directorate—

Attorney-General portfolio.

Justice, Consumer Affairs and Road Safety, and Corrections portfolios.

Police and Emergency Services portfolio.

Transport Canberra and City Services Directorate, dated February 2017.

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

Legislation Act, pursuant to section 64—

ACT Teacher Quality Institute Act—ACT Teacher Quality Institute (Fees) Determination 2016 (No 1)—Disallowable Instrument DI2016-292 (LR, 12 December 2016).

Animal Diseases Act—Animal Diseases (Import Restriction) Declaration 2016, including a regulatory impact statement—Disallowable Instrument DI2016-313 (LR, 22 December 2016).

Boxing Control Act—Boxing Control Regulation 2016—Subordinate Law SL2016-34 (LR, 15 December 2016).

Climate Change and Greenhouse Gas Reduction Act—Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2016 (No 1)—Disallowable Instrument DI2016-311 (LR, 22 December 2016).

Commissioner for Sustainability and the Environment Act—Commissioner for Sustainability and the Environment (State of the Environment Report—Reporting Period and Reporting Date) Determination 2016—Disallowable Instrument DI2016-314 (LR, 22 December 2016).

Construction Occupations (Licensing) Act—Construction Occupations (Licensing) Amendment Regulation 2016 (No 1)—Subordinate Law SL2016-36 (LR, 22 December 2016).

Court Procedures Act—

Court Procedures (Fees) Determination 2016 (No 3)—Disallowable Instrument DI2016-294 (LR, 12 December 2016).

Court Procedures Amendment Rules 2016 (No 3)—Subordinate Law SL2016-33 (LR, 15 December 2016).

Crimes (Sentence Administration) Act—

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 1)—Disallowable Instrument DI2017-4 (LR, 24 January 2017).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 2)—Disallowable Instrument DI2017-5 (LR, 24 January 2017).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 3)—Disallowable Instrument DI2017-6 (LR, 24 January 2017).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 4)—Disallowable Instrument DI2017-7 (LR, 24 January 2017).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 5)—Disallowable Instrument DI2017-8 (LR, 24 January 2017).

Energy Efficiency (Cost of Living) Improvement Act—

Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2016 (No 2), including a regulatory impact statement—Disallowable Instrument DI2016-302 (LR, 22 December 2016).

Energy Efficiency (Cost of Living) Improvement (Record Keeping and Reporting) Code of Practice 2016 (No 2), including a regulatory impact statement—Disallowable Instrument DI2016-303 (LR, 22 December 2016).

Firearms Act—Firearms (Use of Noise Suppression Devices) Declaration 2016 (No 4)—Disallowable Instrument DI2016-295 (LR, 15 December 2016).

First Home Owner Grant Act—First Home Owner Grant (Amount) Determination 2016 (No 1)—Disallowable Instrument DI2016-306 (LR, 19 December 2016).

Fisheries Act—Fisheries Prohibition and Declaration 2016 (No 1)—Disallowable Instrument DI2016-282 (LR, 30 November 2016).

Food Act—Food (Fees) Determination 2016 (No 1)—Disallowable Instrument DI2016-288 (LR, 5 December 2016).

Health Act—

Health (Fees) Determination 2016 (No 3)—Disallowable Instrument DI2016-284 (LR, 5 December 2016).

Health (Fees) Determination 2017 (No 1)—Disallowable Instrument DI2017-1 (LR, 16 January 2017).

Health Records (Privacy and Access) Act—Health Records (Privacy and Access) (Fees) Determination 2016 (No 1)—Disallowable Instrument DI2016-287 (LR, 5 December 2016).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Regulated Water and Sewerage Services) Terms of Reference Determination 2016—Disallowable Instrument DI2016-297 (LR, 15 December 2016).

Legal Aid Act—Legal Aid (Commissioner—Bar Association Nominee) Appointment 2017—Disallowable Instrument DI2017-9 (LR, 27 January 2017).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Members' Hiring Arrangements Approval 2016 (No 2)—Disallowable Instrument DI2016-300 (LR, 19 December 2016).

Legislative Assembly (Members' Staff) Office-holders' Hiring Arrangements Approval 2016 (No 2)—Disallowable Instrument DI2016-299 (LR, 19 December 2016).

Legislative Assembly (Members' Staff) Speaker's Salary Cap Determination 2016 (No 2)—Disallowable Instrument DI2016-298 (LR, 19 December 2016).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods (Fees) Determination 2016 (No 1)—Disallowable Instrument DI2016-286 (LR, 5 December 2016).

Nature Conservation Act—Nature Conservation (Controlled Native Species—Eastern Grey Kangaroo) Declaration 2017—Disallowable Instrument DI2017-13 (LR, 7 February 2017).

Official Visitor Act—Official Visitor (Corrections Management) Appointment 2017 (No 1)—Disallowable Instrument DI2017-2 (LR, 16 January 2017).

Pest Plants and Animals Act—Pest Plants and Animals (Pest Animals) Declaration 2016 (No 1)—Disallowable Instrument DI2016-312 (LR, 23 December 2016).

Prohibited Weapons Act—Prohibited Weapons (Noise Suppression Devices) Declaration 2016 (No 4)—Disallowable Instrument DI2016-296 (LR, 15 December 2016).

Public Health Act—Public Health (Fees) Determination 2016 (No 1)—Disallowable Instrument DI2016-285 (LR, 5 December 2016).

Public Place Names Act—

Public Place Names (Macquarie) Determination 2017—Disallowable Instrument DI2017-3 (LR, 23 January 2017).

Public Place Names (Taylor) Determination 2016—Disallowable Instrument DI2016-308 (LR, 23 December 2016).

Public Trustee and Guardian Act—Public Trustee and Guardian (Investment Board) Appointment 2017 (No 1)—Disallowable Instrument DI2017-11 (LR, 30 January 2017).

Radiation Protection Act—Radiation Protection (Fees) Determination 2016 (No 1)—Disallowable Instrument DI2016-289 (LR, 5 December 2016).

Remuneration Tribunal Act—Remuneration Tribunal (Fees and Allowances of Members) Determination 2016—Disallowable Instrument DI2016-301 (LR, 19 December 2016).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2016 (No 13)—Disallowable Instrument DI2016-290 (LR, 2 December 2016).

Road Transport (General) Application of Road Transport Legislation Declaration 2016 (No 14)—Disallowable Instrument DI2016-309 (LR, 22 December 2016).

Road Transport (General) Exclusion of Road Transport Legislation (Summernats) Declaration 2016 (No 1)—Disallowable Instrument DI2016-310 (LR, 22 December 2016).

Road Transport (General) Segway Exemption Determination 2016 (No 2)—Disallowable Instrument DI2016-291 (LR, 8 December 2016).

Road Transport (Public Passenger Services) Act—

Road Transport (Public Passenger Services) Maximum Taxi Fares for NSW Taxis in ACT Region Determination 2017—Disallowable Instrument DI2017-10 (LR, 27 January 2017).

Road Transport (Public Passenger Services) Regular Route Services Maximum Fares Determination 2016—Disallowable Instrument DI2016-293 (LR, 12 December 2016).

Road Transport (Safety and Traffic Management) Act—Road Transport (Safety and Traffic Management) Amendment Regulation 2016 (No 3)—Subordinate Law SL2016-35 (LR, 22 December 2016).

Taxation Administration Act—

Taxation Administration (Amounts Payable—Ambulance Levy) Determination 2016 (No 1)—Disallowable Instrument DI2016-307 (LR, 19 December 2016).

Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2016 (No 2)—Disallowable Instrument DI2016-305 (LR, 19 December 2016).

Taxation Administration (Amounts Payable—Pensioner Duty Concession Scheme) Determination 2016 (No 2)—Disallowable Instrument DI2016-304 (LR, 19 December 2016).

Water Resources Act—Water Resources (Fees) Determination 2016 (No 2)—Disallowable Instrument DI2016-283 (LR, 30 November 2016).

Workers Compensation Act—

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2016 (No 1)—Disallowable Instrument DI2016-315 (LR, 22 December 2016).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2016 (No 2)—Disallowable Instrument DI2016-316 (LR, 22 December 2016).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2016 (No 3)—Disallowable Instrument DI2016-317 (LR, 22 December 2016).

