



Debates

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Tuesday, 6 June 2017

The Assembly met at 10 am.

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

Petition—ministerial response

The following response to a petition has been lodged:

Curtin draft master plan—petition 1-17

By **Mr Gentleman**, Minister for Planning and Land Management, dated 16 May 2017, in response to a petition lodged by Ms Le Couteur on 14 February 2107 concerning the Curtin group centre draft master plan.

The response read as follows:

Dear Mr Duncan

Thank you for your letter of 14 February 2017 about petition No. 1-17 lodged by Ms Le Couteur MLA on behalf of certain Australian Capital Territory residents.

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

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

In relation to the development application (DA) lodged over Block 7 Section 62 Curtin (41 Curtin Place) for a six storey mixed use development, I am advised by the planning and land authority that their assessment of the DA was made against the requirements of the Territory Plan, with due consideration also given to the views of the community, including in relation to the requirements of the Draft Master Plan for the Curtin Group Centre. The DA was subsequently refused by the planning and land authority on the 15 February 2017.

Any future DAs that are located within the Curtin Group Centre will be assessed by the planning and land authority in accordance with relevant planning legislation.

Justice and Community Safety—Standing Committee Scrutiny report No 6

MRS JONES (Murrumbidgee) (10.02): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 6, dated 30 May 2017, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS JONES Scrutiny report 6 contains the committee's comments on two bills, five pieces of subordinate legislation, one national law, three government responses and a proposed amendment to the Red Tape Reduction Legislation Amendment Bill 2017. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Justice and Community Safety—Standing Committee Statement by chair

MRS JONES (Murrumbidgee) (10.03): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety relating to petition No 5–17, revenge porn—criminalisation, as referred to the committee, pursuant to standing order 99A on 10 May 2017.

The committee notes with regard to the referral of a petition to a standing committee for consideration—taking standing order 99A together with the terms of the Assembly resolution establishing general purpose standing committees—that a committee being referred a petition pursuant to standing order 99A has an obligation to report back to the Assembly on its consideration of the particulars of that submission. The nature of a committee's consideration—the inquiry and report process—is a matter to be determined by that committee.

As members are aware, the right to petition the parliament to highlight issues and directly influence the work of parliament dates back to the 13th century in Britain. A petition is a request by a group of citizens that asks its parliament to take action to solve a specific problem. It is the oldest and most direct way that citizens can draw attention to a matter and ask parliament to assist them.

Specifically, as signatories to petition No 5–17, 520 residents of the ACT have sought to:

... draw to the attention of the Assembly that there is no specific criminal offence prohibiting the non-consensual disclosure of a sexual image (the phenomenon colloquially referred to as “revenge porn”).

The petitioners, therefore, request the Assembly to consider filling this gap in the law by criminalising the non-consensual disclosure of a sexual image.

I wish to advise the Assembly that the committee is currently considering the particulars of the petition and its requested action. On this occasion, prior to determining how it may proceed with regard to further inquiry, the committee will also consider the responsible minister’s response to the petition, which is due within three months of the tabling of the petition. The committee understands this time frame to be by 10 August 2017. Accordingly, the committee looks forward to considering the minister’s response and will report back to the Assembly as soon as practicable.

Public Accounts—Standing Committee **Statement by chair**

MRS DUNNE (Ginninderra) (10.05): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts on Auditor-General reports. At its private meeting on Wednesday, 31 May 2017 the standing committee agreed to inquire further into the Auditor-General’s report *2015-16 Financial Audits—Computer Information Systems*. That is audit report No 3 of 2017. The committee also agreed to note two reports, *2015-16 Financial Audits—Audit Reports* and *2015-16 Financial Audits—Financial Results and Audit Findings*, audit reports Nos 10 and 11 of 2016, with no further recommendation.

Independent Integrity Commission—Select Committee **Reporting date**

MR RATTENBURY (Kurrajong) (10.06), by leave: I move:

That the resolution of the Assembly of 15 December 2016, relating to the establishment of the Select Committee on an Independent Integrity Commission, be amended at paragraph (4) by omitting “August” and substituting “October”.

The Assembly resolution establishing the Select Committee on an Independent Integrity Commission set a reporting date by the end of August 2017. This inquiry is an important one and it has attracted wide-ranging public interest. In response to requests for an extension of time from interested individuals and key stakeholder groups and organisations, the committee is continuing to receive submissions and will not be in a position to report by the date requested.

The committee has discussed this. We are aware of the public interest in drawing this report together in a timely manner, but we also believe that the counterinfluence of wanting to allow time for substantive submissions is quite important as well, and that is the basis on which the committee seeks to amend the reporting date to be by the end of October 2017.

Question resolved in the affirmative.

Standing orders—suspension

Motion (by **Mr Gentleman**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent:

- (1) any business before the Assembly at 3 pm this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2017-2018 and the Appropriation (Office of the Legislative Assembly) Bill 2017-2018;
- (2) (a) questions without notice concluding at the time of interruption; or
 - (b) debate on any motion before the Assembly at the time of interruption being adjourned until the adjournment questions in relation to the Appropriation Bill 2017-2018 and the Appropriation (Office of the Legislative Assembly) Bill 2017-2018 are determined; and
 - (c) notwithstanding the provisions of standing order 74, presentation of papers may be made prior to the suspension for lunch;
- (3) at 3 pm on Thursday, 8 June 2017, the order of the day for resumption of debate on the question that the Appropriation Bill 2017-2018 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limits on the speeches of the Leader of the Opposition and the Leader of the ACT Greens be equivalent to the time taken by the Treasurer in moving the motion “That this Bill be agreed to in principle”; and
- (4) (a) questions without notice concluding at the time of interruption; or
 - (b) debate on any motion before the Assembly at that time being adjourned until a later hour that day.

ACT Health system-wide data review quarterly update Ministerial statement

MS FITZHARRIS (Yerrabi—Minister for Health, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (10.10): As members know, the delivery of high quality health services to the Canberra community is this government’s number one priority. Every year thousands of Canberrans access our health services, and our staff do a wonderful job delivering high quality, tailored services to the community.

As health minister it is my priority to ensure that we not only have a high quality health system that Canberrans trust but also have the right data available to us to monitor and track our performance. As members are aware, in February this year I announced the establishment of a comprehensive system-wide review of ACT Health data and reporting that will take us back to the basics of collection, analysis and reporting of our data.

In the interests of being open and transparent I also undertook to keep members informed of the progress of this work. Today's statement will provide members with an update on this. This system-wide review will be completed by 31 March 2018. Its purpose is to investigate the extent and, where possible, the root cause of the current data issues; establish revised governance processes and protocols for data management, reporting and analysis; develop a framework for the provision of essential data reports derived directly from source systems as an interim process and for rebuilding the ACT data warehouse; implement the framework outcomes; provide a detailed road map to address existing recommendations from the Auditor-General and ACT Health external advisers; and provide advice on the publication of data for consumers that facilitates improved understanding of ACT Health information, performance, quality and safety, including options for the real-time provision of information.

I also tabled the terms of reference for the data review in this place on 28 March 2017. The review will be undertaken in a timely, transparent and effective manner and is about delivering robust quality assurance of ACT Health's data governance systems with a view to finally resolving these issues. The system-wide review of data and reporting is on track, and the first milestone is expected to be finalised by 30 June 2017.

Madam Speaker, as per the terms of reference, the expert review panel of internal and external members has been established to provide a balance of advice and oversight to the Director-General of ACT Health. The review panel members are the Chief Information Officer of ACT Health; the Chief of Clinical Operations of ACT Health; the Chief Technology Officer of Shared Services; the Chief Executive Officer of the National Health Funding Body; and the Senior Executive, Hospitals, Resourcing and Classifications Group of the Australian Institute of Health and Welfare.

Since I released the terms of reference on 28 March there have been two review panel meetings, with the first meeting held in April. To date, members have considered a high-level approach to the system-wide review work program; an overarching ACT health informatics strategy; essential reporting obligations; the approach for the root cause analysis, noting how important it will be to identify and address any systemic issues that other reviews have not addressed; the process for assessing the status of each external review recommendation; new governance arrangements; the process for addressing and consolidating the external review recommendations; progress and status reporting; and key achievements by the ACT Health Directorate to date.

General feedback from review panel members is that the program of work for the system-wide review is on track, and members were complimentary about the work undertaken to date by the Health Directorate. The review panel is currently scheduled to meet monthly and will convene more often if necessary to ensure the review remains focused and on track. ACT Health is providing regular updates to me on the progress of this work.

Within ACT Health there have also been internal changes to ensure the system-wide review has the focus and the attention it requires to fulfil the requirements of the terms of reference. ACT Health has been proactive in recognising the data issues and is acting quickly, as requested, to meet the terms of reference milestones.

Madam Speaker, I am pleased to be able to provide members with an update on the range of development activities, either completed or well underway, within the Health Directorate. While these activities may seem somewhat minor in comparison to the overall program at hand, they are crucial to the successful delivery of the key outcomes identified. Existing staff are being engaged and taking the lead to ensure that ACT Health builds capacity and capability in this critical area moving forward. I can advise members that the directorate immediately established a core program team of four staff to lead the system-wide review internally; however, this is growing each week as additional activities are identified. I am pleased to report that eight dedicated staff from within the organisation are now allocated to the system-wide review.

These staff are focused on reviewing and developing policies, procedures and processes to ensure all documentation and administrative aspects of this review are robust and transparent. This approach ensures that staff are engaged and accountable and, most importantly, that the Health Directorate builds capacity and capability in this complex area of work. Subject matter experts are and will be engaged to ensure the right resources are available to support this work. A key resource has already been seconded from an external national reporting agency, and additional expert or specialist resources will be sought to assist in this process where required. This will ensure the right resources are available at the right time to support this very important program of work.

The Health Directorate is in the process of developing an overarching ACT Health informatics strategy framework, which will identify key performance reporting and data management expectations and requirements. The framework will provide the governance required for the hub of informatics that will be supported by seven domains of work, all requiring a range of policies, procedures and processes including change management, metadata, workforce, communications, governance, quality, and privacy and security.

Work is being undertaken to map all existing review recommendations and the terms of reference outputs to the informatics strategy. The team is developing road maps to ensure that all recommendations and the terms of reference outputs are consolidated and will be addressed. To ensure that the informatics strategy is robust, a gap analysis of activities is being undertaken. The directorate has engaged an independent auditor to provide a status, or baseline, against each external review recommendation. A thorough process is also underway to identify and capture all internal and external reporting obligations, with over 400 individual obligations having been identified to date.

Madam Speaker, I am also pleased to advise that an agreed approach for the root cause analysis work is now in place. As I stated earlier, it is important to be able to identify and address any systemic issues that other reviews have not addressed. The agreed analysis approach includes prioritising the analysis within the review program to ensure that the results are readily available early on to inform any system development work; assigning the analysis process to ACT Health's quality, governance and risk division for management to ensure a level of peer review of the process; consideration of the root cause analysis that was undertaken by PricewaterhouseCoopers, noting that this work did not review or identify systemic or behavioural risks and issues, and agreement of the core problem statement; implementation of new governance arrangements, including the establishment of a new executive committee, chaired by the director-general, convening fortnightly to oversee the program of work; and the development of transparent, regular reporting processes.

I am sure you would agree that this is an extensive list of activities that have been undertaken in such a short period of time and demonstrates the consolidation of informatics across the directorate to ensure that past approaches of isolated work practices will finally be addressed.

Madam Speaker, in February I advised members that I would continue to present regular updates to the Assembly to outline information on the work being carried out and the way forward. Activities scheduled for completion as part of milestone one, due by 30 June 2017, are well underway. These activities are focusing on implementing formalised change processes for source systems, datasets and data queries; documentation of clear delineation of responsibility for managing different stages of the extraction, transformation, reporting and analysis of data; implementing clearly defined quality assurance and clearance steps for all data reporting and analysis; identifying the range of essential internal and external reports; confirming the priority order and time frames for external reporting; mapping the data definitions; identifying the source systems required to generate the reports; ensuring datasets are locked down for reporting purposes; writing queries to generate the reports from the locked-down data; consolidating all recommendations from previous external reviews; and assessing each external review recommendation to understand the current status of implementation and to prioritise it into the program of work.

Providing assurances over ACT Health data collection, analysis and reporting is a complex matter, which is why I have asked for this review. As all members are aware, these issues have been widely canvassed in the media as well as in the Assembly on a number of occasions. I am making a commitment that this government will continue to be open with the community by providing regular updates on the system-wide review to the Assembly. I would also like to reinforce that these data-reporting issues are administrative in nature and do not affect the quality of health services that we deliver to the community. I would like to reiterate that the health professionals are able to access daily operational data and information in order to effectively treat patients. Further, the Canberra Hospital executive receive a range of monthly benchmark reports that summarise key performance metrics to enable them to

accurately manage the clinical services. And, of course, I recognise that reliable, accurate data is important to the planning of our health services, which is exactly why we need to get this right.

With regard to ensuring further independent scrutiny, ACT Health has met with the Auditor-General to determine how best to report back to the office on these matters. As the work to resolve the data management issues is ongoing, ACT Health is prioritising and undertaking essential data reporting. This essential reporting includes submissions to the Independent Hospital Pricing Authority and the National Health Funding Body. Given that we are approaching the end of a significant reporting period, the end of the 2016-17 financial year, the Health Directorate have assured me that they will be providing the full range of reporting metrics in the 2016-17 annual report.

Whilst the review is underway, some reporting to the Australian Institute of Health and Welfare has been suspended temporarily. I have asked the panel to consider and provide advice to me on the reporting of further data while the review is underway. The Health Directorate has advised that it is likely that further datasets and submissions will be cleared for release during the review, to 31 March 2018. ACT Health is also continuing ongoing communication with its key stakeholders to keep them informed of progress: for example, the Australian Institute of Health and Welfare and the Independent Hospital Pricing Authority.

Before concluding today, Madam Speaker, I would like to thank members of the review panel for the comprehensive advice to date on how to improve reporting on and access to health data. The directorate now needs time to implement its data management and quality assurance processes to ensure ACT Health data is robust and accurate. Thank you. I present a copy of the statement:

ACT Health System Wide Data Review Quarterly Update—June 2017—
Ministerial statement, 6 June 2017.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

Suicide in the ACT Ministerial statement

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) (10.21): Pursuant to a resolution of the Seventh Legislative Assembly, I make the following statement on deaths due to suicide in the ACT. In late 2016 the government appointed me as its first dedicated Minister for Mental Health. In accordance with the parliamentary agreement, my priorities in this

new portfolio are to develop an office for mental health to roll out and oversee mental health services and provider funding, develop a strategy that sets targets for suicide reduction and provide more support for young people.

