



Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

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Wednesday, 15 February 2017

The Assembly met at 10 am.

MADAM SPEAKER (Ms Burch) took the chair and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Marriage equality

MR PETTERSSON (Yerrabi) (10.01): I move:

That this Assembly:

- (1) notes that the ACT Government is leading the way in delivering clear and positive support for the lesbian, gay, bisexual, transgender, intersex and questioning (LGBTIQ) community by:
 - (a) bringing forward reforms to allow easier recognition of overseas same sex marriages;
 - (b) establishing the Office of LGBTIQ Affairs to better coordinate and target support;
 - (c) supporting a range of important and popular events and activities, including bannered Canberra in rainbow colours this week; and
 - (d) stepping in to fund the Safe Schools program to help all students feel welcome and protected;
- (2) further notes that:
 - (a) 77 percent of Australians support a free vote on marriage equality;
 - (b) Federal Members of Parliament from all major parties are working to persuade the Federal Government to allow a free parliamentary vote on marriage equality; and
 - (c) the ACT Government made a submission to the Federal Senate Select Committee on the Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill, in which the Government argues strongly against perpetuating and entrenching discrimination through overly broad exemptions proposed in the Bill; and
- (3) calls on the ACT Legislative Assembly to help deliver true marriage equality for Canberrans and Australians by:

- (a) making a tri-partisan statement in support of marriage equality by forwarding this motion to the Prime Minister, signed by the leaders of all ACT Legislative Assembly parties; and
- (b) continuing to actively engage and support the LGBTIQ community by actively supporting LGBTIQ public events and activities across Canberra.

Madam Speaker, Labor wants marriage equality for all Canberrans. We want this not just because it is the right thing to do, but because we must say no to homophobia in our community. I am proud to be a member of a Labor government that has such strong role models for young LGBTIQ Canberrans.

We are committed to social inclusion for all and we will always support those in our community facing discrimination. It is my fundamental belief that all Canberrans are equal. It is not their race, religion, gender or sexuality which determines their worth, but the content of their character. That is my belief.

The ACT Labor government's commitment to marriage equality states clearly our belief that all people are entitled to respect, both in their community and from their government. This government is known for leading the nation on LGBTIQ issues. It was, after all, this government which legislated in 2013 for same-sex marriage. This five-day period before the High Court intervention was a window for many into the love and generosity that same-sex marriage legislation will bring with it. It affirmed for many the fundamental good that is recognising all love as worthy of respect.

The ACT government has much to be proud of in supporting the LGBTIQ community. We recognise same-sex relationships through the Domestic Partnerships Act. We passed civil partnership legislation to recognise relationships regardless of sexuality. We updated the definition of "intersex" to better reflect community standards. We have given parents greater flexibility on how they are referenced on their children's birth certificates. We have supported, and will continue to support, safe schools.

We have supported those who support the LGBTIQ community like the AIDS Action Council, the SpringOUT festival, A Gender Agenda, Sexual Health and Family Planning ACT and the LGBTIQ Advisory Council. Conservatives have opposed all of this progress and today they still continue to fight progress.

I have bad news for these conservative stalwarts. You are wrong and you will lose this fight as you have lost many before. It is not a matter of if but when marriage equality becomes law. Many of these vocal critics have complained that our desire to introduce same-sex marriage is tokenistic and an ineffective move to address discrimination. They are wrong on both counts. To quote Macklemore, as many of my colleagues like to, "a certificate on paper isn't gonna to solve it all but it's a damn good place to start".

It is not tokenistic to show that their love is equal and, most of all, this government has had a damn good start fighting homophobia. Worse, some have advocated that homosexuality is an abomination. These uninformed and hateful views have no place in modern Canberra. We will combat ignorance as we always have; with patience, compassion and determination. This government will continue to fight homophobia.

We will fight biphobia. We will fight transphobia. We will fight bigotry in all of its forms.

When other governments in Australia do nothing, we will do more. Hate must be stamped out. The ACT Labor government has already started to address the discrimination faced by our LGBTIQ community. Helping us in this work is the new Office for LGBTIQ Affairs. This office ensures that all ACT government policy promotes Canberra as the most LGBTIQ friendly city in the country. This office provides expert guidance on LGBTIQ matters to government.

This government has acted to automatically recognise same-sex marriages from overseas. With the recent introduction of amendments to the Civil Unions Act, there will be less red tape for same-sex couples. This is a good thing. Heterosexual marriages do not require registration upon return to Canberra. It is discrimination, plain and simple, that same-sex couples do.

Just weeks ago, the ACT government made a submission to the commonwealth government's exposure draft of the Marriage Amendment (Same-Sex Marriage) Bill. This submission was absolutely clear on this government's principles. We are believers in dignity for all. We are believers in social inclusion and we reject homophobia.

We were, however, saddened to see that the draft commonwealth bill would further entrench the systematic separation that LGBTIQ Canberrans experience. The freedom to live their life free of harassment, crucially, the freedom to participate without barrier and without exclusion, is an important part of an inclusive and accepting society. How do you expect an individual to feel equal when they can be singled out and prevented from accessing services for who they are?

I wish to speak very briefly to the civil nature of marriage. We have a clear distinction in Australia between what constitutes a civil marriage and what constitutes a religious marriage. I see no reason why same-sex couples publicly affirming their love through a legal marriage should in any way diminish the relationship of the religious people in our community.

In closing, I seek to reassure LGBTIQ Canberrans that the divisive, hateful language they endure is not fair. It is not right. But we will fight it, and we will win. We will have marriage equality.

MR COE (Yerrabi—Leader of the Opposition) (10.06): Once again, we have a government attempting to use this issue for their own personal political gain. We have a motion on the notice paper which is obviously not about the welfare or rights of Canberrans, but about simply trying to drive a wedge amongst members of the Assembly. Further to this, the notion of calling on a non-executive member of the Assembly to sign a document is most unusual and probably does warrant further consideration by this place at another point in time.

I also note that it is quite inconsistent that we have a situation whereby those opposite are advocating for a free vote in the commonwealth parliament, meanwhile trying to

bind me into doing something here. Of course, like numerous other motions by Labor MLAs, this motion is about grandstanding rather than actually progressing a cause.

It is also worth noting that if 77 per cent of Australians support changing the definition of marriage, as is claimed in paragraph 2(a) of the motion, then at this point in time, this week, the commonwealth parliament would be changing the definition of marriage because a plebiscite would have occurred on Saturday, 11 February had Labor not blocked that vote.

It is also interesting to note that one of the reasons that Labor stated for opposing the national plebiscite was that they did not want to have a debate that risked becoming divisive. However, here in the Assembly, of course, Labor had no qualms whatsoever in trying to capitalise on any division that may or may not take place here, in effect trying to use this issue as a political football.

Madam Speaker, we have had this debate on numerous occasions. It is well known that there are mixed views in the opposition on this commonwealth issue. However, we also know, as I just stated, that this is a federal issue and has been confirmed as such by the High Court. As such we will leave it to the commonwealth. We will not be supporting the motion.

MS LE COUTEUR (Murrumbidgee) (10.09): The Greens, of course, support this motion. We are very proud to provide our full support for the motion. The ACT Greens have always believed that lesbian, gay, bisexual, transsexual, intersex and queer people should be treated equally under our laws and in our community. We have been the only party consistently resolved on standing for marriage equality. Federally my counterparts have always voted for marriage equality: every MP, every time. Locally, we have supported ongoing amendments to increase equality, including the Marriage Equality (Same Sex) Act 2013.

Turning to the plebiscite, the Greens were the first to indicate that they would vote against the plebiscite. We believe this was the right thing because the LGBTIQ community had made it abundantly clear that they believed a plebiscite would do more damage than equal marriage was worth. They were concerned that it would be unnecessarily divisive. Clearly, of course, it was expensive and potentially a licence for free hate speech.

The LGBTIQ community themselves were very concerned that there would be adverse outcomes, that young people struggling with their sexuality or gender identity would absorb the negative attitudes and ignorant linkages to bestiality, paedophilia and promiscuity. There is already a disproportionate level of mental illness among this population group, mental health illnesses that arise not from their sexuality or their gender issues but from the internalised homophobia or transphobia and the externalised expression of these phobias.

We were concerned that the community saw the plebiscite as potentially open slather for these issues to be expressed in a very negative way. Of course, as we all know, a plebiscite is not needed for the legislation to change in the parliament. Firstly, of course, the plebiscite would not bind any federal MP to vote in any particular way.

Secondly, the MPs have the right today, if they so choose, to vote for marriage equality. Of course, the Greens would strongly suggest that that is the choice they should make.

This is why the Greens voted against the plebiscite. It was not to hold up progress to equal marriage. It was to ensure that the progress, which I am sure we will have, would be respectful and minimise the risk of harm. It is a bit upsetting. Particularly yesterday, the Greens were accused of standing in the way of progress. The Greens did as we always do. We listen to the community that was going to be most affected by this. The community felt that they were going to be adversely affected by the plebiscite. We acted responsibly. We put the community first, the community that felt that it might be hurt by this plebiscite.

Of course, marriage equality and equal rights for LGBTIQ people is a fundamental principle. All Greens are aligned to this. We believe that all people have fundamental human rights and are entitled to the equal protection of the law without any discrimination, including on the basis of sexual orientation, gender identity or intersex status. Secondly, we believe that inclusion and celebration of diversity are essential for social justice and equality. Thirdly, we believe that people have the right to their self-identified gender, which is integral to people's lived experiences as citizens and as members of the community.

Fourthly, society should be free of harassment, abuse, vilification, stigmatisation, discrimination, disadvantage or exploitation on the basis of actual or assumed sex, sexual orientation or gender identity of a person or someone they are associated with. Fifthly, society should be free of discrimination based on family formation or the sex, sexual orientation and gender identity of parents and/or carers. Sixthly, the health needs of all Australians should be provided for without discrimination of any kind. Everybody has the right to have their specific health needs met with equity, dignity and respect. Lastly, all people, including intersex and gender diverse people, have a right to bodily autonomy and physical integrity

Marriage equality is not a moral question. It is a question of fundamental human rights and the right for everybody to be treated as equal in our community. As we know from previous experience, the territory is unfortunately limited in its ability to provide marriage equality in the ACT. Indeed, it was the High Court of Australia that held that the federal parliament has the power under the Australian Constitution to legislate in respect of same sex marriage. Under the constitution and federal law as it now stands, whether or not same-sex marriage should be provided for by law is a matter for the federal parliament.

As I said, that is the other reason that we voted against the plebiscite. It is unnecessary. The High Court made it abundantly clear that the parliament has the power to change the Marriage Act and it should just get on with the job. We know that the vast majority of Australians support marriage equality and believe that all of us deserve to be recognised equally. The love of two people, regardless of their gender, deserves to be respected and celebrated as much as the love of any other two people.

Of course, we support the call for continuing to actively engage with and support the LGBTIQ community by actively supporting LGBTIQ public events and activities across Canberra because this type of visible support from government contributes to the reduction of exclusion and isolation. It assists members of this community to feel that they are valued and that they belong, as they do belong.

The Greens support the call for a tripartisan statement in support of marriage equality from this Assembly because it is the right thing to do for the people of the ACT and, more widely, the people of Australia. We stand with our federal colleagues who we know will vote for marriage equality. They have every time and will continue to do so until marriage equality exists.

MS CHEYNE (Ginninderra) (10.16): This is an important motion that I am proud to support, and I thank my colleague Mr Pettersson for moving it today. It goes without saying that people who identify as LGBTIQ are valuable and equal members of our community. This should be reflected in our laws, our institutional frameworks and our social norms. We each have a role in achieving this but none more so than the government.

Madam Speaker, let me read you a list. All of these nations have something in common: The Netherlands, Belgium, Spain, Canada, South Africa, Norway, Sweden, Portugal, Iceland, Argentina, Denmark, Brazil, France, Uruguay, New Zealand, England, Ireland, Scotland, Wales, United States, Luxembourg and Colombia. All of these countries have legalised same-sex marriage and next month Finland will join their ranks. Their governments have listened to their people and have done the right thing. They have recognised that no-one should be barred from this important civil institution because of their sexual orientation. It is simply a matter of respect and equality before the law.

Meanwhile, in Australia, our federal government is out of step with the majority of Australians. It refuses to listen, instead choosing to dither, delay and, in some ranks, outright oppose. For however long this continues, I am proud that the ACT government will continue to make our own position on marriage equality clear, and continue to lead the way by updating our statute books to remove discrimination, offering support services and programs to the LGBTIQ community, and promoting attitudes of acceptance in our society.

Progressive legislative changes in the ACT reflect and respect our diverse community. In recent years we have reviewed our statute books and made amendments to remove provisions that were discriminatory towards the LGBTIQ community. We have also updated the definition of “intersex” and broadened the circumstances in which intersex people are able to formally change their legal status. We legally recognise same-sex relationships, and civil partnership legislation means that same-sex couples are treated the same as married couples under territory law.

Just yesterday we further broadened the criteria for civil unions by passing laws which amended the Civil Unions Act to allow the automatic recognition of formally recognised overseas or interstate same-sex relationships. This is a timely change, as

the demands of work and family, and the graces of online communication, mean relationships now frequently cross borders. Such social changes should not unfairly prejudice LGBTIQ relationships.

I am equally proud that we continue to speak out against federal bills which will further entrench institutional and social exclusion of the LGBTIQ community. In our submission to the federal Senate select committee on the exposure draft of the same-sex marriage bill, we have advocated for a free parliamentary vote on marriage equality. Australians support a free vote on marriage equality and so do we.

In the ACT we have made other changes so that LGBTIQ people can participate fully and freely in civic life. For example, we all need to show banks, employers and schools our identity documents from time to time. These documents should accurately reflect our gender and our families, regardless of our sexual orientation and gender identity. Bureaucracy should not be a roadblock to the LGBTIQ community officially documenting their gender identity and family relationships. That is why we allow intersex, transgender and gender diverse people to have their gender identity officially documented.

We also recognise interstate parentage orders, give parents greater choice as to how they are referenced on a child's birth certificate and provide flexibility in documenting name changes. These are practical steps that have a real impact.

We have established the Office for LGBTIQ Affairs as a central point within government for coordination and engagement with the LGBTIQ community. We also continue to send a strong message of acceptance and celebration by actively supporting LGBTIQ public events and activities across Canberra, such as SpringOUT. As we brighten the city with rainbow today, we send a message we hear echoed around Canberra: we celebrate our diversity.

Very importantly, the ACT government has also shown leadership by stepping in to fund the safe schools program here in the ACT. School can be a social minefield for anyone. For youth who are figuring out their gender identity and sexual orientation, it can be especially tough. It is critical that these youth feel supported to self-determine and are free in their self-expression, without fear of bullying or harassment. We are bolstering the support networks in our schools and funding early intervention and prevention programs to educate all of our youth about LGBTIQ issues.

We are also conscious that, for our young people, it is the day-to-day things that can make a big difference in the classroom and on the oval. The Education Directorate is currently revising the uniform policy, procedure and guidelines after receiving advice from the LGBTIQ Ministerial Advisory Council on more inclusive policies.

We also support the play by the rules and fair go, sport programs to change negative attitudes and promote inclusion in the sporting arena. We want to convey to all of our young people that, when it comes to sexual orientation and gender identity, there is no right or wrong.

Our LGBTIQ friends, family and colleagues deserve acceptance and respect. The ACT government fully supports the LGBTIQ community and is committed to fostering equality at every level, from grassroots initiatives through to our schools, governance structures and legislation.

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (10.24): As Attorney-General, I was delighted to work with and co-sign the submission from the ACT government on the commonwealth government's exposure draft of the Marriage Amendment (Same-Sex Marriage) Bill. In it, we drew attention to a number of the areas of progress here in the ACT to minimise discrimination against members of the LGBTIQ community. We look forward to fostering a climate where equality can be achieved without a debate that descends into vilification. I was delighted to introduce, in my first week in this Assembly, legislation that enables easier recognition of overseas marriage, and I am even more delighted that the bill was passed by the Assembly yesterday.

Today I wish not only to speak as Attorney-General but as someone who has had the privilege, for nearly 25 years, of being able to share the lives of people as they have planned their marriage. Unfortunately, I have not kept count of the precise number of marriage services I have conducted, but I can assure you it has been quite a few.

There has been a great diversity during that time, from the first wedding I conducted right through to the most recent. Some of the couples have been quite young, starting out hopefully on a long life together; others have been more advanced in their years. For some, it has been the first marriage for both people; in other marriages, people have either been divorced or widowed and are entering into a second or subsequent marriage. Some of the couples have been planning a family and had spoken with me about the children and grandchildren for which they hoped; others have been very clear that they were not planning on having children; and others have joked with me, sometimes in relation to their age, and indicated that they are very glad that there is no real tie between marriage and child-bearing.

In some circumstances I have prepared and conducted weddings of people who have shared a particular faith framework; in other circumstances there have been very different perspectives on matters of faith and religion; and in a great many, there has been no particular faith framework at all for the couple. I am aware that many of the couples that I have married are still married; and I am aware that many of them are not. Although I have not kept close records, my guess is that it is probably around the national average.

In each circumstance, in each preparation and in each wedding service, I have been acutely aware of the love that has been shared between them, and their desire to celebrate and acknowledge that love openly with family and friends in a marriage ceremony. We as a society rightly honour their right to make that choice and we celebrate with openness that intention.

I have also spent time with other couples whose love is no less and whose willingness and hope to share in marriage is no smaller than those whose weddings I have conducted. Some of the couples have been young and looking to start life together; others have been more advanced in years. Some have been in previous long-term relationships; and others have not. Some are looking to raise a family; others are not. Some are already raising children and doing so in a way which is loving, supporting and life-enhancing. But for this second group of couples, because they are of the same gender, they cannot legally marry here.

I am sadly confronted most clearly by the situation of two brothers I know well. For one, I had the wonderful opportunity several years back of helping to plan and then conduct the wedding ceremony for him and his wife. For the other, whose love is just as deep, the current gender-based limitations in the Marriage Act mean that no such planning or ceremony is yet possible for him and his partner.

For all of the bluster, for all of the unfounded predictions of ongoing damage to our civilisation or the erosion of our freedoms and for all of the unhelpful calls for an unnecessary, costly and hurtful plebiscite, the reality is particularly simple.

As has been decided by the High Court of Australia, the change to the Marriage Act is in the hands of the Australian parliament. I look forward to the day when this change will be made. In the meantime I am proud to be part of a government that will continue to foster a society which does not discriminate against our LGBTIQ members.

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) (10.29): I thank Mr Pettersson for bringing forward this important motion and I want to add my strong support.

This is a continuation of the ACT government's ongoing advocacy and actions to equally recognise same-sex relationships. I am proud to be part of this government, which has brought forward legislative reforms, provided funding for the safe schools program and is establishing the Office for LGBTIQ Affairs to coordinate our efforts. I note, as my colleagues have done, that we have not seen our responsibilities as just being limited to the ACT and to this Assembly; and I note that the opposition must agree, because the next motion on the notice paper refers to that view as well.

We will continue to advocate to the federal government that it must act to address this egregious inequality, and we will continue to pin our colours to the mast—this week quite literally in the rainbow flags adorning our city—and demonstrate our support for the LGBTIQ community by supporting events and activities. Everyone in our society deserves an equal chance to live a happy, productive and fulfilling life, and it is the mark of a truly progressive society that we continue to call out and tackle discrimination, whether it is direct or subtle.

By denying marriage equality to all members of society, whatever else we may say

about the importance of equality and acceptance, we are sending a message to LGBTIQ Australians. The message is one of discrimination. We see the effects of this particularly in our young LGBTIQ Australians, who will continue to suffer unless our laws and attitudes move forward to welcome and support them for who they really are. Actions speak louder than words.

For these reasons, I am proud to be part of this ACT government, whose actions are leading the way on this important issue. I commend the motion to the Assembly.

At 10.31 am, the sitting was suspended until the ringing of the bells.

The bells having been rung, Madam Speaker resumed the chair at 10.48 am.

MS ORR (Yerrabi) (10.47): I rise to speak in support of this motion. This week I am especially proud to celebrate and recognise Canberra as Australia's most LGBTIQ inclusive city and join with many of my colleagues in supporting the campaign for marriage equality. I am also proud to be a member of the ACT Labor government which continues to support the LGBTIQ community through the creation of the Office for LGBTIQ Affairs, the implementation of laws which remove discrimination and recognise the love shared by all Canberrans, the commitment to continue funding for the safe schools program to ensure Canberra students feel safe and valued regardless of their gender or sexuality, and our ongoing support of LGBTIQ organisations and events.

It is clear that the ACT government is leading the way in supporting the LGBTIQ community. We are very lucky to live in a city full of a vast array of cultures, beliefs and identities. However, it is important to recognise that this is not just due to luck. It is because of the way that progressive Canberrans have rallied together over many years in the fight to create a fairer and accepting city that we can all be proud of.

Government has a big role to play in protecting all members of the community. The Labor government has continued to push the need for the equal treatment of all Canberrans, whether it is in the health, education, economic or social policy areas. A particular example is when the ACT made history in 2013 by passing marriage equality through this place. Despite the decision being overruled after a High Court challenge from the federal government, the ACT Labor government has continued to stand up to those conservative voices and defend the rights of same-sex couples and LGBTIQ people more broadly.

With the passing of the Justice and Community Safety Legislation Amendment Bill (No 3) yesterday, we have taken a further step towards creating a truly equal Canberra. The amendments made to the Civil Unions Act 2012 allow for the automatic recognition of same-sex relationships that are formally recognised in other jurisdictions as civil unions.

Although many of us would prefer to see the law reflect the opinion of the 77 per cent of Australians who support marriage equality, the ACT obviously does not have the power to make the necessary legal changes. For this reason we, as elected

representatives of the ACT, must call on the Turnbull government to allow a free vote on the floor of the federal parliament and amend the commonwealth Marriage Act. A plebiscite is not the way for us to achieve marriage equality. We know that LGBTIQ people were deeply concerned by the idea that their sexual identity would be the spark for a national debate fuelled by ignorance and hate speech. A free vote will cost nothing to the taxpayer. It will see marriage equality easily passed through both houses of parliament and it will create a fairer and more inclusive Australia.

It is time for us to continue the fight for all LGBTIQ Australians and to strive towards a society where everyone is accepted and valued for who they are. We know that an overwhelming majority of the population supports marriage equality. We have seen the positive impact here in the ACT and around the world that equal recognition of same-sex couples has on building a supportive and inclusive society.

LGBTIQ-identifying people deserve the basic right to be able to marry the person who they love. By withholding that right, the federal government is delivering a message of unacceptance and further marginalising people in our community. We must recognise that love is love. I, like many of us in this place, have friends and family who wish they could marry the love of their life, but they simply cannot. There is no logical reason as to why, as a woman, I can marry a man and be easily accepted in society but a man marrying a man or a woman marrying a woman cannot. It is time for us to remove this unjust discrimination from the commonwealth Marriage Act and it must be done now.

I am proud to stand with all of my Labor colleagues in supporting the fight for marriage equality. I know that if we continue to stand up to the conservative minority, we will prevail. I hope that we can all join together in this place today to help deliver marriage equality for all Canberrans and Australians.

MS CODY (Murrumbidgee) (10.52): I thank Mr Pettersson for bringing this motion forward today. We have heard from members today about the wonderful achievements of this government in standing up for our same-sex-attracted brothers and sisters. We have heard how this government has advocated for an inclusive and equitable city and we have heard how we consistently stand up against bigotry, discrimination and division, wherever it occurs, whether in the schoolyard, the workplace or the street. This stance is not merely symbolic; it has real consequences for real Canberrans. These significant achievements are a matter of both pride and principle. These are not achievements of the government alone. These are achievements of the people of the Australian Capital Territory. Without their support we could not have come so far, so fast.

Canberrans have consistently proved themselves to be the country's most compassionate and egalitarian people. For Canberrans, and for Labor, equality is not about lip service. Equality and solidarity are our core values. Standing up against bullies is never easy, but with the community's continued support and endorsement it is something we have consistently done. Sometimes I hear the most hateful language from across the lake. I hope we do not hear it from those across the chamber.

I note Mr Hanson's comments yesterday supporting a divisive and traumatic plebiscite on marriage equality. I am heartened by those opposite who reject discrimination and division. I encourage them to denounce the comments of their friends, not in whispers, but with the courage of true conviction. Whilst I would be most satisfied to hear them reject hatred in the name of solidarity and egalitarianism, to do so in using their own principles of liberalism and freedom would suffice.

Madam Speaker, this is where I want to steer my contribution. I want to discuss the principles that underpin our determination in pursuing equality for our gay, lesbian, bisexual, transgender, intersex and queer brothers and sisters. So what are these principles I speak of? Why is this government so strong, not just on the rhetoric of equality but on the delivery? It is because we recognise that in-built structural inequality can have significant consequences for progress towards legal and economic equality.

If we assume people with different means have equal rights and access to the law, the person with lesser means, the person with less money, less education or less confidence will often lose. What we in government believe, and what I believe, is that it is about ensuring that those with lesser means, lesser education and less confidence are already equal. This is where we differ in principles and values. We will never concede that increasingly progressive social norms alone will deliver true equality. We will not concede that just because we stamp out discrimination in the workplace our goal of delivering fairness for sexually diverse members of our community has been achieved; because presently, we know we still have a road to travel. By continuing to deny marriage to some in our community, we would be consigning them to a category of "almost equal" and telling them to be happy with it. That is not good enough. It is a scam. Labor has opposed the creation of second-class citizens for over a century and we are not going to give up now. The ACT government is one that recognises and values human rights.

However, we know these rights do not just spontaneously appear. Rather, they come about because governments recognise entrenched injustice, taking concrete steps to deliver true equality for all. We are guided in this fight by the principles of solidarity and progress. There is a saying in the union movement "touch one, touch all". To me, this conveys the sense of solidarity we in the Barr government have with the LGBTIQ community and the marriage equality campaign. We are guided by solidarity because we know that rights denied to anyone in our community makes us all weaker. A society is not measured by its strongest but by the way it treats its most vulnerable.

We recognise that same-sex relationships, however loving, healthy and rewarding, and despite all the statements by those across the lake, will never truly be equal until they are able to equally express their love through marriage. We also recognise that irrespective of progressive social norms, true progress only evolves when governments lead. We are proud of our leadership record. We have used these principles to lead and deliver genuine progress across our community. By examining our principles we can express the motivations behind the achievements of the past but also continue to deliver for our communities into the future.

Whilst our gallery is small today, I want members of the Canberra LGBTIQ community, their families and their friends to know who your allies are in this campaign and who will commit to fighting for your equality. I am one of them.

MS FITZHARRIS (Yerrabi—Minister for Health, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (10.58): I too am very pleased to rise today in this chamber to support Mr Pettersson's motion on marriage equality and again reiterate our government's commitment to marriage equality and support for the LGBTIQ community and call for federal leadership on this issue. As has been said, we know that 77 per cent of Australians support marriage equality. The ACT has continually led the way in this parliament and in our community, both symbolically and practically, to support diversity and legislate for greater equality.

Others have noted this government's significant commitment over a long period to legislative change, policy and program support. The ACT also led the way when it legislated in this place for marriage equality in 2013, before an intervention from the federal government led to the High Court overturning this legislation. Only yesterday this government passed legislation that will mean same-sex marriages and other unions from other jurisdictions will automatically be recognised in the ACT. This is an important change and we will continue the fight to break down even more barriers to marriage equality in Australia.

The unfortunate reality is that we lag behind other countries and jurisdictions when it comes to marriage equality. We lag behind our peers. As Ms Cheyne noted, many other countries led by governments of all persuasions have legislated for marriage equality because they know it is the right thing to do. It really is time to move this debate along. I believe it is contributing to the disillusionment of our community, because the community generally knows what really underpinned the continuing decision to hold a plebiscite.

We know that some people disagree with marriage equality. That is their right and they should be allowed to express that, but their entrenched antagonism towards the parliament—the federal parliament of this country—doing the job that it was elected to do should not prevent this important reform from taking place. As Mr Pettersson said, it is a question of when, not if.

All members of parliament should be allowed to vote with their conscience on this issue. It would be nice to have the support of all members of this parliament to encourage our federal colleagues to take a leadership approach on this issue. We look forward to celebrating the day when all men and women in the ACT can feel and be truly equal in one of the most fundamental units of our community—our families. I am proud to support this motion today. I hope that the ACT can continue to lead the way and that we will see real change in 2017 towards marriage equality and continued support and celebration of the LGBTIQ community.

MR STEEL (Murrumbidgee) (11.01): I spoke yesterday on the steps that the ACT government has taken to recognise the commitment of LGBTIQ Canberrans,

and their commitment to one another, and the ACT government's advocacy for marriage equality, but I want to respond to some comments made by those opposite in the debate here today. It makes no sense to say that we have had these debates before, as suggested by the Leader of the Opposition. In the Ninth Assembly, there are a very significant number of new members on both sides of this chamber who deserve to have their say on this issue and be heard. Members of the Liberal Party should be able to engage in a respectful debate on these issues rather than simply dismissing them and debate on this important topic for many Canberrans. That is disrespectful.

Indeed this motion points towards some key issues which have arisen in the last few months with regard to the Senate inquiry into the exposure draft of the marriage amendment. In that amendment the ACT rightly has argued that it is inappropriate for marriage equality legislation to apply exemptions to civil celebrants. Just as it would be inappropriate for a justice of the peace not to sign documents of a person based on their race, it would equally be inappropriate for a civil celebrant to have an exemption from marrying those who are of the same sex. Of course, there will be exemptions for religious marriage.

The Liberal Party will do anything to avoid actually discussing why they do not support marriage equality. They will not discuss the principle. There is an interesting discussion to be had about how all Australians can share in the most conservative institution of all: marriage. After all, it was David Cameron who said that he supported gay marriage because he is a conservative, not in spite of being a conservative.

Instead what we have heard from the Leader of the Opposition and Mr Hanson is the continuation of support by the Liberal Party of the bizarre policy of a degrading \$160 million plebiscite. I am sure that the Leader of the Opposition and Mr Hanson did not have to go out and campaign to have their relationships recognised by the state. So why should any other Canberran? Even many of his federal colleagues are backing away from this position. It is untenable and unfair on some of the most vulnerable Canberrans, particularly young people who are coming to terms with their own sexuality and identity.