## **Lunar New Year**

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

**MADAM ASSISTANT SPEAKER** (Ms Lee): Madam Speaker has received letters from Ms Cheyne, Ms Cody, Mr Coe, Mr Doszpot, Mrs Jones, Mrs Kikkert, Ms Lawder, Ms Le Couteur, Ms Lee, Ms Orr, Mr Parton, Mr Pettersson, Mr Steel 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 Mrs Jones be submitted to the Assembly, namely:

The importance of the Lunar New Year to Canberrans.

**MRS JONES** (Murrumbidgee) (4.00): I am pleased to speak in the Assembly today on this matter of public importance—the importance of the Lunar New Year and the various communities who celebrate it, and what it means to us.

Multiculturalism in Canberra and across Australia is strong. Australia is blessed with a relatively bipartisan multicultural view—tripartisan, essentially, in this place—that political parties across Australia together celebrate the rich and ancient cultures that make Australia the great nation that it is. In Canberra, we are committed to working with the Greens-Labor government to ensure that the diverse cultures that make Canberra great and the people of these great cultures are proud of their cultural origin and proud of being Australian. Communities in Canberra must feel comfortable about their ethnic background and the new perspectives this brings to us. The cultural practices the faith communities and the cultural communities have brought to Australia teach us so much and teach us something as we go along, complementing and enriching our community in most instances.

For the Chinese, Vietnamese and Korean communities in particular, the Lunar New Year is a very important event which celebrates their rich tradition and culture. Across the Chinese, Vietnamese and Korean communities, celebrations are characterised by preparing one's home to be clean and welcoming for the event; family gatherings and feasts; special greetings, wishing health and prosperity; a focus on respecting elders and gaining their wisdom; prayer for ancestors and visiting at grave sites; the settlement of debts and disputes; fireworks, dances and noisy celebrations to ward off evil spirits; gifts of money in red envelopes; decorations, also often red; resolutions for the new year; and new clothing and special foods.

The Lunar New Year is based on the Chinese lunisolar calendar, occurring in late January or early February each year; it is the first day of the first month in the traditional Chinese calendar and is also called the spring festival. For Chinese communities, it began on 28 January this year, with celebrations commencing in the evening. Celebrations last 15 days. It is the most important holiday of the year in the Chinese culture.

For the Chinese community, January 2017 also ushers in the year of the rooster from the Chinese zodiac. In traditional Chinese culture, the rooster symbolises being observant, hardworking, resourceful, courageous, confident, honest and talkative. Babies born in the year of the rooster are highly celebrated, and it is thought that they will be self-starters, naturally evolving their own efficient modes of operation. Self-discipline seems to come naturally, apparently, to them, and they are not shy about expressing their opinions. Maybe the roosters would make good politicians. A rooster baby is determined, and not even wild horses could drag them away from their aim.

Historically, Chinese have enriched the Australian community since the mid-19<sup>th</sup> century. The gold rush, which commenced in 1853, saw a huge influx of Chinese migrants. Chinese ancestry was claimed by over 800,000 Australian residents in the 2011 census; it was the seventh most common ancestry in Australia. China currently is the third-highest country of birth for Australian residents, being about two

per cent of the population. This is also true in the ACT, for just over 6,500 people, 1.8 per cent of the population.

Last month I was pleased to attend a Chinese new year festival hosted by the Chinese community at the Burns Club, and I thank them for inviting me. It was good to see the elderly celebrated in the same room as babies. There were four generations in one room. Those who attended the event were treated with singing from greatly respected and long-serving members of the Chinese community. I would like to acknowledge HSBC, which supported the event and do so faithfully every year. I would also like to make special mention of those who organised the event. Events like these are really important to the people of the ACT, to be able to encounter their culture of origin and to celebrate the cultures of others.

For the Vietnamese community, the Lunar New Year is called tet, meaning the feast of the first morning of the first day, and is the most important celebration in Vietnamese culture as it is seen as the arrival of spring, which represents new life and new beginnings. The Vietnamese community in Australia were the first large group of Asian migrants when the Liberal Party ended the white Australia policy in 1973. Vietnamese ancestry was claimed by over 170,000 Australian residents in the 2006 census. Vietnam is currently the fifth-highest country of birth for Australian residents, and this is also true in the ACT, at almost 3,000.

The Lunar New Year is also a very important holiday for Koreans. Until the mid-20th century, Korea was primarily an agricultural society, and the seasonal rhythms of daily life were organised by the lunar calendar. As a society where farming was hugely important for the subsistence of its members, it developed a great variety of semi-religious and religious events where prayers were offered for a good harvest and abundant food, which gradually developed into communal celebrations and festivals. In Australia, Korean ancestry was claimed by almost 89,000 Australian residents in the 2011 census, and Korea is the 14th highest country of birth for ACT residents, at just over 1,500 people. In particular, Madam Assistant Speaker Lee was born in that country.

The Lunar New Year for the Chinese, Vietnamese and Korean communities is an opportunity to take stock and reflect on new beginnings; our Australian culture benefits from learning from these celebrations to also take stock and reflect on new beginnings. The Lunar New Year reminds us all of new beginnings and that they can come with opportunities to change ourselves. All people benefit from coming together and reflecting on the year ahead, taking stock of what was, letting go of what was not necessary and looking forward to beginning anew.

Not only have we celebrated the Lunar New Year, but this weekend, in a spirit of welcome and celebration, Canberrans will come together to celebrate all cultures through the Multicultural Festival. This festival was started in 1996 by the then Liberal Chief Minister, Kate Carnell. The festival is Canberra's biggest celebration of many different faiths, cultures and ethnicities in Canberra. I have attended each festival since my election in 2012, and before, and on each occasion I have been impressed with the sense of pride in each community's belief and culture, as well as their pride in being Canberran and Australian.

This freedom to be true to one's beliefs and cultures whilst also being true to one's fellow Australians is what makes our city and our country great and what makes events like the Multicultural Festival such a success. Freedom of belief, freedom of religion, freedom of speech must always prevail. Without them, our city and our nation would not be truly multicultural or truly free.

I commend the Labor-Greens coalition for continuing and growing this event, and I wish all present a happy Lunar New Year. May we all commit to new beginnings.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Community Services and Social Inclusion, Minister for Disability, Children and Youth, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Multicultural Affairs and Minister for Workplace Safety and Industrial Relations) (4.07): It was a great honour last night to represent the Chief Minister at a celebration of Chinese Lunar New Year with community and business leaders at Australian Parliament House. As always, it was great to catch up with Sam and Chin Wong and others from Canberra's Chinese community at the event. As Sam likes to remind us, Chinese miners and market gardeners were in this region before Canberra was even founded.

Last night's event was a celebration not only of Chinese cultural heritage and art but also the relationship between our two countries. The top 10 Chinese entrepreneurs in Australia were awarded at the dinner, marking not just the significant cultural contribution made by the Chinese community but also the broader contribution to economic and social life. Of course, as Mrs Jones has reminded us, the Chinese are not the only culture to celebrate Lunar New Year. The festival is also important for Korean, Vietnamese, Mongolian and Tibetan communities.

Last night's event was just one of the Lunar New Year festivities I have been able to attend this year. The other significant one was hosted by the venerable abbot Thich Quang Ba, the abbot of the Sakyamuni Buddhist Centre. The Buddhist community in Canberra is now estimated at around 6,000 people. The Buddhist centre in Lyneham is not only a great physical asset for the community but also a great community asset. You could have been forgiven for thinking that all 6,000 Canberra Buddhists were at the event celebrating Lunar New Year on 27 January. Of course, it was also a great day for it to be new year's eve this year because it was a Friday and people could party like it was the weekend.

It was a fantastic opportunity to attend this event, to experience and share in the significant cultural celebration, and also to celebrate one of our city's greatest assets, our cultural diversity. Creating and maintaining an inclusive society which captures people's cultural and linguistic diversity is critical to building a better city and assisting people to fully participate in our community. As a city and as a community, we are richer for sharing culture through events through the Lunar New Year celebrations held over the past few weeks.

In our multicultural Canberra community, this celebration is significant for members of all of those communities that I have mentioned as part of our richly diverse city. It is an important way for people who come to work, study and live in our city to be able

to remember and celebrate their identity, language and culture, and also to enliven and enhance our broader community.

The Lunar New Year carries great cultural significance and is celebrated for a couple of reasons: to celebrate the preceding year of hard work by enjoying time with family; and to wish for a prosperous year ahead. In this way, celebration of Lunar New Year conveys the belief that a positive start to the year will bring good luck and good fortune.