While I acknowledge that some people have misgivings about how much we should talk about suicide publicly, it is an issue of such serious concern that it needs to be more fully understood, and we need to explore its complexity and implications. Talking about suicide publicly is appropriate. A 2014 study by the school of medicine at King's College London found no statistically significant increase in suicidal ideation among adult participants asked about suicidal thoughts. Their findings suggest that acknowledging and talking about suicide may in fact reduce, rather than increase, suicidal ideation and may lead to improvements in mental health in treatment-seeking populations. These findings echo the views of former Australian of the Year and pre-eminent researcher in the area of early psychosis and youth mental health, Professor Patrick McGorry.

In plain language, suicide was the leading underlying cause of death among persons aged 15 to 24, at 31 per cent of deaths, and persons aged 25 to 44, at 20 per cent of deaths, according to 2012 to 2014 data published recently by the Australian Institute of Health and Welfare. In 2015 suicide accounted for one-third of deaths, or 33.9 per cent, among people 15 to 24 years of age, and over a quarter of deaths, or 27.7 per cent, among those 25 to 34 years of age. In 2015 suicide was ranked as the 13th most common cause of death across all age groups and causes by the Australian Bureau of Statistics.

Over the last 20 years from 1997 to 2015 the ACT statistics for deaths attributed to suicide have fluctuated. However the average number of deaths attributed to suicide in the ACT has been 35 per year. During this time the population of the ACT has grown from 308,000 to 393,000 people.

The previous Minister for Health's statement on suicide in the ACT utilised the Australian Bureau of Statistics reporting methodology of five-year, age-standardised death rate per 100,000 people to report deaths by suicide instead of raw numbers or a yearly rate of deaths by suicide. In 2015 the ACT five-year, age-standardised rate of death by suicide per 100,000 people was 9.3. This compared to a rate of 9.2 in 2014 and 9.1 in 2013. Again, in plain language, 46 deaths were attributed to suicide in the ACT in 2015.

Locally and nationally, advocacy groups and academics alike have been calling for increased coordination, more education and enhanced prevention programs to address the complex issue of suicide. These experts in their field understand that reducing suicide is a matter not just for mental health professionals and clinicians but for each of us. While it may be deeply uncomfortable to consider for some people, suicide is not simply a matter of diagnosable medical conditions. It is not exclusively caused by a mental health condition. It is clear, however, that any suicide attempt indicates extreme psychological distress.

The National Mental Health Commission believes the biggest risk factor for a completed suicide is a previous attempt. They draw this from international evidence that, for people who seek hospital emergency department treatment following a suicide attempt, one in six attempts is followed by another within the following 12 months. This sobering and confronting information highlights to me that, alongside the need for a strong mental health support system made up of clinical health practitioners, support workers, acute inpatient care and strong crisis services, there is more that the government needs to consider. It is also the best possible argument for increased prevention and postvention services that can be made, as it relates to saving lives.

A recent study into suicide undertaken by ACT Health reveals strong themes and issues worthy of greater consideration: the impacts of social inclusion and exclusion; the importance of family and friends; the effects of unemployment or underemployment; and that hard to define, deeply personal and unfortunately sometimes tragically elusive sense of hope that can carry us through the dark. It is the government's commitment to reduce suicide wherever possible. While it will take some time to work through the development of reduction targets and of associated renewal of suicide prevention strategies, in consultation with the community sector, we continue to expand both the services offered by ACT community mental health and the nature of services provided by our non-government sector partners.

We continue to fund a dedicated suicide postvention service pilot for the ACT that offers wraparound supports to all people affected by suicide attempts for up to three months post hospital admission. We are working with national leaders in this space to integrate evidenced-based best-practice approaches into existing services. These partnerships will see better coordination, increased collaboration and enhanced strategic policy directions in the coming months and years.

The ACT government will also be an active partner in recent national developments in this area via the COAG Health Council, which has recently decided to support Australia's first national suicide prevention plan by expanding the scope of the fifth national mental health plan. Each attempted or completed suicide in this city takes a toll on our community, rippling through families, workplaces and groups of friends. There is no single answer to combating suicide, but each step forward in improving services and each conversation had with someone in distress are a step closer to potentially saving a life. I present a copy of the statement and I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

Papers

Madam Speaker presented the following papers:

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General’s Report No 4/2017—Performance information in ACT public schools, dated 31 May 2017.

Penalty rates—Letter to the Speaker from the Chief Minister, dated 19 May 2017, concerning the resolution of the Assembly of 22 March 2017.

Standing order 191—Amendments to:

City Renewal Authority and Suburban Land Agency Bill 2017, dated 16 and 17 May 2017.

Justice and Community Safety Legislation Amendment Bill 2017, dated 16 and 17 May 2017.

Revenue Legislation Amendment Bill 2017, dated 15 May 2017.

Mr Gentleman presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Co-operatives National Law (ACT) Act—Co-operatives National Law (ACT) Regulation 2017—Subordinate Law SL2017-11 (LR, 28 April 2017).

Court Procedures Act—

Court Procedures Amendment Rules 2017 (No 1)—Subordinate Law SL2017-9 (LR, 28 April 2017).

Court Procedures Amendment Rules 2017 (No 2)—Subordinate Law SL2017-10 (LR, 28 April 2017).

Crimes (Assumed Identities) Act—Crimes (Assumed Identities) Regulation 2017—Subordinate Law SL2017-6 (LR, 24 April 2017).

Crimes (Controlled Operations) Act—Crimes (Controlled Operations) Regulation 2017—Subordinate Law SL2017-5 (LR, 24 April 2017).

Crimes (Protection of Witness Identity) Act—Crimes (Protection of Witness Identity) Regulation 2017—Subordinate Law SL2017-7 (LR, 24 April 2017).

Crimes (Sentence Administration) Act—

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 6)—Disallowable Instrument DI2017-44 (LR, 12 May 2017).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 7)—Disallowable Instrument DI2017-45 (LR, 12 May 2017).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 8)—Disallowable Instrument DI2017-39 (LR, 12 May 2017).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 9)—Disallowable Instrument DI2017-40 (LR, 12 May 2017).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 10)—Disallowable Instrument DI2017-41 (LR, 12 May 2017).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 11)—Disallowable Instrument DI2017-42 (LR, 12 May 2017).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2017 (No 12)—Disallowable Instrument DI2017-43 (LR, 12 May 2017).

Crimes (Surveillance Devices) Act—Crimes (Surveillance Devices) Regulation 2017—Subordinate Law SL2017-8 (LR, 24 April 2017).

Domestic Violence Agencies Act—Domestic Violence Agencies (Council) Appointment 2017 (No 2)—Disallowable Instrument DI2017-35 (LR, 4 May 2017).

Nature Conservation Act—

Nature Conservation (Ginini Flats Wetland Complex Ramsar Site) Management Plan 2017—Disallowable Instrument DI2017-36 (LR, 12 May 2017).

Nature Conservation (Pink-tailed Worm-lizard) Action Plan 2017—Disallowable Instrument DI2017-67 (LR, 1 June 2017).

Public Sector Management Act—Public Sector Management Amendment Standards 2017 (No 1)—Disallowable Instrument DI2017-38 (LR, 8 May 2017).

Taxation Administration Act—Taxation Administration (Amounts Payable—Utilities (Network Facilities Tax)) Determination 201 (No 1)—Disallowable Instrument DI2017-32 (LR, 20 April 2017).

Victims of Crime Act—Victims of Crime (Victims Advisory Board) Appointment 2017 (No 1)—Disallowable Instrument DI2017-33 (LR, 27 April 2017).

Gene Technology Amendment Bill 2017

Debate resumed from 30 March 2107, on motion by **Ms Fitzharris**:

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (10.29): The opposition will be supporting the Gene Technology Amendment Bill 2017. In doing so, I thank the minister for providing a briefing on the bill and for responding to questions I had about the bill. Changes put forward in this bill do little more than bring the ACT legislation into line with national arrangements. It is mainly cosmetic in nature—changing language, clarifying rules and processes and making some of the reporting more efficient. On this last aspect, quarterly reporting to the minister will be scrapped in favour of annual reporting.

However, I draw to the Assembly's attention two matters of procedure on which the minister has failed to deliver. First is that the explanatory statement is not laid out in the accepted format which the scrutiny committee has been advocating for some years now. In particular, it does not provide a clause-by-clause explanation of the bill. The second is that—and I know the scrutiny committee commented on this—the explanatory statement failed to include a human rights statement. I understand the minister is to provide an amended explanatory statement today, presumably to fix these oversights.

There is another more general matter that I draw to the minister's attention now. I will write to her later to seek clarification. The commonwealth legislation provides for a number of duties that the Governor-General must perform, including making regulations about various determinations and various appointments. However, the ACT Gene Technology Act provides at section 6 that the act does not bind the Crown. This is likely a highly technical matter, so I will not seek to prosecute it today.

Although this is highly technical, I do not believe it would impede the passage of the bill, but I do wonder if it has implications for matters such as the declaration of notifiable low-risk dealings, which at the commonwealth level require the Governor-General to make a regulation subject to being satisfied to a range of qualifiers. What if the ACT had a situation that was unique to the ACT? What then are the roles of the commonwealth and, in particular, the Governor-Governor, and what effect will a decision taken under those roles have on a situation that may be unique in the ACT? Can the Governor-General act in the circumstance when the ACT's legislation does not bind the Crown?

I will be seeking clarification on these matters from the minister in normal office time rather than in this place. Other than that, we have no amendments and we are pleased to support the bill.

MR RATTENBURY (Kurrajong) (10.32): The Greens are happy to support the provisions of the Gene Technology Amendment Bill. These changes are largely technical in nature and will bring the ACT's legislation into alignment with the federal act, which was amended in 2015. These changes are important to ensure that gene technology regulations remain nationally consistent.

This bill does not seek to change the underlying intent or legislative framework for gene technology regulation, and that is why the Greens will be providing our support today. However, there are some broader issues around genetically modified organisms that I think are important to be aware of in an environment where technology is constantly evolving. The Greens have long expressed concerns about the role of genetically engineered organisms in our agricultural system. Despite decades of research and commercialisation, doubt remains over aspects of the safety of genetically modified foods, and the advertised benefits of GM crops are largely yet to be seen globally.

Crop yields are not dealing with global hunger and poverty, and we have seen an escalation in the use of pesticides on our food. The Greens are also concerned about the effects genetically modified organisms can have on the environment through contamination and impacts on plant biodiversity. We also believe consumers have the right to know what is in the food they are eating. That is why my federal colleagues have been calling for mandatory labelling requirements for foods containing genetically modified organisms and processes so that people can make informed choices.

Given these ongoing concerns, it is important that we retain and enhance the existing checks and balances for assessing GM techniques. As technologies evolve, it will remain even more important to ensure that all assessments of GM crops include careful consideration of the health and environmental risks that they pose. We must also be wary of industry efforts to circumvent current regulations through changing terminology. The commonwealth and ACT acts define gene technology as “any technique for the modification of genes or other genetic material”. While industry may be changing its language from GM to “new plant greening techniques” or “gene editing”, the same risks remain and the need for independent assessments of each technique remains.

There is a lot we do not fully understand about the long-term effects of genetic engineering on human health and our environment. It is essential that the federal government continues to invest in independent research and analysis of GM technologies to answer these questions before new techniques are approved and commercialised. The Greens will be supporting the amendments in this bill as they will help to retain a nationally consistent regulatory system for GM technologies. The larger issues I have raised remain part of the ongoing debate on GMOs and need to be taken into consideration during any further legislative reform around GM technology.

MS CHEYNE (Ginninderra) (10.35): I am pleased to speak also in support of the Gene Technology Amendment Bill 2017, which, as members have heard, will amend the Gene Technology Act 2003. We are living in an age of exponential scientific and technological development, and gene technology is at the forefront of a new wave of incredible advancements. According to the CSIRO, “gene technology” is the term given to a range of activities concerned with understanding gene expression, taking advantage of natural genetic variation, modifying genes and transferring genes to new hosts.

Developments in gene technology mean that scientists are now able to make very precise changes to genetic material. Amazingly, researchers can now alter a living organism so that it loses, acquires or changes a specific or an entire set of characteristics. Gene technology is already bringing about incredible innovations in agriculture and health initiatives. For example, it is changing the way we diagnose and treat disease and is being used to manufacture insulin and vaccines.

In a time when food security is becoming critically important around the world, gene technology can improve a crop’s disease resistance, enhance its nutritional value or

improve productivity and sustainability. The ACT is home to an array of gene technology research and development activities in our national institutions and universities. For example, since 2012, the CSIRO has been conducting a number of trials to modify wheat and barley lines.

One such trial has been examining agronomic performance, particularly the way altered genes can improve how the plants use nutrients, resist diseases and tolerate stress. In another trial the CSIRO has made breakthroughs in growing wheat with the same cholesterol-lowering characteristics that we find in oats. Outcomes such as this could have significant public health benefits. As our capabilities in respect of gene manipulation mature, we will see these industries undergo extraordinary change, and the potential is quite staggering.

In regulating gene technology it is crucial that we strike the right balance between encouraging research and development and ensuring that public and environmental safety are protected. The ACT is a signatory to the gene technology agreement between the federal, state and territory governments of Australia. Under this agreement we have committed to a nationally consistent regulatory scheme for gene technology. All parties to the agreement must adopt a regulatory scheme which is characterised by transparency, safety, responsiveness and effectiveness. The agreement also establishes independent oversight and review mechanisms.

The benefits of this approach are clear: harmonised national laws supported by oversight from a national regulator provide consistency and certainty to enable cross-jurisdictional work and collaboration. This approach also ensures risk assessments and safety measures are consistent, responsive and effective. The effectiveness of the existing framework was confirmed in a 2011 independent review, which found that the existing regulatory framework was operating in a rigorous and highly transparent manner. That same review did, however, make recommendations to improve the clarity and functioning of some aspects of the gene technology legislation. The federal Gene Technology Act was amended in 2015 to adopt those recommendations.

The amendments in the bill before the Assembly seek to implement the same recommendations in the ACT. The amendments do not change the overall policy objectives of the legislation but will enhance the efficiency of the ACT regulatory scheme and improve the clarity of our legislation. The amendments will update reporting requirements, clarify procedures for disposing of genetically modified organisms in some circumstances and update advertising requirements for public consultations. Greater flexibility will also be given to licence holders, and public and environmental health and safety considerations have been broadened in some circumstances. Finally, the amendments clarify ambiguous wording. The operation of our Gene Technology Act will be improved, in line with best practice, and we will be playing our part in enabling a nationally consistent regime.