The times have changed. The population wants this to happen and none more so than the population of the ACT. The ACT Labor government will continue to advocate for marriage equality because it is about removing discrimination in the law. But it is also about giving all Canberrans the opportunity to participate in all of our society's institutions.

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) (11.04): A lot has been said today about the history of marriage equality in the ACT and how the ACT government has acted on a deeply held conviction that in a modern, secular and mature society everyone deserves equality before the law. That is a belief that has been held by a clear majority of people in the ACT.

When the High Court ruled on the ACT's legislation it was disappointing, but it was about a legal technicality and not about the morality of ending marriage discrimination. Despite what we see in the news, it is not about individuals across various political parties. The win that we will have—and we will have a win; it is coming—is not about politics or the last-minute changes of heart from politicians who want to be on the right side of history. It is about everyone who came out today and who comes out every day to support this cause.

It is the love everyday LGBTIQ people have for each other and the way they have managed with extraordinary dignity to ignore the voices that said their relationships and families were second class that has made equality undeniable for a huge majority of Australians.

I had the privilege to tell the stories of Chris and Dylan and Amy and Jess when we passed the Marriage Equality Act, and I also was able to share their thoughts one year later in 2014. One of the questions asked by Jess and Amy one year later reminds us all about the importance of marriage equality and the unimportance of everything else that is going on around us. They asked, “Is discriminating against two women who love each other of such a high priority in these turbulent times?” That is a question we should continue to ask.

I was also able to share on that day the feelings of couples who were legally married for such a short period: Meg, Krishna and Veronica, and Darlene and Liz. Madam Speaker, it is not they or them; it is us and we. It is our friends and our families that have been affected by the continued move to deny marriage equality and a marriage between two people who love each other so much.

I particularly want to make reference to the stepping in by the ACT government to fund the safe schools program to help all students feel welcome and protected. The changes that were imposed by the federal government would have significantly limited a principal's ability to make decisions about their schools and community. The ACT government stepped in to ensure that that funding would continue so that teenagers could be supported when they were unsure about their sexuality or whether they felt like they were being treated differently from others.

It can be really tough in school, and we wanted to make sure that every gay, lesbian, bisexual, trans or queer person knew that their rights and their feelings mattered to the ACT Labor Party and the ACT government. The ACT government have made a commitment to fund the safe schools coalition with \$100,000, and we did that within the first hundred days of government. We look forward to that program being delivered in our schools so that our children can understand and know that they are loved by all of us, regardless of their sexuality. I thank Mr Pettersson for bringing this motion on today. I absolutely support and commend the motion to the Assembly.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (11.09): I, too, rise to speak in support of Mr Pettersson's motion. I thank him very much for bringing it forward today, and I thank all of my colleagues for their passionate support of this

motion. It is opportune in this first sitting week of 2017 to reiterate our government's commitment to Canberra as an inclusive city. This government and this community are proud to support LGBTI Canberrans, proud of the support we provide and the protections we afford those Canberrans under the laws of the territory.

This jurisdiction has an excellent track record in law reform and in being a national and international leader. We were, of course, the first Australian jurisdiction to recognise same-sex relationships through the Domestic Partnerships Act 1994. I acknowledge that the late Terry Connolly was the driving force behind that legislation 23 years ago.

Jon Stanhope's government undertook a comprehensive law reform process to clear our statute book of discrimination. I had the great honour of working on those law reforms more than 15 years ago now. The government continues to work with the Law Reform Advisory Council and the LGBTIQ Ministerial Advisory Council to improve the territory's laws, most recently with the work undertaken around updating the definition of "intersex" in the ACT's legislation, including removing the requirement for reassignment surgery for a person to change their legal status.

There is a long-term legacy of progressive government in this territory. I note that many of these issues now—23 years on, 15 years on, five years on—seem not particularly controversial. But let me assure you, having lived through each of those debates, they were not uncontroversial at the time and they were bitterly opposed by conservatives in this chamber every inch of the way—every inch of the way. The important message for every progressive Canberran through their elected representatives is that change does not roll in on the wheels of inevitability; to quote Martin Luther King Jr, it comes through continuous struggle.

That this side of the chamber, together with progressive partners on the crossbench, has been able to achieve this much for our community in this time is testament not only to the work of those legislators, staffers and activists involved in party politics but also to a broader movement of people who are prepared to campaign, to write letters, to support this sort of parliamentary activism over an extended period. It is a great credit to this chamber and to all of the progressive voices within it that we have achieved these outcomes. And let me say: it will be a hallmark of my leadership of the ACT branch of the Labor Party and my chief ministership that we will continue to advance these causes whilst ever I am in this place.

Mr Pettersson's motion goes to the detail across practical, tangible and important programs this government is putting in place or has already put in place to ensure that we live in a more inclusive city, that we bring everyone along on that journey, that we do not discriminate, and that we do not say to a group of our fellow Canberrans that they are second-class citizens.

Earlier this year, the government recommitted to funding supportive education environments, environments that support same-sex-attracted, intersex and gender diverse students, and we will continue to support this program. We will continue to advocate nationally for this program to be in place in all Australian schools. My absolute steadfast commitment to Canberrans, to the parents of LGBTIQ students and

to the students themselves is that this government will support you in our education system to give you the opportunities to achieve. That is what we want in this community. We want safe school environments, and this government is going to stand up for them and put our money where our mouth is.

This program is not about turning the world on its head; it is about allowing children to attend school without the fear of bullying and harassment. Day-to-day interactions at school have a great impact on young people's self-worth, their confidence and their outlook on life. Despite the steps being taken by Neanderthal conservatives to undermine this program and to undermine education opportunities for LGBTI students, we will stand up against that and ensure that our schools are safe schools.

The government has established, an Office for LGBTIQ Affairs that has responsibility to coordinate and support the government's promotion of Canberra as Australia's friendliest city for LGBTIQ people. It will coordinate the delivery of additional legislative reforms to protect and support the rights, particularly of young LGBTIQ people; promote and engage with the community in inclusive events; improve support services to meet the demand for additional support amongst the community, particularly in areas of aged care and access to mental health services; and work closely with the ministerial advisory council on these projects.

I am very proud that yesterday the government brought forward and the Assembly passed amendments to recognise overseas and interstate same-sex marriages and relationships. These amendments fall short of our goal for marriage equality in Australia, but the mutual recognition of these relationships is an important step in the right direction.

I hear many people say they have had enough of this debate and had enough of talking about this issue. I agree with them. I have had enough of talking about it as well. But what I have had even more than enough of is the discrimination and the situation that is represented through the political gridlock we see in this country at this time. It is clear that a majority of parliamentarians comprising members of all political parties represented in the Australian parliament support this change. The fact that they have got there quite a lot later than the rest of the Australian population is a significant frustration, but it is clear that there is a majority of members in both the House of Representatives and the Senate who, if given the opportunity, would vote to change the law.

I agree with the Deputy Chief Minister: the time will come. Those who vote against it at that time will be judged by history. Some will do so for reasons of strong religious conviction, others will do so out of political opportunism. I think history might judge those people more harshly, but, nonetheless, this debate is moving and moving fast in this country. We will continue to talk about these issues because they matter to thousands and thousands of Canberrans.

It is often raised with me that, "Oh, well, it's only a minority of people who are in same-sex relationships," and that is true. But those people have brothers and sisters, parents, children, aunts and uncles, friends, all of whom support their rights and their

equality before the law. That group of people is the majority of Australians. It is 80 per cent of Canberrans and it is the majority of Australians.

If every other comparable country in the world can move on these issues, the fact that Australia is now far behind is a testament to our broken federal political system, a gridlock that is just unacceptable to tens of millions of Australians now. It is time for marriage equality. This debate needs to continue. The continuous struggle until we achieve it is something we must accept, but we will continue our advocacy in this place and in every forum that is available to us. I thank Mr Pettersson for moving the motion today and commend it to the Assembly.

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) (11.18): As others have said, Canberra stands tall as a leader in the march towards equality and true social inclusion, a fact celebrated this week with rainbow flags flying throughout our city. Successive ACT Labor governments have established a strong and proud record of support for social inclusion and equality in the territory. The ACT government has enacted reforms to extend and protect equal rights in recognition of the fact that LGBTIQ people are equal members of our community.

Whether it is the various acts that recognise same-sex relationships or other law reforms the Chief Minister has spoken about that sought to remove discrimination against the LGBTIQ community in the areas of property rights, adoption laws, and the requirements for a person to change the legal status of their sex, the ACT government has been a leader for LGBTIQ rights in our country. As Mr Pettersson outlined in his motion, we have committed to continuing this work.

As the Chief Minister has said, we have committed to the establishment of an Office of LGBTIQ Affairs and the provision of funding for the safe schools program. Legislation passed yesterday will now make recognition of overseas and interstate same-sex marriages easier. These commitments reflect our unwavering belief that all people are entitled to respect and dignity and that all people are entitled to the full protection of the law. We will stand by this belief and continue to work to ensure equality for all territorians, regardless of sexual orientation or gender identity.

We will continue to call for marriage equality in the strongest possible terms. We will advocate for the equal recognition of same-sex relationships by the federal parliament. In doing so, we join individuals, organisations and businesses across Australia and in our own community. Corporations, unions, community groups, local governments and faith organizations and churches across the country have all made public declarations in support of marriage equality, declarations in support of the equality of love, recognising that love is love.

Canberra Airport, for example, has, for the second year, shown its true colours by illuminating the terminal in rainbow colours for the past two days. The airport is also displaying electronic signage from the Equality Campaign's new national advertising campaign throughout the terminal from 5 to 17 February. The campaign carries an

important message for all travellers but is aimed at 226 of them in particular, that is, the 226 people in Australia who have the capacity to change the law on marriage.

I hope everyone in this chamber today will support this motion to send our own message to the Prime Minister and the other 225 federal parliamentarians who have the power to legislate for marriage equality, to remind them that they have the power to allow every Australian the same opportunities in life and in love. They have the power to remove the discrimination that exists in the Marriage Act and uphold the rights of all Australians.

There is no doubt that the federal parliament can make laws regarding marriage equality. There is no doubt because the successful High Court challenge of the ACT's 2013 marriage laws established this fact. The High Court's decision was clear: neither the ACT government nor indeed state governments have power to legislate for marriage equality. Significantly, in coming to this decision the High Court recognised that the marriage head of power under section 51 of the constitution allows the federal parliament to legislate for marriage equality.

It is the federal parliament's responsibility and theirs alone to address the inequality at the heart of our current marriage laws. Although the territory's laws were in place for only a few days they had a significant and lasting impact, and not just for the 31 same-sex couples who were married under them. These laws provided the clear determination that the federal parliament could pass legislation to enact marriage equality.

As the ACT government submission to the Senate Select Committee on the Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill states, the federal parliament has the constitutional authority, the legal ability and the human rights imperative. Public opinion, both in Australia and internationally, prevails strongly in favour of marriage equality.

There is no genuine reason for the federal parliament to further delay this long overdue amendment. There is no need or justification for pursuing a costly, harmful and non-binding public vote. The federal government's proposed plebiscite is nothing more than an ill-conceived and divisive delaying technique. The fact that many LGBTIQ advocates, individuals and organisations have rallied to oppose the plebiscite should illustrate just how real the concerns about a plebiscite campaign are; concerns about the division and hostility that would result from a plebiscite campaign and concerns about the potentially damaging impact on LGBTIQ members of our community and on their families and friends.

As former Justice of the High Court Michael Kirby has said:

A plebiscite campaign unfortunately would be likely to bring out hatreds and animosities in our country that are bad for minorities generally and for the lesbian, gay, bisexual and transgender minority in particular.

The nature and tenor of the ongoing debate about marriage equality generally, as well as the specific proposal for a plebiscite, could pose a real increased risk of self-harm

and suicide in an already vulnerable community. Research from the United States has shown that the mental health of LGBTIQ people suffered significantly during debates on marriage equality ahead of public votes. By comparison, the research found that in states without such referenda there was no such increase. To ignore these facts only puts further at risk an already vulnerable group of LGBTIQ people within our community.

Of course, as Minister for Social Inclusion I should acknowledge that LGBTIQ people are also members of other groups that have historically been under-represented and excluded in public life. LGBTIQ people may also be people with disabilities; they may also be Indigenous; they may also come from linguistically and culturally diverse backgrounds. Many LGBTIQ people who fall into these categories experience multiple levels of discrimination. It is up to all of us in all of our work to ensure that people who have historically been excluded and made vulnerable by our social set-up are included as we go forward into the future. That means we include people with disabilities on LGBTIQ and women's committees and we include LGBTIQ people in our culturally and linguistically diverse advisory bodies, like the new Multicultural Advisory Council.

I am proud to join those who have gone before me in this place and those who stand beside me in continuing this fight for equality for all territorians, regardless of their sexual preference or gender identity. The simple fact is that life does not discriminate, so why should the law?

Question resolved in the affirmative.

Bail system review

MR HANSON (Murrumbidgee) (11.26): I move:

That this Assembly:

(1) notes that:

- (a) there have been several instances of tragic crimes both locally and interstate that were committed by people who were, at the time, on bail for other offences;
- (b) both the Prime Minister of Australia and the Federal Leader of the Opposition have made statements in the Commonwealth Parliament that recognise the need and importance of reviews into bail systems across Australia;
- (c) other jurisdictions, such as Victoria, have launched reviews of their bail systems to review the current system and to recommend changes; and
- (d) that previous calls for comprehensive reviews of the bail system in the ACT have not been fully addressed by the current Government; and

(2) calls on the Government to:

- (a) conduct an urgent, independent and comprehensive review into the bail system in the ACT and present that review to the Assembly by 30 June 2017; and
- (b) liaise with the Opposition regarding the terms of reference and the appointment of the reviewer.

I would like to open my speech today with a quote from the federal Leader of the Opposition that was made just last week in the federal parliament. He said:

The most important job of every government is the safety of our people. I know that bail laws are different in every state. But what Australians in every state cannot understand is that, when offenders have done horrific things, when the red light should be flashing, they are out, they are on bail.

That was from Bill Shorten, the leader of the federal Labor Party, in an eloquent speech he gave as part of a condolence motion on the tragic events in Bourke Street. There are many words from many victims, from many families, from leaders, who are making similar calls for a closer look at bail. Today I add the voice of the Canberra Liberals to that list to make sure that if the red light is flashing then something is done.

This is not a new call, this is not something that has come recently and this is not in response to a singular event, as I make clear, but it is because this is important, it is prudent and it is well overdue. And I make three points regarding the case I am making. Firstly, we still do not have from the government the basic information that we should have about the offences being committed by people on bail in the territory. Secondly, I make the call because there are many people on the front line—the police, the DPP, the Victims of Crime Commissioner—who see the need for bail reform, particularly when it relates to domestic violence. Thirdly, there have been many calls, including in this place where a bipartisan committee of this place with two Labor members called for a review into bail only last year as part of a JACS inquiry.

I turn firstly to the issue of the lack of information. We looked at this issue years ago, five years ago, in this place. It was actually when Mrs Dunne was the shadow attorney-general. She had a motion, which I spoke to a number of people about, calling for some basic information about who was committing crimes on bail. I followed this up subsequently in committee meetings and questions and so on to ask the government, “All right, is bail working in the territory or not? Tell us who has committed offences on bail and what they are.”

The government’s response—and I refer you to that motion in 2012, and Mr Rattenbury spoke as well—was, “We do not record that information and it would be too hard to go through the records to find out,” in summation. That is unacceptable. The government do not even know what offences have been committed by people on bail, how many times or what the nature of those offences is, because in essence they could not be bothered to do the work to find out so that we could have an informed debate. That is entirely unacceptable.

I invite you, Mr Assistant Speaker, to read through those debates at that time, look at what Mrs Dunne said, look at what Mr Seselja said, look at what I said. All of us were saying, “Let’s have a look at the information and let’s table it so that we can have a considered, evidence-based discussion about this.” That is what the government always talks about, that is what Mr Rattenbury always talks about—evidence based. In this case the government, since 2012, has not been prepared to collate that information so that we can understand, so that the public can understand, what offences have been committed by people who are on bail and what is the nature of those offences and the frequency.

I read through that debate. I hope that the Attorney-General has as part of getting informed. As I have said to him, “It is impossible to have a discussion about this in many ways without that information and we’re not going to be able to do that without this information and the community deserves to have it.” That is the first thing and I think that the review needs to examine that, needs to look at the evidence in the ACT to see how those laws are performing.

We have also had, as I go to my next point, a range of calls over a long time for a considered look at bail in the ACT. We have heard front-line police talk about the revolving door of bail. There are many comments from the DPP who has often given evidence to committees—estimates committees, annual reports hearings, JACS inquiries—and we know he has made a number of submissions to the government. Indeed, some of them led to changes in legislation which we passed last year, even though that was watered down.

What is the implication of that watering down? For example, the DPP is quoted in the JACS committee report No 6 of December 2015 as asking that consideration be given to an alteration “where a breach of bail would be an offence” which it was not in the ACT “at the moment”. He went on to say:

That may sound a bit technical, but the significance of that is to really trace the history of failure to comply with bail, a failure to comply with bail. In other words at the moment a breach of bail can lead to the arrest of a person and bring him before the court, but a breach of bail is not itself an offence. If it were an offence it would be able to be tracked through the criminal history of the offender, which would give a better history as to compliance. Members would be very aware that offences in this area tend to be perpetrated across a long period of time and there is repetition.

These are people on the front line, the experts who understand the complexity of this issue and the need for reform. These are the sorts of matters that we should consider. They have been raised over a number of years. This is not a new call. Indeed, when we look at the calls nationally, when we look at the calls within the ACT by those on the front line, the police talking about the revolving door of bail, it is timely.

Last year there was an inquiry conducted by the JACS committee, Mr Assistant Speaker, which, if you were aware of the committee structure, was a balanced committee with Labor Party and Liberal Party members on it. That was into sentencing review but it had a broader look at the system. I am sure the

Attorney-General has read that report and I am sure he will be able to confirm that he has read that report and that he was very busy doing that while he has not been very busy in the media, ducking media interviews with the ABC and 2CC.

That committee, with two Labor Party members and two Liberal Party members, unanimously concluded that we need a review of bail. And let me quote:

... the Committee considers that there are powerful arguments in favour of reforming bail in the ACT ...

Did you get that, members? I repeat:

... the Committee—

including two Labor members—

considers that there are powerful arguments in favour of reforming bail in the ACT, in view of:

- the high proportion and number of prisoners on remand in the ACT prison population;
- reports of unduly complex and restrictive arrangements which have the effect of reducing access to bail; and
- a series of offence-specific presumptions on bail having been written into statute.

In the Committee's view, these factors add weight to the proposition that there should be a review and reform of bail in the ACT along the lines of similar processes undertaken in New South Wales.

That led to a couple of recommendations. I quote the first recommendation:

The Committee recommends that the ACT Government conduct a review of arrangements for bail in the ACT and introduce in the Legislative Assembly legislative amendments to the Bail Act 1992 which, if passed, would introduce a focus on risk management, with reasonable and proportionate bail conditions.

Let me quote another recommendation:

The Committee recommends that the ACT Government, as part of proposed amendments to the Bail Act 1992, to be introduced in the Legislative Assembly, continue to provide legislative foundations for the ACT Family Violence Intervention Program.

Recommendation 43 of the committee inquiry into sentencing called for a review into bail laws. Have a look at the report, a bipartisan report. It called for a review into bail laws in the ACT. This happened after the government admitted it does not keep proper records about bail, who has committed offences—it does not complete or have proper records of breaches—and after hearing from the DPP about the sorts of reforms that could be made to bail here in the ACT.

The government did not agree to conduct a review. They just noted it. They are too busy talking about other things. But when it comes to community safety here, when it comes to something that could be done, when it is being pushed for by those on the front line, all we get is “Noted”. They actually said that they need to wait until other reviews are done in other jurisdictions. Reviews are being done in other jurisdictions, notably in Victoria, and it is timely and prudent to do so.

I am not calling for specific reforms. I am being careful to make sure that as I call for this review I am not prejudicing that review by saying that it needs to do X or it needs to do Y. We need to get an expert to have a look at it, an independent review, to consider the evidence being put forward by the DPP, by the Victims of Crime Commissioner, by victims themselves, by the police and by others on the front line to consider whether our bail laws and the application of those laws are the best they can be.

Essentially, by rejecting this motion today what we are saying, what we would be saying, as an Assembly, is, “No, there is nothing to worry about here. Our bail could not be better in the ACT. Nothing is going wrong with it.” To say that is an absolute nonsense. We know that there are significant problems with the application of bail here in the ACT.

Just yesterday, following media coverage, I received a call into my office—and my staff took the call—from the father of a victim of an alleged sexual assault committed, as he said, by a person on bail. We did some preliminary research that would appear to validate these concerns. These are the sorts of concerns that we hear about in the community. When people are sexually assaulted, when we see issues of domestic violence and other serious crimes committed by perpetrators who are on bail, I think that must give us pause for thought.

We should in the Assembly say, “Are we doing everything that we can? Are our bail laws operating in the best way that they can to keep our community safe?” The view of the grieving father who rang my office yesterday was that certainly they are not operating as they should. They did not protect a father’s child against an assault.

There will be mixed views when it comes to the operation of bail in the ACT. I am aware of that from the Bar Association, many of whose members represent people before the courts applying for bail, from people in the legal fraternity, from people who have been convicted or are put on bail themselves—they have views—but there should be a review that considers all of the evidence, that is prepared to examine the operation of bail laws, that looks at what is being done interstate in terms of their reviews and learning where we are doing things wrong, where there is room for improvement. It is the responsibility of our community—and there is no greater responsibility for us as parliamentarians and as a government—to keep our community safe.

This is not a kneejerk reaction in terms of one incident. This is not some sort of political pointscoring. This has been a call in many ways that has had bipartisan support. It has enjoyed bipartisan support from the Assembly, from the committee. It

is something that the opposition has been talking about for a long time, including in the Assembly in 2012 when many of us were here talking about it.

As Bill Shorten said:

At every level of government, we need to get better at identifying the warning signs and using every measure to keep people safe.

A review of our bail laws would be one such measure. There are calls for us to do that. And that is what we are doing here today as the opposition.

We will use every measure to keep people safe and if the government today reject our calls and say, “No, there are no problems with our bail laws. We have got everything under control. We are satisfied with what is happening,” then they are ignoring the DPP, they are ignoring those on the front line, they are ignoring the recommendations of a committee of this place and I think they are ignoring the warning signs.

I hate to think that we will be back in this place—in six months time, six years time, whenever it may be—doing something following a tragic incident when some crime has been committed by someone on bail that could otherwise have been prevented. If that is the case then we can reflect well on today and see what action we took as an Assembly to keep the people of the ACT safe.

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (11.42): I thank Mr Hanson for moving this motion today. The ACT government always welcomes ongoing discussion in relation to the operation of bail laws in the territory. In fact, as I will develop, we are continually having discussion and acting on bail laws in the territory. However, the government will not be supporting the motion. Instead, I move the amendment that is being circulated in my name.

The ACT Labor government has been proactive in monitoring developments in relation to bail in the ACT—

Mr Hanson: I seek a point of clarification, on a point of order, Mr Assistant Speaker. Has the motion been moved? There is nothing circulated. There is no amendment before us that I have seen.

MR ASSISTANT SPEAKER (Mr Steel): Can we stop the clock.

Mr Hanson: Is the amendment being moved? He just said, “I move the amendment.” Is he indicating that movement? Is it being moved? Can we have a clarification?

MR ASSISTANT SPEAKER: Thank you, Mr Hanson. Do you want to circulate the amendment?

MR RAMSAY: Yes. My understanding is that the Clerk has it.

Mr Hanson: Apparently not.

MR RAMSAY: I will continue to speak and I will move the amendment at the end of the speech.

We are committed to ensuring that the Bail Act operates effectively and appropriately within the criminal justice framework. This commitment is carried out through the ongoing consideration of bail laws and the need to hold together the right to liberty, ensuring that alleged offenders attend court and do not interfere with witnesses or commit further offences.

The government is committed to upholding the human rights of individuals, in particular the presumption of innocence. This is a basic tenet of our legal system. Remanding people in custody should be used as a last resort in carefully confined circumstances, with a focus on reasonable and proportionate risk management.

While it is absolutely important to be responsive and to examine the cause where there is a tragedy, we must not fall into the populist trap of politicising tragedy and engaging in a kneejerk discussion about sanctions. Of course, we could have no offences committed on bail if we never granted bail. We could end recidivism by instituting life sentences for every crime. But neither of these reactions is even remotely acceptable in a community that values human rights.

And, of course, it is not just I or this government who believes that the motion is ill-placed. I note that the ACT Bar Association yesterday stated this clearly:

To call for a review now serves only to cause unease when our bail laws already provide very strong protections for the community.

As both the President of the ACT Bar Association and the President of the ACT Law Society recently stated, the ACT legislation is fundamentally different from Victoria's.

While tragic, the recent events in Melbourne do not automatically call for a review in the ACT. As Mr Ken Archer, President of the ACT Bar Association, succinctly explained:

... little will be gained from a review of bail law in the Territory. The Bail Act in the ACT has been amended nearly 50 times since it was enacted and is continually under review.

The President of the Bar Association outlined five reasons why residents should not be alarmed about bail. These reasons include:

- The rate at which people are refused bail is higher in the ACT than in Victoria and a third of those held at the Alexander Maconochie Centre are on remand;
- The Bail Act in the ACT makes stronger provision than Victoria for the refusal of bail if a person has committed offences whilst on bail. In the ACT if a person has committed a serious offence whilst on bail, bail can only be granted in ... exceptional circumstances;
- The ACT does not have a bail justices system that is used in Victoria. In the

ACT if the police refuse bail, only a court can grant bail. If a person is arrested out of hours and is refused bail by the police, they are kept in custody until the next sitting of (usually) the Magistrates Court;

- Information systems in the ACT are sound and the AFP has the ability to place all relevant information before a Magistrate or Judge deciding issues of bail;
- The DPP can seek an immediate review of bail decisions and their application for review has the effect of keeping the person in custody.

One of the most senior barristers in the territory has eloquently summarised why we should not be supporting this motion. The very strong protections for the community that Mr Archer cites have been developed to strike the right balance between three fundamental principles: the presumption of innocence, respect for human rights, and the need for community safety.

Our bail system implements these principles through a combination of presumptions in favour of bail in certain circumstances, presumptions against bail in certain circumstances, and review mechanisms that take account of the risks at issue. Short of remanding every alleged offender in custody, there is always a risk that an alleged offender will reoffend. But that risk is controlled according to a sound process and backed by legislation.

It is worth emphasising again that in the ACT every decision on bail is made by a police officer, a magistrate or a judge. When a person is arrested, the first opportunity for bail is a decision by ACT Policing. Our legislation creates a presumption against the granting of police bail for all domestic violence and family violence offences. Police bail must not be granted to a person accused of a family violence offence unless the police are satisfied that the person poses no danger to a protected person while released on bail. This recognises the heightened risks of offending that follow from highly charged domestic and family violence situations. The protection and the welfare of the community are paramount considerations in relation to a bail decision.

If a person is charged with murder or serious drug offences or has committed a serious offence whilst already on bail, they must not be granted bail unless there are special or exceptional circumstances.

As I have indicated, however, the government has not simply considered that our bail system is beyond improvement. We have been continually improving both the process and the legislation. Operational changes to support the court's considerations have included, over the past 12 months, strengthening the information ACT Policing provides to the DPP. These operational changes have helped ensure that a higher quality of information is being presented to the court and to the accused people for consideration.

Ongoing improvement is part of our legislation as well. We listen and we respond. Most recently, the Bail Act 1992 was amended in August last year to give the DPP a bail review power. From 1 May this year, the DPP will have two hours to request a review of a bail decision made by a magistrate and the Supreme Court will have 48 hours to decide the review. The review power will be available only to the DPP,

and only in relation to certain serious offences and family violence offences. This new power will be used when the DPP is of the view that a manifestly wrong decision has been made in relation to bail and the decision would have significant potential to affect public safety. It is an important change. It will provide a safety valve for bail decisions where there are extraordinary circumstances. And, demonstrating our commitment to ensuring that our bail laws are operating effectively and without undesirable consequences, the new power will be reviewed after two years of operation.

In relation to the sentencing inquiry that Mr Hanson referred to, I note that recommendation 43 was noted, citing work that was ongoing. Noting it does not mean no work or ignoring. It is an appropriate response when there is continuing work in the context of continual improvement.

This government is monitoring the justice system closely and it is responding with effective change. There are already plans underway to improve the bail system further in the future. The ACT government will commence a trial bail support program in the first half of this year as part of the ACT's justice reinvestment strategy.

There is one area of future reform highlighted in Mr Hanson's motion where the government will undertake further work. We do agree, as Mr Archer said yesterday, that the information systems in the ACT are sound and the AFP has the ability to place all relevant information before a magistrate or a judge deciding issues of bail. This is the case with any offender. We do not, however, currently have statistical evidence about the overall number of instances where people offend on bail. Continuous improvement means that not only are we implementing changes to the bail system as appropriate; we are always on the lookout for better information to support our decisions.

The government recognises the need for ongoing improved information about the criminal justice system in order to inform policymaking. The current case management system used by the law courts and tribunals does not generate reports indicating the extent to which persons on bail have reoffended or otherwise breached the bail conditions. The new integrated case management system, the ICMS, which is due to be implemented in 2018 for criminal cases, will support the production of more detailed reports. The government has asked that the feasibility of such reports be examined as part of the development of the ICMS.

Mr Assistant Speaker, the amendment that I will be moving today affirms the balance between the presumption of innocence, community safety, and respect for human rights in our system. We believe in the importance of maintaining these fundamental elements of our legal system. Our bail system is the result of extensive consultation; it has the support of our legal profession; and it is, most importantly, one that recognises that protecting the community is not just about keeping people in jail. Protection means making informed judgments about risk while protecting our right to be presumed innocent.

As Mr Archer concluded:

To call for a review now serves only to cause unease when our bail laws already provide very strong protections for the community.