While many families will already have marked the Lunar New Year this year, the wider Canberra community will be continuing the celebration, despite its official end over the weekend, at the upcoming Multicultural Festival. Traditional celebrations of Lunar New Year focused on celebrating the beginning of a new year of agricultural work to ensure a bountiful harvest. Today, this sentiment has been enlarged to encompass a celebration of the beginning of a new business year and to wish for success in work endeavours.

For members of Canberra's Chinese, Korean, Vietnamese, Mongolian and Tibetan communities, Lunar New Year celebrations are often very similar to those enjoyed in other parts of the world. Family members may talk together about the positive events that have occurred during the past year. On new year's day there is a warm exchange of happy greetings. Children and seniors may also receive a red envelope containing money to signify the important contribution of the elderly in looking after the young. Regardless of the setting, the theme of family and harmony remains the same, providing an opportunity for people to wish each other prosperity as they head into a new year.

In Canberra, observance of the Lunar New Year signifies a keen willingness to look ahead with a positive approach in order to embrace the promise of a fresh start that comes with a new year. It demonstrates the collective strength to be found in families everywhere—the bedrock that supports every person to participate fully in our vibrant community. Building these connections is the basis for a Canberra community in which difference is celebrated in a dynamic and authentic way. By participating in celebrations of Lunar New Year, we all become active participants in a city which grows stronger by embracing diversity.

I am pleased to have the opportunity to be part of this shared excitement in a continuing celebration of Lunar New Year at the Multicultural Festival. Under the umbrella of the Chinese village in Ainslie Avenue, a whole array of entertainment will be taking place over the three days. In fact, these formal proceedings will get underway a day earlier on Thursday with an opening concert at ANU's Llewellyn Hall where the prestigious China national opera and dance theatre will be taking to the stage.

If you have not yet had a chance to look at the range of events taking place as part of the Chinese village then visit the website or download the app because it is extensive both in terms of scale and quality. It has everything from martial arts to acrobatics, Tai Chi, singing, puppet shows and, of course, lion dancing and dragon dance. The performers have come from within Canberra, interstate and overseas. Lunar New Year

celebrations across the festival are not to be missed. As we head towards the festival this weekend, I encourage all members and the Canberra community more broadly to take part and connect with others from the Chinese, Korean, Vietnamese, Mongolian and Tibetan communities—whoever is represented at the festival—to celebrate the Lunar New Year. I wish you and your families a safe, happy and prosperous Year of the Rooster.

**MR RATTENBURY** (Kurrajong) (4.13): The Lunar New Year is celebrated by millions of people around the world of Chinese, Korean, Vietnamese, Japanese and Tibetan heritage, including, of course, many Canberrans. The Lunar New Year is an important time for families and friends to come together to celebrate peace, harmony and prosperity. At new year's feasts, traditional foods are enjoyed, with many thought to bring good fortune and luck. Red envelopes are given to children to wish them health and success in the coming year.

Ms Stephen-Smith spoke about the festivities at the temple at Lyneham. As always, it was great fun: the lighting of the fireworks, the entertainment by members of the community and seeing the progress that is being made on the temple in Lyneham, as well as the great hospitality and food. It is always a joyous occasion. What I particularly like about that one is that the invitation is open to the whole community. Many people come who are not practising Buddhists in that sense, but there is a sense of coming together on the occasion. For me, that signifies the spirit of the new year celebrations.

As has been noted, this year is the Year of the Rooster. According to the Chinese zodiac, people born in this year are brave, responsible and punctual. These are characteristics that we as an Assembly can seek to emulate as we work for the people of the ACT and probably in our personal lives as well.

Canberrans are a compassionate, generous people and today's matter of public importance presents an opportunity to promote and celebrate the diversity and harmony within our community. This city has a proud history of welcoming and embracing migrant communities and, of course, the ACT government declared the ACT a refugee welcome zone in 2016.

Our many multicultural communities have embraced and continue to make a significant contribution to our city. Multicultural communities comprise and are supported by many small voluntary groups and organisations who work tirelessly to advocate for the needs of their diverse communities. I would like to recognise and thank all of these groups for their work delivering language, cultural and community activities across Canberra.

Although the Canberra community is generally very welcoming and supportive of cultural diversity, unfortunately there are still instances of discrimination and intolerance. There remains a need to continue to educate our community about diversity and the rights of all people to live a life free from discrimination and vilification. I think now is a particularly difficult time with some of the national and international discussion about differing communities and how we approach

multiculturalism in Western democracies, and certainly at a national level we hear talk of winding back racial vilification laws, for example.

I saw a recent study that unfortunately showed there has been an increase in the reported experience of discrimination in 2016, with people of a non-English speaking background reporting the highest experience of discrimination, at around 27 per cent. Just this week we saw racist and bigoted views being supported by members of the federal coalition, with George Christensen attending and speaking at a Q Society event. We need to, in the strongest possible terms, condemn hatred, racism and bigotry whenever it occurs, particularly at the highest levels of our political system. Now more than ever it is important to take a stand in support of cultural diversity, of tolerance, of understanding and of celebration of difference.

Certainly the Greens will always stand up against racial, sexual and religious discrimination and vilification. Instead of these divisive and hateful comments, we choose to celebrate multiculturalism and promote tolerance and harmony in our community. As part of valuing Canberra's and Australia's diversity we will ensure we keep strong laws both nationally and locally to prevent discrimination and vilification.

The Greens also want to support our multicultural communities to build relationships with each other and the broader Canberra community. We are pleased to have worked with the Labor Party to secure a commitment to form a new multicultural advisory board and convene a multicultural summit in the ACT as part of the parliamentary agreement for the Ninth Legislative Assembly. I hope that the advisory board will facilitate even better consultative relationships between the government and multicultural communities in providing a forum and simply having people come together, mindful of representing the community more broadly. I think the discussions can only add value to our understanding of the needs and, perhaps at times, the frustrations or concerns of members of the multicultural community.

Our city is the wonderful place that it is in part because of the richness of our cultural fabric and the great contribution of people from all different backgrounds who have made Canberra their home. It is the Greens' belief that cultural and linguistic diversity in the ACT population greatly enriches our community and should not just be accepted but also celebrated and encouraged. Of course, as the minister has touched on, this weekend we will have a wonderful demonstration of this with the National Multicultural Festival. I am certainly looking forward to it on the weekend. Fingers crossed for the weather. You talk to anybody in Canberra and it is one of their favourite events every year. I hope that we see that spirit really come through in this week's celebrations.

Returning to the topic of today's MPI, the Lunar New Year is a time when all Canberrans can recognise our cultural diversity as a strength and a key part of what makes our city such a vibrant place to live. As the Greens spokesperson for multiculturalism, and on behalf of myself and Ms Le Couteur, I would like to wish everyone who celebrated the Lunar New Year a very prosperous and happy new year. May the coming year bring you great joy.

**MRS KIKKERT** (Ginninderra) (4.19): As the shadow minister for multicultural affairs, I am delighted to speak on the matter before us this afternoon, the importance of the Lunar New Year to Canberrans. Canberra justifiably prides itself on being a city with a richly multicultural population. Residents of the ACT literally come from every continent and most of the world's nations, all with a wonderfully diverse array of cultural expressions, languages, beliefs and practices.

I myself am a migrant from a tiny Pacific Island where I grew up speaking Tongan as my first language. As already pointed out by Mrs Jones, amongst those residents of the ACT who, like me, were born overseas, China and Vietnam are the third and fifth most common nations of origin. In Chinese and Vietnamese cultures, the beginning of the Lunar New Year is the most important day of the year.

The observance of this same date is also important to those whose cultural identities come from Korea, Mongolia and Tibet. Lunar New Year this year fell on Saturday, 28 January. It was my privilege that evening to attend the new year celebrations held at the Sakyamuni Buddhist Centre in Archibald Street, Lyneham. Together, my three daughters and I enjoyed bowls of the most delicious noodle soup I have ever tasted. It was generously provided to the whole community. I mean that; that was very yummy soup.

My girls also received beautiful red envelopes with a 50c coin in each, a common new year's tradition. Prayers for everyone's ancestors were followed by another new year's tradition, the lion dance, and other cultural performances. Participants also enjoyed an address by Thich Quang Ba, the abbot of the centre's Buddhist temple.