Gene technology has the potential to change the face of health care and agriculture. Research and development in gene technology is crucial if Australia is to remain relevant in this field and should be encouraged by a regulatory framework that is clear,

consistent and efficient. However, we must also ensure that we have a fair and thorough regulatory framework underpinned by scientific evidence to protect public health and the environment. This bill achieves the right balance. I commend this bill to the Assembly.

MS FITZHARRIS (Yerrabi—Minister for Health, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (10.41), in reply: I am pleased the Assembly is today debating the Gene Technology Amendment Bill 2017. As members have noted, in Australia research on and release of genetically modified organisms is regulated under a commonwealth licensing scheme underpinned by the commonwealth Gene Technology Act 2000. I recognise that research to develop new genetic technologies and the commercial use of GMOs in medicine and agriculture has remained an area of broad public interest since the licensing scheme was established in 2001.

Because protecting the health and safety of people and protecting the environment through robust regulation of gene technology is important, the ACT government has supported the national licensing scheme since its inception. With the other states and territories we are a party to the gene technology agreement under which jurisdictional governments and the commonwealth have committed to maintaining a nationally consistent approach to research on and use of GMOs as well as a register of GMOs which the regulator has licensed.

In order to achieve a nationally consistent approach, the commonwealth scheme is enacted through corresponding legislation in states and territories. In the ACT this is the ACT Gene Technology Act 2003. In August 2015 the commonwealth Department of Health advised the ACT government that amendments had been made to the Commonwealth Gene Technology Act. Under the GTA we are required to make corresponding amendments to the ACT legislation to ensure consistency. The ACT Gene Technology Act aligns with the changes made to the commonwealth Gene Technology Act. This reinforces the ACT government's commitment to ensuring a nationally consistent approach to regulating GMOs in the best interests of the community.

The amendments to the GT act required to bring it into line with the changes outlined in the commonwealth GT amendment bill 2015 are relatively minor amendments which draw on the practical experiences of the Gene Technology Regulator and are designed to improve the efficiency of the gene technology regulatory regime. I am pleased to note that, although minor, these changes improve the capacity of the regulator to make rigorous assessments of applications to license dealings with genetically modified organisms. This includes, for example, authorising the regulator to apply risk assessment and management plans more broadly between licences when considering whether to extend the scope of license to deal with a GMO.

Many of the amendments to the ACT GT act are administrative or technical, such as mirroring the Gene Technology Regulator's move from quarterly to annual reports in our schedule for tabling those reports in the Assembly. In particular, these amendments provide for the addition of a new section 136(1A) of the GT act to detail

that, as soon as practicable after the end of each financial year, the regulator must prepare and give to the minister a report on the operations of the regulator under this act during that year. The minister must then present a copy of the report to the Legislative Assembly within six sitting days of receiving the report. This moves the ACT from a requirement to table quarterly reports to annual reporting.

Division 5.3, sections 46A and 49, is amended to clarify which dealings may be authorised by inadvertent dealings licences. “Inadvertent dealings” refers to actions which the Gene Technology Act allows people to undertake without a licence if they have unknowingly come into possession of a potentially genetically modified organism. These amendments clarify the actions, such as testing or transport, which may constitute “inadvertent dealings” because a person may need to do these to determine whether an organism is in fact a GMO needing to be licensed.

Subsections 52(4)(a) and (b) are amended to reflect changes to the publication of notices by the regulator. This allows the regulator to choose the most appropriate newspaper for each state or territory in which to post notices by the regulator. The previous legislation required a single newspaper generally available in all states and territories. Division 2.2, section 10(1), and division 9.1, section 117(c), are amended to omit “GMOs” and “GM products” and substitute with “GMO dealings”. This amends references to the record of GMO and GM product dealings, or descriptions of its contents, to remove references to GM products.

Section 71(b) amends the act to allow the regulator to consider any risks to the health and safety of people and the environment when considering whether dealings with GMOs can be declared to be notifiable low-risk dealings, which are not as closely monitored by the regulator as other licensed dealings with GMOs. Part 3, section 30(2)(a), is amended to clarify when the regulator can amend a GMO licence. This removes an unintended effect of the original wording which limited the ability of the regulator to vary a GMO licence to account for newly discovered risks. The amendment will make clear that the regulator can vary a GMO licence to manage newly discovered risks to the health and safety of people or the environment. Subsection 74(3) is amended to clarify ambiguous wording.

These amendments will ensure that the ACT government meets its obligations under the gene technology agreement and will enhance the effectiveness of the gene technology regulatory scheme. I note and thank the Standing Committee on Justice and Community Safety, acting in its legislative scrutiny role, for its confirmation that the bill is compatible with the Human Rights Act. I am pleased to confirm that the bill does not engage or limit rights under the Human Rights Act 2004. I thank the committee for their scrutiny of the bill.

I now table a revised explanatory statement to the Assembly. I note also Mrs Dunne’s comments regarding the role of the Governor-General. As she indicated, we will take those issues offline and provide further advice at a later date. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Firearms Amendment Bill 2017

Debate resumed from 30 March 2107, on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

MRS JONES (Murrumbidgee) (10.47): I stand to speak to the Firearms Amendment Bill 2017 that is before the Assembly today. After initial briefings, I was reasonably okay about supporting this bill. A briefing from the directorate and from the minister's office assured me that consultation had occurred, that there were only four firearm owners affected by the reclassification of a lever action firearm and that all four of those affected by these changes had already been moved to a category B firearm licence.

I note that the minister has also stated in the media and in his tabling speech that he has consulted. Perhaps the government needs to revisit the meaning of the word "consult", because the questions that have been raised around the consultation on this bill have to do with whether a committee has been properly consulted, whether in fact we really need to rush this bill through now or whether there is some scope for it to go through a proper consultation process.

Talking about consultation is starting to sound a bit like a broken record on this side. We are not, in this case, even talking about consultation with the broader community. We are merely talking about consultation with a committee that the government has set up and that has existed for some 20 years. So, after coming across information recently that some serious questions have arisen regarding the integrity of the development of this bill, I am not sure that the minister has given the Assembly the right reasons to pass the bill today. I am not confident that the minister has followed due process in the development.

Earlier yesterday I was advised of the following: the chair of the government's Firearms Consultative Committee, who cannot advise the opposition, apparently, and who did not advise the opposition, was waiting for the directorate to provide her with a copy of the legislation to be considered; members of the government's Firearms Consultative Committee were not consulted or asked for any sort of written response on this bill; members of the committee have written to the minister seeking briefings and consultation, but it did not occur; there is at least one firearm owner who owns a lever action shotgun who has not been advised of the changes that are upcoming, despite the assurances I was given that they all had been; and there is a potentially greater concern that Fairfax Media, citing ACT Policing, has stated that there are 40 Adler A110 five-shot lever action shotguns registered to others in Canberra. That is not the information I was given.

While I am not opposed to the intent of reasonable regulation of firearms, I am opposed to legislation not going through proper scrutiny and proper consultation in the sense that the body that has been set up to advise the government on legislation regarding firearms was given so little chance to provide a proper, considered response to this legislation. The members of the Firearms Consultative Committee are experienced in this area. They are volunteers. They give a lot of time and effort to the government and to the AFP on a regular basis. They do so willingly so that we have the best possible management of firearms in the ACT. They are people with significant experience in the field. So I am interested, minister, to know what was so sensitive about this matter that the committee was not completely consulted.

I fear a couple of other matters as well. I fear that this bill being passed today is about the minister being able to go back to COAG, to strut around and say that we are the first jurisdiction in the country to make this change. Given that, according to the government, it affects only four people, I am not sure why we need to be the first in the country to make this change, at the loss of a reasonable consultation process.

I have been reliably informed that those on the Firearms Consultative Committee are law abiding, are generous with their time and are firearms owners and practitioners in the field. They are people who have been involved in the sale and purchase of firearms, who manage clubs and the interests of others in this field, so I do not know why they have not been properly engaged. The chair has effectively been silenced, but there certainly are other sources who raise very serious concerns about their treatment. I think these concerns are valid and I seek that the matter be given some response in the minister's comments. I think it should be stated that inviting the chair of the committee to come and sit in a departmental office and have a look at the bill is not a consultation process. It is an initial look at the bill. My understanding—and I would be glad to find that it is not correct—is that that is all that has happened.

In addition to the issues around consultation, I felt the tabling statement overstated the need for this change in the ACT. The introductory speech on the bill cited public safety as a reason for the reclassification. However, there is no direct correlation between the use of this particular firearm and public safety in Australia. The reason for this, for those who understand firearms—I think the minister does have some understanding of the use of firearms—is that the lever action shotgun, having been a category A weapon with five rounds or less, is not the most powerful or the most dangerous weapon that could be reclassified to category B.

Some of my concern around this change is that we have had a kneejerk reaction to the Martin Place siege, which was noted in the minister's tabling statement, to make some changes to gun laws in Australia. However, this is potentially dismantling a carefully thought through set of gun restrictions in this country because it does not seem to be logical to be reclassifying one of the less lethal options out of category A into category B. I can understand that the minister, when he goes to COAG, might not want to embrace his own options for changing firearm classifications and that the ACT perhaps might not want to be a leader in this field. I can probably support that.

But just signing up and trying to be the first jurisdiction to change, which may indeed be basically messing up a system that we very carefully put into action after the Port Arthur massacre, is not necessarily an improvement.

I want to get something else on the record. The minister noted in his tabling statement that the Martin Place siege was relevant. Yes, perhaps it did kick off a series of conversations, but I think it is important to note that Mr Monis, who was the perpetrator of the Martin Place siege, was not a licensed firearm owner and would never have been because of his record, and that he was using a sawn-off shotgun, not an Adler. The commonwealth and New South Wales review of the Martin Place siege makes no reference to lever action firearms. In fact, in my briefing from the minister's office it was stated that the two issues were really not particularly closely linked. As I say, the offender at the time had no firearms licence, would not have had one, and that is right.

Minister, there are concerns among law-abiding firearms owners that the reclassification of lever action firearms with a magazine capacity of up to five rounds will result in some owners having to justify their ownership rather than addressing the serious issue of illegal firearms. Only those with a real reason to have a firearm will currently have this weapon. They are farmers, recreational hunters and pest controllers. I understand that the government, as you say, has already tried to contact everybody, but I am not certain that that has occurred.

Some are concerned that the reclassification of lever action shotguns from an A category to a B category will create some small issues. Once reclassified, owners will, over time, be asked to continue to justify their need for the weapon. I note that the *Canberra Times* article on 30 May states that no gun owners will be forced to surrender their firearms, despite these restrictions. That was the advice of the minister's office but, presumably, if they are not able to justify a category B licence, then they will.

There are a number of questions left unanswered. For example, how many people will the bill affect? Is it four or is it 40? Was the AFP's figure in the *Canberra Times* incorrect? Is there a guarantee that no lever action firearm holder will lose their firearm? How long have lever action shotguns been available to firearm owners in Australia? How many deaths or injuries have been attributed to actions of shotguns such as this? Using the Martin Place event to justify what seems to be a kneejerk reaction to the importation of a large group of a particular brand of lever action shotguns, which has also been given to me as an additional justification for this change, seems to be a little ad hoc for a policy development process.

The Liberal Party sees this as a relatively minor change. However, we disagree with the treatment of the Firearms Consultative Committee and the regular increases in restrictions on firearm owners who are law abiding and who already feel that the system assumes they may not be. We will not oppose the change, but we highlight the disrespect and the sloppy manner of its preparation.

MS CHEYNE (Ginninderra) (10.58): I am pleased to speak in support of the Firearms Amendment Bill. This bill amends the Firearms Act 1996 to reclassify lever action shotguns. This is a technical amendment to our gun licensing program that supports a strong, up-to-date regulatory framework for responsible firearms ownership. I hardly need to remind the Assembly of the importance of effective gun laws.

As Australians, the Port Arthur massacre is burnt into our collective memories. In the wake of Port Arthur the states, territories and commonwealth of Australia banded together to introduce restrictive gun laws across the country. In the 20 years since, our gun homicide rates have dropped significantly. It has been one of the great success stories of gun control around the world. However, technology and markets continue to change and we must keep our laws updated to reflect these new developments.

This bill implements recent amendments to the national firearms agreement, which reclassified lever action shotguns. Following the 2014 Martin Place siege, it was agreed at the Council of Australian Governments meeting in December 2016 that lever action shotguns should be reclassified nationally. In 2015 the federal government imposed a temporary ban on the importation of lever action shotguns of more than five rounds. This was in response to the imminent arrival of a significant number of lever action shotguns with a magazine capacity of seven rounds, in particular the Adler A110. The ban was extended, and it will remain in place until all jurisdictions have given effect to COAG's December 2016 decision.

As the opposition mentioned, the ACT is the first jurisdiction to introduce legislative amendments to reclassify lever action shotguns, in line with the amended national firearms agreement. The use of a lever action to load new cartridges into the barrel of a shotgun means shots can be fired more quickly than if you have to manually reload. The concern of commonwealth, state and territory law enforcement agencies is that the Adler A110 has a significant rate of fire, combined with a magazine capacity greater than the majority of lever action shotguns currently in Australia.

With increasing access to newer technology, there is a greater potential for danger. The impact of increased rates of fire, higher magazine capacities and changes in the legal firearms market must be taken seriously. However, we must also remember that there are many valid uses for firearms, such as target shooting, pest management and farming activities. These are legitimate activities that allow licensed owners to make a valuable contribution to the community and our economy.

Firearms reform must be an inclusive process that fosters shared understanding and respect for the interests of licensed firearms owners. With this in mind, the bill respects the balance between community safety and the interests of licensed firearm owners by ensuring lever action shotguns are available only to those who have a genuine need to use them. It achieves this by reclassifying lever action shotguns under the Firearms Act. Lever action shotguns with up to five rounds will be reclassified so that ownership is restricted to farmers and to people with the specific need to use the firearm, such as pest controllers.

Lever action shotguns with more than five rounds will be heavily restricted. Ownership will be limited to professional shooters and primary producers who have a genuine need that cannot be met by another firearm. This bill ensures the strict control of firearm possession while respecting the interests of licensed firearms owners. I commend this bill to the Assembly.

MR RATTENBURY (Kurrajong) (11.02): The Greens will be supporting the Firearms Amendment Bill 2017. The Greens welcome efforts to make our community safer through stricter gun control measures. This bill will reclassify lever action shotguns, as agreed to by all Australian jurisdictions at the Council of Australian Governments meeting on 9 December 2016. Currently lever action shotguns are category A firearms. The amendments in this bill will change lever action shotguns with a magazine capacity of up to five rounds to category B, and those with a magazine capacity of more than five rounds to category D. This will significantly reduce the availability of these firearms.