I move:

Omit all words after “That this Assembly”, substitute:

“(1) notes that:

- (a) the ACT’s bail system demonstrates a strong focus on protecting victims of domestic and family violence and other serious crimes;
- (b) the Government has continually monitored its bail laws and process and introduced targeted, necessary reforms in response to reviews in the ACT and around Australia over time;
- (c) in decisions about bail, the Courts receive full criminal histories including previous breaches of bail and consider these factors in making a decision about whether to grant bail;
- (d) the Government is working to improve its information about the criminal justice system, including to implement the new Integrated Case Management System which will provide better statistics about court cases; and
- (e) the ACT Government recognises and is committed to upholding the presumption of innocence in the criminal justice system. The ACT’s bail laws and procedures have been designed to provide for community safety in a way that is human rights compliant; and

- (2) calls on the Government to continue to monitor developments, including inquiries and reports, around Australia for ways to improve the ACT’s bail legislation, as part of its commitment to continuous improvement of the justice system.”.

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Justice, Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health) (11.53): Bail is a very important part of the criminal justice system. The bail process has to balance several competing and complex principles. At one level the availability of bail is intended to reflect the rights of the accused. One of the foundations of our legal system is that a person is innocent until proven guilty. The bail process considers whether an accused person can be released into the community or whether they have to go into remand, that is, to be imprisoned before they have been proven guilty. This is, of course, a very important consideration.

It is interesting to note that already, for most crimes in Australia, people do not receive sentences of imprisonment. They most often receive one of the variety of sentences that divert people from prison, such as fines, suspended sentences, good behaviour bonds or intensive correction orders. That is one aspect of this debate that

we need to remember. We actually have a lot of measures in place already to try to divert people from incarceration because we recognise that incarceration is generally not a good outcome for people or for our community. It is a better outcome if, instead of going to prison on remand, an accused person can remain in society, connected to the community, their job and with the support of family or friends; and, in any case, we should try to avoid punishing people by imposing imprisonment when they are yet to be proved guilty.

Bail is more complex than the black-and-white dichotomy often presented in political debates. For example, ensuring people have the ability to apply effectively for bail is a strategy to reduce recidivism. In my justice portfolio, and in collaboration with the Attorney-General, I am pursuing a range of improvements to reduce recidivism as part of the ACT's justice reinvestment strategy. It is part of a commitment set out in the parliamentary agreement to reduce recidivism in the ACT by 25 per cent by 2025. The reason for having that kind of target is that we know it will make our community safer. If we reduce recidivism, we are reducing the rate of crime undertaken in the community, and that is something that is clearly designed to make our community safer.

Under the justice reinvestment strategy, this year, for example, we will trial a bail support program designed to reduce the number of Aboriginal and Torres Strait Islander people on remand and the time spent on remand, while at the same time maintaining public safety. The trial will provide support to Aboriginals and Torres Strait Islanders who would otherwise have difficulties applying for bail. This recognises the positive outcomes in the justice system that result from affording bail to accused people when it is safe to do so.

That, of course, is a very important point, and community safety is a key consideration in the bail process. There are instances where the nature of the crime is so serious that a person can be imprisoned before their trial. I think the judgement of the community would be that they should be. Courts consider a range of factors in their assessment of bail, such as whether the person is a danger to the community, their prior conduct and the type of crime of which they are accused. They also consider other issues such as whether the person is a flight risk.

These competing principles give rise to a very difficult balance. At one end of the spectrum we could say that there should be no bail at all, and that anyone accused of an offence should be put on remand until a point where they are proved innocent or guilty. That approach might maximise community safety but I think we would all agree this would be an unacceptable restriction of a person's rights. Such a draconian provision would see our prisons overflow with untried people on remand, and the impacts for these people, in terms of their removal from employment, from their social connections et cetera, would be most negative.

Going back to the bail support program that is about to be trialled for Aboriginal and Torres Strait Islander people, we can reflect on the terrible over-representation of Aboriginal and Torres Strait Islander people in our corrections system, a significant number of whom are on remand. We know that as a society we are deeply concerned about that. We are seeing too many, particularly young Aboriginal men but also

women, in our corrections system. So we are desperately trying to get that balance right and make sure that those who are a danger to our community or a flight risk are held on remand, while those who might be better off being in the community are given bail with the right conditions and the right supervision.

That is where the ACT Bail Act tries to strike a balance, and I think it is a reasonable balance. It sets out presumptions in favour of bail but also in some cases presumptions against bail. There is currently a presumption against giving a person bail for certain serious offences. These include a range of offences of violence or threats of violence, family violence offences and serious drug offences. The presumption against bail also applies to people who have been convicted of an indictable offence but have not yet been sentenced.

It is also important to note that the ACT's bail system operates through the courts. It is quite different from the Victorian bail system, which uses a system of bail justices who are volunteers. Volunteer bail justices hear after-hours bail applications, and there have been questions asked recently in Victoria about whether their training is sufficient and whether all bail decisions should in fact be made by magistrates. The accused Bourke Street perpetrator was, as I understand it, released on bail on the decision of a volunteer bail justice. The review in Victoria is particularly focused on this issue of volunteer bail justices.

Members would know that the ACT uses a different bail system from Victoria's. All of our bail decisions are made in the courts. We have to be careful when we look at events that happened in other jurisdictions, in different legal systems, and seek to apply that to our own system. We cannot just superimpose our feelings about a different jurisdiction onto the ACT and pretend that the issues are the same here. They are not always the same and we need to be mindful of those differences. The volunteer bail justice issue in Victoria is one that is being questioned now, and that is something that should be reflected on. Of course, these are difficult decisions and at the end of the day it is a human decision. It is a human decision whether or not to grant bail, and those charged with that significant responsibility must weigh up the evidence before them. One can imagine the personal reflections that they might make when a decision goes wrong.

I know there is always a temptation for politicians, particularly those who try to profit from the special style of law and order politicking, to take up these issues. I noted the commentary from the ACT Bar Association yesterday that calling for a review now only serves to cause unease when our bail laws already provide very strong protections for the community. That is a concern that I think has some merit.

The former New South Wales DPP, Nicholas Cowdery, has complained about a trend with conservative governments in particular, where they respond to isolated or anomalous events by announcing they will review bail laws or by legislating anew. He is probably on the mark with this comment, and I think Mr Hanson is probably trying an age-old conservative tactic of fanning community fear, leveraging a recent tragic event and demeaning the bail system, without a sound basis of evidence as to why it needs wholesale review and what the specific concern is.

Not only is the ACT bail system different from the Victorian system, but I think it is fair to say that our system is constantly being updated, improved and reviewed, and the amendment that Mr Ramsay has circulated makes this point. There would certainly be utility in waiting to see the results of the Victorian review of bail. We certainly should look at that when it comes about, and at whether there are any lessons to be learnt from that in the ACT, either with respect to the specific circumstances of the Bourke Street incident or broad lessons that would be applicable here in the ACT. None of that detail is available yet. Clearly, people with significant expertise are undertaking that review in Victoria, and it will be well worth reflecting on what they find and whether there is broader applicability.

As the ACT Bar Association pointed out yesterday, the Bail Act in the territory has been amended nearly 50 times since it was enacted. Recent amendments have focused on refining the bail system as part of the family violence prevention strategy. It is constantly under review and regularly refined if improvements are identified.

I want to comment on the issue Mr Hanson raised about the apparent unavailability of bail data. Mr Hanson says that the government does not know what crimes people might commit when they are on bail. This is a good issue to raise and to inquire about. Of course, we want to have all the relevant data so that we can make sound decisions about the efficacy of the current system. My understanding is that the data relating to bail crimes is captured and recorded, and this is used within the court system in relation to individuals. What has not occurred, however, is an aggregation of that data to produce reports showing how many and what types of crimes may have been committed by a person on bail. I believe that those more detailed reports—and the attorney has just spoken to this—can be produced, and the government is working on implementing this function as part of the integrated case management system being installed in the courts.

This integrated case management system is a very welcome development. Mr Hanson and I have both been in this place for a similar amount of time and have participated in a significant number of debates where the kind of data you would expect to be able to be extracted has not been available. We could probably think of at least a dozen examples of discussions we have had in this place where the Assembly has expressed frustration at the lack of availability of data.

The implementation of this integrated case management system—and the former attorney spoke to this on a number of occasions—hopefully will address this. It has taken longer than I would have hoped. Certainly, as the corrections minister, there are times when I am also frustrated by how difficult it is to extract some of this data. There have been times when staff have had to manually go through individual case files to extract the sort of data from the system that you would expect could be extracted by just pushing a button. But I have great optimism that the integrated case management system will make a significant leap forward in this area.

In conclusion, on behalf of the Greens, the Greens will not be supporting Mr Hanson's motion today. We will be supporting the amendment circulated by the Attorney-General. I believe that it reflects accurately the current status of the ACT's

bail system, which is one that is under constant refinement and improvement as issues arise. Rather than waiting for a major review or responding to a specific incident, it is about looking for continuous improvement. The attorney's amendment also reflects a willingness to continue to make improvements where specific matters are identified—and they are identified by the DPP, the Victims of Crime Commissioner, the Human Rights Commissioner, the police and community organisations. It is fair to say that this Assembly has not been reticent to make those improvements as they have come forward, and we should continue to do that where issues are identified.

MR HANSON (Murrumbidgee) (12.05): I thank members for their contributions today. I am disappointed that no review will eventuate. Regardless of that, we have put this important issue on the table, and that is a positive step. But it is disappointing that there will be no review.

I am encouraged to note that there seems now to be an acceptance that, as Mr Rattenbury and the Attorney-General have identified, the data problem is real. Yes, the courts have access to the individual history of someone appearing before them, but there is no aggregation of the data, which makes it impossible, to be frank, for the government or anyone else in the community to have an evidence-based look at how our bail laws are working.

This is not an attempt to look at one incident, a kneejerk reaction to a particular incident here or interstate. The issue of the aggregation of the data has been one that the opposition has been pursuing for years, and before Mrs Dunne moved her motion. If you want a consolidated view of it, five years ago we said we needed to have the data, we needed to know who has committed crimes on bail and what the nature of those crimes was. That was five years ago, and we are still here in the chamber today saying we need that data.

That is unacceptable. If we are going to put community safety at the forefront then you cannot simply say it is all too hard, sit on your hands for five years and not provide that information to the community, to the committees of this Assembly, or indeed within JACS, so that they can make informed decisions. If we are now, as it appears, within government getting an understanding that there is a necessity to get that information, that would be a good thing, but I certainly hope not to be in this place in another five years still talking about the same issue: the lack of clarity around the application of bail, how it is being applied and what offences are being committed here in the ACT.

I note that both Mr Ramsay and Mr Rattenbury talked quite a bit about the comments from the Bar Association. I note those, and there is room in a review and in this debate for a broad range of opinions. I fully acknowledge that they are not in favour of a review, but I think that it would be useful for all of us in this place to also acknowledge the comments from those on the front line, and read the various comments that have been put forward by the DPP, and acknowledge the viewpoint of people like the police and the Victims of Crime Commissioner.

Being selective, and choosing only the public comments of those who support your position, exposes a weakness in your argument. There are many—victims included—

who see an urgent need for a review. With respect to the singular voice of the Bar Association, who have some skin in the game, it must be acknowledged, as they often act for people who are applying for bail who have been accused of serious crimes, it does not do justice to having the sort of balanced, evidence-based debate that the Greens and the government often call for.

Mr Ramsay talked about the way to avoid any problems being raised was to give everybody a life sentence for everything or by saying that nobody ever gets bail. That is clearly a straw man. Setting up a false construct like that to try to make your argument is pretty poor form. This is about having an examination of the bail that is being applied. Nobody in the community is saying that you should give a life sentence for every crime and never give anyone bail. If that is the strength of your argument in defence of not having a review, because of some pretence that there are calls for everybody to be sentenced for everything for life, that is nonsense, and I would expect better from the Attorney-General.

We will not be supporting the amendment. Although there is nothing in it that I am particularly concerned about, ultimately it removes the fundamental intent of this motion, which is to have a review. So we will not be supporting the amendment as it stands. I think it is disappointing. I think that this is a missed opportunity. This is not kneejerk; it is not just in response to isolated events. Mr Rattenbury talked about this being about isolated events. “There is no sound basis of evidence to call for a review,” I think were his words.

That makes a mockery of the inquiry that was conducted by the JACS committee. They looked at the evidence and took submissions. They had a long and detailed inquiry—and good on them. There were two Labor members and two Liberal members. They consolidated that evidence. I invite Mr Rattenbury to read the committee report. But for him to say that there is no sound basis of evidence, when a committee of this Assembly has so recently conducted an inquiry which consolidated a whole raft of evidence, including submissions from experts, I think is disingenuous.

There is a broad range of evidence. There are many voices calling for a review. But this is not necessarily about what has been the case; this is not about the past. This is about protecting our community into the future. We have seen calls from the Leader of the Opposition federally and we know that the government in Victoria is doing something similar—both Labor Party leaders. It is a shame that what we see here in the ACT is a failure in leadership. It is a failure to do everything that can be done to prevent crimes and tragedies from occurring that could otherwise have been prevented. I indicate that we will not be supporting the government’s amendment as it stands.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 13

Noes 10

Mr Barr	Ms Orr	Mr Coe	Mr Milligan
Ms Burch	Mr Pettersson	Mr Doszpot	Mr Parton
Ms Cheyne	Mr Ramsay	Mrs Dunne	Mr Wall
Ms Cody	Mr Rattenbury	Mr Hanson	
Ms Fitzharris	Mr Steel	Mrs Jones	
Mr Gentleman	Ms Stephen-Smith	Mrs Kikkert	
Ms Le Couteur		Ms Lee	

Question resolved in the affirmative.

Motion, as amended, agreed to.

ACT Greens-Labor parliamentary agreement

MR COE (Yerrabi—Leader of the Opposition) (12.17): I move:

That this Assembly:

- (1) notes regarding the Parliamentary Agreement for the 9th Legislative Assembly:
 - (a) the document is signed by representatives of the Australian Labor Party, ACT Branch and ACT Greens;
 - (b) Part XI reaffirms that the agreement is a party-political document; and
 - (c) Part X (Review of this Agreement) calls on the Head of Service to provide a quarterly report on progress of the Agreement to Greens and Labor MLAs;
- (2) notes that:
 - (a) Parliamentary Agreements have previously been deemed party-political documents;
 - (b) engaging the Head of Service to be involved with reviewing the Agreement and reporting to Greens and Labor MLAs on the Agreement is an inappropriate politicisation of the public service; and
- (3) calls on the Government to not involve the Head of Service, or other directorate resources, in reviewing the agreement and reporting to Greens and Labor MLAs on the Agreement.

This is a motion that, at its core, is about integrity. It is about making sure that we do not have a politicised public service. It is about making sure that party business is not being funded by taxpayers in the form of public servants who should not be caught up in the deliberations of political parties.

Of course, we accept that having a parliamentary agreement is a legitimate mechanism between parties. In actual fact, to an extent it does provide some transparency as to what is actually a bond between those two parties. It is well known, of course, that the Liberal Party and the National Party have a written agreement and it forms the coalition government.

The need for these documents to be present and to detail exactly what policies should be pursued is something that is a hallmark of this Assembly. I think it is actually a credit to the two governing parties here that they do make it a transparent document so they can be held to account.

However, there are some specifics in this particular agreement that I think warrant some attention, not the least of which is part X. Part X does, in effect, bring into question the independence of the Head of Service. That the Head of Service is being required, as a result of a deal done between Labor and the Greens, to commit their time to assessing a party-political document I think is inappropriate.

Where does it stop? Does it stop with just the Head of Service or should another of the more than 20,000 territory public servants be involved in this party-political document? It is a party-political document. The agreement is between the leader of the Australian Labor Party and ACT Greens members. It was not between the Chief Minister and a crossbench member; it was between two political parties.

This is made even clearer by Part XI, which is about how the document should be amended. It says:

This agreement may be amended by agreement between the parties. Any proposed amendments shall be put in writing by the party making the proposal. The parties will undertake discussions of amendments in good faith.

It is all talk about parties. It is a party-political document. That is, of course, what has been the tradition in this place. We had this discussion in the Assembly back in 2010. Mr Rattenbury, who was the Speaker at the time, said the following:

... with regard to a reference to party matters, I ruled part of a question out of order on the ground that that part referred to a matter, namely the Greens-ALP parliamentary agreement, for which there was no ministerial responsibility ... Although Ms Gallagher is connected with the agreement, as the ALP's liaison point, I do not believe that this meets the requirement of being officially connected in the sense of having ministerial responsibility.

There was a subsequent debate about whether any minister did actually have carriage of this agreement. What was, in effect, the position was that particular issues within the agreement, the substance of the agreement, have a relevant minister. For instance, if there is a component in it about light rail there is obviously going to be a minister for transport who is responsible for that. But the agreement as a whole was deemed not to have a relevant minister. That is clear in the administrative arrangements, which of course do not list anybody as responsible for cross-party relations or for the parliamentary agreement.

Of course, this was reaffirmed by Minister Corbell, back in 2010. He said:

Your ruling—

He was talking to the Speaker, Mr Rattenbury—

does deserve to be upheld because you have drawn a very clear distinction between the political decisions that are taken between political parties in this place and decisions that are taken by the government in this place for which the government is accountable to this Assembly.

He goes on to say:

You simply indicated that there is nowhere in the administrative orders and there is nowhere in terms of ministers' responsibility in this place for a capacity for questions about the parliamentary agreement between the Labor and Greens parties because they are no decision of the government; they are not something that has been entered into between the government and the Greens. They are not an agreement between the territory, as a body politic, and the ACT Greens; they are an agreement between the Australian Labor Party, ACT branch, parliamentary party, and the ACT Greens.

Ms Bresnan also contributed to that debate. She said:

There is a distinction between the agreement and ministerial conduct.

That is exactly the point here. The Chief Minister's agency has no responsibility whatsoever for this parliamentary agreement. In 2013, we had further discussion of this. Again, it was reaffirmed that the parliamentary agreement was not a government document. In fact, even if you look at what happened in December last year after the election, the Chief Minister tabled a document which said:

Parliamentary Agreement for the 9th Assembly of the Australian Capital Territory, Agreement between Mr Andrew Barr MLA, leader of the Australian Labor Party ACT Branch, Mr Shane Rattenbury MLA, ACT Greens Member for Kurrajong, and Ms Caroline Le Couteur MLA, ACT Greens Member for Murrumbidgee."

There can be no doubt that this is a party-political document. If the government is now going to say that it is actually a government document and that it is appropriate for government resources to contribute to this document, that I think is a very worrying precedent.

It means, in effect, that the government can get involved with the negotiations for the next parliamentary agreement, for amendments to this parliamentary agreement or, in fact, the government using government resources, in effect, to propose reforms to the current parliamentary agreement.

In effect, what this document does is politicise the head of the ACT public service. I think it puts the head of the public service in an unenviable position. Quite frankly, I

think it is an impossible position. It begs the question whether it is actually consistent with the public service code of conduct for a public servant to be engaged in this work.

If this Assembly and this government do not back down from this clause I think it will be incumbent upon the head of the service to reflect on whether it is appropriate for her to actually do this work, as is being requested by the government. In light of that, I think it is quite inappropriate for the Labor and Greens parties to put that kind of pressure on a public servant. They are here to serve the government of the day. They are not here to serve the Labor Party and the Greens.

Finally, I also want to draw the Assembly's attention to the press release that was put out by the government—sorry, by Andrew Barr—on 31 October 2016. That very clearly states, "ACT Labor and the ACT Greens released a new parliamentary agreement today mapping out their shared goals for the 9th Legislative Assembly." It is clearly a party-political document.

In fact, it pre-dates this government because it was signed beforehand in order to establish the government. Once the government was established the parliamentary agreement is, in effect, irrelevant for the government but relevant to those in the government to determine the agenda that they will take through cabinet and this place.

Madam Speaker, in conclusion, I think we in this place should stand up for the integrity and independence of the public service. We should ensure that no public servant is put in an impossible position, as is happening with this agreement. I call on those opposite and the Greens to stand up for these principles and to support our motion.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (12.28): I move the amendment circulated in my name:

Omit all words after "That this Assembly", substitute:

"(1) notes that:

- (a) the Parliamentary Agreement for the 9th Legislative Assembly (the Agreement) sets out a clear, comprehensive and positive agenda for the Government as agreed between ACT Labor and the ACT Greens to deliver even better healthcare, education and higher education services, transport and public infrastructure, social and affordable housing, planning processes, environmental and climate change action, a stronger and more inclusive community for all, reducing gambling harm, strengthening electoral and parliamentary integrity, emergency services and animal welfare for Canberrans;
- (b) the Agreement builds on the positive outcomes for the Canberra community from the successful implementation of the Parliamentary Agreements for the 7th and 8th Assemblies; and
- (c) the Agreement is a publicly available document for all Canberrans to review and seek information and updates on;

(2) further notes:

- (a) the ACT Public Service provides an important role in implementing and delivering on the Government's commitments;
- (b) the ACT Public Service is appropriately responsible for tracking, reporting and providing communication options on all Government commitments, including Parliamentary Agreement items;
- (c) effective tracking and reporting on these items is essential to ensuring transparency and accountability on the Government's commitments to the community; and
- (d) the Head of Service is appropriately required, as part of her duties, to facilitate the implementation and reporting of all Government priorities, be they election commitments, budget initiatives or Parliamentary Agreement items; and

(3) calls on the Government to:

- (a) continue to focus on delivering the health, education, public transport, renewable energy and economic outcomes set out in the Agreement and the Government's wider election commitments;
- (b) ensure that regular, objective tracking and review of the commitments contained within the current Agreement continues; and
- (c) make an annual public statement on progress against the Agreement commitments."

Madam Speaker, Canberrans overwhelmingly supported the government's positive and progressive platform that we took to the October 2016 election. I am very pleased that ACT Labor and the ACT Greens were able to subsequently develop and release our shared policy agenda through the parliamentary agreement for the 9th Legislative Assembly. This agreement builds on the positive outcomes of previous agreements and reflects the clear and optimistic future that Canberrans voted for.

Effective and objective reporting on these items is essential to ensuring transparency and accountability as a government and to the community. The ACT public service provides a critical role in delivering on the government's commitments. The ability to track commitments is essential to ensure that we are delivering on our promises to Canberrans. The ACT public service is, and will continue to be, a non-partisan entity in accordance with public sector values. It will rightly continue to provide support to the government of the day so that it can deliver on its commitments to the community.

It is essential that the ACT public service remains apolitical and is accountable when supporting ministers to deliver their promises to their constituents. To meet these obligations, the ACT public service tracks progress against all government commitments, including the parliamentary agreement, to ensure that the government is meeting its obligations and commitments to the people of the ACT. It is vital that we track our progress in delivering these commitments over the coming years and report on this progress.

The Head of Service serves an important role in leading the ACT public service to deliver on the priorities of the government of the day and ensuring that the Canberra community continues to benefit from effective and transparent governance. The Head of Service is expected to facilitate the implementation and reporting of government priorities, be they election commitments, budget initiatives or parliamentary agreement commitments. The Head of Service is required to assist the government in meeting its obligations to the people of the ACT. This is a critical part of her role. It would be very difficult, if not impossible, to separate parliamentary agreement commitments, election commitments and other budget initiatives as suggested by the Leader of the Opposition.

The Head of Service is required to report on the parliamentary agreement as part of her role in delivering the initiatives of the government of the day. This is an integral part of good government and this side of the chamber continues to support an effective and independent public service. The ACT public service is properly expected to report on the progress of government programs throughout the year and throughout the parliamentary term to ensure transparency and accountability for all Canberrans.

The government has set out a clear and progressive direction that covers education, health care, an integrated transport network, social housing, affordability, inclusivity, protecting the environment and mitigating climate change, amongst other priorities. With such a broad range of key areas for delivery, our officials must track the progress of a diverse range of policies and projects over the government's term.

Our community understands the importance of a strong and responsive public service and the community rightly expects the public service to assist the government in delivering on its commitments. The community believes that, following an election, we should get on with the job to deliver the commitments that we took to that election: to strengthen and diversify our economy; to implement our 10-year health plan; to deliver the city-defining light rail network; and to complete the many other election and parliamentary agreement commitments.

Canberrans want to know their government is listening to them and working for them. We have listened. We are now getting on with delivering our positive platform and ensuring that we objectively track and report on the delivery of these commitments throughout the term of this government.

The amendment I have moved reflects those statements. It calls on the government to continue the focus on health, education, public transport, renewable energy and economic outcomes as set out in the agreement and our wider election commitments to ensure that there is regular, objective tracking and review of the commitments contained within the agreement, and that this continues. It also requires the government to make an annual public statement on progress against the agreement commitments. This is the appropriate response to the parliamentary agreement and reporting upon it. I commend my amendment to the Assembly.

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 12.33 to 2.30 pm.

Questions without notice

Minister for Health—incoming minister briefing

MR COE: Madam Speaker, my question is to the Minister for Health. When you became Minister for Health, you would have received an incoming minister's brief advising you of important issues within your portfolio. What information did that brief contain with regard to inaccuracies in health data?

MS FITZHARRIS: I thank Mr Coe for the question. I do not recall the precise detail of what was in the incoming brief folder, but as I indicated yesterday on a number of occasions, I was aware of some of the difficulties that had been encountered in the production of the 2015-16 annual reports for Health.

MR COE: Minister, did the incoming minister's brief contain any information about inaccuracies with health data?

MS FITZHARRIS: Yes, I reiterate that it is my recollection—and I will go back and check the incoming government brief—that I was made aware, certainly if not within the written folder then in my first verbal briefing as the Minister for Health, that there were inaccuracies encountered in the production of the quarterly reports; that Health were in the process of resolving those; and that the quarterly reports for 2015-16 were then published on 9 November. I became minister, I believe, at midnight on 1 November.

MRS DUNNE: Minister, did your incoming minister's brief contain information about ACT Health failing to provide data to the AIHW and any impact that may have had on the national health funding board's payments to the ACT?

MS FITZHARRIS: No it did not, because I do not believe they were issues that Health were aware of at the time.

ACT Health—data management

MRS KIKKERT: My question is to the Minister for Health. Since 2011 there have been five Auditor-General's reports into health data. These include a report on elective surgery and medical treatment in 2011 and emergency department data in 2012. There was a review into the hepatology and gastroenterology department in 2014, a review of the integrity of data in the Health Directorate in 2015 and a review into Calvary hospital finances in 2016. Why has it taken so long for the Health Directorate to review its data management procedures given that there have been five critical Auditor-General's reports over five years?

MS FITZHARRIS: The five Auditor-General's reports that Mrs Kikkert referred to were not all solely related to data. Indeed, one of those reports—the Auditor-General's report into Calvary—was referred to the Auditor-General by the then Minister for Health. It is certainly the case that I would expect that the Auditor-General, given that the health budget is close to one-third of the overall ACT budget and constitutes significant activity by the ACT government, would be reporting on and looking into the performance of health. That is as it should be.

Mr Coe: What about the recommendations?

MS FITZHARRIS: Certainly the recommendations have been responded to by the government of the day, by the Minister for Health, and implemented by the ACT Health Directorate. As I indicated yesterday, this is disappointing, but this is the most comprehensive system-wide review of health data that has ever been undertaken. We will inform the Auditor-General throughout the processes of this review and I will do everything in my power as minister to ensure that at the end of this review we have the systems in place to ensure the utmost accuracy of ACT health data.

MRS KIKKERT: Minister, what investigations were made into reports of problematic emergency department data conducted by both the Auditor-General and PricewaterhouseCoopers in 2012?

MS FITZHARRIS: I was not responsible at that time; indeed, it was in the Seventh Assembly, I believe. Those issues were responded to comprehensively at the time by the Auditor-General, the public accounts committee and the Minister for Health at the time.

MRS DUNNE: Minister, do the current problems relating to data relate to a lack of systems or people not adhering to the systems?

MS FITZHARRIS: Certainly I can reassure both the members of the Assembly and the ACT community that the issues do not relate to operational clinical data. Largely the issue that will be looked into is the data, once it has been collected by clinicians, the back-end processes that are responsible for the collection, the analysis and the warehousing of data for a variety of different reports, as I indicated yesterday.

Visitors

MADAM SPEAKER: Before I call the next question without notice can I just acknowledge the presence in the gallery of former member and minister, Mr Michael Moore. We wish you a welcome return to the Assembly.

Questions without notice

National Multicultural Festival—women's safety

MS LE COUTEUR: My question is to the Minister for Women and relates to women's safety assessments for major events. I see that this week the tents are going up for the Multicultural Festival. I understand that in 2011 the then minister for women, Minister Burch, committed to undertake women's safety assessments as part of the standard procedure during the festival's set-up phase. Minister, can you provide assurances that a women's safety assessment will be or has been undertaken this year prior to the commencement of the festival and subsequent de-installation of the various tents?

MS BERRY: Yes, I can assure the Assembly that an audit has been undertaken. It was undertaken yesterday by the festival team and the Office for Women. The safety

audits that have been conducted since 2011 include a risk assessment around access to taxis; security personnel; escorting women to their vehicles if requested; secure parking; responsible service of alcohol, enforced with a 10 pm cut-off; visible first-aid stations; provision for wrist bands for children, which you can write on; nappy changing and breastfeeding facilities; and a children's sanctuary, which this year, I understand, is in the CMAG building. I also am informed that the National Multicultural Festival will conduct a survey which will ask a number of questions about how women felt and whether they felt safe during the festival.

MS LE COUTEUR: Was the safety assessment undertaken in partnership with women from the community, including women with a disability?

MS BERRY: I will have to take that question on notice about who was actually involved during this year's audit. I understand that the Office for Women have been conducting this audit since 2011 at every festival. I will take on notice whether women with a disability were involved in it. I know that last year at the Multicultural Festival there were a number of conversations with the Office for Women and the Minister for Multicultural Affairs around access for women with disabilities, particularly on mobility issues. I understand that a number of these were addressed. It is very challenging for people to get around in that sort of crowded environment, but we do take it very seriously. I understand that Ms Christina Ryan was involved in those conversations as well.

MS CODY: Minister, what other work is being undertaken to support women in the ACT?