Exotic and delicious flavours, colourful costumes, beautiful dances and traditions designed to bring smiles to the faces of children are all important parts of enjoying the multicultural experience. This weekend's 21st annual National Multicultural Festival will give all of us the opportunity to experience so much of Canberra's diverse cultures in one place.

I love this event. On Saturday you should come and see my daughters perform at the Tongan functions. At the same time, I sincerely hope that we get more from joining in each other's celebrations than just the new and exciting sights, sounds, smells and tastes. Discovering what people celebrate—and experiencing how and why they celebrate—can be an important window into understanding who they are, how they see the world, what they value and what they believe.

This process can enrich and improve our society as new insights and values reshape how we see and interact with each other. Our communities all have so much of substance to share. We have so much that we can learn from each other as we spend time together and open ourselves up.

For example, the noodle soup and other foods served at the Sakyamuni Buddhist Centre a couple of weeks ago were vegetarian because many Buddhists eat no flesh owing to the strong emphasis in their faith on refraining from taking life. The gifts to my daughters helped to teach them the importance of being kind and generous.

The prayers on behalf of ancestors reinforced for us an important principle that my husband and I have tried hard to teach all five of our children: it is important to know who you are by knowing and honouring those whom you have come from. We do this in our family by actively researching and writing about our Tongan, Jewish, Dutch and Irish ancestors, and by telling and retelling their stories so that their experiences and wisdom are hopefully not lost.

We can also be enriched by the stories of our fellow Canberrans. Abbot Quang Ba is a remarkable man with an important story. A Buddhist monk in Vietnam, he suffered years of religious persecution, served two jail terms because of his commitment to his faith, and eventually was ordered by the socialist government not to return to his temple, leaving him homeless.

The only way to be true to his conscience was to leave Vietnam and seek a refuge where he could practise his religion without obstruction. Thankfully, in 1983 Abbot Quang Ba was able to escape the country and was accepted into Australia as a refugee. He settled in this beautiful city of ours in 1984 and immediately went to work building up the Buddhist centre in Lyneham.

We can learn much about quiet strength and determination from someone like the abbot and from his experiences. The things we value most in our hearts, for example, are worth defending, but only if we do not violate our values in the process.

The 28th of January this year was the beginning of what is known as the Year of the Rooster. Abbot Quang Ba and so many of our neighbours and friends who have come from the four corners of the world to make Canberra their home exemplify the best traits associated with the rooster in Chinese tradition: confidence, intelligence, energy, honesty and loyalty.

I wish much prosperity, health and happiness to my fellow Canberrans who celebrate the Lunar New Year. May the Year of the Rooster bring much better things for each of you: success in all your endeavours, the fulfilment of your deepest wishes, and harmony and joy for your whole family. May every step take you higher and may you have reasons to often smile!

**MS ORR** (Yerrabi) (4.26): The Minister for Multicultural Affairs has described the importance of the Lunar New Year festival and how it is celebrated in Canberra, including in the National Multicultural Festival. I wish to put the ACT government's acknowledgement of Lunar New Year into a broader context—that being Canberra's multicultural community and how the government is supporting diversity as part of our social inclusion agenda.

Canberra is a truly exciting city, an evolving network of people and communities that celebrates its cultural diversity. Through our work, home and community life, we can see the opportunity diversity creates for each and every one of us. In the 2011 census, the proportion of ACT residents born overseas was 24 per cent, representing over 86,000 usual residents born in over 180 different countries.

Countries in Asia now account for more than 39 per cent of people born overseas, up from just four per cent in 1961. In 2011, nearly one in five of ACT residents aged five spoke a language other than English at home. Two of the most common languages other than English are Mandarin and Cantonese.

In my electorate of Yerrabi, I am lucky to have the opportunity to meet with various multicultural community groups and attend important cultural events that highlight the rich tapestry of cultures that exist across Gungahlin and Belconnen. The signature event that recognises and celebrates Canberra's multicultural diversity is the National Multicultural Festival, held each February, and now in its 21st year.

Last year, over three days, more than 280,000 people came into the heart of the city to celebrate the kaleidoscope of diversity on which our community is built. There were 463 stalls, more than 4,000 community volunteers and 2,500 performers across eight stages, with the whole event injecting many millions into the ACT economy.

This is a great economic impact. But more than this, the festival is a strong affirmation of unity in diversity. We are long past the stage of viewing cultural diversity as something to be merely accepted or tolerated. The festival celebrates both the diversity of people's unique backgrounds and cultures and it affirms that although we come from different places—places that will always be important to us—we are an accepting and inclusive community.

As the National Multicultural Festival is about celebrating diversity, it is important also to acknowledge the need for policies that make diversity a lived reality in our city. For diversity to be reflected in all areas of life, it needs to be supported by enabling policies that encourage participation, access and connectedness. It is vital that we are a city of opportunity for all, be it through employment programs, housing initiatives or community celebrations in ways that actually enhance our culturally diverse way of life.

This is where the ACT multicultural framework and action plan 2015-2020 comes in. The framework was developed through an extensive community consultation process. It draws on the ideas and initiatives of hundreds of people across the city—everyday Canberrans, as well as community leaders.

The aim of the framework is to increase social participation and community connection across our city over the next five years by making services more accessible and responsive, by enhancing participation and social cohesion in our community and by capitalising on the benefits of our cultural diversity. The ACT community is among the most culturally diverse and harmonious in Australia. The framework is one way of ensuring that this harmony is not left to chance.

Another initiative to strengthen this harmony is the establishment of a new ACT multicultural advisory council. It is a legacy of hard work on the part of both government and the community. Last week, the Minister for Multicultural Affairs announced that expressions of interest would soon be sought for the new ACT multicultural advisory council.

The council will provide advice to the ACT government on how we can ensure that Canberra and Canberrans continue to pave the way as leaders in multiculturalism. The council will also assist with the implementation of the ACT multicultural framework 2015-2020 and help to organise a multicultural summit in 2018.

Individuals who represent or who have worked extensively with culturally and linguistically diverse communities are encouraged to apply. The council will have a term of three years and its first meeting is scheduled for late June 2017. While expressions of interest will not formally open until 28 February, we have already begun to promote this opportunity to make sure that as many people as possible are aware.

Canberra's rich diversity should be enjoyed and celebrated. That is the purpose of events such as the National Multicultural Festival. It also needs to be supported and tended by leadership and policy frameworks and processes so that Canberra is not only lively and productive but also a place where its residents feel welcome, safe and enriched.

*Discussion concluded.*

## **Justice and Community Safety Legislation Amendment Bill 2016 (No 3)**

Debate resumed.

**MR RATTENBURY** (Kurrajong) (4.31): Ms Le Couteur already spoke today about the particular elements of the bill relating to the recognition of out-of-jurisdictional relationships for same-sex couples, and I endorse those comments. In the spirit of keeping the debate short I will not add to them as my views on these matters are well-known in this place. I am pleased that whilst we are not able to move to a full place of marriage equality, the ACT is doing what it can to provide recognition of these significant relationships which are very important and which should be equal to any marriage that occurs in our community.

The other amendments in this omnibus bill are relatively minor. An amendment to the Coroners Act will allow the minister to redact information in a coroner's report that is likely to identify the deceased after considering the concerns of immediate family in the context of the public interest to release this information about matters of public safety.

Redaction of information is always something we should think twice about as full disclosure and transparency is a far better position for government to be in where it is suitable. But there is a strong justification here in protecting the privacy of families about sensitive matters. The important learnings from coroners' reports, such as recommendations to governments about ways to improve public safety, should not be impacted by such an approach. The important distinction is drawn here about respecting the privacy of families whilst ensuring the public purpose is still served through the publication of the important details of the coroner's report.

A minor amendment to the Guardianship Act will allow the ACAT to suspend an enduring power of attorney instead of revoking it entirely. This seems a sensible amendment that allows some flexibility as it is not always appropriate to revoke an enduring power of attorney in its entirety. The Attorney-General provided a relevant example, that is, when the ACAT appoints the Public Trustee and Guardian to represent an incapacitated person and currently most revoke an existing power of attorney to allow this to happen. This amendment, as it is framed, will allow the ACAT to suspend the enduring power of attorney for the duration of the Public Trustee and Guardian's appointment, which is much more practical.