This reclassification has been brought about in response to concerns around the Adler A110 lever action shotgun. In 2015, in response to the imminent arrival of the Adler A110 shotgun, the commonwealth temporarily prohibited the importation of lever action shotguns with a magazine capacity of seven rounds. This ban was extended to allow all jurisdictions to give effect to the COAG decision of December 2016. Whilst lever action shotguns are not new, the five-shot Adler A110 can be modified to hold up to 11 cartridges. With the Adler's lever action being relatively fast moving, shots can be fired quite quickly. As technology continues to evolve and lever action shotguns become more sophisticated, there is a great risk to community safety if these fall into the wrong hands.

The Greens have a long history of supporting strict gun control, which started in the parliament of Tasmania in the 1980s when attempts were made by the Greens to ban automatic and semiautomatic weapons due to ongoing concerns about public safety and the number of guns in circulation, not only in Tasmania but nationally at the time. After the tragedy of the Port Arthur massacre, where 35 people were killed and 23 injured, we saw a national approach to gun law reform that put community safety first. It involved an amnesty and gun buyback that took some 600,000 firearms out of the community.

These reforms have become the envy of the world. Other countries look to Australia for our gun laws, which are something that gun control advocates in many countries would like to introduce. The evidence has clearly shown that these reforms have had a positive impact on reducing homicides and mass shootings in Australia. It is disturbing to hear that some members of the federal coalition government have been advocating for the loosening of gun laws, contrary to the advice of police and other experts in this field.

On the other hand, it is pleasing to hear that there are currently no registered lever action shotguns in the ACT. This bill will ensure that lever action shotguns are only accessible to professional shooters and primary producers who can establish that they

have a genuine need for them. So on that basis, as I said, the Greens will be supporting this bill today. We believe that it is consistent with the national agreement and appropriate in finding the right balance of community safety and necessary access for those who need it.

MR GENTLEMAN (Brindabella—Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal) (11.06), in reply: I thank members for their comments on this bill. The Firearms Amendment Bill 2017 amends the Firearms Act 1996 to reclassify lever action shotguns. Currently, lever action shotguns are classified in the least restrictive gun ownership category, category A. When this bill is passed and commences, lever action shotguns with a magazine capacity of up to five rounds will be changed to category B. Lever action shotguns with a magazine capacity of more than five rounds will be classified as category D under the new law.

These changes support the importance of public safety in regulating the possession and use of firearms by members of our community. The principle of public safety is embedded in the Firearms Act, which was passed following an Australia-wide firearm law reform process in the late 1990s, primarily in response to the Port Arthur shootings in Tasmania in 1996. One of the fundamental responses to Port Arthur and other events afterwards including firearms was the agreement by the federal, state and territory governments to enter the national firearms agreement. The national firearms agreement created, for the first time, a uniform national approach to firearms regulation. Importantly, this resulted in restricted legal possession of automatic and semiautomatic firearms, as well as standard permit and licensing criteria.

Almost 20 years later, a review of the technical amendments of the national firearms agreement was recommended following the 2014 Martin Place siege. As part of the review, at the Council of Australian Governments meeting on 9 December 2016, first ministers agreed to reclassify lever action shotguns. Following this commitment, and the public release of the updated agreement in February this year, the bill implements the change of classification that is supported by all Australian governments.

In 2015 the Australian government temporarily prohibited the importation of lever action shotguns with a magazine capacity greater than five rounds. This was in response to the imminent arrival in Australia of a significant number of lever action shotguns with a magazine capacity of seven rounds, in particular one we have talked about: the Adler A110. Subsequently the Australian government extended the import prohibition on lever action shotguns to allow all jurisdictions time to give effect to the Council of Australian Governments' December 2016 decision.

Lever action shotguns use a lever motion to load fresh cartridges into the barrel, in contrast to bolt action or semiautomatic weapons. While lever action shotguns are not new technology, the concern of commonwealth, state and territory law enforcement agencies is the significant rate of fire, combined with a higher magazine capacity. As technology evolves, lever action shotguns of any brand will become more sophisticated and potentially more dangerous when in the wrong hands. It is important that our legislation keep pace with innovation in order to adequately regulate firearms.

The ACT is the first jurisdiction to introduce legislative amendments to the treatment of lever action shotguns, to align with the updated national firearms agreement. The ACT government, in taking the lead to make these changes to our firearms laws, is demonstrating its strong commitment to national cooperation on the national firearms agreement and the agility of our legislative process.

Community safety must be approached holistically through appropriate legislative, administrative, social and educational measures. Tackling gun violence is a whole-of-community effort that requires long-term thinking and commitment. And, while there are broad policy challenges that must be continuously addressed, regulatory legislation has a role to play in maintaining an up-to-date and effective framework for responsible firearms ownership and use. The government acknowledges the needs of firearms licensees in the ACT and aims to ensure access to, and the ability to use, firearms for those who have a legitimate purpose to do so.

Mr Assistant Speaker, I should make some comments in response to Mrs Jones's comments today, firstly, in response to engagement with the Firearms Consultative Committee. The Justice and Community Safety Directorate engaged on multiple occasions with the FCC on the review of the NFA and these changes to the Firearms Act, including at FCC meetings in February and May of this year. Additionally, in March of this year I met personally with the chair of the FCC and discussed these changes.

In fact, there have been a number of engagements with the FCC. This began on 10 September 2015, when the FCC made a submission to the review of the NFA, following requests for submissions by the commonwealth Attorney-General's Department. On 13 September 2016 JACS officers spoke to the FCC about the review of the NFA. On 7 February this year JACS officers spoke to the FCC about the firearms amendment bill and the review of the NFA. On 1 March this year the chair of the FCC met with me in a face-to-face discussion about a number of issues, including lever action shotgun legislation. And on 9 May this year JACS officers spoke again to FCC about the progress of the Firearms Amendment Bill and the review of the NFA. So it is important that we engage with that committee. They do represent, of course, firearms owners in the ACT.

I will make some comments about Mrs Jones's mention of attending COAG. Of course I do not attend COAG. I am not first minister at this point in time. Later on we will see how things progress, Mr Assistant Speaker. But I will say that at any meeting, at ministerial council meetings with my colleagues from other states and territories and the commonwealth, I certainly do not strut around. I just want to make that clear. With regard to Mrs Jones's comments about ad hoc legislation being drafted, this process has been going for a number of years and all stakeholders, all state and territory governments and the commonwealth, have agreed to do this legislation, so it is certainly not ad hoc.

I recognise the importance of allowing those members of the community who legitimately need to use firearms to do so. However, this must be balanced with the needs and expectations of the broader Australian and Canberra communities for a safe approach to the possession, use and management of firearms.

It is important to remind members that the bill being debated today has not required any current ACT firearms owners to surrender their firearms. The registry reported that there were four firearms licensees with lever action shotguns held under a category A licence only. All four licensees met the criteria for a category B licence and, after discussion with the firearms registry, have had their licences amended to category A/B. The registry also confirmed that there are no registered lever action shotguns in the ACT with a magazine capacity over five rounds.

The new category for lever action shotguns with a magazine capacity of greater than five rounds will bring the treatment of these firearms into line with the restrictions on magazine capacities already in place. Pump action shotguns and self-loading shotguns with a magazine capacity of more than five rounds are already classified as category D firearms. The changes in the bill strike an appropriate balance between the right of the community to feel safe and secure and the interests of licensed users in accessing firearms. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Red Tape Reduction Legislation Amendment Bill 2017

Debate resumed from 30 March 2107, on motion by **Mr Ramsay**:

That this bill be agreed to in principle.

MR WALL (Brindabella) (11.15): The bill before us today is one that is cautiously welcomed by the opposition, as its aims do align with the philosophy held by those on this side of the chamber that the regulatory burden in the ACT and in particular on business needs to be addressed. The bill also purports to alleviate some of the unnecessary administrative and compliance costs for business, the community and the government alike—another objective supported by the Canberra Liberals in principle.

I acknowledge the efforts made by the ACT government in consultation on this bill and that the government have sought the support of relevant stakeholders. However, I remain concerned that too often these efforts translate to stakeholders as consultation within ACT government directorates and that much of the work relating to “stakeholder engagement” is consistently done as an insider exercise. This bill is certainly no different to the bill that preceded it earlier today, with great debate as to what consultation actually means and looks like.

The bill seeks to amend or repeal a number of acts, regulations and instruments affecting a number of industry groups in the ACT. These include but are not limited to

firewood merchants, real estate agents, security businesses and particularly energy providers. As is the way for us on this side of the chamber, I have done my consultation with operators and businesses potentially affected by the bill. My consultation was mostly aimed at those operators who may bear the brunt of any unintended consequences of this particular piece of legislation. Most stakeholders that I spoke to were not too concerned by these particular changes. However the overwhelming sentiment expressed always is that more needs to be done to make it easier for businesses in the ACT to start to grow and to continue to flourish into the future.

Overwhelmingly, though, the bill seeks to deliver no new jobs and does little to build confidence in the business community. However, many changes are a common-sense approach to regulation, namely the changes to the Domestic Animals Act, which no longer has breed-specific requirements for the handling of dogs, particularly greyhounds being required to wear a muzzle when they are in public. Likewise, there are changes to the security industry regulation. It always baffled me why it was that an installer of basic security products like a security flyscreen door on your home front door required the same level of security training, licensing and registration as a security guard at a nightclub or at a major public event. I see that as a great disparity in the requirements.

However, there is certainly some creep in what the government's red tape reduction bill is overwhelmingly intended to do. Certainly the fact that "reduction" forms part of the bill's title highlights the question of whether the changes to the Agents Act and the changes to the energy industry levy in fact reduce an administrative burden. The changes to the Agents Act do not reduce red tape but instead introduce new offence provisions for current licensed agents with relation to compliance and auditing of their trust accounts. Whilst the opposition acknowledges that this anomaly does need to be rectified, the introduction of new offences is hardly a reduction of red tape. The other aspect of this bill that is of concern is the proposed change to the energy industry levy. The bill seeks to completely change the calculation formula for the energy industry levy paid by providers of a number of forms of energy. Again, it is not consistent with the intent of reducing the administrative burden on business but rather is more in the vein of taxation reform.

Much of the concern that I have with the bill does lie with the energy industry levy calculation and I note that my office has contacted, on a number of occasions, Minister Ramsay's office, in an effort to understand the hows and whys of this calculation. However, we were fobbed off with a cursory email this morning and the only information that was provided is information that is already on the public record. The tradition of the opposition receiving a face-to-face briefing with representatives of the directorate seems to have gone wayward on this issue and I am not quite sure why that is. We will put it down to the minister still having his training wheels on.

The question that I did really want answered was: will this new calculation actually raise or make any significant alteration to the forecast revenue that the government is likely to collect as a result of the change in calculation? This question can, of course, be answered through other means at another time, most notably estimates hearings, as

we come to those in the coming weeks. I would also like to note on the record the comments made in the submission to the ACT industry levy discussion paper by Energy Australia that, in effect, there is no perfect model for calculating fees, given the dynamic nature of the energy industry and the support services needed to operate an effective, fair and competitive market.

Again, the legislative changes today aim to reduce the cost and streamline the regulatory burden of doing business in the ACT. Much of it is focused on reducing the effect on the government's side, but there are, for a change, some small concessions on the business side. Therefore, the Canberra Liberals and the opposition will be supporting this bill today.

MR RATTENBURY (Kurrajong) (11.20): This bill makes minor amendments to a range of legislation, with the aim of addressing regulatory requirements which may add unnecessary administrative or compliance costs to businesses, the community and government. I do not intend to discuss all of these changes, as they are largely positive, but I would like to comment on a few in particular.

The Greens are pleased to support the amendment to the Domestic Animals Act 2000 to remove the requirements for greyhounds to be muzzled in public places. Greyhounds are by nature gentle and lovable creatures. While the legislation should provide protection against dangerous dogs, there is no reason that the greyhound should be singled out as posing any more of a risk than other dog breeds. We hope that this change will make it easier for people to adopt and care for greyhounds, including those dogs needing to be rehomed as part of the transition towards the end of the greyhound racing industry in the ACT.

The other observation I would make is that this really does make it easier for people who take on those adoptions, when they take their dogs for a walk, and I think it is very much about the image of greyhounds. I think that people have an interesting fear of the dogs because the muzzle makes them look quite fierce. Certainly my experience from meeting many greyhound owners is that those who have adopted greyhounds in recent times, in recognition of the need for them to be rehomed in an appropriate way, find them to be very well-natured dogs. I think that the requirement to remove the muzzle is a positive one in that regard.

Turning to ACNC registered charities, I note the amendments to the Associations Incorporation Act and the Charitable Collections Act to address the reporting and regulatory duplications that arise for charities that are also registered with the Australian Charities and Not-for-profits Commission. We recognise that resources within all charities and not-for-profits are often limited and, with regulatory and reporting requirements being imposed by two different jurisdictions, the burden takes away from the services that these organisations provide for their members and the wider community. By amending ACT legislation we are able to reduce some of this burden and, thankfully, help our local charities and not-for-profits focus on delivering the services they provide.

Finally, I would like to turn to the firewood changes in the Environment Protection Act. In relation to the changes to the approval process for firewood merchants, the Greens note that the conditions and requirements included in the environmental authorisations will be incorporated into regulation. These conditions relate to the cutting, storing, seasoning, sale and supply of firewood in the ACT. They are important to protect threatened and native trees from clearing and ensure that any firewood available for sale produces low levels of particulate pollution and emissions. We know that burning green or uncured firewood increases the amount of pollution produced, and the illegal clearing and collection of wood from woodlands and forests can have damaging effects on local ecosystems.

I would like to elaborate on both of those points. When it comes to using unsuitable wood in fireplaces—and this is incredibly important here in Canberra; we know that in this city we experience the inversion effect in winter—the way our valleys are, particularly the Tuggeranong Valley, they can trap particulate pollution; the very still air, the lack of movement and the way that the inversion effect works means that areas in Canberra are particularly vulnerable to still air. This means that if people are using fireplaces, in particular using them improperly, that can have a very serious impact on air pollution, and a particularly serious impact on those who suffer from asthma and other breathing related conditions. So it is incredibly important that we continue to realise this.

Just last week I was reminding people of the opportunity to access a government rebate to assist them to replace their wood heaters or fireplaces. Here in the Assembly today, I would remind people of the ability to access that rebate and to consider upgrading, particularly to a new, highly efficient electric system which, as the ACT moves towards 100 per cent renewable energy, will be emissions free. They provide improved, I think, heating of the home.

I visited a household last week which had accessed the program. The woman's observation was interesting, in that previously they had one fireplace in one room of the house. On moving to an electric system they have been able to improve the heating of their whole house. In that case her neighbour had noted the pleasing lack of wood smoke pollution wafting across their home.