MS BERRY: I thank Ms Cody for the question. Last year I launched the ACT women's plan 2016-26, and I am ready to launch the first action plan in the next month. A considerable amount of work has gone into the development of this first action plan. One of the things we are doing to address the action plan under the women's plan is the promotion of the use of these safety audit tools at all events in the ACT. In addition, there will be actions in the first focus area on communities where women and girls are empowered and feel safe.

Other activities the ACT government is doing to support women, in particular, is around equality in sport. More broadly, we are supporting women to have equal access to participate in sport. We are funding growth in our elite women's teams. We are providing incentive funding for sports to lead the way on gender equity. We have a new online sports community for women and girls. And we are providing funding for female-friendly sports infrastructure.

LGBTIQ community—government support

MR STEEL: My question is to the Chief Minister. Chief Minister, can you please update the Assembly on the work the ACT government has done recently to deliver on its commitments to support the LGBTIQ community?

MR BARR: I thank Mr Steel for the question. It is very clear that the ACT government leads the nation—in fact, in many instances it leads the world—in being one of the most inclusive communities through the delivery of many clear, comprehensive and progressive policies for this city. We have established an office of LGBTIQ affairs within my directorate, with the responsibility to coordinate and support the government's projects and policies and to promote Canberra as Australia's friendliest city for LGBTIQ people.

The government brought forward and the Assembly passed amendments yesterday to the Civil Unions Act to improve the recognition of overseas same-sex relationships as civil unions in the territory. Corresponding with this first sitting week of the Assembly and the renewed national debate about marriage equality, rainbow flags are flying throughout the city to celebrate equality and to celebrate our commitment to one Canberra. The government continues to strongly support marriage equality legislation, true marriage equality legislation, being progressed through the Australian parliament.

Earlier this year we made a submission to the Senate Select Committee on the Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill. We have concerns about this bill because of its overly broad exemptions to establish sex and gender discrimination protections. We asked the committee to consider marriage equality law reform as an inclusive process that will maintain existing discrimination protections in legislation. The ACT government will continue to support our local community whilst we lead the fight for true marriage equality in this country.

MR STEEL: Chief Minister, can you elaborate on the significance of the flags being flown above our city this week?

MR BARR: During this first sitting week the government is taking the opportunity to emphatically emphasise our commitment to making Canberra an even more inclusive and welcoming city. We do this because it is symbolically important. We do this because it is a clear and fundamental statement of our values; values we have taken to every election in which I have stood for the Australian Labor Party in this city, values that are shared by every progressive member on this side of the chamber. A city that celebrates its diversity, that respects and protects human rights and that allows every citizen to reach their full potential is a strong city. It is a city worth living in and it is a city that people want to live in.

That is what this city is and that is what this city will increasingly represent in this nation and in the world. We will lead that. We will lead it against conservative opponents, some of whom sit in this chamber. We will proudly, every single day, as progressive representatives in this Assembly stand up for what we believe in. We will make those values clear and support all Canberrans, particularly LGBTI Canberrans, who have over the years and years of this city's history been discriminated against and excluded, in our laws, in our public places and in our lives. That has dramatically ended with law reform in this place, but this campaign continues until we win. Let us be clear: it continues until we win. I thank everyone with a good heart who supports

love and who supports inclusion and who supports a better society and invite them to join us in this campaign because we will continue to fight it until we win.

MS CODY: Chief Minister, what are the concerns that the ACT government has with the current iteration of the draft bill for marriage equality currently being considered by the commonwealth parliament?

MR BARR: I thank Ms Cody for the question. We did make a submission to the commonwealth government's select committee on the exposure draft for the bill. The committee report, I understand, is due to be released today. We have opposed elements of the commonwealth government's exposure draft bill because of the overly broad exemptions to establish sex and gender discrimination protections. It is troubling to think that these well-established protections could be undermined as blatantly as is proposed in that bill.

In the government's submission, co-signed by me, the Attorney-General and the minister for justice, we ask that the committee consider marriage equality law reform, as the ACT government has, as an inclusive process that will maintain existing protections against discrimination in legislation. Taking this approach to law reform would afford LGBTI people the same legal rights and protections that anyone in our country can expect.

With regard to respecting an individual's rights to practise religion, we noted that wedding ceremonies can often be based on religious belief and practice but that marriage itself is a civil institution. The desire to love someone and to commit to sharing lives together is universal, and everyone has their own ideas on what this commitment means. Marriage takes different forms in different cultures, but love is a universal emotion. The feelings of love and commitment between couples of the same sex are no different from those between couples of the opposite sex. Same sex couples simply want to have their right to have their love recognised by the same civil institution. This is such a fundamental principle that people of good heart must always support, and this is something that we must stand up for in this country. It is one of this country's greatest shames in 2017.

Canberra Hospital—data integrity

MRS JONES: In the 2012 performance audit by the Auditor-General she found that:

Under affirmation, an executive at the Canberra Hospital has admitted to making improper changes to hospital records. While this is the case, Audit considers that it is probable that improper changes to records have been made by other persons.

How thoroughly investigated were the findings of the Auditor-General that other people were involved in making improper changes to Canberra Hospital's records?

MS FITZHARRIS: I was not the minister; I was not in the Assembly at the time. It is certainly my understanding that they were thoroughly investigated. I reiterate what I reiterated on a number of occasions yesterday—and I am happy to do so on a number of occasions today—there is no suggestion of anybody fabricating or manipulating

data in this instance. Those issues were thoroughly investigated, including by the Auditor-General, in 2012—five years ago.

The review announced yesterday is a comprehensive review into data systems and processes, and I reiterate: there is absolutely no evidence whatsoever that there has been manipulation of data.

MRS JONES: Are any of the data sets that we are currently concerned with, which you have been discussing, the same data sets that were falsified in 2012?

MS FITZHARRIS: I cannot give a specific answer to that question, but again there is no suggestion of falsified data.

Mrs Jones: Will you take it on notice?

MS FITZHARRIS: I will take that on notice.

MRS DUNNE: Are there concerns about the integrity of the data which was corrected following the Auditor-General's report in 2012?

MS FITZHARRIS: Not to my knowledge specifically, but again I will take that question on notice.

ACT Health—reporting accuracy

MR HANSON: My question is to the Minister for Health. On 14 February, you said in this place:

... 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.

When you were briefed about the issues regarding the quarterly performance reports, who briefed you and what information were you given?

MS FITZHARRIS: I was briefed on an occasion in 2016 as Assistant Minister for Health. I was present at a briefing to the then Minister for Health, Mr Corbell, and we were briefed by both ACT government health officials and, I believe, on one occasion, those staff members of PricewaterhouseCoopers who were undertaking the review.

MR HANSON: Minister, what actions did you take personally to satisfy yourself, when you became minister, that there were no ongoing problems with the accuracy and integrity of ACT health data?

MS FITZHARRIS: As I indicated in my earlier answer, certainly it was one of the key elements to discuss in my incoming government verbal briefing. I wanted to ensure that the 2015-16 quarterly performance reports were made available as soon as possible, with assurances of course that the data was accurate. That was then done on 9 November.

MRS DUNNE: Minister, what action have you taken to satisfy yourself that you have not misled the Assembly either today or on 14 February?

MS FITZHARRIS: Many actions, including intensive discussions with my directorate, which resulted in the review announced yesterday. I maintain that there is very strong interest in making sure that this review is conducted thoroughly over the course of the next 12 months, including providing the quarterly reporting that I committed to yesterday.

ACT Health—mental health data

MRS DUNNE: My question is to the Minister for Mental Health. Minister, Minister Fitzharris's statement in the Assembly refers to data not being available for publication in chapter 13 of the Productivity Commission's report on government services relating to mental health services. A reading of chapter 13 shows that the datasets missing were from 2014-15. Minister, why was the Health Directorate unable to provide statistics relating to mental health services for 2014-15?

MR RATTENBURY: The Minister for Health, who has taken the lead on this matter, has outlined the reasons for the problems. She has also indicated the steps that have been taken. I am aware of these matters. I am also being briefed by Health and I am working with the minister to get to the bottom of this. It is a regrettable situation and it is very disappointing because having accurate data is an important foundation for us going forward.

MRS DUNNE: Minister, is the data in the 2014-15 annual report relating to mental health services correct?

MR RATTENBURY: I will take that on notice and check for you, Mrs Dunne.

MRS JONES: Minister, what data sets related to mental health have problems with their accuracy?

MR RATTENBURY: I will provide Mrs Jones with a detailed response on notice.

Family and domestic violence—government initiatives

MS CODY: My question is to the Minister for the Prevention of Domestic and Family Violence. Minister, the ACT government has committed to a whole-of-government response to violence against women and children, and to making our community safer for everyone. Can you please update the Assembly on the latest outcomes with regard to this priority?

MS BERRY: I thank Ms Cody for the question. Tackling domestic and family violence is a key priority for the ACT government. This is why the government created a dedicated funding source through the safer families levy, and it is why a new portfolio was created that was solely focused on the prevention of domestic and family violence in our community.

The 2016-17 ACT government budget delivered the landmark safer families package, which is investing \$21.42 million in driving the next phase of reform in a whole-of-government community backed response to violence against women and children. The government cannot do it alone. From the beginning, for real change to take place across our community, everybody needs to be part of this movement and part of the solution.

There is no doubt that we have already achieved a great deal. I am happy to be able this week to announce a new grants program, the safer families grants program, which provides practical and flexible assistance to help women and children leaving violence to set up a new home. The program will provide families with a grant of up to \$2,000 to assist with the costs of moving, buying furniture and whitegoods, setting up utilities and services and paying advance rent, along with fast-tracked access to the existing Housing ACT rental bonds loan scheme, which provides an interest-free loan of up to 90 per cent of the rental bond.

The ACT government will pilot this program for the next 12 months in partnership with the Domestic Violence Crisis Service, who will act as the initial central referring agency, and will work with the support of local businesses. I look forward to hearing more about this grant and how it is working to support women and children and others in our community.

MS CODY: Minister, how else is the ACT government supporting Canberra families to live safely and free from violence in their homes?

MS BERRY: The government's response to family violence released in June 2016 includes 38 separate commitments to address domestic and family violence. Already through this additional investment we have established for the first time a Coordinator-General for Family Safety to drive cultural change and lead reform in partnership with government agencies, non-government services and the Canberra community.

We have changed key legislative frameworks to improve the response to domestic and family violence, including a new Family Violence Act 2016, which expands the definition of family violence to expressly include a broader range of behaviours, including emotional, psychological and economic abuse and improves the protection order system. There have been amendments to the Residential Tenancies Act 1997 to make it easier for a tenant impacted by domestic violence to change their living arrangements if they need to. There have also been amendments to the Discrimination Act 1991 to ensure that a person's status as a victim of family violence is protected.

The government has increased funding for critical community services such as the Domestic Violence Crisis Service, the Canberra Rape Crisis Service, the Beryl Women's Refuge and the Doris Women's Refuge. The government has funded the new room 4 change program, an innovative residential behaviour change program for men who use or are at risk of using violence. Government directorates have also been provided targeted funding to implement reforms that support a holistic approach to reducing family violence.

MRS JONES: Minister, can you outline to the Assembly the total spend and breakdown of the expenditure from the \$30 levy that was imposed last year to tackle this issue?

MS BERRY: The \$21.4 million that will be collected from the levy will be detailed in the budget when it is available. So you will be able to see all the different line items. I can provide you with the exact spends on them at another time.

ACT Health—annual report corrigenda

MS LEE: My question is to the Chief Minister, notifiable instrument No 207 of 2015 regarding the preparation of annual reports for the 2015-16 financial year states that if a government directorate or agency needs to correct an annual report it needs to table a corrected version or a corrigendum in the Assembly. The agency also needs to advise the workforce capability and governance division in writing. Has any ACT government directorate or agency advised that they intend to table a corrected version of its 2015-16 annual report or a corrigendum?

MR BARR: Not that I am aware of, but I will check the record and find out for Ms Lee.

MS LEE: Has any ACT government directorate or agency advised your directorate of any problems with its management of data and reporting of its performance information in relation to the 2015-16 annual reports or other reports to the Assembly?

MR BARR: I will need to check the record with the relevant directorates.

MRS DUNNE: Chief Minister, is any ACT government directorate or agency holding discussions with federal government agencies about its reporting of its data?

MR BARR: That is, again, an interesting question. I will need to take some advice on that. I imagine that most areas of government are involved in discussions with their commonwealth counterparts around data. I will take the question on notice in the context of all of the previous questions that Mrs Dunne and her colleagues have asked rather than, I think, the broader frame in which it could be interpreted.

Transport—light rail

MR PETTERSSON: My question is to the Minister for Transport and City Services. Can the minister update the Assembly on the latest developments in implementing the light rail network for Canberra?

MS FITZHARRIS: I thank Mr Pettersson for the question. I certainly can update the Assembly on the latest developments to implement a light rail network for Canberra. I am pleased to inform the Assembly that our government is continuing to deliver on its commitment to build a city-wide light rail network for Canberra. Light rail stage 1 is well underway from Civic to Gungahlin, as any of you who have travelled along that corridor can see. Light rail will transform our growing city, taking thousands of cars

off the road by providing a genuine alternative to driving, generating jobs, attracting investment and revitalising the main gateway to the nation's capital city. The project will change how we use public transport, which is essential given that there will be almost half a million people living in Canberra by 2031.

As part of a fully integrated public transport system, customers will have one ticket, one fare and be able to transfer between light rail and buses, as well as a growing cycling and walking network. Canberra has voted twice for light rail, for a city-wide light rail network that we will deliver, that only a Labor government will deliver.

Construction is already underway and progressing well. Last Tuesday the Chief Minister and I had the pleasure of inspecting the rail that has been delivered to two sites along the route, at the EPIC and Gungahlin town centre compounds. About 52 kilometres of track is required for the project, and we expect to start installing that at the depot in Mitchell in around June this year.

This year will be a very big year for construction of the light rail project. We will see significant progress, with completion of utility relocation and protection works, commencement of major civil construction activity, including the laying of concrete track form, bridgeworks on Flemington road, tree planting and landscaping, and roadworks down the corridor. Work at the light rail depot will reach an important milestone later this year, with the expected arrival of the first light rail vehicles. Landscaping works are also planned to commence across the project during late spring and early summer. We would like to thank all residents and road users for their patience while these works continue.

MR PETTERSSON: Minister, what steps are being taken to ensure early planning for stage 2 of light rail is undertaken?

MS FITZHARRIS: I thank Mr Pettersson for the supplementary question. As has been noted, we have hit the ground running during the first 100 days of the Barr Labor government. As well as continuing to deliver on stage 1 of the light rail network, we are delivering on what we were elected to do by starting work on stage 2 of the city-defining light rail network.

We have begun preliminary project definition work for stage 2 of light rail from Civic to Woden, which will see a contract signed in this term of government for construction. Stage 2 will deliver in conjunction with stage 1 a 23-kilometre north-south spine of light rail as the start of the city-wide network. This is a significant city-shaping project that delivers economic, social, transport and environmental benefits for our city. It is absolutely clear that light rail is part of our city's future.

Last week in the budget review the Treasurer announced a \$7 million investment in the next stage of Canberra's light rail network. This funding will kickstart the design work associated with stage 2. Following the community's clear endorsement of our plan to deliver a city-wide light rail network tenders opened on 25 November to get stage 2 planning underway. These tenders closed on 30 January and we received a strong response from the market. We expect to have all the technical and professional advisers on board in March.

We are committed to signing contracts for light rail stage 2, the extension to Woden, during this term. As a first step, transport Canberra and its advisers will consider project details, such as the exact light rail alignment, number of stops and locations, connectivity with other forms of transport, procurement processes and the delivery model to be adopted.

Transport Canberra is now establishing governance and project management processes, commencing discussion with Canberra Metro on light rail stage 1 and working across government with the NCA to identify potential risks, constraints and opportunities of this city-shaping project. Most importantly, we look forward to continued conversations with the Canberra community about stage 2 of light rail.

MS CHEYNE: Minister, what impact is the delivery of the light rail network having on local jobs in the Canberra economy?

MS FITZHARRIS: The impact of the light rail network on local jobs is tremendous. Not only will light rail deliver a modern, integrated transport system that can meet the needs of our growing city; it will also deliver a major boost to our economy, signs of which we are seeing strongly already. It will provide opportunities for local industry and generate thousands of local jobs. During the construction phase of stage 1 alone, it is estimated that Canberra's light rail will generate over 3½ thousand direct and indirect jobs. The project will also increase demand for various skills and qualifications, supporting more job opportunities in Canberra, including training and development activities.

Canberra Metro has a contractual obligation for local industry participation and has recently finalised its local industry participation plan. This addresses the ways in which Canberra Metro will identify, create, communicate and provide opportunities to local industry in Canberra and throughout the region. Canberra Metro has committed to 70 per cent of jobs to be sourced locally during the construction phase, and it is already exceeding this, with more than 80 per cent of Canberra Metro's employees being sourced locally.

I am also pleased to let the Assembly know that there are 12 graduates currently working on the project, with an increase to occur this academic year. Engineering students from ADFA at the University of New South Wales Canberra will commence work placements with Canberra Metro as part of a significant and very exciting MOU between the ACT government and the Department of Defence.

Following the ACT government's initial industry briefing at the commencement of the procurement phase, Canberra Metro has been engaging with local businesses within the ACT region to build a strong network of subcontractors and suppliers. We have also partnered with the Canberra Business Chamber on a light rail business link program. This collaboration maximises the benefits of the light rail project for our city, the economy and the Canberra community. Over 100 local suppliers and businesses have attended events. To date, 21 Canberra Metro work packages have been awarded, with 13 going to local businesses.

Aboriginal and Torres Strait Islander people—out of home care

MR MILLIGAN: My question is to the Minister for Disability, Children and Youth. Minister, the 2017 ROGS report on children in child protection services shows that overrepresentation of Aboriginal and Torres Strait Islander youth in child protection in the ACT is not just high but is actually increasing. Over the past 10 years the percentage of Indigenous Australian youth who have experienced at least one out of home care placement during the reporting period increased nearly 93 per cent whilst the increase for non-Indigenous children and youth over the same period was less than three per cent. Minister, why are so many Indigenous children requiring out of home placement?

MS STEPHEN-SMITH: I thank Mr Milligan for his question. This is absolutely a critical issue in our community. It is true that not only has the number of Aboriginal and Torres Strait Islander young people and children in out of home care increased over the years but, indeed, sadly the proportion of our children and young people in out of home care who are Aboriginal and Torres Strait Islander has also increased.

As many members of this Assembly would be aware, from 1 January last year the government started implementing the step up for our kids strategy for out of home care. It is a five-year strategy. We are one year into it. It addresses the overrepresentation of Aboriginal and Torres Strait Islander children and young people as a high priority for this strategy.

The service is to deliver a continuum of care, focusing on, as far as possible, keeping young people and children with their families. That is a particular focus for Aboriginal and Torres Strait Islander families, restoring them to families if children have to be removed for their own safety. There is a placement principle for Aboriginal and Torres Strait Islander young people which is followed in the ACT. If children and young people do have to be removed from their birth family, the first option is to try to find a kinship placement. If that is not possible, it is to find them a placement in the Aboriginal and Torres Strait Islander community. The next option is to go into foster care in a non-Aboriginal or Torres Strait Islander family.

Mrs Jones: On a point of order.

MADAM SPEAKER: Please resume your seat Ms Stephen-Smith.

Mrs Jones: The question was why so many Indigenous people are requiring out of home care, not how they are managed in out of home care. What has happened that has increased the numbers, was the question.

MADAM SPEAKER: I think the minister is responding in the general terms of out of home care and the overrepresentation of Indigenous children. Minister.

MS STEPHEN-SMITH: It is a very complex issue. The drivers of children and young people coming into out of home care for Aboriginal and Torres Strait Islanders are similar to those of other families. *(Time expired.)*

MR MILLIGAN: Specifically, once again, can you identify why so many Indigenous children are requiring out of home care?

MS STEPHEN-SMITH: As I was saying, some of the drivers are similar to those for non-Indigenous families: family violence, drug and alcohol use and mental illness among the community. Obviously we are seeing that a higher proportion of Aboriginal and Torres Strait Islander families are vulnerable across a range of factors. That is why early intervention and prevention are a primary focus of the step up for our kids strategy.

As I was saying, from 1 January, as part of the step up for our kids strategy, Uniting began delivering the children and family ACT program to families who have children at risk of entering care or who have entered care. The needs of Aboriginal and Torres Strait Islander families are a key focus of Uniting's service and are supported and informed by the Aboriginal development service, Jaanimili. Jaanimili supports the way services are delivered to Aboriginal and Torres Strait Islander families by providing cultural guidance, expertise and support.

Just to go back to my earlier point, when Aboriginal and Torres Strait Islander children and young people have to be removed from family and are not able to be in an Aboriginal or Torres Strait Islander care situation, there is a cultural plan developed so that they maintain connection to culture. We recognise that is an extremely important part of growing up as an Aboriginal or Torres Strait Islander child or young person.

Jaanimili is working in partnership with Aboriginal and Torres Strait Islander agencies and community groups, particularly Gugan Gulwan and Winnunga Aboriginal-controlled community organisations, to ensure there is an essential link with service delivery; and the child development service within the Community Services Directorate is also supporting families with early intervention support where disability might be a factor in the family as well.

MRS KIKKERT: Minister, why is there such a spike in Indigenous kids as opposed to non-Indigenous kids in out of home placements, and what are your plans to reverse the trend in the need for out of home placements?

MS STEPHEN-SMITH: I did ask for the figures, when Kevin Rudd was talking about the increase from 2007 to 2015 the other day. There has been a small proportional increase in the number of Aboriginal and Torres Strait Islander children and young people coming into care in the ACT. It has increased from about 22 per cent coming into out of home care to about 26 per cent. That is an unacceptable increase, and that is why we are working so hard through early intervention and prevention services, and through restoration services.

The consortium that is delivering out of home care, ACT Together, led by Barnardos, is also strongly focused, when children do come into the out-of-home care system, on working with families to restore those children, where possible, or to find culturally appropriate placements for those children, and ensuring, as I said, that cultural plans are in place and that the children have good access to cultural support.

Mr Coe: A point of order. Madam Speaker, on relevance. The specific supplementary question was about the reason for this spike, in effect, not how the children are being managed after they have come into care. In particular, what is the reason why they are coming into care?

MADAM SPEAKER: Perhaps the minister can get to that in her remaining time.

MS STEPHEN-SMITH: As I said earlier, there is a range of reasons why children come into care. I do not think you can say there is one specific reason why any child, or any group of children and young people, is coming into care. That applies to Aboriginal and Torres Strait Islander young people as well. We are working through a range of strategies through the child and family centres and through Koori preschools at early intervention and prevention. That is the key to preventing Aboriginal and Torres Strait Islander children and young people from coming into care; to strengthen families. We are working with the elected body, through the Aboriginal and Torres Strait Islander agreement, as well to do that.

Greyhound racing—government policy

MR PARTON: My question is to the Minister for Regulatory Services in relation to racing and gaming, and in particular, greyhounds. Minister, I am aware of a letter sent to your office yesterday advising of the industry's firm resolve to continue racing and operating from 1 July 2017 regardless of the state of government funding. I have a very simple yes-no question: Minister, will you tell the Assembly whether or not it will be legal to conduct greyhound racing in the ACT after 1 July? Yes or no?

MR RAMSAY: Yes.

MR PARTON: Minister, will you be pursuing the transition packages, given that the greyhound racing industry has stated that they will be continuing to operate after July 1?

MR RAMSAY: Yes, I am aware of the letter that has come in. It remains the government's position that the continued operation of greyhound racing in the ACT is out of step with community values. That is a position that was clear when it was taken to the election.

Opposition members interjecting—

MR RAMSAY: It was endorsed by the people of Canberra.

Opposition members interjecting—

MR RAMSAY: We are continuing to—

Ms Berry: Point of order.

MADAM SPEAKER: Resume your seat, please, minister. There is a point of order.

Ms Berry: Seriously, Madam Speaker, those continuous interjections from the other side are making it difficult for the minister to respond. I am interested to hear what the response is to the question that was asked.

MADAM SPEAKER: There is a point of order. Can you reduce the noise on this side so the minister can be heard? Minister.

MR RAMSAY: We are continuing to provide an open invitation to the club to participate actively in the development of the fair transition package, which will include elements such as re-skilling for ACT dog owners, breeders and trainers and a welfare plan for ACT greyhounds, including training and rehousing.

I continue to encourage the club to engage positively with my directorate, as they have been advised and as they have been invited to do a number of times through their lobbyist, so that they can have a full say in the building of a transition package that is right for their futures.

MR MILLIGAN: Minister, can you guarantee certainty for the future that is deserved by the 400 Canberrans who are either involved in the industry or whose livelihoods depend on its survival?

MR RAMSAY: The consultation and coordination of the transition package will occur led by the relevant government directorate. There will be an independent consultant, yet to be identified. That will occur between the greyhound industry and animal welfare and dog rescue organisations to develop the particulars of the transition package. This would include, potentially, a support package for industry participants, dog owners, breeders and trainers through reskilling as well as welfare plans for greyhounds, including training and rehoming of racing greyhounds. We look forward to being able to continue to work with industry for the best possible package for everyone involved.

ACT emergency services—response times

MS CHEYNE: My question is to the Minister for Police and Emergency Services. Minister, can you update the Assembly on recent results in the report on government services relating to the performance of ACT's emergency services and police.

MR GENTLEMAN: I thank Ms Cheyne for her question. As members will be aware, the report on government services is published by the Productivity Commission, and it examines the performance of governments across Australia in government service areas. I am very pleased to inform the Assembly that in the latest report, covering the period from 1 July 2015 to 30 June 2016, the ACT recorded extremely positive results across our emergency services and police roles.

In emergency services, our response times continue to lead the nation. I am very pleased to inform the Assembly that the ACT recorded the best response times in the country for ambulance and firefighting personnel despite demand for these essential services continuing to increase. In policing, Canberrans continue to report feeling safe

in their community and having a high degree of satisfaction with the quality of our police services. This includes very positive community perceptions of safety both at home and in public places, with all categories scoring above the Australian average. I would like to take this opportunity to applaud the diligent efforts of Canberra's paramedics, firefighters and police in delivering such a great result for the ACT community highlighted in this report.

It is important to note that these efforts are not made, of course, in isolation. This government acknowledges and very much appreciates the sacrifices made by our first responders and their families to serve our community. I congratulate every member of the ACT Ambulance Service, ACT Fire & Rescue and ACT Policing for their continued dedication to keeping the community safe. The results are a credit to the professionalism of the women and men in these services. The ACT government is committed to supporting our emergency services and police now and into the future.

MS CHEYNE: Minister, can you please provide further information to the Assembly on our ambulance and Fire & Rescue response times?

MR GENTLEMAN: As part of the ACT Emergency Services Agency, the Ambulance Service and Fire & Rescue service perform a vital role in responding to emergencies and providing a high level of care to people in the community. The ACT recorded the best response times in the country for ambulance and firefighting personnel, despite, as I said, demand for these essential services continuing to increase.

The ACT Ambulance Service has recorded the best response times in the country for the fifth year in a row. The ACTAS state-wide and capital city response times are in the 90th percentile and are the best in the country at 13.7 minutes. I note these results have been achieved while also maintaining an impressive 98 per cent result in the annual ambulance patient satisfaction survey.

The success of our emergency services continues with ACT Fire & Rescue service. I am pleased to report that the ACT Fire & Rescue service had the best major city and state-wide structure fire response times in the country at 10.2 minutes and measured in the 90th percentile.

The government is proud of the work of the men and women of our emergency services and thanks all the staff for their professionalism in working tirelessly to deliver services around the clock. The government is committed to making our community safer. This was confirmed by the funding increases in the last budget for emergency services. The government is committed to protecting the people who protect us by giving our emergency services personnel the resources they need to do their job and look after the people we care about.

MRS JONES: Minister, according to the same report, why have ambulance response times increased by one minute since the previous report?

MR GENTLEMAN: I thank Mrs Jones for her question. It is in relation to the growth of services across the territory. We are looking at resourcing ACTAS as best we can to adjust to that growth right across the territory.

Public housing—asbestos

MR DOSZPOT: My question is to the Minister for Housing and Suburban Development. Minister, is there any evidence or concern about loose-fill asbestos being present in any multi-unit public housing stock?

MS BERRY: None that I am aware of.

MR DOSZPOT: Minister, were any houses that are currently in public housing stock remediated for loose-fill asbestos in the 1990s? If you do not know, will you take the question on notice?

MS BERRY: There were initially five houses that were identified to have loose-fill asbestos in them. I understand that four of those have already been demolished or are about to be demolished, and that one will be demolished soon.

MR PARTON: Minister, will all current public housing properties, including multi-unit stock, that once contained loose-fill asbestos be demolished?

MS BERRY: I refer Mr Parton to my previous answer. There are no multi-unit blocks, as far as I am aware, that have loose-fill asbestos in them that are owned by Housing ACT. Of the five houses that were identified, four have been or will be demolished and the fifth one will be demolished soon.

Asbestos—worker safety

MR WALL: My question is to the Minister for Workplace Safety and Industrial Relations regarding the demolition of loose-fill asbestos contaminated houses. Minister, has air quality monitoring been conducted on all demolition sites?

MS STEPHEN-SMITH: My understanding is that it has been, but I will take that question on notice.

MR WALL: Minister, does the staged approach to the demolition mean that air quality monitoring can be and should be undertaken on all sites?

MS STEPHEN-SMITH: Once again I am not an expert on the demolition of houses and air quality monitoring, so I will get some advice and take that on notice.

MS LEE: Perhaps the minister will take this on notice as well. In 2016, what was the proportion of demolition sites that had air quality monitoring?

MS STEPHEN-SMITH: Once again, I will have to take that on notice, thank you.

Children and young people—programs

MS ORR: My question is to the Minister for Disability, Children and Youth. Minister, can you please update the Assembly on the kids and families holiday

program run by the Gungahlin, Tuggeranong and west Belconnen child and family centres?

MS STEPHEN-SMITH: I thank Ms Orr for her question and for her ongoing interest in activities for Canberra's families, particularly for families who may be vulnerable.