Several other technical amendments are made, such as amendments to the Human Rights Act, the Human Rights Commission Act, and the Terrorism (Extraordinary Temporary Powers) Act to reflect revised administrative arrangements in the government. I will take this opportunity to note, as I have argued before, that the Terrorism (Extraordinary Temporary Powers) Act is probably no longer temporary as the government keeps extending it. This is a debate we need to continue to have in this place about whether that is how we want things to operate in this territory.

An amendment to the Information Privacy Act allows the government to enter contracts provided there are suitable privacy provisions in place. Previously there could only be territory privacy principles, but this amendment will allow contracts that recognise other appropriate privacy protections, such as those from a different jurisdiction, provided it is recognised in the regulation to the Privacy Act.

I note that these regulations will come before the Assembly so that we can check we are satisfied that only suitable third-party privacy laws are recognised. The positive of this change is that it allows flexibility in contracts, which is useful in the modern world of government business where directorates may sign up, for example, to overseas services such as cloud service providers.

Lastly, I will briefly mention that the bill updates the Juries Act to allow airline operating staff to claim exemption from jury duty. That seems appropriate. It also makes a minor improvement to the Residential Tenancies Act to ensure that people with a protection order do not need to apply to the ACAT for an order to terminate their residential tenancy agreement with the respondent named in the protection order. Clearly it is sensible to make sure this provision is working properly.

In light of those few brief remarks, I am happy to indicate the Greens' support for all of these changes in the bill brought forward by the Attorney-General.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (4.35), in reply: I am most pleased to speak in summary and support of the Justice and Community Safety Legislation Amendment Bill 2016 (No 3), and I acknowledge and appreciate the support of the opposition and the Greens on this bill.

The bill amends a number of acts to implement positive social and regulatory changes for the ACT community and to improve the administration of the government. The

justice and community safety legislation amendment bill process is about continual improvement. This bill implements a collection of ideas for ways to make laws in the ACT both more effective and efficient. The amendments we are considering today are sensible, useful changes for Canberra. These amendments reflect this government's progressive, inclusive and people-centred approach to legislation.

We are already delivering on what we were elected to do. The bill implements positive social changes by amending the Civil Unions Act 2012, the Coroners Act 1997, the Guardianship and Management of Property Act 1991 and the Residential Tenancies Act 1997.

The amendments to the Civil Unions Act demonstrate the government's continuing commitment to marriage equality. These amendments allow for overseas or interstate same-sex relationships to be automatically recognised as civil unions under territory law. That means that with no additional steps all the benefits and legal protections of having a civil union will apply. These amendments are an important step in the territory's journey toward equal recognition for all.

Members may be aware of the tragic case in South Australia last year which highlighted the importance of this legislation. David Bulmer-Rizzi passed away in an accident while he was on his honeymoon from the United Kingdom. His partner, Marco, was initially told that David's death certificate would read "never married." In the United Kingdom, marriage equality is already a legal reality, but that was not recognised at the time in South Australian law. South Australian Premier Jay Weatherill responded promptly, and the South Australian parliament passed legislation in December to remedy the situation.

This bill will ensure that for all legal purposes a marriage like the Bulmer-Rizzis' marriage would be recognised under ACT law. As I said when introducing the bill, we are and will clearly remain committed to enhancing equality for all Canberrans and recognising the strength of love.

The amendments to the Coroners Act acknowledge the anguish of a family of a deceased person when a coroner's report is tabled in the Legislative Assembly. The amendments to section 57(4) make it a requirement that any report tabled in the Legislative Assembly must raise issues of public safety and give the responsible minister discretion to redact sensitive, personal information before the report is tabled.

The amendments to the Guardianship and Management of Property Act allow the ACT Civil and Administrative Tribunal to suspend an enduring power of attorney. Although the tribunal is already able to revoke an enduring power of attorney, revocation is not always the best remedy for the person who made the power of attorney. There are, as has been mentioned in the debate, times when a suspension is clearly more appropriate.

The amendments to the Residential Tenancies Act support the tribunal's new power introduced under the Residential Tenancies Legislation Amendment Act 2016, to terminate a residential tenancy agreement where a co-tenant has a protection order

against the other tenant. These amendments support the government's commitment to protect people experiencing or at risk of domestic violence.

The bill makes additional amendments to a number of acts to improve the administration of government. These include amendments to the Human Rights Act 2004, the Human Rights Commission Act 2005 and the Terrorism (Extraordinary Temporary Powers) Act 2006 to reflect the changed portfolio arrangements for the territory's Ninth Legislative Assembly.

The bill also amends the Juries Act 1967 to reinstate the ability for airline operating staff to be exempt from jury duty, a right which was formerly available under repealed commonwealth legislation.

The bill simplifies government contracting by amending the Information Privacy Act 2014 to allow government contracts to contain privacy protections other than the territory privacy principles. This amendment reduces red tape for parties contracting with the government by requiring them to comply with the more familiar privacy protections which are applicable in their own jurisdiction. This will also allow the government to access new and more efficient information storage solutions, such as cloud technologies.

I notify members that I have written to the Leader of the Opposition and to the chair of the scrutiny committee to advise of my intention to move a government amendment at the detail stage of this debate. This amendment is purely technical in nature and relates only to the Information Privacy Act amendments in the bill. I will provide further information at the detail stage.

This bill is another demonstration that the government is listening to the community and delivering ways to continue to improve the way that people live. 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 RAMSAY** (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (4.41): I seek leave to move an amendment to this bill that was not circulated in accordance with standing order 178A, and pursuant to standing order 182A(b), I seek leave to move an amendment to the bill that is minor and technical in nature.

Leave granted.

**MR RAMSAY**: I move amendment No 1 circulated in my name [*see schedule 2 at page 431*] and I table a supplementary explanatory statement.

The Justice and Community Safety Legislation Amendment Bill 2016 (No 3) enacts appropriate and necessary changes to legislation in the justice and community safety portfolio. The amendments are designed to improve the efficient administration of existing laws. During consultation following the tabling of the bill, advice was received that an alternative interpretation of one clause was possible.

This amendment clarifies that government contracts can include privacy protections “other than” rather than “in addition to” the territory privacy principles. That was the express purpose of the amendment and one I stated in introducing the bill. It is also made clear in the explanatory statement.

**MR HANSON** (Murrumbidgee) (4.42): We will be supporting this amendment because it does what we have all agreed, I think, here today, and that is that we want to see JACS bills or SLABs or PBELABs deal with minor and technical amendments—in this case the addition of the word “or” to provide clarity about the intent of the bill. It is not changing the intent of the bill.

In doing so, I think it is useful for me to make some comment then on the speeches in the debate that has occurred. It was an attempt by the Labor Party and the Greens to take the debate about this bill, which specifically is about technical, minor amendments, into a broader national debate, and that really is not the purpose of the bill. That is not what we should be debating here. But it is what happened, and it was ruled in order by the Speaker. Obviously the debate is about the context of the amendment that was put forward that recognises interstate and overseas relationships that will be recognised herein as a civil union. That is a good amendment, it was supported by us and I would agree that it does not make a significant change.

So it was, I think, strange that the Labor Party and the Greens would then put this in the context of, and start talking about, same-sex marriage as part of a national debate. In doing so they made a number of statements which I think were not correct, which were not worthy of debate. So I will just spend a couple of minutes clarifying those.

I make the point firstly that despite all the concern being raised about same-sex marriage observance and the need for it—whether you support same-sex marriage or not; I personally do—it is worth noting that last Saturday would have been the day that this country would have had a plebiscite on same-sex marriage. I am confident that it would have got up. Others would disagree with me perhaps. I would have liked it to get up. Others would disagree with me. It does not matter.

The point is that the people who stood in the way of that pretty significant policy position from the federal coalition, a \$160 million commitment for a national plebiscite, were the Labor Party and the Greens. So I think that coming in here and having a debate about the nasty Liberals not moving this debate forward when it was the Labor Party and the Greens that stopped that debate cold, the national plebiscite, is hypocritical. Whether you agree with the outcome of that plebiscite, what your position is on that, to be the people that stopped that debate and stopped that plebiscite and then complain that it has not moved forward is hypocritical. I believe it is a missed opportunity. I am sure there are people more on the conservative side of

politics who are delighted with the position that the progressives have taken, ironically, to stop the debate. I do not know.