I would encourage people to consider replacing their wood-fired heaters, because of these reasons, and those who do continue to use them to pay particular attention to the government's "Don't burn tonight" message, which is a warning that goes out on those nights that are particularly still to remind people that it may not be the night to use their wood-fired heater if they can avoid it. Some people have dual heating systems and keep the wood-fired heater for special occasions because of the pleasant environment it creates, in their view, in their house. That is an important way of mitigating some of the risks for those in our community who suffer some of those breathing conditions. It is an altruistic thing to do, but I think many people in our community would like to be aware of that and do the right thing and not impact unnecessarily on others in our community.

Let me turn to the issue of the illegal clearing and collection of wood from woodlands and forests, because it can have damaging effects on local ecosystems. In particular, if people are going out and cutting wood, that is problematic, but also we should not underestimate the importance of fallen timber in our ecosystem. This can be an important way of supporting flora, insects, lizards and birds in the way that things play out in the ecosystem. This has been recognised in Mulligans Flat.

I was pleased to hear yesterday the announcement of the extension of the predator-proof fence at Mulligans Flat and that that work will get underway through a combination of federal government and ACT government funding as well as money raised by the Woodlands and Wetlands Trust. At Mulligans Flat, rangers and scientists have worked to bring in fallen timber and lay it out and then undertake studies. What they have found—I will relay this in layman's terms, not scientific terms—is an increase in the presence of many small reptiles, lizards, insects and the like. This has, of course, good impacts on the environment both in the role they play in the ecosystem but also as a food source for higher order predators. We have seen a clear, scientific study of that in Mulligans Flat and that obviously is replicated throughout other parts of woodlands across this region.

The Greens do accept that this change will reduce the administrative burden on both industry and government. However, I do urge the minister to ensure that the new arrangement maintains adequate oversight through the registration and annual reporting processes to ensure compliance with the conditions of the previous code of practice. We must also ensure that we do not lose an opportunity to inform merchants about the sensitivities around firewood collection and educate customers about best practice wood-burning types of wood and where it is collected from. The Greens will continue to monitor this issue to ensure that the amendment does not reduce environmental protections, for the very reasons that I have outlined today.

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (11.29), in reply: The power to regulate is one of the most important powers the government exercises on behalf of the community. A good regulation ensures that market forces work for the benefit of people and that safety, better services, protection for the environment and a whole range of public benefits can be achieved. But over time the things that we regulate change. The needs and the expectations of the community change, and sometimes well-intentioned regulatory schemes do not operate in practice the way that we expected. When a rule, an act or a policy no longer serves its intended purpose, that rule becomes red tape.

Red tape reduction is about removing regulation for regulation's sake. It is about creating regulations that are precisely crafted to achieve a public benefit. The Red Tape Reduction Legislation Amendment Bill 2017 addresses legislative issues across a range of portfolio responsibilities. These amendments will make life easier for those living and working in the ACT while still ensuring we have the correct level of safeguards in place. The bill we are considering today will make it easier to do business in Canberra; reduce compliance burdens on charities; make getting a licence easier for people who want to take up work in the security industry; and improve the technical aspects of a variety of regulatory schemes.

For businesses there are several amendments in this bill which will help ease regulatory burdens. For example, firewood merchants will no longer face the administrative costs associated with applying for an authorisation to operate in the ACT. There are still strict conditions in place regarding activities associated with the preparation, sale or supply of firewood, with offences for non-compliance, but merchants will now be relieved of the requirement to pay an annual fee.

Another example of business improvement is the change to the Utilities Act. The ACT energy industry levy is paid every year by electricity and gas distributors and suppliers. The levy covers the costs to the community of regulating the industry. In January 2017 the ACT government completed an investigation of the levy that examined how it is set and how it is distributed between participants in the sector. This bill will remove barriers to competition by introducing a fairer distribution of the levy across the sector.

The new method in this bill is based on the outcomes of the investigation. This change may well help small companies to enter the sector and improve competition. Transparency in the sector will also be increased by introducing new requirements for the levy administrator to publish guidelines and annual accounts. Other minor amendments are being made to remove ambiguity as part of an overall improvement to the way that the levy is set. Overall, the improvements to the energy business in the bill will make for a fairer regulatory system and contribute to better outcomes for consumers.

I note Mr Wall made some comments about consultation and the possibility of a briefing by my office to his, as has been the custom in previous years and also the custom with my office. Although Mr Wall is no longer in the chamber to hear the response, having dropped his comments and then walked away, I assure Mr Wall that a briefing was offered and that yesterday was the day that was chosen by his office because of his availability.

Several pieces of legislation in the territory make up our strong environment protection framework. The changes in this bill to the Water Resources Act 2007 are an example of removing duplication in that framework with no change in the level of protection. Currently, anyone who carries out construction work that could affect the flow, quality or habitat in a waterway needs a waterway work licence. This bill means that a waterway work licence will no longer be needed if the work to be done is already regulated through an existing environmental authorisation or agreement. The result will be a reduction in paperwork and fees, with absolutely no increase in the risk to the environment.

I am particularly pleased that the bill delivers on the government's commitment to make it easier for charities and not-for-profit organisations in the ACT. The amendments we are considering today will mean they have more time and more resources to focus on delivering their very important services to the community. Members would be aware that the Australian Charities and Not-for-profits Commission, the ACNC, was established in 2013 under commonwealth legislation to

be the national regulator of charities. The ACNC is best placed to provide that one-stop shop regulation role for charities, particularly those that work across jurisdictions.

Through this bill we will be making it easier for charities to report on their activities by removing the requirement for charities registered with the ACNC to also report to Access Canberra. We believe it is sufficient for charities to only report once and that the appropriate body is the national regulator—the ACNC. The bill also provides for a memorandum of understanding between the ACNC and the ACT government so that we can continue to work together to streamline administrative processes for charities. The government is committed to making it easier for charities and looking for opportunities to adopt the “report once, use often” principle.

In addition to businesses and charities, this bill will help people who want to enter certain trades. Those wishing to become locksmiths or work with security equipment will no longer need to obtain prescribed training qualifications before applying for a licence. This has been particularly frustrating for applicants in the ACT as few training courses are held in the territory. Applicants have previously had to travel interstate, which is an unnecessary barrier and has now been removed. The ACT will now join the majority of other states and territories in not requiring specific training qualifications for this kind of licence. We are pleased to be making it easier for businesses and for increased employment.

Finally, a broad range of measures in this bill support the effective and efficient operation of the government as regulator. ACT government compliance inspectors will have a new offence provision available to address licensed agents who are non-compliant with requirements to have trust money audited. It may sound like a small change and not even appear at first look to be red tape reduction, but it is something that will significantly reduce the time and money spent pursuing action through the ACT Civil and Administrative Tribunal for relatively minor compliance issues.

Breed-specific requirements applying to greyhounds in public places will be removed. These provisions, relating to muzzling and limiting the number of greyhounds being walked at any one time, are the only breed-specific requirements we have for dogs in the ACT. Expert advice from our external consultation indicates there is no basis for singling out this breed for specific restrictions.

The Public Bathing Act 1956 will be repealed altogether. The offences and the regulations contained in it are duplicated in more effective forms in other legislation. As I noted when presenting this bill to the Assembly, the measures it includes will deliver tangible benefits to ACT businesses, charities and the community. Unnecessary fees, paperwork and processes will be removed. Businesses and charities will have more time to do what they do best—provide goods and services to the people of the ACT.

As a whole, this bill will help to ensure that the territory’s regulations are more finely tailored to achieve public benefits and that regulations that no longer serve their

intended purpose or that require more work or expense than is necessary will be removed. The ACT Labor government's red tape reduction program ensures that the exercise of regulatory power is always focused on best serving the needs of the community. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (11.38): I move amendment No 1 circulated in my name [*see schedule 1 at page 1935*], and I table a supplementary explanatory statement to the amendment. The proposed amendment is technical in nature and clarifies that an ACNC registered entity will be exempt from section 14(1) of the Charitable Collections Act 2003. Section 14(1) specifies when it is unlawful to carry out a charitable collection. The specific reference will also include people authorised to undertake a charitable collection by an ACNC registered entity. This amendment is consistent with the intent to address duplication between the ACT and commonwealth legislation for these entities.

Amendment agreed to.

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

Bill, as amended, agreed to.

Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2017

Debate resumed from 30 March 2107, on motion by **Ms Stephen-Smith**:

That this bill be agreed to in principle.

MR MILLIGAN (Yerrabi) (11.40): I can confirm to the Assembly that the opposition will not be opposing this bill. However, I will take this time to make some comments on the nature of the bill, the proposed amendments and the perceived position of the elected body in the Indigenous community. In the explanatory statement to the Assembly the minister noted that the intention of some of the proposed amendments was to replace the deficit language of the act with wording that was more consistent with equitable outcomes on a strengths-based approach. The minister stated that the amendments were designed to improve community and stakeholder understanding of the role of the elected body and that the bill would establish more effective community and stakeholder consultations.

I want to briefly speak to each of these matters and highlight some of the issues of concern. In the first instance, although the language of the object of the act is to be amended, we have come to understand that many of the amendments are, in fact, of a deficit nature. They are designed to compensate for the previous dysfunction of past elected bodies and are neither aspirational nor about good practice. This comes as a result of the fact that the elected body is not and never has been in the past truly representative of the community. In fact, less than 10 per cent of eligible people vote during the elections for the elected body, and very few members of the community have turned up to hearings or forums. There have been many instances where elected body meetings could not be held, a quorum was not reached for some meetings or full membership was not achieved.

Some of the amendments, such as changing the public hearings held to review and examine the annual reports to only two per term, are a result of this dysfunction. A truly aspirational and good practice model would require these public hearings to be held each year. How can the elected body be truly feeding concerns back to the government about its services and products if the elected body fails to hold public hearings for that year? This type of deficit approach will continue to hamper the workings of the elected body being seen to be truly representative of the community.

Please understand, members, I consider it very important for the elected body to hold consultations with the public on a wide range of issues, as enshrined in the amendments. But the amendments in section 8 to the function of the elected body appear to limit what the elected body may inquire into and consult on. The Janke report made it very clear that the elected body was perceived by the Indigenous community as an extension and an arm of the government. By reducing its functions and limiting what the elected body may formally conduct inquiries into and consult on to include only programs and services of the government, this perception will not change. Limiting the scope of the elected body to cover issues only of government programs and services and issues as directed by the minister will further cement this perception in the minds of the community.

There seems to be no ability under the amendments for the elected body to bring to the attention of the relevant ministers or their directorates broader issues as they affect the community. It would appear that the elected body, as defined by the amendments to its functions, will be acting at too high a level and will continue to fail to meet the basic criticism levelled at it in the Janke report and by the community—the failure to be truly consultative. What is being done to give a voice to the community on matters that are important to them? Consultation in both directions is important for a number of reasons, most importantly to make sure that the one-way direction from the respective minister or the government to the community does not just become a tick-in-the-box exercise but ensures that the community can raise matters about the day-to-day practical and personal issues that affect them.

The amendments to the functions of the elected body act as they are written beg the question: what is the purpose of the elected body? Is it only to be a conduit between the government and the Indigenous community on systemic and whole-of-government

issues? What about the matters that affect the community, or even other matters? For example, how does the elected body help the government to work on behalf of or with the Indigenous community to meet the COAG targets for closing the gap in their community? How will the elected body help to ensure that the government is supporting their programs to meet the needs of the community, to achieve equitable outcomes in education, health, housing, employment, economic participation and justice?

In my own extensive and ongoing consultations with the Indigenous community these are the issues that are constantly raised. The community is concerned about the number of grassroots issues. These include the lack of Indigenous teachers employed in Koori preschools and government schools; the ongoing gap in educational outcomes across all indicators; the gap in income earnings; the lack of employment opportunities in the ACT public service, where targets have been reduced from COAG's agreement of three per cent to two per cent of employees; the problems in health care and services; the closure of the Aboriginal Justice Centre; the closure of an Indigenous housing organisation; and, most recently, the failure of the Ngunnawal bush healing farm to become a centre for alcohol and drug rehabilitation. The community are asking me when they will get what has been promised and what they continually say is needed.

The elected body is going into its fourth term, but this government's track record over this time is more about the Indigenous organisations and programs that have closed or failed to get off the ground than about the progress that is actually being made. I ask again: is the function of the elected body to help improve matters and work with their community to reach more equitable outcomes for the Indigenous community here in the ACT, as enshrined in this amendment bill? How does the agreement between the elected body and the government fit in with this legislation? How does it reflect the needs of the community that I have just listed?

I understand that this agreement replaces the current COAG targets, but the agreement does not include any indicators of success or measurables. It is of grave concern to me that the government is moving away from the targets set by COAG. This indicates a lack of will to work to make a difference. The closing the gap targets set by COAG in 2008 are a major measure of improvement. I know that the government likes to measure itself against the national mean in some outcomes, but the national mean includes areas such as northern Western Australia and remote areas of the Northern Territory. The reality is that whilst we measure up against the national mean, we do not measure up against ourselves—the general Canberra community. There has been no improvement or closing of the gap during the time the elected body has been enacted. How will the amendments proposed in this bill help to make the difference in the future?

As a final note, one of the responses by the directorate to our questions on the bill has been that many further details in response to the Janke report are to be worked out in the regulations which are yet to be developed. In presenting this bill without the mentioned regulations, the minister is asking us to take rather a lot on spec. We can all agree that consultation and listening to the Indigenous community, as enshrined in

the amendment bill, is important. Moreover, we can also agree that reaching equitable outcomes across all areas of need is important. We agree that the language of the existing act needs to move away from a deficit model to one that is more aspirational.

Do I think the current amendment bill meets those targets? No. As currently written, it falls short. I welcome the initiative by the minister to improve the Aboriginal and Torres Strait Islander Elected Body Act, but I suspect there is still a long way to go and that we will be seeing further amendments to address ongoing gaps in the provisions.

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) (11.48), in reply: I thank Mr Milligan for speaking on the bill today and for his support of the amendments set out in the bill. I would also like to thank the Standing Committee on Justice and Community Safety for their previous scrutiny of the bill and their feedback on the bill's compliance with the Human Rights Act. Today I am tabling a revised explanatory statement to the bill which confirms that the bill is compliant with the Human Rights Act 2004 and is supported by article 3 of the United Nations Declaration on the Rights of Indigenous Peoples.

The ACT government is fully committed to the commonwealth's ratification of and commitment to the United Nations Declaration on the Rights of Indigenous Peoples. The UN declaration establishes a universal framework of minimum standards for the survival, dignity and wellbeing of first nations people throughout the world. This bill has been developed following extensive consultation with the Aboriginal and Torres Strait Islander community and relevant Aboriginal and Torres Strait Islander peak stakeholders, including members of the outgoing Aboriginal and Torres Strait Islander Elected Body.