This year was the first time that the child and family centres network had conducted a school holiday program, in my understanding, and it was a very popular program. As well as connecting with staff and meeting other families, the kids and families program offered a terrific range of activities, all for free. These included working with clay, gardening, painting, Aboriginal storytelling and yoga, to name just a few.

The program also ran events to bring people together. I was lucky enough to attend the growing healthy families barbecue for Aboriginal and Torres Strait Islander families in Tuggeranong and a taste of culture workshop at the west Belconnen centre, which showcased the local culture and heritage of the ACT's Aboriginal and Torres Strait Islander community. There was also a Tuggeranong park teddy bear's picnic, which I understand was very popular, while Gungahlin families had the opportunity to visit their local library, followed by a healthy morning tea—a Meegan Fitzharris approved morning tea!

The program was of particular benefit to families who already engage with a wide range of services offered by the centres, such as parenting support and multicultural playgroups. But the welcoming environment also meant that new families came into the centres for the first time and were able to find out more about the support available for families with young children through the centres.

The kids and families holiday program attracted an impressive total of 624 children across the three child and family centres. I commend the child and family centre staff on the delivery of this great program of activities, and indeed on the work they do throughout the year.

MS ORR: Minister, how many clients, families and children accessed services and programs through the child and family centres last year?

MS STEPHEN-SMITH: I thank Ms Orr for her supplementary question. I am pleased to report that a total of 1,830 families accessed services at the child and family centres in 2015-16. There was an interesting difference in the data, however, between 2014-15 and 2015-16. While the number of families accessing the child and family centres went down slightly, the number using services more frequently increased.

What this appears to tell us is that centres are working with some families over a longer period of time and are providing those families with a more intensive, more tailored service offer. This level of service provision is making a real difference in the lives of Canberra's families and their children. Indeed, as I mentioned earlier, the child and family centres are increasingly being integrated into a holistic prevention and early intervention approach to supporting vulnerable families or those at risk.

The child and family centres consistently deliver exceptional results when it comes to client satisfaction. In 2015-16, the centres achieved a satisfaction rate of 97 per cent. I am pleased to inform the Assembly that term 1 programs are now well underway at the three child and family centres in Gungahlin, Tuggeranong and west Belconnen.

Group programs include “Learn, giggle and grow” for parents and children up to five years; “Cool little kids,” which provides strategies for parents to help young children with anxiety, which is a growing concern; the Atfaal family playgroup at Gungahlin for Muslim families; the South Sudanese group at west Belconnen; and the deadly bubs playgroup in Gungahlin.

As always, of course, families are welcome to drop in to any of the centres for general parenting advice and support or to visit the collocated maternal and child health nurses who are collocated in these centres that are providing a very popular service.

MR STEEL: Minister, what other services are available in the ACT for families to ensure that children reach their full potential?

MS STEPHEN-SMITH: I thank Mr Steel for his supplementary question and of course acknowledge his interest in the wellbeing of Canberra’s children, particularly around early years education and care.

Madam Speaker, 4 January this year marked the one-year anniversary of the Child Development Service at Holder, which was established after the commencement of the national disability insurance scheme. The service maintains the government’s commitment to the mainstream developmental assessment of children and is a collaborative service incorporating the Community Services, Health and Education directorates. It is a new and best practice service with streamlined access to allied health and medical assessment for children resident in the ACT and at risk of developmental delay. The service provides assessment, referral, information and linkages for children with complex developmental needs, from birth to eight years, as well as autism assessment for children aged up to 12 years.

I was extremely pleased recently to attend the first birthday celebration of the service at the Holder centre and to meet the amazing, multi-disciplinary team. At that morning tea I heard from the staff themselves about the work they are doing at Gungan Gulwan, Winnunga, Koori preschools, Canberra Cares and the child and family centres. This outreach service is enabling our allied health services to reach across into our community and the staff are working hard to build trust and stronger linkages, particularly with Aboriginal-controlled organisations.

We know that intervening early in Aboriginal and Torres Strait Islander families when they are vulnerable and particularly addressing the intergenerational effects of trauma are extremely important in reducing the overrepresentation of Aboriginal and Torres Strait Islander children and young people coming into our system, as I talked about earlier.

On the Child Development Service, the service provided assessment, referral and information to approximately 2,000 children and families in 2016. It is a fantastic testament to this service for Canberra families.

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

Supplementary answers to questions without notice

National Multicultural Festival—women’s safety

MS BERRY: With regard to the question from Ms Le Couteur about safety for the Multicultural Festival, the team who conducted the audit were the senior manager of the Office for Women, the senior manager of the Office of Multicultural Affairs and the managing director of Safety Logistics, a private company which has been engaged to do security, health and safety work at the National Multicultural Festival. I can also confirm that advice was received from Christina Ryan, the chief executive of Advocacy for Inclusion, as well as Sue Salthouse, the chair of the ACT Disability reference group, and Daniel Savage, the artist, on access and the enhanced sanctuary area.

Planning—Curtin master plan

MR GENTLEMAN: Yesterday I took several questions regarding the Curtin development application, or Curtin No 34, and also in relation to the Curtin master plan. I have been advised by the independent Planning and Land Authority that the development application was refused today. The reasons for the refusal related to the proposed six-storey height being incompatible with the current lower scale built form of the Curtin Group Centre, the overshadowing of the central courtyard and the proposal being out of character with the current group centre.

As I highlighted yesterday, community feedback is an important part of the planning process. Public submissions were taken into account by the independent Land and Planning Authority in making this decision. The authority advises that it also considered the amenity and character of the area in making its decision.

The authority will work with the developer to see if there is any alternative proposal that can be prepared which is in keeping with the character and amenity of the area. Any subsequent revised development application would go back for public consultation. I have also asked my directorate to work with the local community and traders to finalise the Curtin master plan as a matter of priority.

Answer to question on notice

Question 1

MRS DUNNE: Again under standing order 118A I ask for an explanation from the Minister for Health in relation to unanswered question No 1 which was due on 12 January and which has not been received by the Clerk’s office or mine.

MS FITZHARRIS: I will follow up on that. I am not aware of that one. I will follow it up for you immediately after question time.

Explanation noted

MRS DUNNE (Ginninderra) (3.34): In accordance with standing order 118A(c), I move:

That the Assembly take note of the Minister's failure to provide an answer to question on notice No 1 in the time provided for by the standing orders.

I remind the minister that this was the same question I asked about yesterday.

Ms Fitzharris: I believe this is not on the notice paper.

MRS DUNNE: It is on the notice paper. It is on page 69 of the notice paper.

Ms Fitzharris: Madam Speaker, I cannot see that on page 69 of today's notice paper.

MADAM SPEAKER: On page 69 there is an unanswered question, question No 1.

MRS DUNNE: It does not have what the question is, but No 1 was listed yesterday as well.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 10

Noes 13

Mr Coe	Mr Milligan	Ms Berry	Ms Orr
Mr Doszpot	Mr Parton	Ms Burch	Mr Pettersson
Mrs Dunne	Mr Wall	Ms Cheyne	Mr Ramsay
Mr Hanson		Ms Cody	Mr Rattenbury
Mrs Jones		Ms Fitzharris	Mr Steel
Mrs Kikkert		Mr Gentleman	Ms Stephen-Smith
Ms Lee		Ms Le Couteur	

Question resolved in the negative.

MR RATTENBURY (Kurrajong) (3.39): Madam Speaker, I might seek your clarification back to the Assembly. There seems to be some uncertainty here where there is not a question on the notice paper but a suggestion that there might be. Certainly the basis on which Ms Le Couteur and I just voted no is that the lack of clarity makes it uncertain to the Assembly as to what is happening. If you might update the Assembly on the status of this question, certainly in light of the notice paper, that would be most helpful.

MADAM SPEAKER: Thank you, members, for your patience. It is my understanding—and I am sure the Deputy Clerk will jump up if I have interpreted him incorrectly—that it was on the notice paper last night, but it has since been received by the Clerk’s office and provided. That is the advice I have, which is why it is in its state on the notice paper this morning.

Statement by member

MRS DUNNE (Ginninderra) (3.40), by leave: Madam Speaker, yesterday I asked about question on notice No 1, which was due on 12 January. The minister said that it had not been answered but she was going to sign it off. The notice paper today clearly says, again, that question 1 is still unanswered. When I checked before question time I had not seen a copy of the answer, which is the basis on which I again asked today in relation to question No 1—it is clearly on the notice paper today on page 69—being an unanswered question. Maybe there is a problem with the time of compilation of the notice paper, but at page 69 of today’s notice paper it clearly says the question is unanswered. When I checked before question time I did not have an answer to the question.

MADAM SPEAKER: For members, I think there has been a mismatch with timing. It is my understanding that the Clerk has confirmed that the answer has been received and has been forwarded on. If we leave it at that and find that that is not the case then we can come back to this matter at another time. But that is certainly my understanding, Mrs Dunne.

ACT Greens-Labor parliamentary agreement

Debate resumed.

MR RATTENBURY (Kurrajong) (3.42): This is, I think, an odd motion that has been brought forward today. Mr Coe’s position is one that has surprised me. His assertion is that in requiring the public service to report on progress of implementation this is somehow a politicisation of the public service. Madam Speaker, each and every one of us—the members in this place—is a politician. We are in the business of politics. As we are all extremely aware, we did run for election last year and we ran as representatives of our political parties. The result, as we know, is that two parties, Labor and the Greens, had the numbers to be able to form a government. The parliamentary agreement is a reflection of that agreement. We now stand here in this place to represent the views of our political parties and the communities that elected us to be here.

For the third time in a row, at every election since 2008, Labor and the Greens formed a parliamentary agreement, and that is a compact that reflects our various election commitments to the people of Canberra. So in that sense the parliamentary agreement reflects the undertakings that we made at the election and that we intend to carry forward in a power-sharing arrangement to deliver government. We now need to be responsible and deliver for the people of Canberra. That is what people want us to do and that is what they expect us to do. We need to make sure that we are accountable to

the public by delivering on our commitments. It is standard operating procedure in governments all around the country, no matter which political persuasion they are, for the public service to be involved in implementing the election commitments of the party elected to government or, in the ACT's case, the parties elected to government.

It is actually the case that our caretaker convention guide requires the public service to prepare incoming minister briefs for the new government based on the election commitments from each of the parties. Had the Liberal Party been elected to government, Mr Hanson, presumably, and Mr Coe would have found themselves with folders full of briefs prepared by the public service on how best to implement their election commitments. They would have found themselves requiring the public service to report regularly on progress of their implementation. That is exactly the role. I do not consider that to be a politicisation of the public service. I think there is an expectation that the government, whoever it was that got elected, follows through on the commitments it took to the election. The public service looks at those commitments, comes up with an implementation plan, and goes about it.

In this case, the parliamentary agreement reflects the things that the two parties have agreed to carry forward as part of government. There will be other things that come up along the way, but they are the ones out of the election that we specifically said were being prioritised and would be implemented, and we expected the public service to work with the government to deliver those outcomes. That, to me, is what the agreement reflects. That is why the public service is involved.

The other thing that I think is very important here is one of transparency and accountability. Members who were here last term will recall that on a number of occasions Liberal members in this place regularly asked questions in the chamber about the parliamentary agreement, particularly its implementation. In formally outlining in the agreement processes for regular reporting, including annual public statements, we are ensuring that we stay accountable to the ACT public so that they can see for themselves whether we are implementing the items that each party to the agreement promised. People voted for us, presumably, on the basis of some of those items.

We regularly hear calls from the opposition for transparency and accountability. I think that that is exactly what this parliamentary agreement reflects. It has been made public since it was first signed. It is publicly available. I know it is on the Green party website. I do not know if the Labor Party have it on their website. I have not looked; I do not read the Labor Party website terribly often, I must confess.

Mr Coe: It is not on the government's because it is not a government document.

MR RATTENBURY: It is publicly available. I expect to be held accountable to it. That is why there is a reporting mechanism in there. It is necessary for the government to do that. I think the community expects it. The level of transparency is extremely high on this. I think that is something the community should be comfortable with. We will not be supporting Mr Coe's motion today. We will, in fact, be supporting the amendment brought forward by the Chief Minister.

MR COE (Yerrabi—Leader of the Opposition) (3.47): The opposition is, of course, disappointed that the Greens are also happy to politicise the public service in this way. I thought it was an honest mistake in the agreement that perhaps had not been fully thought through. Perhaps in their negotiation they thought that someone like the Head of Service was a reasonable person to have as an arbiter of the progress being made. Perhaps they had not fully thought through how this would, in fact, be politicising an individual and putting them, I think, in a very awkward position. However, having given the government an opportunity to get out of this today, I thought they would take it. I thought the Greens as a party would take this opportunity to say, “Perhaps the Head of Service is not the best person.”

It just so happens that in the previous two Assemblies they have not had this clause in the agreement. This is the first time that the public service has been involved with this parliamentary agreement. I accept that the matters contained within the document will become the agenda for the government. But the document itself predates the government. The document itself actually helped form the government. The document itself is an agreement between Labor and the Greens. That is why this document is not on the Chief Minister’s website. That is why in past Assemblies we have not been able to ask questions about the document. We have only been able to ask questions about the individual initiatives contained therein as they relate to the government actually implementing them.

We have, I think, a bad development with regard to the status of this document. Will this document now be uploaded to the government website? Do the Greens really think that it is appropriate for the Head of Service to come in and brief Labor and Greens MLAs about the progress of this document—not on government policies but on the progress of the agreement? I think that is totally wrong. Is the opposition going to be extended the same briefing, given this is a taxpayer resource? How is it that the Labor and Greens members can sign a document which allocates the resources of the Head of Service for party political purposes?

I think it is absolutely wrong that we are going to have members in this place uphold part X of this agreement, which clearly politicises the Head of Service. Part XI, which demonstrates how the document is to be amended, of course, shows just how partisan political this document is. I expect that this document will now go on the government website. We will also be able to ask questions of it in estimates because the Head of Service and the public service are accountable for it now as well. We look forward to also being able to ask questions in the Assembly as well, because it is now inherently a government document. This is a bad moment for the differentiation between governments and parties. The government and the Greens must accept that there will be consequences with regard to the opportunities the opposition has open to it as a result of this decision.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 12

Noes 9

Ms Berry	Ms Orr	Mr Coe	Mr Milligan
Ms Burch	Mr Pettersson	Mrs Dunne	Mr Parton
Ms Cheyne	Mr Ramsay	Mr Hanson	Mr Wall
Ms Cody	Mr Rattenbury	Mrs Jones	
Mr Gentleman	Mr Steel	Mrs Kikkert	
Ms Le Couteur	Ms Stephen-Smith	Ms Lee	

Question resolved in the affirmative.

Motion, as amended, agreed to.

Answer to question on notice Statement by member

MRS DUNNE (Ginninderra) (3.55): Madam Speaker, I seek leave to make a brief statement to correct the record.

Leave granted.

MRS DUNNE: Thank you, Madam Speaker, and thank you to the members of the Assembly. I have come down here at the first possible opportunity to confess that my office did receive the answer to question on notice No 1 in the course of the morning. As I walked out at question time and asked had we received the answer, my senior adviser said that he did not hear me ask the question. He admits that it was his mistake. It may have been that I had a very small voice if he did not hear me. He does admit that it is the first mistake that he has made since voting for Gough in 1972.

Business confidence

MS CODY (Murrumbidgee) (3.56): I move:

That this Assembly:

(1) notes that:

- (a) the ACT Government has pursued economic diversification and growth by:
 - (i) raising the ACT's payroll tax threshold to the highest in the country at \$2 million—exempting many local businesses from this tax;
 - (ii) abolishing insurance duties and land tax for all businesses;
 - (iii) securing direct international flights to Singapore and New Zealand;

- (iv) investing in major infrastructure initiatives that will help grow local industries and deepen expertise across the supply chain;
 - (v) establishing the CBR Innovation Network to attract and support innovative new firms;
 - (vi) delivering an international education strategy that is now seeing the education sector grow at around an average annual rate of 12 percent; and
 - (vii) enlisting Access Canberra to cut red tape so firms can spend less time dealing with Government and more time growing their business;
- (b) business confidence has lifted significantly as a result;
 - (c) the recent State of the States report set out the ACT had the third strongest economy in the nation;
 - (d) a buoyant business outlook is also supporting strong job creation, with unemployment falling from 4.8 percent to just 3.7 percent over the past 12 months; and
 - (e) this business confidence is supported by a strong infrastructure pipeline and a stable investment environment;
- (2) further notes:
- (a) that business confidence depends upon a growing economy and strong prospects for future growth; and
 - (b) that creating uncertainty around major investments is a direct threat to confidence and growth; and
- (3) calls on the ACT Government to continue:
- (a) making significant investments in transformational city-building infrastructure; and
 - (b) building a positive and stable economic environment which will lead to jobs growth and growing prosperity for our community.

I move this motion because this chamber should acknowledge the good work of the Barr Labor government and encourage the government to continue its terrific achievements in promoting business growth.

As a city created to host a government, our local economy faces unique challenges. Where some of Australia's cities are highly exposed to the manufacturing industry, such as Wollongong, Elizabeth and Geelong, and other cities are exposed to the mining industry, such as Perth, Broken Hill and Gladstone, Canberra's largest economic risk is the nation's own government. The biggest risk faced by our local economy is a commonwealth government either incompetently or deliberately impoverishing our citizens.

The work of economic diversification and the growth of private industry in the Australian Capital Territory have become urgent because of the ongoing attacks on our local economy by the Liberals across the lake.

The wage suppression policies of the Liberals and Nationals, implemented in collusion with their One Nation buddies, not only undermine the rights of public servants and the welfare of their families, but should be considered an attack on our city as a whole. When local people are denied the opportunity for a permanent, stable and properly paid job, they are unable to get a mortgage, unable to engage local services, and unable to support local business.

At the time John Howard and Peter Costello imposed an unnecessary recession on this city, I worked in small business. I remember not only the suffering and losses of those whose families were thrown into unemployment, but the effects on local businesses. When the primary job losses in the public service put thousands out of work, the secondary effects meant a generation missed out on apprenticeships, small businesses failed for want of customers, and land values suffered due to an exodus of skilled workers.

It is a credit to the Stanhope, Gallagher and Barr governments that they have built up a local economy resilient enough to resist the attacks of Abbott and Turnbull. That does not mean we do not have to remain vigilant. The federal government continues its attempt to shrink real incomes in Canberra via its wage policy and other attacks, such as the proposal to move the Australian Pesticides and Veterinary Medicines Authority, despite the opposition of their staff, veterinarians and the agricultural industry in Australia. I hope all members are supportive of the Community and Public Sector Union's campaign in this case.

We are a government that is creating the right conditions for business to grow and prosper. This is important not only because of the jobs that are created, as well as the services and products that are provided, but also because of the broader economic base that this represents for the ACT economy. The Barr government's broadening of our economy is a crucial part of our macroeconomic strategy to make us less reliant on the commonwealth public service and more able to withstand any large cuts to it, as we know the Liberals so desperately want to make.

I am pleased to be able to inform the Assembly that our strategy is working. The latest Sensis business survey shows that ACT business confidence improved markedly in the December 2016 quarter, rising 11 percentage points to reach 46 per cent, the equal second highest quarterly increase of any state or territory. This is also eight percentage points higher than it was in December 2015. Importantly, over the next 12 months, ACT businesses have a very positive outlook. For sales, our business outlook is the most positive in Australia; and for prices, profitability and capital expenditure, our businesses have the second most positive outlook in Australia. ACT businesses are confident of their future and expanding their operations, creating jobs and adding to the vibrancy of this city.

To support business innovation and investment, the ACT government has driven the establishment of the Canberra innovation network, which also incorporates the ANU, the University of Canberra, UNSW Canberra, CSIRO, Data61 and the Canberra Institute of Technology. The opportunities that these institutions provide to translate specialist knowledge into commercialisation opportunities are significant. They will position Canberra as a world leader in areas such as defence technologies, cyber security, space and spatial technologies, renewable energy, ICT and e-government, health innovation and sports science.

For businesses to grow and prosper, they need first-class infrastructure and, for those in the construction industry, a steady, reliable pipeline of infrastructure construction going forward. This is why, over the next four years, the ACT government will deliver a record infrastructure investment program exceeding \$2.9 billion. This includes over \$2 billion for capital works, information and communication technology projects, and plant and equipment.

Our support for the business sector and its positive outlook for the future mean more jobs for Canberrans. Indeed, over the past year employment growth was a solid two per cent, or 4,300 extra jobs, of which 3,300 jobs were full time. The ACT's unemployment rate is also low, standing at 3.7 per cent in December 2016. This is the second lowest of any state or territory and below the national average of 5.8 per cent.

These successes should be celebrated, but they are not making us complacent. Recently I met with the Phillip Business Community, a group of people who, after a long day at work, put some of their own time aside to work collectively to improve the community where they do business. Whilst a meeting of business leaders may not seem the most natural habitat for a Labor member, I can report that I had much to offer in this collaboration.

The ACT Labor government is not just providing excellent business conditions; by continuing to deliver reforms like Access Canberra's provision of a one-stop-shop to cut red tape and with various stimulus grants in the Chief Minister's own portfolios of economic development and tourism, we are able to support entrepreneurs and business to grow and flourish.

I refer to businesses like Sassy Hair. This hairdressing salon is owned and operated by a lovely young local couple who employ around 13 hairdressers and apprentices. Daniel and Rebecca have worked hard to build this business and provide an opportunity for Canberrans to start an apprenticeship, build on existing skills and work in a secure and supportive environment. Sassy Hair is not the only small business that has flourished over the past 12 years under progressive Labor governments, but it is a very good example of a young local family supporting their community by providing jobs, training and vibrancy.

So far I have outlined many of the achievements of the government and our plan to stimulate business, but I have left the jewel out of the crown. The jewel in the crown of Labor's achievements for business, acknowledged by all but the most economically

illiterate as underpinning decades of future growth for our city, is the light rail. Labor's announcement last year that this visionary project will be going to the south will not only provide years of work in construction but also provide significant stimulus and business activity along the route. With the added benefits to the environment, the amenity of our city and the reduction in congestion, future generations will be praising the project for decades to come.

But the process of delivery is as important as the delivery. That is why I was so happy to see the local industry partnership policy launched in January as part of ACT Labor's commitment to improve local content in procurement. Ensuring that local businesses have a front row seat for access to government work not only keeps that money in our town but provides those businesses with the working capital to grow and bid on other private sector work. Ensuring that those businesses operate with the highest standards of occupational health and safety, fair employment practices and respect for the environment and community not only delivers on our principles but gives them the framework to be internationally competitive.

Despite the best efforts of the Liberals across the lake to wreck our city's economy, this Labor government has been standing up for local jobs, standing up for local business and delivering a strong economy for all Canberrans. I commend the motion to the Assembly.

MR STEEL (Murrumbidgee) (4.07): I rise to support the motion moved by my fellow Labor colleague Bec Cody. Making Canberra an even greater place to live and to do business is a significant priority of this government. The ACT election demonstrated that Canberrans want a government with a clear, positive, forward-thinking plan for this city. Canberra already is, and is continuing to grow as, an international city increasingly connected to the rest of the world, and we realise the need to embrace Canberra's future. We need to embrace the reality that Canberra is changing, our city is becoming bigger, and this government is providing economic certainty and is making the investments and reform needed for our future economy.

There is no greater testament to the forward-thinking vision of the ACT Labor government than the capital metro project. With construction already underway on stage 1 to Gungahlin we will soon see this project make its way to my part of town, creating a vital public transport spine from Gungahlin through to Woden. With light rail comes important economic benefits for our city. In the short term this means up to 3,500 new jobs for Canberrans just for stage 1. In the long term our economy and businesses will see billions of dollars of benefits from urban renewal that will occur next to the light rail corridor. It will help rejuvenate the Woden town centre, spurring urban renewal in our suburbs and town centres. This is already providing property development and commercial opportunities, opportunities that simply would not have existed if the Liberals had won the 2016 election.

Our city will also benefit from the indirect economic benefits of reducing traffic congestion in our growing city, which was on track to cost our economy hundreds of millions of dollars a year if action was not taken. This government's investment in vital infrastructure for our growing city is spurring business confidence. A strong infrastructure pipeline and a stable investment environment provide room for optimism in the business community.

We consistently hold up when compared to our interstate counterparts both as a city and as a territory. A comparison with other states and territories across the commonwealth demonstrates that the ACT economy is solid. In the January 2017 state of the states CommSec report the ACT retained its spot as the third strongest performing economy in the country, the same as in October 2016, July 2016, and all the way back to January 2016.

One of the key factors contributing to this strong performance is our strong housing and construction market. A lot is being done to improve housing supply in this city. Not only are we seeing growth in our newest suburbs in Gungahlin and the Molonglo Valley but we are also seeing our town centres develop with more people living near businesses and transport.

We are also making the buying of houses easier through our phase-out of stamp duty, which the Liberals have opposed now at two elections. Stamp duty is often a prohibitive cost for first home buyers and its eventual abolition will remove a major barrier to home ownership in our city and indeed downsizing for older Canberrans as well. Just yesterday the government passed laws to ensure that stamp duty is paid after settlement, making the up-front costs of buying a home off the plan more affordable.

We know that people in Canberra are still confident about where our city is heading, with high levels of retail spending from confident consumers also contributing to our economy's strong performance.

The number of businesses in our city is continuing to grow. According to data from the Australia Bureau of Statistics, the number of businesses in the ACT as of June 2015 was close to 26,000, with particularly large growth in the information, media and telecommunications sector as well as the healthcare and social assistance sectors. In addition, business credit applications grew by 6.1 per cent in the ACT through the year to the December 2016 quarter, business loan applications rose by 1.9 per cent, trade credit applications rose by 14.1 per cent and asset finance applications rose by 3.1 per cent over the same period.

This government is also working to help businesses through reforms to payroll tax. The payroll tax threshold has been increased, encouraging small business to employ more Canberrans, again, another measure opposed viciously by the Liberal Party at the last two elections.

Our government is working hard to ensure the business environment in Canberra encourages growth. Businesses know that the government here is stable and is looking to the future when it comes to our economic reforms and investments in infrastructure. ACT Labor has made Canberra a business-friendly city where our economy can thrive, a city where, despite the last round of federal government cuts, our economy continues to grow.

Like many Canberrans, I cringe when I remember the former ACT Liberal government's plan to inspire confidence in Canberra by printing a decal on the nose of a tiny jet trainer with the slogan "Feel the power of Canberra". So much has

changed in this city since then, with the ACT Labor government working in partnership with business to support the introduction of direct international flights to Singapore and Wellington in September last year, and soon to Doha with Qatar Airways.

There will soon be more aircraft entering our airspace through a new international freight link. This is very exciting for Canberra businesses and the economy. The introduction of international air freight at Canberra Airport means 293 more jobs in the ACT and economic benefits of up to \$37 million per year. The freight market will continue to contribute to the service exports which were worth \$1.7 billion in 2015-16, in addition to our \$508 million in education exports. Improving freight services for imports and exports is vital to continue our economic growth, and improving passenger flight services is important for the burgeoning education sector in our territory as well.

The motion is an important one. It acknowledges the benefits of securing direct international flights to Canberra Airport and the passenger and freight benefits that brings. It acknowledges that this government is investing in major infrastructure initiatives which support local businesses and industry.

The economic indicators show that the ACT is a strongly performing economy, and our government will continue to put in place the reforms and investment to ensure that the fundamentals remain strong.

I want to end by noting my deep concern about the coalition's continued policy of removing government departments and agencies from Canberra. While there is room to be optimistic about Canberra's business environment, this does not mean that our economy will not suffer blows under the Liberal and National parties in government.

The federal coalition continues to tear at Canberra's foundations by threatening to remove more public servants out of the ACT in baseless pork barrelling. They have already taken the decision to relocate the APVMA to Armidale, despite the adverse business case and unanimous criticism by stakeholders. The latest call by the Deputy Prime Minister for regional communities outside the ACT to bid on their favourite agency for relocation must be publicly repudiated by all members in this place, as it has been on the Labor side.

If this dislocation continues it will be disruptive to our communities and businesses and will result in hollowing out of employment and demand in our city, leaving more buildings like the Lovett Tower in my electorate empty. This recklessness has the potential to tear down business confidence in the ACT economy that our government has worked so hard to build. I commend this motion to the Assembly.

MR WALL (Brindabella) (4.15): What a nice little window-dressing this motion is today. It clearly paints a one-sided view of what those opposite think are the perception, the attitude and the mood within the business community in the ACT.

I think it is important to note in starting that quite clearly—and we saw it last sitting in many of the inaugural speeches by the newly elected members opposite—their true

allegiances and alliances lie wholly with Unions ACT and in large part with the CFMEU. And it is clear to see who is actually pulling the strings when it comes to the operation of this government.

I will read out an excerpt from a letter that was sent to Mr Barr, the Chief Minister, back in December 2015, when the Secretary of Unions ACT, Mr Alex White, said:

Unions ACT requests that the ACT Government undertake not to sign any major procurement contract, defined as a contract having a value greater than \$1 million.

This excludes of course contracts for the capital metro project. It also states:

This will assist in establishing an indispensable asset of goodwill between Unions ACT and the Government while discussions around a new MOU proceed.

When you have got the puppet master of the unions controlling those opposite, demanding that all procurement activity within the territory stop until they can work out a new deal which makes sure it cuts them in, it is no wonder that confidence amongst the ACT business community is at what is an all-time low.

If Ms Cody had continued to read the Sensis business report a little further, I would suggest to page 39, she would have realised that the 11-point rise that the ACT has had in business confidence, taking us up, as she said before, to 46 points, brings us in line with the national average. We are not outperforming any other jurisdiction, we are purely in line with the average. What is more interesting on that page is:

The ACT Government lost some favour amongst small and medium businesses, with its rating dropping 12 points to minus 11. The major concern is excessive bureaucracy, ahead of a lack of incentives and there being too many government-related costs.

That has taken the ACT to the third lowest jurisdiction of businesses having confidence in local government policy. The only state governments that are outperforming the ACT in being worse than what we are are those good old Labor states of Queensland and South Australia. We can hold our head high. We are outperforming the dismal government of Queensland. We are outperforming a dismal government in South Australia. But compared to all of the other jurisdictions, we are trailing.