It is worth noting as well the fact that Mr Shorten supported a plebiscite in 2013 when he said that he was “completely relaxed about having some form of plebiscite”. That was in relation to same-sex marriage. I say that again, “completely relaxed”. It is only since it has become politically expedient for Mr Shorten to oppose it that he has now done so.

I remind new members as well that it was six years of the Labor Party with the Greens support in the Senate as a quasi coalition not supporting same-sex marriage—six years of opportunity. So coming in here and talking about the urgency, making speeches that are about Neanderthal conservatives and so on that we have heard before from the Chief Minister when we had six years of inaction, again is gross hypocrisy, and I will not be lectured on on this issue.

Ms Le Couteur said it was shameful that the same-sex laws that were passed in this place were ruled invalid by the High Court. Madam Deputy Speaker, you may wish to reflect on the *Hansard* and see whether it is a breach of any standing order to reflect on the High Court decision—the full bench, I think, or a unanimous decision—as a shameful decision. I think that is an odd thing to do. But it was a correct legal decision because the laws here were invalid. It was a legal decision. I am sure the Attorney-General would agree that we support the position of the High Court. They make rulings and it is our job now as legislators to acknowledge that, not to come into this place and call them shameful.

If Ms Le Couteur misspoke when she was talking about the original laws and described the parliaments that passed those laws are shameful, then those laws that have been characterised as shameful, I remind you, had the unanimous support of the Labor Party.

I digress. In some way I apologise for the need to go to the important debates and what I remind members is that when we get JACS legislation, SLAB legislation, or some of them, we are not getting into the broader national debates. If you want to have that, we have got a motion tomorrow. Let us have the debate then. But let us stick to the facts. If you are going to come in here and give lectures, get your facts right and stop the hypocrisy.

**MR RATTENBURY** (Kurrajong) (4.48): We have seen Mr Hanson once again take the opportunity to twist what somebody has said to his own political purposes. It is important that I stand up and clarify certainly the point Ms Le Couteur was making, and I will speak briefly to a couple of the other points raised in the debate.

In terms of a plebiscite that may or may not have been held last Saturday, yes, the Greens did vote against it. I will tell you why we did. We voted against it because the community told us that we should vote against it. We consulted members of the LGBTI community across Australia, and they feared the consequences of that plebiscite. They feared the unleashing of the hatred that would come through that debate. They feared the sort of diatribe we saw coming from the likes of Ross

Cameron at the Q Society on the weekend and the sort of diatribe we saw coming from George Christensen at the Q Society on the weekend. That is what they actually feared, and that is why we formed the view that the plebiscite was not a positive way to proceed.

Of course, we should be mindful of the fact that parliament should do its job on this matter. Parliament changed the laws the first time under Prime Minister Howard. It was fine for the parliament to do it then, but it is not fine for the parliament to do it now. That is the hypocrisy in this matter.

In terms of Ms Le Couteur's description of shameful, I think it would be fair to say Ms Le Couteur was quite clearly referring to the outcome. Ms Le Couteur had no intention of casting disrespect on the High Court, and I think that that was perfectly clear in the way she expressed her remarks. Mr Hanson sort of said, "Oh, well, maybe that is not what she meant," but he made the point anyway—the classic Mr Hanson approach: put it out there, allude to something to cast a smear but then back away and not quite have the courage to really make the point. Just hang it out there in case and make the suggestion.

It was a shameful outcome

**MADAM DEPUTY SPEAKER:** Sit down, Mr Rattenbury. Mr Rattenbury, it is unparliamentary to reflect on people's character in the way that you have, specifically in relation to whether or not Mr Hanson has courage. I ask you to withdraw.

**MR RATTENBURY:** I will withdraw, at your request, Madam Deputy Speaker. But I note that Mr Hanson was also reflecting on Ms Le Couteur's character quite freely in the observations he was making. But I make it quite clear that Ms Le Couteur's point simply was—

**Mr Hanson:** Madam Deputy Speaker—

**MADAM DEPUTY SPEAKER:** Sit down, Mr Rattenbury. You do not need to take the point of order, Mr Hanson. I will deal with this. Mr Rattenbury, I asked you to withdraw. I did not ask you to reflect on my request for you to withdraw. If you want to question my ruling, there are ways and means of doing it.

**MR RATTENBURY:** Madam Deputy Speaker—

**MADAM DEPUTY SPEAKER:** I have not finished yet. Having listened to what Mr Hanson said—Mr Hanson said that we might like to reflect on *Hansard*, and he drew the chair's attention to what might be in *Hansard*—that is not a reflection on the character of the person spoken about.

On the question that Mr Ramsay's amendment be agreed to, Mr Rattenbury, you have the floor.

**MR RATTENBURY:** The simple point Ms Le Couteur was making was that it was a shameful outcome because of what the federal parliament had done when passing the

laws to narrow the scope of marriage in Australia. I look forward to the day when that law is changed and we have true equality in this country.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (4.51): I simply rise to draw this matter to a close and to note there is potentially some misunderstanding on the two different concepts that are going on. One is technical and one is significance. There are technical matters that are before us. There are technical changes that are being made. They have significant impact on the way that people live their lives. In fact, if the changes were technical and insignificant, I would have sent back the brief when it first arrived and said there was no point in spending resources on making technical changes that have no impact on people's lives.

This bill and the amendment are, indeed, technical. They are also significant. They will have a positive impact on people's lives. They will have a positive impact on the way that people choose to live.

I note in passing that there have been some comments made around the plebiscite. Let me simply reflect on my experience, which is that I have sat with a great many people in the LGBTI community who have expressed to me significant concern at what was the potential under the plebiscite, and there are good, sound reasons to focus on people as to why decisions have been made.

There will be, I am sure, further time to debate and note the ongoing commitment of this particular government to inclusivity in marriage and in relationships. I simply note that that is something that is shared by every member on this side of the Assembly.

Amendment agreed to.

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

Bill, as amended, agreed to.

## **Crimes Legislation Amendment Bill 2017**

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

Title read by Clerk.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Justice and Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health) (4.54): I move:

That this bill be agreed to in principle.

The Crimes Legislation Amendment Bill 2017 makes technical amendments to two acts under which the Director-General of the Justice and Community Safety

Directorate has functions relating to intensive correction orders, the Crimes (Sentence Administration) Act 2005 and the Crimes (Sentencing) Act 2005. The amendment retrospectively delegates certain director-general functions to ACT Corrective Services officers who had responsibility for the supervision of an offender on an intensive correction order.

Intensive correction orders became a sentencing option in the ACT on 2 March 2016. Such an order allows an offender to serve their sentence in the community, remain in employment and maintain community ties. The conditions of an order can be tailored by the courts to suit the circumstances of the offence and the offender, but are still sufficiently structured to ensure every order places appropriate obligations on an offender. A core condition of an intensive correction order under section 42 of the sentence administration act is that the offender must comply with any direction given by the director-general under the sentence administration act or the Corrections Management Act 2007.

The director-general has functions in relation to intensive correction orders under both the sentence administration act and the sentencing act. It is usual practice for certain functions of the director-general to be delegated to the appropriate Corrective Services officers.

The sentence administration act provides that the director-general may exercise functions and powers relating to the supervision of an offender's order obligations. The sentencing act includes functions that relate to the assessment of offenders for their suitability for an intensive correction order.

Due to an administrative oversight, certain functions of the director-general under these acts were not delegated to Corrective Services staff when the new sentencing option commenced. Corrective Services officers were unaware that these delegations had not been made. During the relevant period Corrective Services staff acted and made directions under an implied and assumed authority to do so. Two separate delegations were made by the director-general to ensure that current delegations are effective.

The primary purpose of this bill is to retrospectively delegate the functions to Corrective Services staff to correct the technical oversight and put the decisions made by staff on a more sound footing than simply relying on the implied and assumed authority the officers had. As such, it is largely administrative in nature.

It is regrettable that the oversight has resulted in the need for this bill. I have acted promptly to remedy this problem as soon as it was drawn to my attention. I assure members of the Assembly that I take this matter extremely seriously. The directorate is investigating, as a matter of priority, all delegations across the directorate to avoid this situation arising again.

As I have indicated to members, I intend to seek leave to debate this bill this week to ensure that this matter is addressed in a timely manner. I do understand that the urgency of the bill means that scrutiny will be limited, and I apologise to members in advance for this. That said, I believe that the need to delegate the relevant functions

and rectify the administrative errors justifies debate on this bill this week rather than delaying consideration until March.