As part of the ongoing consultation process with the elected body, I am bringing forward an additional government amendment as a matter of urgency in the detail stage. This amendment is based on feedback received from the elected body following the introduction of the bill. There was some concern from elected body members that the clause broadening the scope of consultation on matters related to local culture and heritage—that is, section 9(1)(a)(iii)—could be misinterpreted. Addressing this concern, the proposed amendment inserts an additional requirement for the Aboriginal and Torres Strait Islander Elected Body's consultation plan, which is introduced under new section 12. This will require the elected body to describe the grounds on which it will use the more flexible consultation authority under section 9(1)(a)(iii).

While this amendment has not gone before the Standing Committee on Justice and Community Safety for scrutiny, both the opposition spokesperson and the Greens political party have been consulted and I understand they support the amendment being brought forward. The government amendment resolves the elected body's concerns in a manner that empowers the elected body to self-determine, and it has the support of the current elected body.

I will respond to two issues Mr Milligan raised in his speech, regarding concerns about the bill. The first relates to the capacity to bring to the attention of ministers or directors-general any issues of importance. I note that Mr Milligan referred solely to the proposed amendment to section 8B in this amendment bill. That section is part of a much larger section 8 which details a wide range of functions of the elected body that include monitoring and reporting on the “effectiveness of programs conducted by government agencies”. That has been expanded to “effectiveness and accessibility of programs and services”.

There has been an expansion of that part of section 8, and the reference Mr Milligan made to systemic or whole-of-government issues is really a clarification of previous wording that says “advocate for their interest”, so it is clear that it is not the role of the elected body to advocate for the interests of individual Aboriginal and Torres Strait Islander people in the community but rather for policy and service delivery issues.

Mr Milligan also claimed that the government is moving away from the closing the gap targets set by COAG because they are not referred to in this bill. I can assure him that we are not moving away from those targets; indeed, the ACT government has consistently supported the expansion of targets in areas such as justice.

In considering the Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2017 it is important to understand the development of the elected body. Following the abolition of the national Aboriginal and Torres Strait Islander Commission, ATSIC, in 2004, the ACT government announced it would establish a democratically elected Aboriginal and Torres Strait Islander representative body for the ACT.

The elected body was established in 2008 and its goal was to ensure maximum participation by Aboriginal and Torres Strait Islander people in the ACT in the formulation, coordination and implementation of government policies that affect them. Since its establishment the elected body has operated over three terms. Elections were held in 2008, 2011 and 2014 and, as we all know, an election process is currently underway. This bill seeks to strengthen the operating environment for the new elected body.

As I noted would be the case when I introduced the bill to this place, the elected body went into caretaker mode on 15 May, and elections for the new body will be held during NAIDOC Week in early July. Last week nominations were confirmed, and it is great to see that a record 25 elected body candidates have stepped forward to represent their community.

With your indulgence, Mr Assistant Speaker, I encourage Aboriginal and Torres Strait Islander Canberrans to attend a meet the candidates event on Wednesday, 28 June at 6 pm at the 50MC Theatre on Marcus Clarke Street. I congratulate each of the candidates for nominating and wish them all the best for the campaign ahead. I hope the increase in the number of candidates will also be reflected in an increase in the number of Aboriginal and Torres Strait Islander Canberrans who participate in the

elections. Mr Milligan is right that participation has been low in the past, but it has also been growing over previous elections and we hope to see a significant growth in participation in this election. Passage of this bill will allow the new elected body to operate under a new, stronger and clearer framework. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

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) (11.55), by leave: Pursuant to standing order 182A(a), I move amendments Nos 1 to 3 circulated in my name together [*see schedule 2 at page 1935*].

MR RATTENBURY (Kurrajong) (11.56): Having missed the opportunity to speak earlier, I want to make a few brief remarks because the ACT Greens are happy to support the bill before the Assembly today. We consider that the elected body holds a special place in legislation in the engagement of Australian governments with Aboriginal and Torres Strait Islander people and should be celebrated as such. It forms a clear basis for formal consultation and collaboration and is unique in providing for an estimates-style hearing for whole-of-government reporting on services and programs that are of interest to the body and, through them, to the broader community.

If I might be so bold, it has some resonance with the calls from Aboriginal and Torres Strait Islander delegates at the recent recognise summit who, in the Uluru declaration, called for a first nations voice to be enshrined in the constitution. There might be some learning for the federal government in the ACT's groundbreaking model that could support a more genuine and considered response from our federal leaders as they contemplate the contents of the Uluru declaration.

I know these amendments have been under deliberation and consultation for some time, particularly those in the main legislation but also those that Minister Stephen-Smith has just moved. I appreciate the minister taking the time to continue with that ethos of feedback and input right up until the point of tabling and debating. It is vital that the ACT government remains flexible and responsive to the views of the elected body if we are truly to be seen to be working together.

The bill clarifies some of the roles and responsibilities of the body and the ACT government alike and will also support the broader community's understanding of the functions of the body and the obligations of the government to support those

functions. It will better enable the body to undertake its essential role in communicating systemic advocacy on whole-of-government issues by removing references to “advocating on individual client complaints”. At the same time, it strengthens the elected body’s role in monitoring the effectiveness and accessibility of government programs and services for Aboriginal and Torres Strait Islander people and the ACT government’s accountability for the delivery of these programs and services.

I take this opportunity to thank the current members of the elected body for their work and dedication over the past three years, noting that it has been a time of considerable change for its members, and to acknowledge that their election is currently on foot. I am pleased that, as the minister has noted, there are a record 25 nominations vying for seven positions on the elected body to represent the interests and aspirations of the local Aboriginal and Torres Strait Islander community. This is a great turnout for the community and a real testament to the ongoing relevance and future strength of the body. I look forward to working with those candidates who are successfully elected, over their next term of three years, on advancing issues for the Aboriginal and Torres Strait Islander community in the ACT.

Amendments agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 11.59 to 2.30 pm.

Questions without notice

Trade unions—influence on government

MR COE: I have a question for the Chief Minister. My question relates to the media comments last month by Labor’s most successful Chief Minister. Why was Jon Stanhope’s leadership strong enough to keep the CFMEU at arm’s length, yet this government, under your leadership, is incapable of standing up to external influences?

MR BARR: It is a very predictable question from the Leader of the Opposition today. I would observe that, as Chief Minister, you are the beneficiary of a diverse range of advice from members of the community, be they predecessors in the role, those who take a keen interest in ACT politics—

Ms Lawder: Or aspire to.

MR BARR: Or some who may aspire to the role, as the Deputy Leader of the Opposition interjects—

Mr Coe interjecting—

MR BARR: You certainly do.

Members interjecting—

MADAM SPEAKER: You have one minute and 14 seconds left, Chief Minister.

MR BARR: Madam Speaker, they are enjoying themselves. I hesitate to interrupt the joyous repartee that is going across the chamber at this moment. But going to the substance of the question, yes, you are often given advice. I take all of that advice on board. In relation to the Leader of the Opposition's—

Mr Coe: Point of order.

MADAM SPEAKER: On a point of order, Mr Coe.

MR COE: The specific question was: why is the government, under your leadership, incapable of standing up to external influences? I ask that he directly address that.

MADAM SPEAKER: I do not think there is a point of order. Given the interjections and the track the Chief Minister is on, he can continue.

MR BARR: Thank you, Madam Speaker. Suffice to say that I reject the premise of the question from the Leader of the Opposition and, whilst former chief ministers' opinions are of very high value, they are but some of many opinions that are offered in the community.

MR COE: Chief Minister, are you one of the members who owe their position, whether as an MLA or as Chief Minister, to the CFMEU?

MR BARR: I think anyone who has an understanding of how the ACT political system works would recognise—

Mr Hanson: Jon Stanhope does.

MR BARR: No, maybe Jon does not in this instance, because Jon, along with others, would be aware that we have a rank and file preselection process within the ACT Labor Party and, ultimately, it is the people of Canberra, through the Hare-Clark system—

Members interjecting—

MADAM SPEAKER: Stop the clock. Resume your seat, Chief Minister. I remind members we have a fairly short question time today, so the interjections will see even less questioning if you continue with that. I will stop the clock when people continue to interject.

MR BARR: Thank you, Madam Speaker. The Labor Party has a rank and file preselection process. Those of us who are fortunate enough to be preselected owe our spot on the Labor Party ticket for ACT elections to the rank and file members of the Labor Party, and then—

Opposition members interjecting—

MADAM SPEAKER: Please resume your seat. Mr Coe, Mr Hanson, no more interjections.

MR BARR: Thank you, Madam Speaker. Ultimately it is the people of the ACT who have the opportunity to choose from a variety of candidates, in fact, in the last election, I believe, a record number of candidates. So we owe our positions in this place to the people who voted for us: the electors within each of our electorates.

MR WALL: Chief Minister, why have you allowed the governing party to be taken over by external influences such as the CFMEU?

MR BARR: Again I reject the premise of the question. The government today, in delivering our budget, is implementing the commitments we took to the people of Canberra a little over seven months ago. We remain focused on the things that matter to Canberrans: investing in the health and education—

Mr Coe interjecting—

MADAM SPEAKER: Mr Coe, please.

MR BARR: of our fellow Canberrans, investing in the infrastructure that a growing city needs. This is a budget and a government that is focused on delivering a better Canberra and that is exactly what we will get on with doing over this parliamentary term. Those opposite might seek to dwell a little on the past four or five election results, and contemplate whether this sort of petty politics actually gets them anywhere at all.

Housing—homelessness

MS LE COUTEUR: My question is to the minister for housing and relates to women and children experiencing homelessness. Minister, it came to my attention recently that a woman escaping violence with children had no accommodation to go to. Minister, what advice have you told service providers to give when they talk to people who are unable to be accommodated?

MS BERRY: Of course, the homelessness service providers that provide support for women and children who are experiencing or escaping domestic and family violence are the experts in being able to provide that advice to those individuals. If Ms Le Couteur is aware of any people sleeping in their cars or experiencing domestic and family violence and who need support, the best place for them to get that support, first of all, will be through Housing ACT, to ensure that they get accommodation; then Housing ACT can ensure that they get the appropriate support services from services like the Domestic Violence Crisis Service and the Canberra Rape Crisis Centre.

MS LE COUTEUR: To your knowledge, how many people are sleeping in cars, and what data does the government collect on unmet demand for supported accommodation services and where people have been living immediately prior to seeking supported accommodation services?

MS BERRY: Again, if Ms Le Couteur is aware of anybody who is sleeping in cars then I strongly urge her to put them in touch with Housing ACT, so that we can make sure that they are supported. The ACT government also works very closely with and provides funding assistance to St Vincent de Paul's night patrol and street to home program, which provides support for people who are sleeping rough. I get regular updates from St Vincent de Paul on the number of people who are sleeping rough in the ACT and the kinds of support that they are getting. Currently, I believe the number is around 30 individuals who are sleeping rough, which is consistent with the number of people who have been sleeping rough in the ACT for a number of years now. But I am assured by organisations like St Vincent de Paul that they are being provided with support regularly. They regularly check in on these individuals and, if they can support these individuals into accommodation, they do that through Housing ACT or through other housing support services.

MR PARTON: Minister, how many people have been turned away from homelessness services in the past year, according to the most recent data?

MS BERRY: I caught the first part: how many people have been turned away from—

MADAM SPEAKER: Mr Parton, can you repeat the question please?

MR PARTON: How many people would have been turned away from homelessness services in the past year, according to the most recent data?

MS BERRY: I would have to get that information to the Assembly. What I can say is that the ACT invests a lot of money in providing support to homelessness services so that they can support people in the ACT, particularly those who are experiencing or escaping domestic and family violence. Those people make up around 30 per cent of applications for housing in the ACT. We make sure that support for those individuals, with housing or accommodation through Housing ACT, is a priority.

That priority is acknowledged across the country and it is a priority that is acknowledged as part of a national partnership on housing. It is important to ensure and to acknowledge that this is an issue that the ACT government does not face alone. This is a cross-border issue that the whole country is working towards. The challenge that faces us is ensuring that people are supported into housing through government-provided housing or through housing from community support organisations; or that they can be housed in private rentals for themselves or then find ways for them to get into accommodation of their own.

All of those are challenges that the whole country faces. Housing and homelessness ministers are meeting very soon to continue to talk about ways that we can resolve that issue.

Education—public schools

MR PETTERSSON: My question is to the Minister for Education and Early Childhood Development. How is the government making sure that all children in the ACT have a place in their local public school?

MS BERRY: I thank Mr Pettersson for his question. The ACT government delivers high quality public education for every student who seeks a place. Every child deserves a great education and the life chances that flow from it, and the government is committed to making sure that this is available to all children across the ACT.

The Education Directorate undertakes rolling five-year enrolment projections based on analysis of changing demographics, suburban renewal and greenfield development. This analysis shows that the enrolment growth in ACT public schools is among the fastest in Australia: and the community clearly supports public education if school enrolments are anything to go by. More than 46,000 students are enrolled in public schools, two-thirds of all school enrolments.

Keeping our commitment to make sure that there is a place for every child who seeks one requires the government to work and invest in that. The government is responding with a strong investment in new and expanded schools and modern teaching and learning environments and, as the government has already announced, it has provided more than \$115 million in new capital works so that we can provide better schools now and into the future.

MR PETTERSSON: What investment is being made in school expansions for areas with growing enrolments?

MS BERRY: Within this \$115 million, which the ACT government has already announced in new capital works, building on works in progress totalling more than \$118 million, there is dedicated investment to address areas of our city that we know are growing.

Public school enrolments in the north of Canberra have grown by 53 per cent over the past five years. Everybody knows that Gungahlin is a key growth region. That is why this government will expand capacity at Harrison School, Gold Creek School, Neville Bonner Primary School and Palmerston District Primary School. The government has also decided to expand the scope of the new North Gungahlin Primary School in Taylor with additional capacity, and playing fields that will be available to the wider community as families move in to this area. In total, \$24 million is invested in expanding schools in Gungahlin.

In west Belconnen, \$5.9 million is being provided to finish a major refurbishment of Belconnen High School, delivering a refurbished school with contemporary, best practice design for better learning. Members can rest assured, because public schools right across the ACT will benefit from \$85 million for new learning spaces, toilets and change rooms, garden and horticultural facilities, heating and cooling upgrades, and energy-efficient improvements.

Our work and investment will not stop. Alongside all of this, the government is funding the early planning of a new school in east Gungahlin, in preparation for new suburbs and population growth. Similarly, in the Molonglo Valley, another area of growth, the government is building on existing investments by funding the detailed planning of a future school in Denman Prospect.

MS CODY: Why does the government invest so strongly in public education?

MS BERRY: The government believes in the transformative power of education. Success in delivering education happens when it looks past the background and circumstances of each child and focuses on meeting individual needs with no prejudice about the potential of every person.