Business confidence in the ACT is strong, despite the actions of those opposite. In fact, the majority of businesses in the ACT feel as though the actions taken by those opposite in government policy is either working against the interest of local business or, worse, having no impact at all. I think that clearly states that there is another side to this story which simply is not being told.

The current environment clearly is stifling innovation, it is stifling growth and it is stifling investment. There are a number of examples, both current and former, that have had to be brought into this place and have been fought on to get any action and

they highlight that there is a willingness to have the default position by this government: “No it cannot be done,” rather than, “Yes it can.”

King Swim, the swimming school in Calwell which, thankfully, now has a couple of hundred kids going through every week doing swimming lessons, is there—and no thanks to those opposite when it wanted to impose punitive commence and complete charges on that site when someone was willing to put their hand in their own pocket and invest in the local community.

My colleague Mr Parton raised in the last sitting the issue of a distillery in Mitchell who have actually had to take on the hire cost of the power generator to power their facility simply because the infrastructure that is in place is not large enough to run the size of infrastructure that one would expect to be available in an industrial area.

Ms Cody in her speech mentioned the Phillip business community. I, too, was at the meeting last week that she and Ms Le Couteur also attended. I brought to this Assembly last time the issues that were raised at that meeting, and those opposite chose not to take any action other than the punitive measure of trying to introduce a blanket approach of paid parking across the whole area.

The things that businesses in Phillip want to see are simple. They want better management of parking so that there is a mixture of spaces there that allows staff to park and also a high flow for their customers and turnover to ensure they have got good custom. But they also want it to be an attractive place where people come, feel welcome and want to spend a little extra time. A bit of beautification—fixing the lawns up, maybe planting some gardens, perhaps even making it a bit more inviting with something like some play equipment for children—goes a long way in actually showing that this place, and those opposite particularly, do support the work that is being done in the Phillip business community.

Later I will be speaking about the mpowerdome, the multipurpose indoor sports complex in Fadden in my electorate, where, because of the dispute between the operators of that facility and the ACT government and the unwillingness to come to an agreement to facilitate car parking, that facility has had no option than to close its doors. That facility was seeing close to 2,000 people per week utilising this indoor sports facility: 2,000 people per week who now are at a loss as to where to go for sports training, community-based activities and the like. We will get to that later in the day.

The Sensis business report also pointed to a lack of business confidence in the ACT government’s policies largely related to government-related fees and charges. I raised in the previous Assembly some of those punitive costs. Ms Cody is quick to point to the abolition of land tax in her motion. It was not abolished, it was simply rebranded. It evolved into rates.

In a speech in the last Assembly I did a comparison between a property in Forrest with an unimproved land value of \$1.4 million and annual rates of about \$8,200—we are talking about high-end, prestige property—and a block in Fyshwick, with a similar sort of value, \$1.5 million, paying almost 10 times as much in rates at \$70,700. That is \$70,000 before they even open the doors.

Let us look at something a little more modest. Compare the difference between a property in O'Malley with an unimproved land value of \$650,000 and \$3,574 a year in rates—again, a very prestigious dress-circle address—and a comparable underlying property in Fyshwick with the same land value and paying \$30,665 a year in rates. That is about 10 times the residential equivalent. That is one of the biggest costs to business in the ACT and one of the biggest drivers of preventing investment in the ACT.

Ms Cody also points to payroll tax. Yes, we have one of the highest payroll tax exemption thresholds in the country. In fact, we do have the highest. But we also have the most punitive payroll tax system once you start paying payroll tax over that \$2 million figure. Businesses with over \$5 million in payroll tax are going to be somewhere about the second most expensive in the country. From there on we are pretty much the most expensive jurisdiction in the country to run your business in. Whilst we have the most generous concessional rate or tax-free threshold, when it starts it comes on hard it is certainly an inhibitor of growth.

Mr Barr: And it is the poor banks that have to pay that. It is terrible, isn't it?

MR WALL: They are destined to always be a small business in the ACT under the Barr Labor government.

In the time remaining it is important that we reflect on the wonderful quote the Chief Minister made back in 2015 on ABC radio. He said:

The private sector are not exactly stepping up to the plate at the moment.

They are making large investments, and we are seeing that. He continued:

We are going overseas for that because we don't think we're going to get that locally.

The Chief Minister at the time—I am happy to see if that is still his mindset—did not believe local industry was doing enough to grow and invest in his community. We saw just last week the scrapping of the convention centre business case. That is something the business community in the ACT for a long time has been calling out for as an essential investment to grow the tourism business in the ACT, to grow business confidence in the ACT and to actually make the national capital a destination for conferencing. But, of course, the Chief Minister blamed the commonwealth government for that having to be scrapped, saying that they were not serious about it.

No government in its right mind invests in a multibillion dollar project without a full business case being conducted, except for this one opposite who have already committed to a second stage of light rail without a business case even being completed. It is purely reckless to imagine another government making the mistakes and the follies that these guys opposite continue to make time and again.

The attitude of this government is to ignore local business and at many opportunities cut them off at the knees. Dare I point to the green bin trial that they are undertaking

at present or continuing to roll out. That is cutting off local industry at the knees. Business operators have been in this space for a number of years who run reputable, reliable businesses at a profit and provide great service to many Canberrans by capturing green waste and recycling it. Yet those members opposite see in their purview as ministers in this territory to put these people out of business, to jeopardise their mortgages, jeopardise their livelihoods and force them to sack workers, simply because the government thinks they are going to do a better job of it. Never, ever have we seen that happen before.

Another example, one that has been brought to my attention in just the past couple of days, is the liven up grey project for businesses, which is being run by ActewAGL but, in large part, is funded and subsidised by the territory government. This is an incentive which, on the surface, looks good. Businesses can call up, get an assessment done and have lighting in their premises upgraded for free or, if not, for a substantial subsidy. But what is not noted is that, for so many years, electricians, local operators, have been operating in this space doing exactly this sort of work and are now being cut out of the opportunity to be part of the ACTEW scheme.

I know that a number of local contractors have contacted Mr Gentleman's office, to no avail. They have been ignored. There has been no reply to the correspondence. They are now wondering what on earth the government that is there to represent their interests and work for them and actually make sure that the city is a better place is doing when they will not even take the time to respond to a phone call or an email.

It is clear that the picture that is painted by those opposite is not the whole picture. There is a great deal of uncertainty, a great deal of concern about the direction of this government over the next four years, and it is incumbent upon all of us to hold them to account on that and to make sure that we get better outcomes that see greater investment in this city.

We see businesses thriving in this city and actually getting to a point where people have confidence in the actions of this place—as opposed to thinking that the Assembly, the parliament and the government are working against them; to have them feel that we are, in fact, working for them.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (4.28): I thank Ms Cody for this motion this afternoon and I thank members for their contributions to the debate. It is clear that the recent election was a choice between policies of stability and infrastructure investment and that of instability and uncertainty, with cancellation of major infrastructure projects, job cuts and austerity measures. They were the two very clear choices that the people of Canberra cast their verdict on just a few short months ago. For the fifth time in a row, the people of Canberra cast a positive verdict in favour of the Labor Party to form a government in this place.

Mr Wall: You're in a minority government. Don't forget that.

MR BARR: Sometimes it is the little things you have to cling on to, Mr Wall. In this instance, I am giving this speech as the Chief Minister and you are giving yet another

speech as a shadow minister. That reflects the results in this election, the previous election, the election before that, the election before that, and even the election before that.

Members interjecting—

MR BARR: Having just comprehensively won an election against a party who had the same sorts of interjections—

Mr Hanson: Did well in Tuggeranong.

MR BARR: A six per cent swing against you in Tuggeranong. Maybe that is because you are not as popular as Brendan Smyth. There is a comparison, Mr Assistant Speaker. But I digress.

The subject of today's debate is economic diversification and growth. We have seen some remarkably strong figures for the territory in recent times. It is worth reminding this place of those figures. Our gross state product increased by 3.4 per cent. As I have mentioned here a few times, there has been a lot of debate in this chamber and in the community over the past few years about how things are tripling. I can absolutely confirm for everyone that the rate of economic growth in the territory is the one thing that has tripled in the past three years.

We have seen growth in state final demand. We have seen over the past 12 months a 10 per cent increase in private investment in the territory economy. This is a very encouraging figure. The ABS data after the September quarter 2016 saw through the year a 10 per cent increase in private investment, a major contributor to state final demand growth.

Importantly, a lot of that investment has been sourced from outside the ACT. Why is this important? This goes directly to the point I was making in 2015—that our economy is too small. We do not have enough capital inside the ACT to support our economic growth long term. Canberra and the ACT, like Australia, is a net importer of capital. It will always be that way. That is not a commentary on the capacity within the local economy; it is just a statement of fact about small economies.

We are two per cent of Australia's economy. Australia is around two per cent of the world economy. We are net importers of capital. We will always need to be. That is part of being an open trading economy. One of our great virtues is that we are an investment destination for Australian companies and international companies. That is exemplified in recent times by announcements from companies as diverse as Singapore Airlines, IKEA and Qatar Airways, amongst others. Large institutional investors out of South-East Asia have been purchasing major investments in the territory. I point to the recent \$330 million sale of a 50 per cent share of the Woden plaza to a Western Australian based investor.

So we are a net importer of capital. That is a good thing. I repeat: that is a good thing. But we need that capital in order to increase our rate of economic growth and to diversify our economy. So the statements I made in 2015 I repeat now: we will always

need capital to be sourced nationally and internationally. Seeking that capital, that investment in our economy, is a key part of my job as Minister for Economic Development and it is also a key part of my role as Treasurer.

We seek that investment to partner with the ACT government to deliver infrastructure projects. We have seen that investment in the courts project and the light rail project, for example. We will continue to seek that investment in our economy in the years ahead. We do so in an environment where trade in the international arena is coming under some question. With respect to the administration in the United States now, in his first week President Trump tore up the TPP. That agreement that a number of people in this city have worked on for years, together with a range of other free trade agreements, has been and would have been very important to this economy, as Canberra thrives on service exports.

As Mr Steel indicated in his earlier comments, our largest industries outside public administration are those that are actively engaged in exporting services. Total service exports in the 2015-16 fiscal year were worth \$1.7 billion to the territory economy, a 13 per cent increase on the previous year. Paul Keating would describe such figures as, “We’re exporting our heads off.” I recall from my university days that he would talk about the importance for the Australian economy of exports.

This economy has been growing its service exports faster than the Australian average, and it has been doing so consistently for an extended period of time. Members would be familiar with the fact that the largest single export for the territory is education. The rapid growth of our higher education institutions is not only a fantastic thing for our city socially and culturally, but it is a significant economic contributor.

That is why it has been so disappointing in recent times that all of the measures that the government has brought in, legislative and otherwise, to support the growth of our higher education sector have been opposed by those opposite. The measures to allow the University of Canberra to rapidly expand, the special economic zone that has effectively been created for the university to support its expansion and our investments on that university’s campus have all been opposed by the Liberal Party. With respect to their credibility on matters of economic diversification, when it actually comes to supporting measures that practically support the largest sector of our economy in terms of being outside the public sector, it has not been forthcoming, which is disappointing.

We can look across the various measures of the performance of our economy, be it the rate of employment growth, the low unemployment rate and strong retail trade figures. The one area where I think there is cause for concern—and it is not just here in Canberra but across the nation—has been the anaemic rate of wages growth in our economy. This is undoubtedly an agenda being run by the federal government in relation to their own wage negotiations, but its implications across the Australian economy more broadly have been quite detrimental, including in terms of the commonwealth’s own budget. They remain in significant deficit, and one of the major contributing factors has been that their revenues are not growing as strongly as they had forecast, and that is largely because of anaemic wage growth.

We continue to see in some sectors of the economy their productivity continue to improve, and that should be reflected in more robust wage outcomes. We would like to see in this territory—and I think we have in recent times—private sector wages increasing faster than the public sector. Looking at the data for the past 12 months, private sector wages in the territory have increased by 2.2 per cent; in the public sector they have increased by 1.8 per cent. That, again, indicates the relative strength of the private economy in this city in recent times.

It is important to note that these policy settings require continuity and long-term strategic thinking. But at the heart of it all, it is about opening up this economy and exposing it to more national and international investment and trade opportunities. I have said more than once that no city of 400,000 people will grow rich selling to itself. We simply must be more nationally and internationally focused, and the good news is that we are. We have the policy settings in place to achieve that. We are seeing the results, and I commend the motion to the Assembly. (*Time expired*)

MS LE COUTEUR (Murrumbidgee) (4.38): On behalf of the ACT Greens I rise today to provide my support for this motion. In supporting this motion I would like to focus on a number of areas where the Greens have worked closely with the Labor Party, areas where the Greens have sought to diversify the ACT economy while also reducing our environmental footprint. This dual focus is really important. It is simply not possible to continue growing a business-as-usual economy in a finite world which is already being seriously impacted by climate change, resource depletion, continuing biodiversity loss and micro-plastics pollution, to name a few.

The 2015 state of the environment report showed that the ACT's ecological footprint was, on a per capita basis, 3½ times the global per person average and in total it was equal to 14 times the land area of the ACT. In terms of how the economy grows, we have to be very careful about our impact on the environment, which must go down rather than up, for us to be sustainable.

One area where the ACT has been an early adopter has been the sharing economy. Apparently, the ACT has the highest rate of sharing economy services in the country, according to the *Canberra Times* a couple of days ago. Obviously, there are pluses and minuses to that. Potential minuses are job insecurity and, if you are with Airbnb, the impact on your neighbours, as well as insurance and tax issues.

There are also potentially and actually some real positives to come out of better utilisation of resources. For instance, in my case, I happen to live in an apartment block. It does not have an Airbnb in it, but it does have furnished apartments run by Canberra Furnished Accommodation, which, I have to say, as someone living in a one-bedroom unit, is a really great thing, because it means there is space in the same apartment block for my family to come and stay. That is the sort of thing that the sharing economy, when it works well, will do. It will enable us to have what we need without everybody duplicating things that are used once every six months or so.

With respect to other areas where we have had positives both economically and environmentally, renewable energy comes to mind. In the last term of government, the

Greens and the Labor Party worked together closely on renewable energy, resulting in the great commitment to 100 per cent renewable energy in the ACT by 2020. I am very pleased that, as part of the election campaign, the Liberal Party also signed on to that. That is a great bipartisan commitment for the ACT to have economic growth with minimal environmental impact.

Obviously, this has benefits from a climate change perspective, but you might ask why it is important for economic diversification. Our 100 per cent renewable energy commitment has enabled us to be a hub for renewable energy innovation and investment. It has attracted green investment, with over \$500 million of investment into the local economy so far, and it has been bringing green jobs that the Greens have been calling for, for years, to the ACT. Renewable energy jobs in the ACT are growing 12 times faster than the national average.

The renewable energy commitment is not just about wind and solar farms; it also covers electricity storage. Storage is crucial, as wind and solar are intermittent, and storage means that electricity can be used when it is required, rather than only when it is generated. Our renewable energy commitment is positioning the ACT to become a leader in solar-linked energy storage. This will lead to many opportunities for the ACT in the research sector and in attracting investment and jobs. Our 100 per cent renewable energy commitment is also important because it shows other jurisdictions that renewable energy can power a successful economy and a successful community, and do so at remarkably little extra cost.

The other feature I wanted to talk about was light rail, which my Murrumbidgee colleagues in the Assembly have spoken about. The light rail system that we are building will solve local transport problems, and it will help to attract more people to live in the areas that it runs through. As well as this, it will enhance Canberra's reputation, make us more attractive for visitors and for hosting events, and demonstrate our ability to develop major projects. It will also transform the development of Canberra, leading to a more compact city and reducing the rate at which Canberra sprawls into adjacent bush and farmland. This is important to create urban amenity, as well as to protect biodiversity and agricultural output.

It is also really important for Canberra to stop the brain drain which traditionally we have had. Young people grow up in Canberra, go to uni, and then an awful lot of our home-grown people leave. Apparently, it is because they want a big city atmosphere. They do not want to have to drive everywhere. More and more young people are not driving. Having this sort of urban environment that we will be creating with light rail will be really important to the ACT in the long run in keeping the ACT as a knowledge economy.

I am really hopeful that the opposition will change its position on light rail from its position in the last term. Threatening to tear up the light rail contract is reckless. If this had happened it would have damaged Canberra's reputation and Canberra's economy for many years.

In summary, better, greener public transport initiatives, greater use of renewable energy and potentially greater use of the sharing economy not only promote economic diversification but make this city smarter, greener and a better place for everyone to live.

I would like to finish by reminding members that while we are pursuing our economic diversification, we need to keep in mind those in our community who do not have the economic opportunities that the majority of Canberrans do. As the government moves forward with its agenda, we need to make sure that no Canberrans are forgotten. Increasingly, for some in our community, it is difficult, or impossible, to find affordable accommodation or, unfortunately, even any accommodation. Sustainable housing—sustainable economically, environmentally and socially—needs to be one of the key areas for infrastructure investment in Canberra.

MS FITZHARRIS (Yerrabi—Minister for Health, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.46): I thank Ms Cody for moving today's important motion and noting the very important work this government is doing to make sure our economy continues to grow and diversify and offer opportunities to all Canberrans. In our commitment to diversifying the ACT economy it is critical that we have a strong focus on the higher education sector. It is a key priority. This is an essential sector for our economy and our community, and I will allow the numbers to paint the picture of exactly why this is the case.

Higher education value-adds \$2.75 billion to Canberra's economy each year and creates approximately 16,000 full time equivalent jobs. This represents nearly eight per cent of our gross state product and eight per cent of our employment. Higher education is Canberra's largest export, with a 2014 Deloitte Access Economics report showing that students from outside of Canberra contributed approximately \$879 million to Canberra's economy and created approximately 6,100 jobs. This contribution is sure to have increased significantly since that time as this government continues to focus on growing this sector.

We know that from 2014 to 2016 the ACT recorded growth in excess of 16 per cent in enrolments and 11 per cent for international student starts across the sector. The overall increase in commencements included seven per cent increase in higher education, 29 per cent in vocational education and training, 17 per cent in ACT schools, 13 per cent in English language intensive courses for overseas students, and 12 per cent in non-award study. This equates to an extra 750 international students in Canberra who each contribute significantly to the economic and social fabric of the community.

Under this government those numbers only represent a benchmark, a measure for things to come. Late last year the Chief Minister launched our international education strategy, "Canberra: Australia's education capital". This seeks to build on this performance, leaving no doubt that Canberra can rightly claim to be Australia's education and research capital.

A core aspect of that strategy is to work in partnership with Canberra's institutions to promote our education credentials and build student numbers. The ACT government, through study Canberra, has helped deliver a more welcoming and community-focused experience for all students, and the value of this should not be underestimated. The vice-chancellor of the ANU, Professor Brian Schmidt, recently remarked on the importance of a welcoming community in building an international university, and that giving international students "a feeling of welcoming is one of the things ACT government does really well."

However, the importance of this sector is not just about student numbers. It is also about the quality of our institutions and their staff. The ANU has recently been ranked seventh in a list of the 200 most international universities of 2017 by the *Times Higher Education*, reinforcing that Canberra is a centre for a premium, world-class higher education experience. As well as our universities, the ACT also has an excellent VET sector and an award winning public provider, the Canberra Institute of Technology. This government has committed to providing a minimum of 70 per cent of total ACT government funding for VET directly to CIT in order to guarantee its place as the ACT's premier VET provider into the future.

But we are also thinking bigger than just direct education. We have also worked closely with our higher education and research institutions to identify capability areas which offer opportunities to grow and diversify Canberra's economy. These include the national agriculture and environmental sciences precinct at ANU and CSIRO, the ICT and e-government cluster work led by Data61, the cyber security innovation cluster led by UNSW Canberra, the ACT space innovation cluster led by ANU and UNSW Canberra, and the sports technology cluster and the health innovation cluster both led by the University of Canberra.

To explain the potential for Canberra's economy and how this government is committed to supporting their development, I will give a couple of examples from the ACT space innovation cluster. The ANU, which is a partner in the giant Magellan telescope project, has invested \$30 million in the Advanced Instrumentation and Technology Centre at Mount Stromlo. That investment alone is an exciting addition to Canberra, but in the context of the wider sector that number is just a fraction of our potential.

The space industry is currently worth \$314 billion per annum and is growing rapidly. In support of the sector, the ACT government has committed funding for two space-related projects, one for UNSW Canberra to develop a space mission design facility and a joint ANU-UNSW Canberra project to develop space-based quantum cryptography. These projects cement Canberra's leadership in the space and security sectors and are aimed squarely at the \$17 billion that the defence white paper allocated for the development of intelligence, surveillance and reconnaissance, space, electronic warfare and cyber security sovereign capabilities.

In collaboration with the CBR Innovation Network, we have also established the Canberra cyber network, provided \$1.25 million per year to Data61 to lead the development of the cyber industry in Canberra, and we are working closely with our defence industry advocate to coordinate our response to the defence white paper.

This is just one sector, and a small snapshot of how serious we are in supporting growth and collaboration across the sector, and realising the ACT's enormous potential. As the Minister for Higher Education, Training and Research, I will continue to support this sector to realise its growth ambitions and increase its contribution to the ACT economy. We know that by growing this sector we can ensure our economy continues to diversify and strengthen so we are less reliant on the commonwealth public service and we cement our reputation as Australia's education capital. I commend the motion to the Assembly.

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) (4.52): Thank you to Ms Cody for bringing forward this motion to highlight the work of the ACT government to pursue economic diversification and growth in the territory. I wish to take just a moment to focus on one of the initiatives highlighted in the motion—that is, the Canberra Innovation Network. Established in 2014 with the goal of accelerating innovation and diversifying the ACT region's economy, CBRIN, as it is known, is recognition that Canberra is ideally placed to be a leader in innovation in Australia due to the high concentration of world-class education and research institutions in the territory.

As many members will know, the network supports a range of programs within the ACT, including the Griffin Accelerator and KILN Incubator, Entry 29 co-working space, and Lean Startup workshops. I do not have time to list all the activities that CBRIN undertakes for, indeed, it runs 22 programs. It has held 312 events in its short life involving 10,500 participants and has supported 56 businesses.

I visited CBRIN in my previous role shortly after it opened, and last year I went back for the Indigenous business trade expo. That was the first one they held, and I was amazed to see the growth in CBRIN's activity in its space. It is important to recognise the diversity of businesses that CBRIN supports. It is not just about software; I saw businesses working in fashion and textiles, and I spoke to a young man who was starting a media company and seeing great success.

The network is well served by the collaboration of its six foundation members: the ANU, CSIRO, Canberra Institute of Technology, Data61, University of Canberra and UNSW. I particularly want to acknowledge that the network has been extremely well served by its founding CEO, Dr Sarah Pearson, who will be moving on from this position early next month. I first met Dr Pearson when she worked in the Office of the Chief Scientist, and I was absolutely delighted to hear about her appointment. I think we can all agree that she has driven CBRIN to grow at an incredible rate and to achieve things I am not sure many of us would have understood could be achieved in such a short time.

Dr Pearson has been the public face of ACT innovation and a prominent advocate for the ACT in national and international forums. She has seized opportunities and identified gaps. She understood, and CBRIN understood, when many public servants in this town were being made redundant that they had an incredible base of skills that

could be used to turn into social businesses or, indeed, profit-making businesses, and immediately started working with those people and offering opportunities for them to think about how they would use their existing skills in new ways.

Over the last year CBRIN has worked with the Indigenous business community, and I particularly want to acknowledge Mr Dion Devow from Darkies Designs. On Monday I announced his appointment to the Aboriginal and Torres Strait Islander Elected Body. He is, of course, a very well-known local Indigenous business leader and has helped CBRIN to deliver some of its Indigenous business support programs, including yarning circle events and the trade show I mentioned earlier. Just today I noticed that Christina Ryan from the Disability Leadership Institute tweeted that she had also been meeting with CBRIN about increasing their diversity of activities and leadership.

Across all levels, Sarah Pearson has been an incredible leader of CBRIN. She is going to leave behind an incredible legacy for the ACT when she moves to Newcastle. I would not be at all surprised if, in another couple of years, we see a much greater collaboration between the ACT and the University of Newcastle as a result of Dr Pearson's move. I have had the privilege of visiting the University of Newcastle and seeing some of the entrepreneurial things that are happening there and some of their innovation activity. I think there could be some great connections, and I would not be at all surprised to see that.

On behalf of the ACT government and here in the Assembly I take this opportunity to wish Dr Pearson all the very best for her move and to thank her very much for the contribution she has made to innovation and entrepreneurship in the ACT.

MS ORR (Yerrabi) (4.58): I thank my colleague Ms Cody for moving this motion in the chamber today. The diversification of the ACT economy plays a vital role in building a positive and stable economic environment here in Canberra. Many of my colleagues have addressed the significant role that small business plays in supporting the ACT economy. I believe it is important to note that the growth of business confidence and investment in the ACT is testament to the Barr Labor government's support of the public, private, and small business sectors.

Although our economy continues to perform exceptionally well when compared to other jurisdictions, we face unavoidable challenges imposed on us by the commonwealth government. At a time when the Turnbull government is cutting thousands of public service jobs and threatening to move continuing jobs out of the ACT, the task of economic diversification is even more vital to ensure we continue to build a positive and stable economic environment.

Our thriving ACT economy continues to be threatened by the large-scale reduction in public service jobs in our city. I note that members of the Turnbull government continue to attack the stability of jobs in the commonwealth public service in our territory as part of their push to move entire public service agencies out of the ACT. This act of pork-barrelling attempts to reward regional towns for voting for the coalition while at the same time inflicts extreme economic strain on the ACT and will force thousands of public servants out of their jobs.

These threatened moves take no notice of the cost-benefit analysis undertaken and take even less notice of the impact such moves will have on the employment stability for Canberrans working in these agencies. These forced relocations are extremely expensive for the taxpayer as relocation packages, to entice essential staff to move with the agency, are increasingly costly.

The Barr Labor government has continued to support the ACT public service and recognises the important role it plays not only in the function of government and the services across the territory but also the role it plays in maintaining a strong economy. The Turnbull government should look to the ACT for direction on valuing the public service and acknowledge that their reckless cuts hurt our local economy and, in return, hurt the Commonwealth budget.

The Barr government's positive economic approach for Canberra can also be seen in my electorate of Yerrabi. As a local member, I am proud to see the government's commitment to transformational infrastructure taking shape right across the electorate. With Gungahlin continuing to grow at a rapid pace, it is critically important that the local economy is strong and diverse to meet the demands of new development works. One of the most obvious infrastructure projects is, of course, the construction of stage 1 of light rail. We have heard the excitement from local businesses—they are all for the works to be completed. Stage 1 will boost the number of people using the Flemington Road corridor, and that is supporting confidence for small business along the corridor and creating over 3,000 jobs. It can also be seen in the Gungahlin town centre, where a number of local businesses continue to open and operate, resulting in more local jobs and the increased business confidence for the surrounding areas.

The government's continued commitment to building a strong economy for the ACT demonstrates Labor's positive vision for Canberra, and our ongoing support for the diversification of our local economy. I commend this motion to the Assembly.

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) (5.01): I am pleased today to speak in favour of Ms Cody's motion and thank her for bringing the motion to the Assembly. I agree with the comments made by my colleagues today and wish to also state my support for our government's achievements to date and future plans to pursue economic diversification and growth. This city is growing, we all know that. In order to maintain our status as one of the most livable cities in the world we need to ensure that we have a plan to invest in the required infrastructure and support jobs growth and broader, wider, economic and social development.

As our city continues to grow and develop it is vital that we continue to pursue the highest possible standards in our built environment. It is also vital that we pursue quality urban renewal outcomes so that our city can continue to grow while at the same time ensure that what we love about Canberra is preserved. As Minister for Planning and Land Management and Minister for Urban Renewal, I would like Canberra to be a city renowned not only for its livability but also its vibrant and distinctive civic lifestyle. Our city will be increasingly sustainable, compact and well

connected and will seize opportunities for urban renewal to become a showcase for innovation and design excellence.

Our city will be accessible and inclusive, where well-designed and friendly urban environments will promote the health, well-being and prosperity of all Canberrans. I am committed to ensuring that our planning and urban renewal programs enable and facilitate greater outcomes on the ground for our economic prosperity and growth, as well as for the greater civic life we wish to be renowned for.

The path to the Canberra of the future is marked out by transformational urban renewal and innovation, underpinned by the light rail network and the city to the lake vision, all founded on design excellence.

I will briefly outline some of the specific goals as outlined in the statement of planning intent that I believe are necessary to facilitate the delivery of the infrastructure our growing city needs and which will support economic growth, creating business confidence.

We will continue to collaborate on regional and cross-border planning, catchment management and infrastructure and transport projects. We will foster the development of prosperous economic and employment hubs in the city centres to support transport infrastructure, including light rail, and recognise and support the continuing development of Canberra Airport's transport infrastructure, including air travel and freight.

We will engage with the community, industry, business and research sectors early and ensure public engagement is meaningful, transparent, effective and ongoing. We will communicate the vision and the process steps for each major project from strategic planning through to development applications, highlighting the opportunities for public contribution. We will work collaboratively across government to ensure continuity of vision and direction for major projects. We will also develop partnerships with industry and research sectors to foster innovation and sustainability in planning, design and development.

Earlier Mr Wall made some comments regarding business confidence. After attending the Business Chamber's roundtable last week I can advise that not only are businesses more confident in the ACT but they are more excited. They are excited about future opportunities thanks to the policies that this government has introduced and our planning. Contrary to Mr Wall's assertions, they are planning for an exciting future.

I also note Mr Wall's allegations regarding calls and emails to my office not being responded to. Madam Deputy Speaker, we always respond to those calls and emails that ask for a response. Sometimes those responses take some time because we want to research all of the opportunities through the directorate and its available resources.

In conclusion, I reiterate my support for the motion and state again that the government will continue to support growth and development in the ACT. We will support businesses and the community alike throughout our planning and urban renewal projects.

MS CODY (Murrumbidgee) (5.05), in reply: As members have heard, there have been many fantastic and innovative undertakings from this government to build business confidence in Canberra, including investing in the CIT and the VET sector. The CIT contributes greatly to renewal and infrastructure development, as well as many other great initiatives with more graduates staying in Canberra playing a pivotal role in building our city.