Recognising the limited opportunity for scrutiny of the bill that this timetable presents, I have foreshadowed this with the Leader of the Opposition and the opposition spokesperson for corrections and provided them with an opportunity to have a briefing from officials of the Justice and Community Safety Directorate in order to maximise the opportunity to reflect on this. That briefing took place last Friday. So we have endeavoured to ensure the maximum opportunity for members of the Assembly to consider this legislation. I thank members for making themselves available for those opportunities. I conclude by commending the bill to the Assembly.

Debate (on motion by **Mrs Jones**) adjourned to the next sitting.

## Adjournment

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

That the Assembly do now adjourn.

## Mr Bernie Harris

**MR DOSZPOT** (Kurrajong) (4.59): I rise tonight to speak about the passing of an old friend last November, Mr Bernie Harris. He was well known to many federal parliamentarians, and, indeed, many people associated with this Assembly, for his 38 years of service to the federal parliament with Hansard, many of those years as Chief Hansard Reporter. In November the Speaker, the Hon Tony Smith MP, gave the following tribute, which I quote from *Hansard*:

I want to inform members of the recent death of Mr Bernard Harris. Bernie retired in 2002, having been the Chief Hansard Reporter. He worked in the parliament for 38 years, all of those with Hansard. He dedicated his career and his work to this parliament, and he took an active interest in parliamentary matters after his retirement. I extend, on behalf of the House, our sympathy to his family and friends, and I just wanted to pass on the news to members.

I met Bernie Harris in 1980, as we both played a part in the foundation of Canberra City soccer club, Canberra's first entry into the then Philips National Soccer League. Bernie made a great contribution as the editor of the club journal and program, *Canberra City Soccer News*. Bernie also became a prominent soccer commentator on ABC Radio, covering Canberra City and the NSL. He was already one of the senior Hansard reporters by this stage, and his experience made our little journal not just informative but able to carry a gravitas that few sporting journals of the day could emulate.

Bernie's other passion, apart from parliament, was golf. He joined Royal Canberra Golf Club shortly after moving to Canberra from Brisbane and served on the board for 12 years, including as president for two terms.

Bernie witnessed and oversaw immense changes at Hansard, including the introduction of computers and voice recognition. He established a cadet reporter training program at the Canberra College of Advanced Education. He was executive coordinator of the centenary of parliament, a member of the Macquarie Dictionary panel and the style council, the Australian Journalists Association, and a member and one-time president of the Commonwealth Hansard Editors Association. He was inducted into the hall of fame of the Shorthand Reporters Association in 2004.

After his retirement Bernie was actively involved in recording and transcribing oral histories for the Museum of Democracy at Old Parliament House, the Royal Canberra Golf Club and the National Film and Sound Archive. When he retired Bernie's children, Amanda and Jamie, had a star named after him at the International Star Registry.

After my election to the ACT Legislative Assembly, one of the first people to congratulate me was Bernie Harris, and 30 years after going separate ways after our soccer involvement, Bernie and I renewed our friendship over numerous lunches and dinners at his favourite place: the Royal Canberra Golf Club.

Bernie started working for Hansard when Sir Robert Menzies was Prime Minister, Mr Arthur Calwell was Leader of the Opposition and decimal currency was still two years away. Bernie and I were able to share stories about his major passion, parliament and *Hansard*, and the now legendary people he rubbed shoulders with. He gave me his first video of his presentation about the humour of Hansard. I, in my new role as an MLA, finally started to have a better understanding and appreciation of Bernie Harris and his dedication and life-long passion to his profession.

I thank Bernie's children—daughter, Amanda, and son, Jamie—for supplying me with additional information that I have been able to include in this tribute, and offer them and Bernie's sister, Ros, my sympathy and that of his former colleagues in this Assembly—Tom Duncan, Max Kiermaier, Celeste Italiano, Andrew Snedden and almost all of the current ACT Hansard staff—for the sad loss to the Harris family.

I felt the last word should go to Bernie Harris this afternoon. I quote from his wonderful presentation on the humour of Hansard, which summarises Bernie's respect and deep feelings towards his parliament:

I just want to say—and I may be a bit emotional about it—when you walk away, look at this building and think of our democracy and what it means to all of us: how fortunate we are to live in a country like this, which can have an election and change of government with no problems and where a Prime Minister can compliment the Leader of the Opposition and where life goes on. Just think of this building, think of the great people who have been here and think of what it means to have this system of government. We've never had a civil war and we have never had an incursion—bar what happened in Darwin and Sydney Harbour. If I am emotional about it, it is because I am proud.

**Sussex Inlet RSL Club**

**MS CODY** (Murrumbidgee) (5.04): Like many of my colleagues, I took the opportunity to have some time off during the summer break. Our city and our territory have some wonderful outdoor summer activities, whether it is cycling by the lake, enjoying the bushland to our south or joining in the festivities at Summernats. However, like many Canberrans, I joined the exodus to the coast.

Whilst maps say that the South Coast is in New South Wales, I, like many Canberrans, know that over the summer the region becomes an extension of Canberra. Generations of our families have holidayed in this beautiful part of Australia, and appreciated the hospitality of the generous locals.

There was, however, one blight on my time spent on the South Coast that must be mentioned. Whilst spending what was otherwise a pleasant evening at the Sussex Inlet RSL, my husband returned from the toilets to inform me that the urinals in that club have pictures of Aboriginal men set up in the urinal. Let me say that again: in 2017, in Australia, in a club that promotes itself as championing our values and respect for our national heritage, men are expected to urinate on Aboriginals.

The Sussex Inlet RSL are a disgrace. They are a disgrace to themselves, a disgrace to the veterans they claim to represent and a disgrace to Australia. I take umbrage at the use of Aboriginal kitsch tiles in the men's urinal. Does the Sussex Inlet RSL think it appropriate that patrons embrace Aboriginal culture in the toilet block? The RSL would think it grossly offensive to place a portrait of the Queen, the Australian flag or a Rising Sun emblem in the toilet, so why does it think caricatures of our first Australians are acceptable?

I wish this did not fall into a long history of disgraceful behaviour by this organisation. The freedom riders of 1965 protested the refusal of RSL clubs to accept Indigenous veterans as equals.

I do hope that leaders of this RSL club, people who either are or stand by racists, do not attempt to hide behind the respect that our nation owes veterans. My husband is a returned serviceman from Iraq, and I know the courage, the honour and the sacrifice he and his comrades have made down the generations. That this RSL club has taken the hard-earned and well-deserved honour Australians show to veterans and perverted it is disgusting. I hope the national and state bodies of the RSL address this filth as a matter of urgency.

**HeartKids Australia**

**MRS DUNNE** (Ginninderra) (5.07): Today is 14 February. Some of us might think about Valentine's Day and all that sugary, schmaltzy stuff that goes to fill the coffers of the florists and the card purveyors. Not a hallmark matter, to be acknowledged, on Valentine's Day is Sweetheart Day. Sweetheart Day is the major fund raising event for HeartKids Australia.

As you might know, Madam Assistant Speaker, the members of the opposition here in the ACT have a growing and close association with HeartKids. One of our prominent members of the Liberal Party has recently come across HeartKids in their daily life following the birth of their young son Charlie. We pay tribute to the Clode family for the work they have done in the past 18 months or so bringing to the attention of many of us in the ACT the amazing work of HeartKids and the amazing life of their son Charlie, who has been a poster boy in the *Canberra Times* and elsewhere for this heroic fight against congenital heart disease.

It has been a great opportunity for me and many of us to find out more about the great work of HeartKids. Today on Sweetheart Day we encourage you to make a donation to HeartKids, which is a charity to raise money to support kids with heart disease and medical research into childhood heart disease.

HeartKids helps to employ family supports in the hospitals across Australia, including at the Canberra Hospital. The organisation runs teen camps for teenagers with heart disease and it assists families with emergency travel and accommodation. HeartKids runs information seminars and education days, providing practical assistance for families.

There is also a Hear Kids bead program in children's hospitals across Australia to provide moral support for kids to provide a bead for every procedure they have received. Young Charlie has now clocked up over 800 beads. The bead program is a good way of showing just how invasive and complicated the lives of HeartKids are.