Our public schools achieve this. They are diverse and inclusive. They embrace difference. No-one is excluded, regardless of their background, culture, gender, class, religion, sexuality, ability or wealth. Public education is free. Financial means is no barrier to accessing school education, and it will never be under this government. Because of their diversity, our public schools are vital hubs in their local community. They provide an anchor for many families as children develop and grow.

The success of our schools shows in social and emotional learning and school retention, alongside strong performance in tests. Eighty-five per cent of ACT students are completing year 12, and around 90 per cent of them go on to employment or further study. But there is no doubt that we need to keep a focus on school improvements so that all children are set up for a bright future.

As I said earlier in launching the future of education conversation in February this year, improvements in other Australian school systems have in some ways brought them into line with or ahead of ours if you assess schools based on standardised academic tests. This is particularly the case for schools in less wealthy areas.

The highest quality education systems succeed by embracing equity and universality in their approach.

The government will take a closer look at, and explore with children, parents and educators, some of the areas where our system could improve and then implement a strategy that makes sure that there is no barrier to any child achieving their best. And we will keep investing in their future.

Chief Minister—leadership

MS LAWDER: My question is to the Chief Minister. Chief Minister, why has Jon Stanhope, ACT Labor's most successful leader, questioned your ability to lead the government's approach on poker machines?

MR BARR: Far be it from me to get inside the mind of the former Chief Minister in answer to a question that seeks an expression of opinion.

MS LAWDER: Chief Minister, what would be the basis of the claims of the former Chief Minister, Mr Stanhope, that the electoral success of numerous MLAs is attributed to the CFMEU rather than to your leadership?

MR BARR: Again, an interesting but obvious line of questioning from those opposite. I think the clear indication in the election results last time was that the labour movement, both its political and its industrial wings, was united behind an agenda for this city that saw further investment in health, in education, in public transportation, in community and in local government services. There was the most extensive campaign in the history of self-government behind that policy agenda. It delivered an outstanding result for all of us who believe in the role of government to invest in a better community and to invest in a growing city.

There was a very clear policy contrast between our party and the Liberal Party at the last election, and the people of Canberra voted for our party. They also voted for the Greens. The Greens were able to elect two members to this place; the Labor Party, 12. Between the Greens and the Labor Party, through a parliamentary agreement, we have formed government to represent the people of Canberra, but particularly those who voted for our policy agenda, who want to see it delivered—and that is exactly what today is all about.

MR COE: My question is to the Chief Minister. Why has Labor's most successful Chief Minister and Treasurer stated that Wayne Berry's judgement on gaming in the casino is better than yours?

MR BARR: There are a variety of opinions on the question of where the balance of poker machine licences should be over the longer term. The government's view is that the number of poker machines in the city should be reduced, and we are implementing a policy agenda that will see the number of poker machines in the city significantly reduced. I do find it ironic, given that, that the only party that is arguing for more gambling is the Liberal Party. These people opposite think that chocolate addiction is more significant than gambling addiction. In that statement you see exactly where the true values of those opposite line up.

Women—health services

MS CODY: My question is to the Minister for Health. Minister, how is the government delivering on women's health?

MS FITZHARRIS: I thank Ms Cody very much for the question. As we know, the population of our city and our surrounding region is growing, and there has been a significant increase in the number of births in the ACT. As a result, Health is experiencing a higher demand for birthing services and, correspondingly, hospital and community-based services for women, babies and children.

Through this budget, the ACT government will expand the Centenary hospital for Women and Children, both physically and in terms of the services it delivers. Women

and their families will experience the benefits of this expansion through additional maternity beds and staff to care for women during their pregnancy, birth and into the postnatal period.

The expansion will respond to the significant growth in demand over the next 10 years for services to women and children in Canberra and the surrounding region. In the 12 months from April 2016 to March 2017 there were 3,680 births at the Centenary hospital. The new facilities that the government has committed to delivering will be developed to reflect that projected population growth and make sure that we are in the best position to meet that need.

In addition, as part of the expansion, the Centenary hospital will provide new services. These will include a dedicated adolescent gynaecology service. This service will reduce the need for young women and girls to travel to Sydney for treatment, as assessment and treatment will be provided locally, thereby improving access for our residents.

It was a pleasure recently to visit the Centenary hospital, just last week, where I met new babies Safira and Eden, and be reminded firsthand of the wonderful maternity and health facilities that Canberrans already have access to, in response to their health and wellbeing needs; and how they will benefit from the expansion of services and the ACT government's commitment to making sure Canberrans have access to better health care where and when they need it.

MS CODY: What additional support will be provided to children and young people through the expansion of paediatric and adolescent services at the Centenary hospital?

MS FITZHARRIS: I would note that Ms Cody might take advantage of some health services herself; she is sounding pretty crook so I really appreciate the questions.

We are, of course, committed to improving the types of services available to women, children and families, and will improve access to the Centenary hospital. It will be expanded to become a centre of excellence in our region for women's, youth and children's health care.

The ACT government is committed to improving the types of services available to women, children, young people and their families. This commitment includes the development of a dedicated 12-bed paediatric high dependency unit within the Centenary hospital. We will introduce new services, including a new paediatric intensive care treatment space and new paediatric intensive care beds. This will assist in meeting the existing high acute needs of severely unwell children and adolescents and again reduce the need to transfer patients to New South Wales facilities.

It is recognised that there can be a detrimental impact on the patient and family when critically ill children and young people are transferred to alternative hospitals, so I am really pleased that the introduction of this service will enable patients to be treated where their family and support networks are readily available and minimise the disruption during what is a very difficult time when young people become severely unwell.

In addition, the expansion will involve refurbishments of the current operational service delivery areas to create two child and adolescent sleep labs. This new service will support ACT Health to meet the needs of children and adolescents with sleep disorders, allowing them to stay in the ACT rather than having to travel to New South Wales.

Another very important part of this expansion will deliver an adolescent mental health unit to provide specialist acute mental health care to young people and their families in a dedicated inpatient treatment space. This initiative will demonstrate the government's commitment to expanding inpatient mental health services for young people in addition to the significant services outlined by Minister Rattenbury yesterday.

MS ORR: Minister, how successful has the existing women's and children's hospital been in providing essential services to women and children in our region?

MS FITZHARRIS: Since it opened five years ago the Centenary Hospital for Women and Children has successfully brought together a range of comprehensive and diverse services, including maternity services, the birth centre, neonatal intensive care, gynaecology and foetal medicine, paediatrics and specialised outpatient services, all within one state-of-the-art building.

It provides an integrated multidisciplinary service with ACT Health community staff and with general practitioners, providing a seamless service. The Centenary hospital provides high-quality comprehensive and holistic care, innovation in practice and research, quality training to clinicians and effective advocacy for children, women and families of the ACT and surrounding region.

The 2017 budget invests in expanding the hospital to provide even better health services for women and young people, to better align with the growing demands of our community and its demand for maternity services. The hospital will expand physically and also, as previously mentioned, in its capacity to deliver new and expanded services.

The expansion will be almost \$70 million of investment over four years to provide for design and construction of these new facilities. The work in the coming financial year will also inform the development of the new and expanded services. This initiative demonstrates the government's commitment to provide the best possible facilities, to grow those facilities and to help meet the specialist healthcare and wellbeing needs of women, children and families in our city and region. So, as our city continues to grow, the funding provided through the budget will expand the Centenary hospital's high-level, state-of-the-art services beyond its current capacity, to provide a centre of excellence for women's and children's health care in the region.

Government—clubs policy

MR PARTON: My question is to the Chief Minister. During a debate on poker machines and clubs you stated:

We will work with the industry and particularly with the new body that is being established out of the wreckage and the joke that is ClubsACT. We will work with the new body to implement our policies.

Chief Minister, why are you excluding ClubsACT, the body representing the vast majority of clubs in the territory, from engaging with the government?

MR BARR: Yes, I did indicate the government's intention to work with the new Canberra community clubs body in relation to the implementation of the various reforms that we took to the 2016 election. I also impart that we will be seeking to implement those policies as soon as possible. Members will be aware that a number of those election commitments are contained within the budget papers that we are about to formally release.

The government will engage with clubs in the new group and clubs who sit outside either group, and we can engage, given the small number of clubs, with other clubs in the city. It is not beyond the realm of possibility that, given that the clubs that are represented by ClubsACT number a handful, the government can engage with them. But, as a peak body, ClubsACT has no credibility.

MR PARTON: Chief Minister, will clubs then be forced to join Canberra Community Clubs to ensure that they can participate in a dialogue with the government under the umbrella of a peak body?

MR BARR: No. The government, as I said, can engage with clubs on an individual basis and clubs on a collective basis. But there is no doubt that the peak body known as ClubsACT has significant policy differences with the government. So engaging in the implementation of our policy agenda with an organisation that (a) has no credibility and (b) is opposed to the government's agenda is not going to be productive. However, we will engage with all in the clubs sector. As I say, it will be very straightforward for the government to do so in a direct manner.

MS LEE: Chief Minister, how will you effectively engage with the clubs that come under the umbrella of ClubsACT if, as you claim, ClubsACT no longer has credibility as a peak body?

MR BARR: I would refer the member to my previous two answers, but I would observe that there is not a lot to engage on. We are going to implement our policies. The policies that we took to the election are not up for debate. We took them to the election and we received a mandate to implement those policies. Even the shadow gaming minister acknowledged that it was a big issue in the campaign. People had a very clear choice. ClubsACT sided very firmly with your side of politics against the government's agenda—

Mr Wall: That is their democratic right.

MR BARR: which is their democratic right. But the democratic process has now occurred and the government has a mandate to implement the policies we took to the election. Those policies—

Opposition members interjecting—

MADAM SPEAKER: No interjections please, Mr Wall and others!

MR BARR: Those policies are not up for negotiation. They are not up for negotiation. They will be implemented.

It being 3 pm, proceedings were interrupted pursuant to the order of the Assembly.

Appropriation Bill 2017-2018

Mr Barr, pursuant to notice, presented the bill, its explanatory statement, a Human Rights Act compatibility statement and the following supplementary papers:

Budget 2017-18—

Financial Management Act, pursuant to section 10—

Budget Speech (Budget Paper 1).

Budget in Brief (Budget Paper 2).

Budget Outlook (Budget Paper 3).

Budget Statements—

A—ACT Executive, Auditor-General, Electoral Commissioner, Office of the Legislative Assembly.

B—Chief Minister, Treasury and Economic Development Directorate, together with associated agencies.

C—Health Directorate, ACT Hospital Network.

D—Justice and Community Safety Directorate, Legal Aid Commission (ACT), Public Trustee and Guardian.

E—Environment, Planning and Sustainable Development Directorate.

F—Education Directorate.

G—Community Services Directorate, ACT Housing.

H—Transport Canberra and City Services Directorate, ACT Public Cemeteries Authority, ACTION.

Financial Management Act, pursuant to subsection 62(1)—Statements of Intent
2017-18—

ACT Building and Construction Industry Training Fund Authority, dated
26, 29 and 30 May 2017.

ACT Long Service Leave Authority.

Title read by Clerk.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (3.01): I move:

That this bill be agreed to in principle.

Delivering for a better Canberra

The Government went to the last election with a positive plan for renewal across our city and suburbs.

This Budget starts delivering that plan.

We are making Canberra's schools better by delivering classroom and facilities upgrades across the Territory. We are expanding four Gungahlin schools and getting work underway on a new school in the growth area of the Molonglo Valley.

We are renewing our city's health services by delivering and planning for new nurse-led Walk in Centres at Gungahlin, Weston Creek and the Inner North; the significant new Surgical Procedures, Interventional Radiology and Emergency Centre, or "SPIRE", in Woden; and a future northside hospital. We are also upgrading cancer and aged care facilities at the Canberra Hospital in Woden.

We are overhauling our transport system to keep Canberra moving by expanding the light rail network, with new investment to design the route for Stage 2 to Woden, better linking that town centre with the Parliamentary Triangle and our city's heart. And at the same time as the City Renewal Authority delivers the CBD that Australia's capital city deserves, we are investing right across the Territory to revitalise our town centres and clean up our suburbs. This includes delivering the next stage of the West Basin boardwalk, expanding the Belconnen Arts Centre precinct, as we promised before the election, and investing more to clean up graffiti, reduce litter, and keep our sports fields and ovals green.

By delivering the renewal that we promised, the Government is working every day to keep making our city better for all Canberrans.

Canberra has made huge strides in the past two decades, from the growth of Gungahlin and the maturing of the Tuggeranong Valley, to the creation and renewal of New Acton, the Kingston Foreshore and Braddon. In economic terms, we have grown from a one company town to a confident and diversified city economy.

But there is plenty more that we can do to make the city we love even better. We will keep building on Canberra's potential.

Economic and fiscal outlook

When I stood here last year to deliver the Budget speech, I noted that the Territory had weathered some tough times in recent years—mostly because of decisions taken by the Federal Government.

But I also sounded a note of optimism—that we had started turning a corner with jobs growth picking up and a strengthening of our local economy. A year on, these green shoots have spread, making the Territory's economy consistently among Australia's strongest.

Economic growth for 2016-17 is expected to hit three and a quarter per cent—fully one percentage point higher than was projected a year ago. This is a much stronger result than has been seen across the Australian economy, where growth is expected to be a sluggish one and three quarter per cent in 2016-17.

The Territory's unemployment rate is the second lowest in the country at 3.6 per cent, and has now been below four per cent for over 12 months. That is because in the last year our economy added over 3,200 new jobs, while our participation rate remains among the highest in the country.

One of the Government's proudest achievements is that we have got unemployment down and we have kept it there.

Between self-government and Labor coming to office in 2001, the Territory's unemployment rate averaged 6.4 per cent. During our time in office, it has been significantly lower, averaging 3.7 per cent.

Before 2001, unemployment rates of six, seven or even eight per cent were not uncommon in this city. By comparison, the unemployment rate has been above five per cent for just one month in this government's entire term in office.

Importantly, unemployment has fallen, even as Canberra's population has grown significantly: an extra 5,778 people now call Canberra home compared with a year ago.

By 2020, our population is expected to be growing by well over 6,000 people a year, and our total population will approach 430,000 people. That is why it is important that we invest now in the additional infrastructure that this city will need.

We are well on track to build the new homes that will accommodate this growth: over the course of 2016, dwelling commencements rose over 100 per cent—the strongest supply increase in the nation.

A growing population is also helping boost retail trade for Canberra's small businesses and local industries. At 3.1 per cent, our growth in retail trade over the last 12 months is again among the strongest in the country, and has now been a rolling positive across a 33-month period.

The diversification of Canberra's economy continues to gather pace, which is fortunate considering the Commonwealth Government has maintained its wage freeze on the Australian Public Service in the latest federal Budget.