We have also heard about international flights that have been increasing patronage to Canberra and encouraging fine dining in the nation's capital. We have had a huge increase in restaurants, which is wonderful to see. We have increased activities, such as Enlighten, the Canberra Balloon Spectacular and this weekend's Multicultural Festival. Those events encourage access to small business and build business confidence in the ACT.

I will draw on one point from Mr Wall's speech. Yes, I am a proud member of a trade union, and I wear it as a badge of honour. I was also a small business owner, and I find that that is very important to continue to build business confidence.

I thank all my colleagues on this side of the Assembly for supporting my motion today and for their kind and encouraging words about the wonderful things we do in Canberra. I commend the motion to the Assembly.

Motion agreed to.

Alexander Maconochie Centre—women detainees

MRS JONES (Murrumbidgee) (5.07): I move:

That this Assembly:

(1) notes that:

- (a) the issues of capacity, functionality and performance within the Alexander Maconochie Centre (AMC) have begun to be addressed through the building of additional accommodation for men;
- (b) the AMC has seen an increase in the number of beds to accommodate the growing number of male detainees;
- (c) male detainees are benefitting from the opportunities for work in new industries with the bakery and the laundry having opened;
- (d) there has been no increase in the number of beds to accommodate women detainees;
- (e) women in the prison are not benefitting from these new industries;
- (f) the ACT Government, according to the Standard Guidelines for Corrections in Australia have along with all other States and Territories agreed to providing a facility which meets the following objectives, that detainees will be:

- (i) managed equitably, with recognition of their diverse needs;
 - (ii) actively engaged to make positive behaviour change (inclusive of accessing intervention programs, education, vocational education and work opportunities) with the aims of preparing them for their participation in and return to the community, as well as reducing reoffending behaviour; and
 - (iii) where practicable, placed in correctional facilities with a regard to their community of interest and other support needs; and
- (g) women in the AMC are currently disadvantaged in regard to the Government's ability to fulfil such commitments; and
- (2) calls on the Government to:
- (a) outline to the Assembly what the current constraints for accommodating an increasing women's population and an increasing men's population are; and
 - (b) prepare and return to the Assembly with a plan for how any such constraints will be addressed by the last sitting day in August.

My motion relates to treatment, accommodation and opportunities for women detainees as opposed to men detainees in the Alexander Maconochie Centre. Late last year I brought a motion about security issues at the AMC. There have been ongoing breaches of security and safety concerns at our prison, including assaults and, of course, the escape of two prisoners in September last year. Today's motion is not completely unrelated, because it also goes to the physical state of the buildings, as well as other aspects of the facility and how it operates. Today I want to address the issue regarding the disparity of opportunity and accommodation between the men and the women at the prison.

Both globally and locally there has been a significant increase in prisoner numbers, especially women. Internationally, statistics are showing a trend for an increase in women being incarcerated, with the number of women and girls in prisons increasing by 50 per cent in the past 15 years. In the ACT, the number of all adult prisoners has increased by 11 per cent since 2014. The male imprisonment rate has increased from 253 to 274 prisoners per 100,000 of the male adult population, and the female imprisonment rate has increased from 14 to 20 prisoners per 100,000 of the female adult population.

To address the increase in prisoner numbers, the government has undertaken extensive building work over the past few years to increase the number of accommodation units and beds within the AMC. But it appears that these efforts by the government to address increasing prisoner numbers at the AMC have entirely been directed towards the men. I have been advised that no additional accommodation was built for the women.

I have also recently been advised that the new industries that have been introduced into the prison, with a bakery and a laundry being built, have commenced. I support this. Encouraging and incentivising prisoners to work within the prison is a good thing. It is well documented that prisoners benefit from being involved in work while they are incarcerated. Studies have shown that almost half of all detainees have no qualifications, and as many as 13 per cent have never had a job. Assisting detainees in gaining qualification helps them to break the cycle of boredom and crime while unemployed, and simultaneously enables them to effectively contribute to the community and economy upon their release.

Creating opportunities for prisoners to work while incarcerated is a good thing, as giving prisoners the opportunity to be engaged in on-the-job training and to develop new skills will, hopefully, help them not just to be job ready, but to have a greater sense of purpose and self-worth as they re-enter the broader community with these new skills.

However, I have recently been advised that these new industries, which enable prisoners at the AMC to be work ready and have a greater sense of self-worth, are available only to the male population. It would seem that the Labor-Greens coalition have put their interest entirely in the men, perhaps believing that the male prisoners' need to have a job after is more important or simply because their numbers are higher, because it is easier to produce programs for them for work, not to mention prioritising the male detainees' self-worth ahead of the women. It clearly has happened when there are not any opportunities for the women to work.

As outlined in my motion, the ACT government has agreed to the standard guidelines for corrections in Australia, and has agreed to meet set objectives for detainees, including rehabilitation programs and educational standards. I would like to take the Assembly through a couple of the guiding principles that the government has signed up to.

Principle 2 requires that inmates are managed equitably, with recognition of their diverse needs. I ask the question: how has the government sought to manage the women in the AMC equitably or to recognise the diverse needs of the women incarcerated at the AMC?

Under principle 3, we have committed to engage actively with the inmates to:

... make positive behaviour change (inclusive of accessing intervention programmes, education, vocational education and work opportunities) with the aims of preparing them for their participation in and return to the community, as well as reducing re-offending behaviour.

Clearly the government has so far failed with respect to this principle when women at the prison are not provided with any opportunity to be engaged in these new industries now available to the men.

Principle 7 states that where practicable inmates should be “placed in correctional facilities with a regard to their community of interest and other support needs”. Is the minister able to advise the Assembly how the specific community interests and support needs of the women are being addressed—I am not sure; I am sure we will find out—given the current exclusion of women from these new industries at the AMC.

A specific standard that I wish to draw the Assembly’s attention to is 3.14, which states:

Programmes and services provided to prisoners, especially women ... should be established following close consultation with the appropriate community groups and experts.

Can the minister inform the Assembly in his remarks what consultation occurred in the establishment of the programs and services which are not available to the women incarcerated at the AMC. Were women’s groups contacted and consulted with, or was it simply an industry panel or conversation?

The then Attorney-General, Simon Corbell, in his speech at the opening of the AMC said:

The AMC will ensure better rehabilitation prospects for ACT prisoners, operating under the “healthy prison concept”, which emphasises the importance of providing an environment that is safe, where prisoners are treated with respect and are encouraged to improve and be rehabilitated.

Were women even considered in the establishment of the AMC or were they just a necessary afterthought? How can women who are locked up in the AMC experience respect and be encouraged to improve when they do not have the opportunity to develop the skills necessary to re-enter the workforce? Does the government not have high expectations of women re-entering the workforce post incarceration? Is this not at the forefront of their minds and of the minister’s mind?

The lack of thought or planning around the needs of women in the prison is damning, not just in the lack of work opportunities, but with the recent building works that provided additional accommodation facilities for the men in the prison but not for the women. It seems unusual to me that both sides of the prison were not expanded. However, I am sure the minister will enlighten us as to why.

It is apparent that the women within the AMC are missing out. Women in the AMC are being treated second to the men. They were clearly not being dealt with in primary thought and therefore, it could be concluded, were being dealt with as an afterthought. When will the AMC be inclusive, in the same way, of the women incarcerated there? And when will the new industries be inclusive of the women? When will additional accommodation be built for the increasing female population? What is the current number of women in the prison, and how many more women can be accommodated? While I acknowledge that efforts have been made to improve facilities for the men in the AMC, I am eager to see the women also get equal and much-needed opportunities for rehabilitation.

I am calling on this Assembly to recognise the urgent need for the AMC to be inclusive of the women incarcerated in the facility: to expand the accommodation for women to appropriate levels; to allow women at the prison equal opportunity to be well prepared for re-entering the broader community; for women at the prison to be engaged in the new industries, and other industries, potentially; and for women in the prison to be job ready, as much as possible, upon release. Just because women are a minority of Canberra's prison population does not mean that their needs and outcomes should be less important than the needs and outcomes of men in the prison. I commend this motion to the Assembly.

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Justice and Consumer Affairs, Minister for Corrections and Minister for Mental Health) (5.16): I thank Ms Jones for bringing this motion to the Assembly this afternoon. The AMC is indeed experiencing increases in female detainee numbers, thankfully not at the rate we have experienced in the male population over the past few years, but certainly it is an area of growing concern. The rise in female detainees is a national issue. It has certainly been a point of discussion amongst my fellow correctional ministers, and criminologists.

As the Fairfax papers reported late last year, the incarceration rate for women is rising twice as fast as that for men, surging by nearly 40 per cent since 2005, compared to 18 per cent for men. This is according to the Australian Bureau of Statistics figures. In both Queensland and the Northern Territory the imprisonment rate has risen more than eight times faster for women than for men. So I do appreciate Mrs Jones's interest in this area. Aside from minor amendments to her motion, I am happy to explore these issues further in the chamber. At this point I move the amendment circulated in my name:

Omit all text after paragraph (1)(f), substitute:

“(g) female detainees in the AMC are offered a range of education and employment programs, and future industry options are being developed for female detainees; and

(2) calls on the ACT Government to:

(a) outline to the Assembly what services and programs are currently available to female detainees; and

(b) provide an update to the Assembly on progress in addressing the growing female detainee population by the last sitting day in August 2017.”.

I note that there was previously a slight typographical error in the amendment. I have clarified it with the Clerk and the table office and also drew it to Mrs Jones's attention before the debate.

I was talking about the increase in the rate of female incarceration in Australia. There are a few academic hypotheses to explain this rise. One is that the increase in the rate of female incarceration is due to an increase in the seriousness of women's crime, that

is to say, the offence type is more serious. Another is that the increase in the rate of female incarceration is due to an increase in the numbers of women coming before the courts who have previously been imprisoned, perhaps indicative of compounded intergenerational disadvantage. We may be seeing an increasing rate of recidivism amongst female detainees.

However, the respected criminologist Don Weatherburn from the New South Wales Bureau of Crime Statistics and Research more recently stated that he believes, “The growth in female imprisonment is almost entirely due to increased policing and increased toughness on the part of the courts.” For myself, I cannot say with any certainty what is driving these increases in the ACT specifically, but I cannot imagine there is anything unique. What may well differ, and what I will speak to now, is what we are doing about it in the short, medium and long term. I think what we do take from that is that nobody is quite clear what is driving this pattern. There are clearly some different views around as to what it might be. Hopefully, that will be an area that we will see further work on fairly quickly.

But in terms of the AMC, AMC accommodation capacity for women has emerged as a significant pressure in the past 12 months. I draw to the attention of members that the AMC was built with 29 beds designated for women, which includes five beds designated as the women’s high-needs cottage. The demand for accommodation for women remanded and serving custodial sentences has steadily increased since the AMC was opened.

In the 2009-10 financial year, the average number of women at the AMC was 15. This increased to 19 in the 2014-15 financial year. Since 30 January 2015 the number of women has increased from 22 to a high of 32 in August 2016. Presently there are arrangements within the AMC which can facilitate the safe and appropriate accommodation of women separate from men with numbers at or just above capacity.

That said, I and the government acknowledge that going forward this is unsustainable. I can assure the Assembly and Mrs Jones that ACT Corrective Services are currently exploring options to provide additional accommodation for women at the AMC.

While acknowledging that the situation is not ideal, I can, however, inform the Assembly that the heightened numbers have not stopped access to programs or education for women. The delivery and availability of these services has been consistent. Women have their own space at the AMC for programs.

Women detainees at the AMC demonstrate unique and complex behavioural and criminogenic needs. Many come from lives in the community where they have been victims of crimes themselves. They have in many cases experienced trauma and exploitation. Some of the women at the AMC have poor literacy and levels of education. Many, of course, have struggled with addictions. Often these women have poor health and wellbeing and face difficulties in managing conflict.

They may have children involved in the care and protection system and, sadly, be themselves foster children. The AMC certainly avails women of a range of rehabilitation programs and educational opportunities. Programs are targeted at

aspects of their lives such as parenting skills, building positive relationships and addressing trauma.

Corrective Services provides programs including self-care for women, focusing on learning strategies to cope with stress and mental health, mental illness and physical health, and out of the dark, which is a program for women who have experienced domestic or family violence. This 14-hour program is designed to help participants identify issues around domestic and family violence as well as identify options and supports available. Additionally, Indigenous women can access the conservation and land management program.

Levels of engagement from female detainees are somewhat erratic on occasions. However, we do see more reported engagement in one-on-one services. This is largely due to association issues within the AMC, not unlike the situation we have with male detainees. Particularly with a smaller population, it is difficult to get critical mass in groups or for group activities.

There were times in the period that I have been the minister where we had as few as nine female detainees at the AMC. You can imagine that by the time a few of them cannot get on with each other or have some association issue, it can be very difficult to structure programs around such relatively small numbers. With the slightly larger numbers those issues change. Nonetheless, they are real issues.

In addition, historically, there is a high number of remand female detainees who are ineligible for criminogenic treatment programs and more early releases mean that there is insufficient time to complete them. By way of example, of the current 30 female detainees, 19 are unconvicted or on remand. That speaks to some issues there.

Certainly in the past, members will recall I have provided statistics on the average length of stay at the AMC. Again, this is a feature of female incarceration as well. It raises the difficulties in getting people into programs. That does not mean we should not try to continue to improve things, but these are some of the challenges that are there.

I note in response to Mrs Jones's motion that I think she has raised some important points. There are challenges in the women's area of the AMC. Yes, we do need to dedicate further efforts to meet both these population challenges and to reduce what appears to be an increasing recidivism amongst female detainees in the community.

I have moved an amendment. I have retained significant parts of Mrs Jones's motion. I am proposing not to agree to sub-paragraph (g), which talks about women being "currently disadvantaged". I think Mrs Jones has not been clear in the ways that one might measure that. I think that it is not a broad, sweeping statement. I am quite prepared to accept that there are challenges, but I am not quite prepared to agree to such a statement.

What I have also undertaken in my proposed response is to provide an update to the Assembly on progress in addressing the growing female detainee population by the

last sitting day in August 2017. As I indicated in my earlier remarks, the reason for that is that there is some work underway at the moment. I am not quite in a position to outline that to the Assembly, primarily because we do not have an actual answer at this point.

There are a number of options which are being explored. But I am very happy in light of the interest shown by Mrs Jones and the important issues that she has raised to come back to the chamber in August and provide a more comprehensive response. I commend my amendment to the Assembly.

MRS JONES (Murrumbidgee) (5.25): I am happy to speak to the amendment and close the debate. In relation to the amendment, I appreciate the minister accepting the vast majority of the motion. However, I will go to the detail again of why I am fairly certain that there are constraints written in by paragraph 2(a). I will just check the version to make sure I am looking at the right version. Yes, it is paragraph 2(a), according to the notice paper. This is where I note that there are current constraints. This has been taken out of the version in the amendment that the minister has moved.

Also, with regard to paragraph 1(g), which states that there is currently disadvantage for the women compared to the men essentially, this is very clear. They do not have access to the work programs that the men now have access to. I am really pleased to hear that there is a possibility that this will be addressed. I would like to think that perhaps in the way that the Indigenous population in prison gets additional attention, just because the women's numbers are smaller perhaps is a reason to put additional resources into that area, not simply to say that it is difficult, although I accept that it must be difficult.

However, intensively working with these women must be going to have a positive effect in the community. We want a greater commitment from the minister to accept that there are, in fact, constraints, which I think essentially he has accepted in his speech.

The minister noted that there are 29 beds. If I did not mishear, I believe the minister said that we have occasionally had 32 women. I am not sure exactly where they are accommodated when there are only 29 beds for the women in the cottages which are the women's prison. I presume that may mean they are accommodated in the single cell section of the facility. I would be happy to find out more. I am sure the minister will make briefings available to me about that.

As a result, I will not support the amendment. I appreciate that it maintains the vast majority of my motion. In the end, we will probably get to a position where the vast majority of it is still there. But I cannot accept that we should not make a statement that there are constraints and that the women are, in a way, disadvantaged. That seems to me to be basic fact.

I am really glad to hear that there is a good awareness that women's incarceration is increasing across the country and across the world. It is a concerning matter. Any incarceration increases are, of course, a concern. I am not surprised to hear that it is difficult to pinpoint why. I agree. I hope there will be more work done in this area,

because obviously understanding why is the first step towards addressing the reasons why and perhaps reversing the trend.

I am sure that the women in the AMC have dreams and aspirations for their lives. I am sure that when they leave the facility and go into the community, at least some of them grow a little hope that life will be better afterwards than it was before. I am sure many of them suffer from lack of contact with people in their lives. I appreciate that at least they are closer to family now than they were before we had this facility. But I am absolutely concerned that their needs are given equal weight to those of the men, even though they are fewer in number.

I will be opposing the amendment, but I thank the minister for the real effort he has gone to to accept the vast majority of what has been put. I am glad we have been able to have this debate today. I think it raises issues that we should be paying attention to. I know that sometimes we say the AMC is one of the most watched facilities and studied facilities in the country, because we are constantly reviewing it. But I think that if anyone we love or anyone we know is or was in the AMC, we would be comforted to know that people on both sides of this chamber have a very strong interest in their care and outcomes.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 11

Noes 8

Ms Berry	Ms Orr	Mr Coe	Mr Milligan
Ms Burch	Mr Pettersson	Mrs Dunne	Mr Wall
Ms Cheyne	Mr Rattenbury	Mr Hanson	
Ms Cody	Mr Steel	Mrs Jones	
Mr Gentleman	Ms Stephen-Smith	Mrs Kikkert	
Ms Le Couteur		Ms Lee	

Question resolved in the affirmative.

Motion, as amended, agreed to.

Mpowerdome

MR WALL (Brindabella) (5.35): I move:

That this Assembly:

(1) notes:

- (a) the Mpowerdome is a premier sporting facility that has been well utilised by Canberrans for many years as a venue for sports including tennis, soccer, netball, volleyball, handball and modified sports;

- (b) the ACT Government recognises in its own reports that the Mpowerdome has played a vital role in the pursuit of the objectives of Active Canberra, particularly in developing the ACT community's physical activity levels from social through to high performance participation;
 - (c) the Mpowerdome has been a leading service provider in this field and has the capacity to develop into the future;
 - (d) the facility has not been operational for some months due to the parking constraints that exist around the facility; and
 - (e) that successive ACT Labor Governments have been aware of the issues but not provided any solutions to enable the business to continue to operate; and
- (2) calls on the ACT Labor Government to take immediate action and work with the owners and managers to ensure that the Mpowerdome remains a viable contributor to the health and wellbeing of Canberrans.

The motion I bring to this place today is a simple one to consider. The solution to the problem outlined is also a simple one. The actions that need to be taken now are also very simple and easy to undertake with a bit of will and a bit of cooperation from all sides.

The mpowerdome is an iconic facility that would be well known to many in this room. You may have taken your children to play one of the many sports on offer there. You may have played tennis there yourselves, participated in one of the many team sports or perhaps even been involved in one of the community sports days or disability sports days which they have proudly hosted on many occasions. You may have utilised one of the school holiday programs on offer there or even attended, as I mentioned before, one of the Lord's Taverners disability multisport days. If you have not, I will guarantee that at least one person you know has.

The mpowerdome is without question one of the most utilised and well known sporting facilities in the ACT region, particularly in the Tuggeranong region. Hundreds of thousands of people have been through this facility's doors over the years, and numbers have not dwindled. The iconic dome that constitutes a big part of the facility has been around since 2006. The structure spans 36 metres by 156 metres and is 12 metres high; it is the largest facility of its kind in Australia.

On 9 April last year, the mpowerdome closed its doors for what many hoped was a short time. Many users understand and know very well the commitment that has been made by the managers of the facility, particularly Gail Aiken, the manager of the mpowerdome business since its beginning. I think an exception to that may have been you, Madam Speaker, who I understand called the operators in the lead-up to the ACT election unaware of this closure and seeking some explanation as to what had happened.

Ms Aiken, the operator of the mpowerdome, has been instrumental in forming a community around the users of the facility and has overseen the consistent swell of

number numbers and increase in the variety of sports on offer and other interests utilising the facility, ranging from indoor sports to the flying of drones and model aircraft as well as a number of more intuitive community groups.

Gail Aiken and her team, with the support of co-owners Carmen and Graham Nunn, have all ensured that the mpowerdome operates like a family business, with community as the broader family. The mpowerdome community were quite rightly devastated when the facility closed its doors.

This issue has not arisen recently but has been the subject of many conversations with those opposite over their years in government. But to no avail. A resolution has not been achieved. The parking constraints that may well be the straw that broke the camel's back certainly did not appear overnight. The issue has been simmering away for a long time, and at every turn the ACT government was well aware. Almost every politician that has had anything to do with the ACT has had a conversation with Gail about the future of the mpowerdome, certainly every member in Brindabella, every minister and every shadow minister in the sport and recreation portfolio.

I would like to acknowledge the great work that my colleague Mr Milligan has done since taking on the sport and recreation portfolio since the election. James is already well across and well aware of the issues. He is getting numerous emails and calls from many of the users and supporters of the mpowerdome, keen to see its doors reopen and the facility back up and running.

The frustration for the community that has utilised this facility lies in the lack of action. Everyone has made the right noises and agreed about the importance of keeping the facility going, but no-one has actually come up with a solution that is tenable.

This really speaks to the neglect of Tuggeranong. There is simply no other answer. There is no political imperative for the ACT Labor Party to do anything to improve the lives of Tuggeranong residents when it comes to the reopening of his facility. Mr Gentleman and Ms Burch have very little sway as local Labor members, it seems; otherwise one would imagine that this issue would have already been resolved and the facility reopened.

One contributor to the RiotACT, as recently as today, said:

If it was in gungahlin it would have a first class car park right now. Sadly we live on the wrong side of the lake and the wrong government is in power.

The Canberra Liberals have come closest to coming up with the right solution. Our solution would have made a difference to the entire precinct surrounding the mpowerdome. At the last election my colleagues and I committed \$300,000 to ensure that a car park was built, a car park that was designed, I note, through a study that was funded by the ACT government but never acted upon. This is a modest sum of money in terms of the types of funding that we refer to in this place regularly. It is a modest sum that would ensure a massive return and massive contribution to the health and wellbeing of residents all across the ACT, most importantly, in my electorate of Brindabella.

The mpowerdome is held up, quite rightly, as a shining example in the ACT government's own reports as one of the premier sporting facilities in the territory. The ACT government report on indoor sporting facilities stated that the mpowerdome is a very well programmed and utilised facility with a broad and responsive range of programs and that there is a strong capacity to accommodate events but a need to resolve parking constraints.

The solution to this problem is, as I said, quite simple: a resolution of the car park issue. As the stalemate stands at the moment, it seems that it is the government's intent to see the owners or operators of the facility fork out their capital to improve unleased territory land for the purposes of car parking and then be granted some sort of pro rata rebate on that over the long term of the lease. For a small business, being asked to outlay \$300,000 in capital to invest in an asset which they will no longer own does not make any business sense. It is unreasonable to expect that substantial capital investment to be made by a business to basically hand that cash over to the government, write it off their books and cause great operational pain. The more regularly adopted solution, the solution that I think most people would expect in this sort of instance, would be that government comes to the party and makes the investment in the improvement of its own land so that it remains the owner of the asset and then leases that improved asset back to the operator at a commercial rate. That is how general commercial lease agreements work. It is very rare for the lessee to be funding the capital costs of an asset and then handing that asset over to the landlord. That is a very simple way forward. I look forward to hearing what the minister's response is.

Another article that has been posted recently was by Robert Issell, a constituent many may know from his involvement in the Phillip Business Community but also a passionate supporter of futsal in the ACT. He posted this online in November last year:

What is the real reason behind the closure of mpowerdome and how has it impacted the families and residents of the Tuggeranong Valley?

Interesting questions and that have been clouded in mystery. Some people say there were car-parking safety issues. Some say a new buyer could not be found and some say that the Government has not been very supportive.

Whatever the truth is, it is a real shame that so many people who played each week, every school holidays or at the weekend are now without these fantastic facilities and the benefits they provided. Many people who live in the Tuggeranong valley or Queanbeyan and even from the broader ACT sporting community have been affected by a decision that is out of their control. They came, they played and now there is nothing, after 10 years.

You hear all kinds of rumours. They do not really matter. What does matter is that such a fantastic facility is closed and not available for the community to use. What does matter is how it can be reopened to become again the facility that it once was. How can it be revitalised and opened for the purpose it was built for: to serve the community and provide a safe and friendly facility for health activists? The

community wants to know why this unique, world-first multimillion dollar commercial facility is now closed. It is a shame. It is a real shame.

One of the regular users of the facility was the South Canberra Futsal Association. Last year they had 588 players and this year they are down to just 350 players, according to their long-time club president, Robert Lamaro. Mr Lamaro said that 2016 had been the worst year for the numbers in the association that they had ever had. He said:

The closure of mpowerdome has certainly made it very difficult for us to operate ... The numbers are down and we have had to operate in several school halls, instead of running our competitions in just one easy to manage location like MPowerdome.

Madam Speaker, this is the crux of the matter. What does matter is how it can be reopened to become the facility that it once was. The mpowerdome is crucial in ensuring that Canberrans remain active. And it enriches our community. No-one in this place, I believe, disputes this being the case.

I urge all members in this place to support my motion today. Politics aside—the north-south divide put well aside—minister, please have a conversation with the operators of the mpowerdome and see what compromises can be made and what you can do to ensure that the mpowerdome can be enjoyed by generations to come. I commend my motion to the Assembly.

MR MILLIGAN (Yerrabi) (5.45): I thank Mr Wall very much for bringing forward this motion. I want to start today by speaking in support of this motion. The Minister for Sport and Recreation has taken great pride in the high rates of participation in sport of people in the ACT. The people of the ACT are to be congratulated. The December 2016 results of the AusPlay survey, a national population tracking survey funded and led by the Australian Sports Commission and funded by the federal Liberal government, show that we have very high participation rates for those involved in sporting activities, particularly for adults, although, unfortunately, much of this is lower for our children.

We suspect that this may have to do with Canberra's climate. Just this week we went from a high of 41 degrees to a cool 17. The AusPlay survey also shows that much of our participation in sport is in indoor sport centres, gyms and leisure centres. More than half of all men and almost two-thirds of women prefer to exercise in an indoor sporting centre. These numbers are even higher for older Canberrans.

The government's healthy living initiative attempts to encourage people in Canberra to get active, but makes it difficult to do so. The lack of indoor sporting facilities is forcing our Canberra teams to find accommodation outside the territory. An example is a roller derby team which was forced to move to Queanbeyan High School, where they pay \$600 a week for the use of facilities, because of a lack of suitable facilities in the ACT. The minister has suggested that schools will be made available in Canberra instead, yet many of them have inappropriate facilities, for example, a lack of change rooms or storage facilities, and many of them are quite small. Furthermore, to date, we are aware of only one school that has been made available.

The government's own ACT indoor sports facilities study final report, delivered in 2015, demonstrated a significant shortage of indoor multicourt facilities across Canberra, especially during peak times, such as after-work hours, when Canberrans are likely to participate in sporting activities. The report recommended the building of new centres in Molonglo and Gungahlin and the continued support of existing centres such as the mpowerdome.

Mr Wall called on the government to work with the owners and to get the centre operational again. But the mpowerdome is not the only centre in Canberra to have closed in recent years. We have also seen the closure of the Kambah indoor sports centre and the Woden indoor sports centre. Furthermore, there is an ongoing failure of the government to build new centres.

An indoor sports centre was promised for Molonglo, and a feasibility study conducted in 2012. Five years later we are still waiting to see this come to fruition. Although we are finally seeing more action on a pool for Molonglo, it does not appear that there are any indoor courts or gym facilities attached, even though that was the recommendation in the 2012 feasibility study.

The sports centre in Gungahlin is even further away from becoming a reality. In the 2012 election the then Minister for Sport and Recreation promised a feasibility study, but five years on we are still waiting. This is despite significant public interest over a long period of time. The Gungahlin area is growing rapidly, with new suburbs coming online at a fast rate. Figures released by the ABS in March last year show that this district is growing at a higher rate than the national average. The government's own planning directorate has estimated that this area will have over 65,000 people by 2019, only two years away. We know that many of the people moving into this area are young people and young families, active people who need sporting outlets that can be utilised 365 days a year, especially over the cold Canberra winter months. Yet we are still seeing no movement on the promised indoor sports facility.

We want to see Canberra being active, we want to promote a healthy lifestyle, and we want to encourage participation in sports for all age groups. I commend Mr Wall for his motion and look forward to the government's action to bring this centre back online and to the government working towards sustainable options for increasing the use of existing centres, as recommended in its own report.

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) (5.50): I note that Mr Wall and Mr Milligan have both written to me about this issue, and a response should be on its way to their offices. They should take the advice of Madam Deputy Speaker, Mrs Dunne, and ask in a very loud voice if it has arrived, so that we do not have any confusion in the chamber.

As Mr Wall said, you would not pass by too many people without knowing somebody who has spent some time at the mpowerdome, whether that was through sport or some other recreational activity, and they would have many good memories of their time at that place. I acknowledge that. But I am still trying to get my head around exactly what it is that Mr Wall and Mr Milligan would like the government to do on this issue. In the motion they call on the government to work with the owners and managers to ensure that the facility remains a valuable contributor to the health and wellbeing of Canberrans. That is exactly what we have been doing for many years, and I am happy to provide an overview of our interactions and work with this commercial business.

There is a long history of government working with this organisation. Unfortunately, if we are to provide extraordinary financial support to a private business such as this one, surely we would be required to do the same for every other private business that is having operational issues. Mpowerdome is a privately owned and managed facility under a commercial lease. It is very important to make this point up front in this discussion because those opposite do not seem to get the difference between providing financial support to a community not-for-profit venture and to a privately owned organisation. The government must be very careful that it does not set a precedent as to how it provides support, or how much support it provides, to a private enterprise. We all know that the community does care where their tax dollars go, and it is certainly not to private deals with private businesses.