HeartKids provide an information hotline during working hours to provide support and advice for families affected by childhood heart disease. So far \$3 million has been provided by HeartKids for research into childhood heart disease. I would like to pay particular tribute to all the families. Eight children a day are born with heart disease across Australia and four children a week die of childhood heart diseases, not all of them congenital. Some of them are acquired.

This is a tragedy that we believe no family should face. I pay tribute to the heroic families and the heroic doctors who work in this space and to the tireless family supporters of children with heart disease on this Sweetheart Day.

### **University of Canberra**

**MS CHEYNE** (Ginninderra) (5.11): On Thursday, 2 February I had the honour of representing the Minister for Health, Meegan Fitzharris, at the official opening of the new medical radiation science lab at the University of Canberra. I joined UC acting vice-chancellor, Professor Nick Klomp, and the dean of health, Professor Dianne Gibson, to mark this exciting development in health education in the ACT.

As a Belconnen resident and UC alumna, I was especially proud to participate in the opening of these state-of-the-art facilities, which will support the learning of future medical imaging students. The new medical radiation science lab is a hugely impressive research and teaching facility. The lab features a large teaching space, high

tech X-ray suites, facilities to store and review medical images, as well sound and video recording technology.

The lab will provide students specialising in medical imaging with access to technology not available elsewhere in the ACT or the region. The lab is a great example of how infrastructure and technology can be used to enable students to hone their skills in a variety of real life situations. The four X-ray suites each recreate a different X-ray environment, such as the conditions and limitations in an emergency room or a private clinic.

Students will be able to practise taking X-rays of dummies and practise how to go about positioning real human bodies for radiographs. This will be invaluable pre-clinical experience and, upon graduating, they will be well equipped to enter the workforce.

Importantly, the expansion of health offerings at the University of Canberra means that talented students can stay in Canberra to study a variety of medical imaging courses which were previously unavailable here. The courses started in 2016 with the bachelor of medical radiation and will expand this year with the addition of post-graduate qualifications.

I was particularly pleased to learn that demand has been high, with the bachelor degree receiving approximately 300 applicants for 50 spots in its first year. There will now be a supply of high quality Canberra graduates who may fill workforce vacancies in medical imaging in the ACT. This government is committed to delivering health outcomes for our community. It is exciting to see our students getting even more opportunities to gain world-class health qualifications here in the territory and, hopefully, put them to use in our community.

I also had the opportunity to see some of the allied health students in action the following Monday when I was taken on a tour of the UC health hub. The health hub is a four-storey health centre that houses Canberra's first GP super clinic as well as a number of private and student-led health clinics. Student-led clinics are another tool to ensure students are not only prepared with theory but also empowered with practical and interpersonal skills to be confident and capable graduates.

The student-led clinics include a wide range of health services covering counselling, physiotherapy, nutrition and dietetics, exercise physiology, occupational therapy and clinical psychology. In these clinics students are responsible for diagnosing patients, creating a treatment plan and delivering that treatment. The students are fully supported by a registered clinician, who they consult with at every stage of the process.

I was pleased to learn that patients who participate in these clinics often feel they are giving back to their community by helping to train the next generation of health professionals. I was impressed to see some physiotherapy students diligently conducting their clinic to deliver quality care.

I saw that the health hub also contains a range of private clinics, meaning that the public is able to access a range of health services in a single location, as well as providing opportunities for student placements.

I walked away from my tour of the new medical radiation science lab and the health hub very impressed. UC health students are being given incredible opportunities to access world-class facilities and to participate in innovative programs to stretch and develop their skills.

Canberra is growing, meaning increased demands on our health system. The expanding health faculty and health precinct at UC are examples of how these needs are being met locally to the benefit of the community, health professionals and students.

### **Nurse Practitioners Day**

**MR STEEL** (Murrumbidgee) (5.16): In December I had the great privilege of participating in the five-kilometre bridge-to-bridge walk around Lake Burley Griffin to celebrate Nurse Practitioners Day. It was an opportunity to recognise our ACT nurse practitioners and their contribution to the Canberra healthcare system,. It is a growing role.

Nurse practitioners are health professionals who are trained to a master's degree level. They are able to function autonomously in a clinical setting. They work collaboratively with other health professionals in a range of areas and are a vital part of our healthcare system. I would like to express my appreciation for the valuable contribution that they make to our city.

The ACT chapter of members of the Australian College of Nurse Practitioners came together to participate in the bridge-to-bridge walk to celebrate the achievements of nurse practitioners with the message, "Nurse practitioners, a prescription for your choice in health care."

The ACT government is committed to ensuring that nurse practitioners are a strong and active part of our healthcare system. During the election, Labor announced \$9.8million in funding for 39 more nurse practitioner roles in the ACT in a wide range of areas across our healthcare system, including palliative care and our nurse-led walk-in centres.

Labor also committed to ensure that there are more opportunities for training with a new nurse practitioner course at the University of Canberra and more nurse scholarships as well as more graduate opportunities. Nurse practitioners also play an important role in our nurse-led walk-in centres.

Since the Tuggeranong nurse-led walk-in centre opened, over 33,000 Canberrans have been treated. Labor committed to build a new nurse-led walk-in centre at Weston Creek to service the southside community. They provide advice and treatment for minor illness and minor injuries at no cost. This initiative was brought in to reduce pressure on the Canberra Hospital and offers fast and successful health care.

Nurse practitioners have a wider scope of practice than nurses and provide an important role in these centres. The ACT government understands and values the contribution of nurse practitioners and the role that they have in our community. The ACT government will continue to support this important profession into the future.

I would like to thank ACT nurse practitioners for organising this event and to acknowledge the valuable and growing contribution that they make to our city and our nation.

Question resolved in the affirmative.

**The Assembly adjourned at 5.19 pm.**

## Schedules of amendments

### Schedule 1

#### Statute Law Amendment Bill 2016

Amendment moved by the Attorney-General

1

#### Schedule 3

#### Proposed new part 3.2A

Page 18, line 6—

*insert*

### Part 3.2A Adoption Act 1993

#### [3.3A] Section 39L (10), new definitions of *adoption order* and *repealed law*

*insert*

***adoption order*** includes an order for the adoption of a person made under a repealed law.

***repealed law*** means any of the following Acts or an Ordinance repealed by any of the following Acts:

- (a) *Adoption of Children Act 1965*;
- (b) *Adoption of Children Act 1974*;
- (c) *Adoption of Children (Amendment) Act 1979*;
- (d) *Adoption of Children (Amendment) Act 1983*;
- (e) *Adoption of Children (Amendment) Act 1988*;
- (f) *Adoption of Children (Amendment) Act 1991*.

#### Explanatory note

The *Statute Law Amendment Act 2008*, schedule 3, section 3.1 (the **2008 amendment**) amended the Act, definition of ***adoption order*** to remove references to adoption orders made under laws that had been repealed. The explanatory note for the 2008 amendment stated that it was made as a consequence of the omission of redundant references to repealed laws made by other amendments in schedule 3, part 3.1.

An unintended consequence of the 2008 amendment was that references to ‘adoption order’ in then section 26 (the equivalent provision to current section 39L) no longer included references to adoption orders made under repealed laws. Section 39L gives the court power to make an order discharging an adoption order in certain circumstances. Because of the 2008 amendment, the court no longer has power to discharge an adoption order made under a repealed law. It is clear from the explanatory notes for the 2008 amendment that it was intended to be only technical in nature and not to change the substantive effect of the law.

This amendment revises section 39L to provide that a reference to ‘adoption order’ in that section includes a reference to an adoption order made under a repealed law.

### Schedule 2

#### Justice and Community Safety Legislation Amendment Bill 2016 (No 3)

Amendment moved by the Attorney-General

**1**

**Schedule 1, part 1.6**

**Amendment 1.13**

**Page 7, line 9—**

*omit amendment 1.13, substitute*

**[1.13] Section 21 (1) and (2)**

*substitute*

- (1) A public sector agency must not enter into a government contract unless the contract contains appropriate contractual provisions requiring the contracted service provider, and any subcontractor for the contract, to comply with—
    - (a) the TPPs; or
    - (b) a TPP code that binds the agency; or
    - (c) a corresponding privacy law.
  - (2) Also, a public sector agency must not enter into a government contract that authorises the contracted service provider, or any subcontractor for the contract, to do an act, or engage in a practice, that breaches a TPP, TPP Code or corresponding law that applies to the contract under the contractual provisions mentioned in subsection (1).
-