The ACT's service exports have grown by more than 65 per cent since 2010-11, to now reach \$1.7 billion a year. Our education sector has been the standout success, bringing in \$508 million last year or just under a third of our total service exports. Our local industries are thriving, which means more good jobs for Canberrans—the higher education sector alone now supports about 16,000 jobs across the ACT.

This Government has never lost sight of the importance of creating and maintaining good jobs for Canberrans, and this will continue to be at the centre of everything we do in the years to come.

A strong balance sheet goes hand-in-hand with a strong economy to keep our city growing. That is why this Budget continues our clear and steady path back to balance from the depths of the combined Commonwealth and Mr Fluffy effect on the Territory budget of some years ago.

I acknowledge it has been a long climb—a deficit of \$479 million in 2014-15 has shrunk to just \$73.9 million in 2016-17, which represents a further improvement on the \$119 million projected deficit at the time of the 2016-17 Budget Review.

As we have been forecasting since 2015, the Territory is on track to return to balance in 2018-19. Stronger surpluses in the years beyond allow us to make further investments in our city.

I have said this before but it bears repeating this afternoon: we do not believe in delivering surpluses for their own sake. Instead, we are strengthening the Territory's finances so that we can meet the community's needs today while investing more for tomorrow.

That is our fiscal plan: making the right investments to renew our city, while sticking to this clear path of budget balance. That is how the Government will deliver a stronger budget and an even better Canberra.

Getting the basics right

Adding another eight suburbs worth of people to our city—the equivalent of Weston Creek—over the next four years means there is a lot of work to do.

That is why we went to the last election with clear plans to invest in the services that make this city such a great place to live: our great local schools; our modern and accessible hospitals and healthcare system; and a transport system that gets you where you need to go quickly and conveniently.

We understand the importance of renewing and boosting these essential services and doing that now so that we are ready as more people call Canberra home.

Under the ACT Government's plan, we can keep on getting better as our city grows.

There should be absolutely no trade-off between being an engaging, diverse and growing city, while retaining what makes our city so special and one where high-quality services are available close to home, when you need them. That is what we are delivering in this Budget.

Better schools for our kids

Madam Speaker, a great education depends on two things: excellent teachers who can bring learning to life, and well-equipped schools and classrooms where this learning can happen.

With this Budget, the Government is investing in both, to deliver better schools for our kids.

As we promised in the election, we are funding 25 scholarships a year to help Territory teachers gain post-graduate qualifications in science, technology, engineering or maths (STEM), as well as those who want to gain qualifications in another language. We know STEM learning is increasingly important for preparing our kids for the jobs that await them after they leave school, so we will ensure that ACT schools have more skilled teachers who can confidently and engagingly deliver these subjects.

At the same time, our funding of 66 school assistants across Canberra is taking pressure off teachers, freeing them up to spend more time on lesson planning, and directly addressing the individual learning needs of our students.

The impact of good teachers is strengthened by great classrooms and school facilities. That is why we are engaging in a large program of refurbishment of our schools right across Canberra.

Through capital investments and grants driven by school needs, we will extend existing classrooms, build new ones, refurbish toilets and change room areas, install heating and cooling, and improve school grounds. We recognise that, with the average age of a Territory school being 42 years, we need to keep investing to improve our learning spaces so that our kids get the most out of their time at school.

But, as we all know, a good learning environment is about more than just classrooms

and facilities. Students cannot learn effectively if they are struggling with their mental health or they are being bullied at school. That is why we will continue to ensure that Canberra schools are Safe Schools by continuing to fund this important program after the Commonwealth gutted it and walked away from these students.

We are also hiring an additional five school psychologists to better support student wellbeing and to provide early intervention mental health services for young Canberrans.

Better teachers, better classrooms and better support for students who are struggling: this is a Budget that will deliver.

Better care when you need it

Health is also a significant priority for the Labor Party and for the Government, and Canberrans deserve to be confident that good quality healthcare will be available when they need it, whether that is for a routine check-up, a sudden broken bone, the much-anticipated birth of a child or a chronic illness.

That is why the Government went to the last election with a 10-Year Health Plan to renew our local hospitals and health facilities so that they can deliver care in ways that are easily accessible for everyone.

This Budget kicks off that plan with new health investments right across the community, in primary and specialist care, delivering better care where and when our residents need it.

The new SPIRE Centre will bring more and better tertiary health services to Canberra Hospital. SPIRE will boost the number of operating theatres from 13 to 20, providing more capacity and allowing for the concurrent management of emergency and elective surgeries, avoiding delays and rescheduling.

This Budget funds the first stage of planning, and provides for the design and construction commencement so that we can treat patients there early in the next decade.

This Budget also starts delivering on our commitment to expand the Centenary Hospital for Women and Children. The expansion will include a new child and adolescent mental health unit, an adolescent gynaecology service, a new paediatric high-dependency unit and paediatric intensive care beds. The first phase of funding includes feasibility and planning work to inform construction commencement in the 2018-19 fiscal year.

Of course, the primary goal is to keep Canberrans healthy through better preventative, primary and community care. That is why we are boosting access to bulk billing GPs in Canberra's south, funding two new mobile dental vans, increasing the capacity of Hospital in the Home, and providing more free vaccinations and health checks in our schools.

Our 10-Year Health Plan will ensure that local health care delivery not only keeps up as our city grows, but keeps getting even better.

Building a better city

Madam Speaker, if you commute to work from the south into the city, if you take Gundaroo Drive, or if you are part of the Molonglo Valley's growing community, you already know that there is a need for new and better transport infrastructure.

We are not waiting for Sydney-style traffic jams to bank up; we are starting work today to build the transport infrastructure, the rail and the roads, that will keep Canberra moving.

The construction of Canberra's light rail network is the most significant infrastructure and transport project this city has ever embarked upon. With construction of Stage 1 from Gungahlin to the city now well on track for completion in late 2018 we are moving ahead with Stage 2 to Woden, just as we promised we would.

This Budget delivers the funding needed to carry out the detailed scoping and route planning for the city to Woden corridor. Almost 210,000 Canberrans will work, live or study within one kilometre of this corridor by 2041. Planning for this growth now is critical to reduce congestion and to give southside commuters a quick, practical and low polluting alternative to driving their cars.

Light rail is at the heart of the Government's plans to build a better city, but these plans include much more.

Our roads package upgrades, builds and plans for eight important roads, including Stage 2 of the Gundaroo Drive duplication, the Canberra Brickworks access road, the Molonglo East-West arterial roads, and the Federal Highway and Old Well Station Road intersection upgrades.

The creation of the City Renewal Authority gives our community the opportunity to reshape the city CBD and the lake precinct for the better. This includes the completion of Stage 2 of the West Basin Boardwalk and more infrastructure to make this land a better place for Canberrans, the activation of Haig Park, and more links between our CBD business precincts.

And the upgrades that we committed to for local centres—the Tuggeranong town centre, Kambah village and Gungahlin—make sure that better community and shopping facilities are available close to home wherever you are across our city.

Better services in your community

Canberrans are proud of how our city looks and feels. We have a distinctive natural environment and we have long invested more in public spaces and places than many other cities do.

Just as we promised last October, this Budget continues that investment by delivering better services in the community.

That is why we are going to increase the frequency of mowing and weeding around our city's major arterial roads and throughout our suburbs.

Better sportsground irrigation will ensure these facilities support our active population, and we are stepping up our graffiti cleaning efforts and the removal of unused assets like old toilet blocks and signage.

For the first time, the ACT will have a container deposit scheme to reduce litter and encourage more Canberrans to do their bit on recycling. We are also designing a kerbside bulky waste collection for all Canberra households which aims to reduce illegal dumping and stop furniture and whitegoods being left in front yards or on verges for months on end. And we are continuing the rollout of the green bins program to more suburbs, following the current pilot project underway in Weston Creek and Kambah. To date, over 7,000 households have chosen to get a green bin. We will continue rolling out this program to all suburbs over this parliamentary term.

Canberrans have been calling for better municipal services, and this Budget shows that the government is listening and delivering on those requests.

Our Government is committed to achieving zero net emissions by 2050. As the risks of climate change become increasingly clear, it is important that our community works together to reduce our carbon production and to ensure that Canberra becomes more sustainable as we grow.

That is why this Budget will deliver a new Zero Emissions Grants Program to support community initiatives that contribute to achieving the ACT's zero net emissions target. We will also deliver more resources to implement the ACT Climate Change Adaptation Strategy and continue our popular Actsmart programs that help Canberrans make their homes and offices more environmentally sustainable.

More and better jobs

For six years I have been fortunate enough to serve as the Territory's Treasurer, and I have made growing and diversifying our economy a top priority because I believe this city can—and it should—invest in its own economic development.

From expanding Study Canberra to attract more international students and supporting the development of innovative new industries like autonomous vehicles to attracting major sporting events and more blockbuster events, this Budget keeps pushing ahead with our economic diversification goals to create more and better jobs.

Our significant investments in transport, in infrastructure, in education and in health will also create and support thousands more jobs over the next four years, including in construction, in nursing and across our schools.

Better support when it matters

I have said before in this place that every member of this Government is working to make Canberra Australia's most inclusive city.

To gay, lesbian, bisexual, trans and intersex kids at our schools who are discovering who they are, to Aboriginal and Torres Strait Islander people in our community, to refugees finding a haven from trouble overseas, to families and individuals living in our public housing throughout Canberra and to those people looking for a way back from the justice system, we say: you are part of our community; you belong here.

But we do not just say it. We are backing our values with new investment to deliver better support when it matters.

We are delivering new resources to identify at-risk Canberra kids and to protect them from violent or unsafe home environments. Too many of Canberra's children and young people are struggling just to stay safe.

This builds on our commitment to keep families safe and it builds on our major investment in tackling family violence that we outlined in last year's Budget. We are also strengthening that work with the delivery of Canberra's first Family Safety Hub, providing wraparound services that can reach more Canberrans experiencing family violence.

We are providing more resources for government and community sector organisations to better support and include people with disability. We recognise that the inclusion of people with disability in the Canberra community goes well beyond specialised disability support.

We are also delivering more culturally specific initiatives to improve outcomes for Aboriginal and Torres Strait Islander Canberrans, including a new health centre in the inner south to be delivered in partnership with the Winnunga Nimmityjah Aboriginal Health Service; continued support for the *Growing Healthy Families Program*, which provides health, early childhood development and parenting services; and seed funding to support new and emerging Aboriginal and Torres Strait Islander controlled organisations, boosting this community's representation and public voice.

And we are supporting new migrants and asylum seekers with more help to find a job, as well as an expanded English language program. It is not enough just to welcome new arrivals; we also need to make sure that they can thrive socially and economically once they are here.

I am personally proud that we are delivering an Office of LGBTIQ Affairs. Gay, lesbian, transgender and intersex Canberrans face continued discrimination and challenges that are unique to this community, and this Government is determined to tackle those challenges wherever we can. We aspire to be the most friendly city for LGBTIQ people in this country, and I know that the vast majority of Canberrans support our efforts in this regard.

Conclusion

Madam Speaker, with this Budget the Government is laying down an ambitious agenda for renewing Canberra and for that renewal to take place at pace over the next four years. We are doing it by delivering on the clear and positive commitments that we made to the Canberra community at the last election.

By working together, we can achieve this ambitious program to renew our schools, our hospitals, our healthcare system and our transport network, to create new jobs, to renew our city and to provide better community services.

An even better Canberra is within our reach. I know this because I have seen how far we have already come.

We know Canberra has much more potential to be realised and we are determined to make that happen.

I commend the Budget to the Assembly.

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

Appropriation (Office of the Legislative Assembly) Bill 2017-2018

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

Title read by Clerk.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (3.27): I move:

That this bill be agreed to in principle.

The Appropriation (Office of the Legislative Assembly) Bill 2017-2018 is the mechanism for the appropriation of moneys for the 2017-18 financial year for the Office of the Legislative Assembly and officers of the Assembly—the Auditor-General and the Electoral Commissioner.

Under section 58 of the Australian Capital Territory (Self-Government) Act 1988, public money may not be issued or spent except as authorised by law. Under section 6 of the Financial Management Act, no payment of public money may be made unless it is in accordance with an appropriation. Section 8 of the FMA provides that there must be a separate appropriation act for an appropriation for the Office of the Legislative Assembly. This bill that I table today satisfies the provisions of each of these acts. It provides for appropriations for the Auditor-General, the Electoral Commissioner and the Office of the Legislative Assembly in relation to controlled recurrent payments, capital injections and payments to be made on behalf of the territory.

Sections 20AA and 20AC of the Financial Management Act require the Treasurer to table a statement of reasons immediately after the introduction of the Appropriation (Office of the Legislation Assembly) Bill, should the government depart from the Speaker's recommended appropriation for the Office of the Legislative Assembly or any of the officers of the Assembly. I can advise the Assembly that no such statement is required in relation to the Appropriation (Office of the Legislative Assembly) Bill 2017-2018. Therefore, I commend the bill to the Assembly.

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

Papers

Mr Barr presented the following paper:

Financial Management Act, pursuant to subsection 30F(3)—2016-17 Capital Works Program—Progress report—March quarter 2017.

Madam Speaker presented the following papers:

Budget 2017-18—Financial Management Act, pursuant to section 20AB—Recommended appropriation—

ACT Audit Office—Copy of letter to the Treasurer from the Speaker, dated 6 June 2017.

Electoral Commissioner—Copy of letter to the Treasurer from the Speaker, dated 29 May 2017.

Adjournment

Motion (by **Mr Gentleman**) agreed to:

That the Assembly do now adjourn.

The Assembly adjourned at 3.30 pm.

Schedules of amendments

Schedule 1

Red Tape Reduction Legislation Amendment Bill 2017

Amendment moved by the Minister for Regulatory Services

1

Clause 18

Proposed new section 14 (2)

Page 8, line 5—

omit proposed new section 14 (2), substitute

- (2) This section does not apply if the person is—
- (a) an ACNC registered entity; or
 - (b) a person authorised to conduct the collection by—
 - (i) the licensee for the licence authorising the conduct of the collection; or
 - (ii) an ACNC registered entity.
-

Schedule 2

Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2017

Amendments moved by the Minister for Aboriginal and Torres Strait Islander Affairs

1

Clause 17

Proposed new section 11 (1)

Page 7, line 7—

omit

, other than the function under section 8 (j),

2

Clause 17

Proposed new section 11 (1), note

Page 7, line 10—

omit

3

Clause 17

Proposed new section 12 (2) (aa)

Page 7, line 21—

insert

- (aa) include a description of the grounds relevant to a determination by ATSIEB that a person has a traditional connection to the ACT region for section 9 (1) (a) (iii); and
-