From the advice that I have been provided with, over the years the ACT government has been responsive to mpowerdome and has provided consistent advice about its options for the site, which is adjacent to Fadden Pines. This advice has included information about the uses permitted under the current lease, uses that would require a lease variation and uses that would require a variation to the Territory Plan, including appropriate community engagement and consultation. Significant guidance and support have also been provided to mpowerdome over the years, including the funding that Mr Wall referred to, to support the development of a parking plan so that the organisation can formalise the use of the adjacent unleased land for overflow car parking.

Site remediation is necessary to ensure public safety, given the degradation which has been a result of parking on that piece of land. An offer of a long-term licence for the overflow area has been made to the business, including a flexible rental arrangement to facilitate the development of a car park to offset the costs of the work.

I am advised that, to date, no formal action has been taken to progress the option of the licence, and, in turn, no site remediation has been undertaken. As I said, this is even following a funding contribution of \$11,000 to proceed with the study to identify the next steps.

Earlier, when I was first appointed as Minister for Sport and Recreation, I was never contacted by mpowerdome. In August last year, when I was surprised to receive a handful of representations with regard to the closure of the facility, I decided to make a phone call and have a chat with Gail myself. That call confirmed to me that it was not a problem that the government could resolve. We can help, though, and we have

offered assistance to help empower dome to resolve their parking issues. But we will not go in there and build them a car park; it is not appropriate for the ACT government to do so. They are a private business that, as far as I am aware, has been on the market and for sale since April last year. The Liberal Party committed a \$300,000 windfall gain to a commercial operation that is for sale.

In terms of indoor sports for our community, there can be no doubt about this government's commitment to the provision of sporting opportunities across our city. With regard to indoor sports, the implementation of the indoor sports facility study released in 2016 is ongoing on a range of recommendations. In line with this study, Active Canberra and the Education Directorate have commissioned upgrades to existing school facilities to improve community access for sport and recreation use.

Importantly, upgrade priorities are informed by feedback from sporting user groups. So far upgrades have been made at Alfred Deakin High School, Lyneham High School and Lake Tuggeranong College, with work at Wanniasa High School expected to be completed in February. Works are also underway to restore the gymnasium at the Hedley Beare centre in Stirling, with the facilities scheduled to become available in March this year. While these projects are expected to fully expend the government's initial \$100,000 commitment, an additional \$100,000 has been committed through the Education Directorate, enabling further upgrades to occur and ensuring that our schools can perform well as important community and sporting hubs.

Community sporting organisations that have benefited so far include the Woden Weston Dodgers basketball club, South Canberra Futsal and the Canberra City Stallions Basketball Club. Once work at the Hedley Beare centre and Wanniasa high are complete, program adjustments are expected to open opportunities for smaller sports, including badminton and martial arts.

As I have said, we also announced during the election campaign that this government is committed to further investigating feasible options for providing indoor sporting spaces in Woden, Gungahlin and Belconnen. Funding to progress this work will be considered as part of this year's budget.

Also, during the ACT election campaign last year, Labor made it very clear that it supports an active, healthy local community, and we reconfirmed our long-term commitment to making the right investments in the right places across Canberra to support local sporting endeavours. I was pleased to be able to announce that we will undertake community and industry consultation to determine the best options and the best location, construction and operational models for a new ice sporting centre on the south side of Canberra. I can say that there is a great deal of community interest in this project, and, as the idea develops, I will have more detail to provide. I would encourage everyone to get involved in this important piece of work so that we can ensure that what is built for Canberra is absolutely what the community wants.

Across the ACT we have a considerable amount of work occurring on our major government-managed sport and recreation infrastructure precincts, including construction funding of \$6.653 million, which was provided through the

2015-16 budget, with delivery of the project being undertaken by the Education Directorate in partnership with Active Canberra, for the Melrose synthetic football precinct. Features of the facility include a singular synthetic football field, sportsground lighting, sports pavilion, irrigated school oval, upgrade of the existing outdoor hard courts and a new car park.

With respect to the Phillip Oval redevelopment, construction funding of \$4.6 million was provided through the 2015-16 budget. This project is being delivered in partnership with AFL NSW/ACT and Cricket ACT, who have jointly provided an additional \$1.6 million to the project, or \$0.8 million each. The upgrade includes community facilities, administration offices, sportsground lighting, and indoor and outdoor cricket training facilities that will support development as well as elite athlete programs. The upgrade will ensure that AFL NSW/ACT and Cricket ACT have new local administrative headquarters that will provide improved business, coaching and training opportunities. Works commenced on the site in early December and are expected to be completed later this year.

With respect to the Narrabundah Ballpark stage 2 upgrade, planning and design funding of \$0.5 million was provided through the 2014-15 budget. A further \$4.5 million to support construction was announced as part of the 2016-17 budget.

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MS BERRY: The features of the Narrabundah Ballpark to be delivered following the preliminary design process include refurbishment of the existing grandstand, playing field realignment and upgrades to public amenities and car parking. Community engagement activities for the proposed upgrade were completed in August 2016 to enable feedback to be considered during the design of the upgraded facilities.

The lead contractor for design work was appointed in November 2016, with design and development application approval expected to be finalised in mid-2017. The commencement of construction works will be subject to further review once an indicative construction program has been developed, considerate of potential implications for the 2017-18 Cavalry season.

\$33 million has been committed under the 2016-17 ACT budget to deliver a 50-metre pool at Stromlo Forest Park. The design will also allow for future expansion of the facility so that it has the capacity to grow over time as part of a unique sporting destination, Stromlo Forest Park, and a community asset for Canberrans, particularly residents of the Molonglo valley and Weston Creek. Consultation with the community and key stakeholders to understand what they see as priorities for any additional facilities and features has been undertaken and outcomes will be posted on the Your Say website and will inform the design process. Tenders will be called shortly, with construction of the Stromlo pool expected to start in late 2017 and completed in 2019.

Of course, this is not all we are doing for sports in the ACT, but the point I am trying to make is that, as a government, we are committed to providing opportunities for

Canberrans to participate, and be active and healthy. My amendment seeks to correct the detail in the original motion, that was not fully reflective of the facts, and consider the work that we have and continue to do with regard to supporting indoor sports. I move the following amendment:

Omit all words after “That this Assembly”, substitute:

“(1) notes that:

- (a) The Mpowerdome is a privately owned and operated, indoor sports facility under a commercial lease;
 - (b) a range of ACT Government directorates have sought to work constructively with, and provided advice to, Mpowerdome about opportunities and constraints over a number of years with regards to parking, zoning and lease related matters;
 - (c) Mpowerdome patrons have been permitted to utilise an adjacent block of unleased Territory land for overflow parking for some time, noting that the area now requires remediation works to be undertaken by the lessee to make it safe if the parking use is to continue;
 - (d) guidance, support and funding has been provided to Mpowerdome over recent years to assist with the development of a parking plan to formalise the use of adjacent unleased land for overflow car parking by patrons;
 - (e) in 2016, the ACT Government released the findings of the *Indoor Sports Facilities Study*, and agreed with the majority of the recommendations which has resulted in immediate action to assist in meeting the needs of the indoor sporting community;
 - (f) this action has included the investment of \$100 000 in 2016 to improve access for community sport to ACT school facilities, including:
 - (i) upgrades made at Alfred Deakin High School, Lyneham High School and Lake Tuggeranong College, with work at Wanniasa High on track for completion this month; and
 - (ii) works to restore the gymnasium at the Headley Beare Centre in Stirling, with the upgrades nearing completion and the facilities scheduled to become available in March 2017; and
 - (g) the ACT Government has committed to fund a further \$100 000 for community access to school facilities and is committed to further investigating feasible options for providing indoor sporting spaces in the ACT; and
- (2) calls on the ACT Government to continue its sustained investment in sporting opportunities and facilities across the ACT.”.

My amendment notes that we have more work to do and asks that we continue our sustained investment in sporting opportunities and facilities across the ACT. I thank Mr Wall for bringing this motion on today. It is important to get the facts and the

history of the mpowerdome in the public arena, so that there is a greater understanding of what has been happening with the mpowerdome, the reasons why the facility has closed and that, as far as I am aware, it continues to be for sale. I have also been advised that a number of people have been interested in purchasing the property, but for some reason those conversations have fallen through. None of the reasons that I have heard about related to the car park issue.

I hope that this assists Mr Wall and Mr Milligan with understanding the situation at the mpowerdome. I will be happy to talk to mpowerdome again and clarify exactly what support the government can provide. I think I have been fairly clear with them in the past, although my last conversation with them was at my initiative and occurred in August last year. I hope that members will support my amendment. I think it provides a little more factual information about the story.

MR RATTENBURY (Kurrajong) (6.04): As Mr Wall rightly identified, anybody who has been in this place for a little while and had an interest in sporting issues has come across the issue of mpowerdome and the concerns about parking at the facility. Certainly in the time that I was minister for both TAMS and Sport and Recreation this issue has come up. As Ms Berry just outlined, there have been significant efforts by the government to assist with the car park. It has become a question of how much is it the responsibility of the government to build facilities for what has been a private business. That has been challenging to answer that question exactly. But, as Ms Berry's amendment notes, there has been investment in studies and there has been investment both in terms of cash and in-kind effort to help that facility resolve that issue.

I have spoken with the owner myself and there are some real differences of expectation. We had a discussion about what the value of the facility was and, if the government were to buy it, what the government should pay for the facility. There was a significant gap between what I was advised was the market valuation of the facility and what it was suggested the government should pay for the facility. In light of some recent public discussions about what government should and should not pay for certain sites, I think people would be surprised at the size of the gap in the expectations there.

This has been a difficult issue. There is no doubt it is a terrific facility and one that many people have taken advantage of over the years. I am interested that it has not been sold. Again, there is an expectation issue there. I understand there were buyers but there may well have been a gap between what buyers were willing to pay and what the owner expected should be paid. The conversation I had went along the lines of, "If I can't get the price I want, I'll close it." It is a tricky thing to work out what the right role is for government when there are private buyers who may be willing to come in but just not at the price being demanded.

It is frustrating and I share Mr Wall's frustration because there is a lot of indoor space there. As the indoor sports facility study showed, indoor sports are growing in popularity and there is real demand for indoor capability. I was pleased to have that indoor sports facilities report when I was the responsible minister because it gave us some clarity on where some of the gaps were, which sports were growing in

popularity, which ones not so much and where the pressures were both geographically and in terms of particular types of activities, particular age groups and the like.

Again, as Ms Berry has noted in her amendment, the government moved to get some fairly quick wins in terms of getting additional spaces. The first one of those at Deakin High School, a gymnasium, was a great example. Not much more than about \$3,000 was spent in terms of reconfiguring the security system. That facility was able to be made available to the Woden Dodgers basketball club for training for a very small amount of money and quite quickly. As the minister has outlined in her amendment, work is now taking place at other school facilities—Lyneham high, Lake Tuggeranong College and Wanniasa high—to open them up.

That is a great win. It sees facilities, often of a very good standard, made available very quickly. Another upside is that it positions schools as a central hub in our communities. It means more people are around at night, there is better security and people feel a stronger connection to their schools, and all of those things are quite positive. I am also very pleased to see in the minister's amendment the progress being made to restore the gymnasium at the Hedley Beare centre in Stirling. This is particularly valuable because it is right in the heart of Weston Creek. That area has the indoor cricket centre, but I cannot think of any other indoor spaces. It would be great to see that facility being reopened and providing additional capacity for indoor sports.

The minister has noted the work that has gone into further investigating options for providing other indoor sporting spaces in the ACT. Again, government needs to be mindful of its role here. I have also been aware of people who want to privately develop indoor facilities because they believe they are a commercial proposition, and we need to be aware of that.

As you might take from my comments, on behalf of the Greens I am going to support Minister Berry's amendment. I believe it makes the case as to what the actual situation is.

Mr Wall: Surprise.

MR RATTENBURY: Mr Wall makes his interjections across the chamber. I am interested in what he thinks the answer is for mpowerdome. He has not actually spelt that out. I would be interested in how much he thinks the government should put in. The Liberal Party indicated a sum during the election campaign. My own experience of the debate is I am not sure that would have done the job. I am open to hearing how much they want to tip in for this exercise and what exactly the right way is. Should the government give over exactly the amount the owner thinks they should be paid, or should the government go for a private valuation? Would the owner agree to that? These are complex questions.

I hope mpowerdome can be open again. I hope a way through can be found. I urge Minister Berry to continue to seek a pragmatic and sensible solution that delivers a good value outcome and brings this facility back on board for the Tuggeranong community.

MR WALL (Brindabella) (6.10): It seems there is some confusion on the part of the minister as to what the solution to this problem actually is. As I said in my speech, the government thinks it is a reasonable and appropriate course of action to expect a business in this town to foot the capital expenditure to improve a government asset and then hand back ownership of the improvements to the government. Imagine if someone rented a home that had no kitchen and the landlord said, "That's all right. You're the tenant. You put the kitchen in yourself but, when you leave, I own the kitchen." If a landlord in this town did that, those on the other side would be screaming from the hills about how inappropriate it was that a mongrel landlord was beating a tenant up like that. But this is exactly what is happening in this instance.

The government owns the adjoining land which has been used for overflow car parking. The government is saying to the business, "You build the car park, but government will own it and we'll rent it back to you." The common-sense solution here, the way normal commercial transactions work, would be for the government to say, "We can assist you." Government has funded the quotation and the design studies for the car park. The price put on it by the scoping study is around that \$280,000 mark. The Liberals' commitment going into the election was \$300,000 to ensure that it was well and truly within any inflation or change of work.

The straightforward solution is for government to get an undertaking from the operators that should the car parking improvements be made, the doors will be reopened. They should spend the money on their own land, invest in the car park improvements and lease the improved car park back to the operator of the mpowerdome. To say that it is a commercial operator and that this cannot be done flies in the face of what happens in most group centre car parks around the territory. Chisholm shops, Calwell shops: the car parks are government land. Businesses that operate adjacent to them are privately owned. We are not asking for the rule book to be rewritten or for the goal posts to be moved. This is common practice across the territory in commercial precincts.

To answer the question as to why a buyer for the facility has not been able to be found, the answer is simple: whether it is this owner or any other owner of the facility, the car parking issue remains.

It is appropriate to mention that, yes, Minister Berry did reach out in August last year to speak to the owners of the facility. She gave them the undertaking she would have someone in the directorate contact them to try to resolve the issue. My understanding of how the conversation with the directorate official went was, "I have a list of people that might be interested in buying you out." Putting forward people to buy out the current operator is not very genuine engagement in trying to resolve the issue. Regardless of what happens, whether it is the current operators or any other owner of the facility, the issue relating to car parking remains.

The minister has made the undertaking today that she is willing to sit down with the owners again, have the discussion and try to find a genuine way forward. That was the crux of the letter that I have written to the minister inviting her to meet with me and the owners. I invited the minister to have that discussion in a pragmatic way, to work constructively.

Ms Cody's motion in this place earlier today talked about how the government is trying to boost business confidence and what a great job it is doing, but this is a classic example of the door being shut to private investment in this city. When an issue arises, those on the opposite side put their hands over their ears and simply ignore the easy, simple solutions. I look forward to engaging with the minister on trying to resolve this issue in the coming weeks.

The minister is sitting there shaking her head at me. Minister, are you shaking your head because you are not going to engage?

Ms Berry: On a point of order, Madam Speaker, I believe the standing orders require that questions and conversation go through the chair.

MADAM SPEAKER: Thank you, Ms Berry. Through the chair, Mr Wall.

MR WALL: No worries, Madam Speaker, I apologise. The minister is sitting there shaking her head. I ask, through you, whether that means there is not a genuine willingness to engage. I am curious as to why she feels the need to shake her head in disgust. It is a very simple, pragmatic solution that the Canberra Liberals are able to put forward on this issue. The opportunity is here for government to engage, and I look forward to that engagement happening in good faith.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 11

Noes 8

Ms Berry	Ms Orr	Mr Coe	Mr Milligan
Ms Burch	Mr Pettersson	Mrs Dunne	Mr Wall
Ms Cheyne	Mr Rattenbury	Mr Hanson	
Ms Cody	Mr Steel	Mrs Jones	
Mr Gentleman	Ms Stephen-Smith	Mrs Kikkert	
Ms Le Couteur		Ms Lee	

Question resolved in the affirmative.

Motion, as amended, agreed to.

Adjournment

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

That the Assembly do now adjourn.

Sussex Inlet RSL Club

MR HANSON (Murrumbidgee) (6.19): Yesterday in the Assembly Ms Cody made a false and hateful attack on the RSL and a Sussex inlet business. Her speech was seemingly intentionally designed to cause division in our community and disrespect a veterans organisation and its members. I see she is now laughing as I speak. In her speech Ms Cody said the following of the Sussex Inlet RSL Club, which members should note is a trading business and not part of the veterans organisation that goes by that name:

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.

That is not true, members. I have looked at the photos and it is clear that no-one would or could urinate on anyone. To identify tiles on a wall and then accuse an organisation of expecting men to urinate on Aboriginals is false and is inciting the worst sorts of hatred. Ms Cody went on to say:

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.

The president of the Sussex Inlet club has provided a written response, and I will quote from that:

To Whom It May Concern,

Sussex Inlet RSL Club prides itself on its policy of non-discrimination. The ceramic tiles depicting Aboriginal figures were installed in a major refurbishment in 1971. In the past 46 years there has never been an official complaint made by a member of the public in regards to the tiles.

Labor Politician Ms Bec Codey's description of the placement of the tiles in the bathroom facilities is incorrect. They are on the side walls of the men's toilet, at least half a meter from the urinal.

Up until his recent passing, an Aboriginal elder was a patron of the Sussex Inlet RSL Club for many years.

To date Ms Codey has never officially approached Club Management or the Board of Directors before her speech in parliament. If this matter had been raised in the formal matter as per our Club's constitution, the matter would have been addressed in the appropriate manner.

Regardless of the fact the Sussex Inlet RSL Club is not part of the RSL but is a separate business, Ms Cody went on then to launch a broad and hateful attack on the RSL and its veteran members, saying:

I wish this did not fall into a long history of disgraceful behaviour by this organisation ... 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 ... I hope the national and state bodies of the RSL address this filth as a matter of urgency.

Mr Assistant Speaker, through you to members, Ms Cody has used false claims about an organisation that is not part of the RSL to allege racism and claim that the RSL has a long history of disgraceful behaviour. This has prompted the President of the ACT Branch of the RSL to make the following statement:

It is this type of unfounded criticism of a national body, spoken in generalisations, which has completed over 100 years of assisting the veteran family and community that makes the veterans very angry.

Ms Cody's comments are not only disrespectful and false but do little to support many of those veterans suffering as a result of their service who expect support from their elected officials, not vile attacks like this. I note that she continues to smile and laugh at my speech, with more disrespect. Ms Cody's bullying hate speech should be condemned by the Chief Minister. He should apologise on her behalf to the Sussex Inlet club, to the RSL nationally, to the RSL in New South Wales and here in the ACT.

I am a returned serviceman. I am a proud member of the RSL and I have seen firsthand the great work that that organisation does and has done for 100 years. I commend the RSL for its great work. I condemn Ms Cody for her spiteful, unjustified and false and hurtful attack on the RSL and on its members.

Domestic and family violence

MS CODY (Murrumbidgee) (6.24): Since I gave my inaugural speech in this chamber last year I have been contacted by a number of community members, mostly men, who have pointed out to me that domestic and family violence affects men as well as women. I have seen that point made before, as if the rights of the woman are in competition with the rights of the man. I do not agree.

I do not agree that the rights of men and women in the family are in competition. I do agree that many men are subject to domestic violence, and this is a minority that should not be ignored. Many men do not report domestic violence. Many men do not know where to turn. Men seeking help are often subject to humiliation. Male victims of domestic violence suffer the same feelings of powerlessness and the same manipulation of their self-esteem. For male victims, however, there is often an extra humiliation, and extra abuse, and that is the abuse of community expectations.

Domestic violence is far more than experience of assault. It starts with controlling behaviours and emotional abuse. Men are expected to be bigger, stronger and more powerful. Often they are. But no amount of muscle changes the reality of relentless, continuous humiliation, abuse, manipulation and shaming, especially when that shaming is reinforced by community expectations.

Sometimes when men speak of their experience with domestic violence and our responses to it the bitterness of their words comes through louder than they intend. If we hear that bitterness and assume it is the bitterness of a perpetrator who refuses to acknowledge their wrongdoing, we are being unfair. Often that bitterness is directed at a community that has compounded the humiliation of a victim by denying his legitimacy, by treating the victim as a criminal and refusing to allow him out of the cycle of violence.

Those who paint domestic and family violence as solely the actions of men against women damage men, women and families. For those of us who wish to take action to end domestic violence, who want to change cultures, we must ensure we are solving this problem for men as well as women.

I have said we should never walk past domestic violence, turning a blind eye. That includes men, that includes women, that includes those of all gender identities. Anyone can be a victim of domestic violence. We need to keep listening and ensure that our responses to domestic violence are inclusive and deliver fairness and support to everyone. We do not have all the answers. But I have got the will to solve it, and I encourage all victims to keep coming forward. Together, we can end domestic and family violence.

Refugee rally

MS LE COUTEUR (Murrumbidgee) (6.28): On Saturday, 4 February I attended a rally for refugees. It was calling for asylum seekers held on Manus Island and Nauru to be brought to Australia. The Canberra rally was one of several protests being held across the country, with a similar one taking part in Sydney. Leading the group were Adam Richards and his 13-year-old son Ned. Adam and Ned recently completed a walk from Adelaide to Canberra to raise awareness for asylum seekers held in offshore processing.

The idea for the walk to Canberra started when young Ned became curious about the horrific news reports last year of two refugees setting themselves alight on Nauru and one of them subsequently dying. Ned wanted to know what he could do to prevent similar tragedies. The father and son walked for 38 days, covering more than 30 kilometres a day, which is a pretty impressive effort, to petition the federal government to end mandatory indefinite offshore detention of refugees and instead bring them to Australia for their claims to be processed.

The Greens have long advocated for the closure of these detention camps. We believe that Australia's cultural, ethnic and linguistic diversity should be celebrated for greatly enriching our society and economy. This diversity is only enhanced by the immigration of people most in need to Australia.

The Greens also believe that Australia must enact its humanitarian and legal obligations to asylum seekers and refugees. These obligations include granting refugees protection and reuniting families under the international customary law and the Refugee Convention 1951 and its protocol.

Immigration should be non-discriminatory on the basis of nationality, ethnicity, religion, language, gender, sexuality and socio-economic background. Seeking asylum is a humanitarian issue rather than an issue of border security or defence. People seeking asylum must be treated with compassion and dignity. The treatment of refugees should be humane, transparent, predictable and consistent. Indefinite mandatory detention of refugees and asylum seekers is just plain wrong.

The ACT is doing its bit in the current political environment by being a refugee welcome zone and part of the safe haven enterprise visa scheme. However, the lack of leadership at a national level demands people to stand up and speak out; and many are, such as Adam and Ned Richards, who have been joined by the refugee action committee.

Their efforts to keep this issue on the agenda in the ACT and speak up for those people who are voiceless or who have been denied a voice have been tireless. The work highlights the importance of the community having a voice and ensuring that decision-makers consider the impacts of their decisions on everyday people.

I would also like to acknowledge that a former member of this place, John Hargreaves, was one of the speakers at the rally. For all these reasons, the ACT Greens are going to continue to listen to the wider community and work to ensure that humane voices, voices of compassion and voices of common sense are represented in the Assembly.

Ovarian cancer

MR COE (Yerrabi—Leader of the Opposition) (6.31): Tomorrow the Canberra Liberals will wear teal ribbons in support of the campaign to raise awareness of ovarian cancer. Next Wednesday, 22 February is Teal Ribbon Day. On that day we encourage all Australians to purchase and wear a teal ribbon to raise awareness of ovarian cancer to show support for the women and their families who are living with the disease and to remember those who have passed away as a result of it.

February is ovarian cancer awareness month. It is held to raise awareness of the signs and symptoms of ovarian cancer. The number of women affected by the disease each year is significant. The impact it has on these women and their loved ones is, of course, considerable. In 2017 ovarian cancer is estimated to be the eighth most commonly diagnosed cancer amongst females in Australia. The estimated number of new cases of ovarian cancer diagnosed in 2017 is likely to be 1,580.

Ovarian cancer has the lowest survival rate of any women's cancer and is well below the average for all cancers. Treatments for this dreadful disease have changed very little since the 1970s and 75 per cent of women are unfortunately diagnosed at an advanced stage. Sadly, the estimated number of deaths from the disease in 2017 is likely to be over 1,000.

It can be difficult to diagnose ovarian cancer because the symptoms are ones that many women will have on occasion and they are often symptoms of less serious and more common health problems. Women who are diagnosed with ovarian cancer

report four types of symptoms most frequently: abdominal or pelvic pain, increased abdominal size or persistent abdominal bloating, needing to urinate often or urgently, and feeling full after eating a small amount.

Women who have any of these symptoms, if the symptoms are new for them and happen multiple times during a four-week period, are encouraged to visit their doctor. A symptom diary available from Ovarian Cancer Australia website can be used to track the occurrence of the symptoms.

The mission of Ovarian Cancer Australia is to support those affected by ovarian cancer, to give them a voice, to facilitate research and to raise awareness on a national scale. Further information on ovarian cancer, including treatment of the disease, is available on the website of Ovarian Cancer Australia. Teal ribbons can be purchased for \$2 each through the website and at some pharmacies. I encourage all Canberrans to support the campaign. I commend Ovarian Cancer Australia for their work on behalf of Australian women and their families.

Hume—proposed plastics to fuel facility

MS BURCH (Brindabella) (6.34): I rise this evening to put on record a level of unease I have towards the proposed FOY Group development located in Hume that is close to residents in my electorate and my neighbourhood. Since September of last year and over the summer, I have heard from many local constituents who live in Gilmore, Chisholm, Macarthur and Fadden in particular. They have raised with me the issue of the development that has been proposed in Hume by the FOY Group. I am sure other members of Brindabella have also heard these concerns.

The FOY Group seeks to build a plastics to fuel facility on the southern edge of the Hume industrial area. A facility of this type, as proposed, has caused much concern for my constituents who live close to the proposed site. Local constituents are concerned about the potential impacts that such a facility could have on them and their families. Concerns that I have heard range from the effect of the facility's emissions that could possibly impact on the residents in the area to the greenhouse gas emissions that the facility itself could create. Other concerns are the noise generated by the plant, which could potentially operate 24 hours a day; the risk of contamination of the land should the facility go ahead; and inadequate consultation with residents.

The environmental impact statement submitted by FOY has been criticised as inadequate by almost all of the submissions on the EIS to the planning and land management directorate. Many of these submissions were incredibly detailed and submitted by experts in the field, outlining what seem to be deficiencies in the EIS and calling for a more thorough assessment of the environmental impact of this facility. This process must be done correctly for the community to have confidence in the outcome.

I acknowledge that the Minister for Planning and Land Management has responded to these community concerns and has announced the establishment of a panel of health and environment experts to report in April of this year on any potential impacts to the community from this development. I welcome that announcement. I particularly

welcome the public hearing that will be held as part of that process. I imagine that it will be well attended. At the centre of this process, however, there must be the people who live close to the facility. Their concerns must be addressed and adequately satisfied before any development goes ahead.

I am not saying that the development does not have merit, but the concerns raised with me clearly must be addressed. I have raised these concerns with the relevant minister. Whilst I am supportive of initiatives that increase the incidence of recycling and, indeed, reduce the amount of waste that ends up in landfill, in this instance, this initiative needs to demonstrate broad community support and also must be very clear and considered in addressing ways to mitigate any environmental impacts.

This is a proposal where real questions exist over the impact this facility will have on the quality of life of residents in my electorate. Maintaining a healthy environment for our constituents, I believe, is central to all the MLAs in this place. I ask that community concerns are addressed and I look forward to the process of the community consultative process and the public hearing that will come from the establishment of the expert panel. I look forward to their advice and the minister's report back to the local community and to me.

Hare-Clark anniversary

MRS DUNNE (Ginninderra) (6.38): Today marks the 25th anniversary since the people of the ACT voted in a referendum to install Hare-Clark as their electoral system. I thought as someone who was involved in that campaign—I know that my grey hair would not belie such a long time in politics—I should pay tribute to the sterling group of people who were the backbone of the Hare-Clark campaign committee, which was the coming together of every political party in the ACT, except the Labor Party, and a large number of community groups. I want to pay tribute to Mr Bogey Musidlak, who is, after all, Mr Proportional Representation for the ACT; Mr Graeme Evans from the Democrats; Mr Miko Kirschbaum from the Greens; Mr John Gagg, who was also from the Democrats; and my two closest collaborators, Mr Keith Old, who is still a member of my staff, and Mr Lyle Dunne.

Together this group of people put together a range of stunts and a campaign of wonder and awe on the princely sum of \$10,000. They turned ACT opinion around from 25 per cent of people being in favour of Hare-Clark when the campaign began to 74 per cent of people actually voting in the referendum to install Hare-Clark. This was all done through stunts, homemade board games and chocolate wheels. We did have an office in Petrie Plaza that was donated to us, so we probably did actually spend more than \$10,000. Our greatest prop was a very large pink teddy bear, a giant teddy bear which the Dunne children had grown tired of; or that I had grown tired of because it had split open and was losing its stuffing. We put it in the corner of the shopfront window with a new sign every couple of days with a new message about the importance of Hare-Clark. The big pink teddy, whose name I now cannot remember, was an important part of the scheme as well.

One of the highlights was during the Multicultural Festival in February 1992 when

there was a balloon campaign to send the message that Hare-Clark was simply the best. It was discussed that somebody should dress up as Mr Hare or Mr Clark, but there were no identifiable formats or costumes for 19th century electoral reformers, so one sterling member of the group, who will be known as Lyle Dunne, dressed up in a rabbit suit as Mr Hare and walked through the city for many hours. It was a stifling hot day, and I think he lost many kilos that day inside the synthetic rabbit suit. There were other assistants on the day handing out balloons. There were children who said, "No, I don't want your balloon; I want it from the rabbit." The rabbit was a great example of community campaigning at its best.

I feel proud to have been involved in this campaign and to have helped to bring to the ACT the finest, the best electoral system known to man.

Question resolved in the affirmative.

The Assembly adjourned at 6.42 p.m.