



Debates

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Tuesday, 31 October 2017

The Assembly met at 10 am.

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

Mr Justice John Gallop AM, QC, RFD
Motion of condolence

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (10.01): I move:

That this Assembly expresses its deep regret at the death of Justice John Gallop AM QC RFD, a highly respected Canberran who was committed to justice, the law and his community, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

It is with great sadness that we mark the passing of one of the ACT Supreme Court's longest serving judges, John Gallop AM, QC, who died in September. Since his passing, Justice Gallop has been widely acknowledged as a towering figure in the ACT legal profession and in the Canberra sporting community for over 50 years.

He was a partner at one of Canberra's oldest law firms, Snedden Hall & Gallop, and was one of our city's most widely respected legal minds. On moving to Canberra in 1962 to join the then named Snedden & Hall, he enjoyed great success as a solicitor before joining the ACT bar in 1973. He was made Queen's Counsel in 1976. This was a rapid appointment that highlighted the regard in which he was held.

Justice Gallop was appointed a judge of the Supreme Court of the Northern Territory in 1978 before returning to Canberra to become a judge of the ACT Supreme Court in 1982. He remained with the ACT Supreme Court until his retirement in the year 2000. He also served with the Federal Court of Australia from 1978 until his retirement.

He was well respected across the legal fraternity. Since his passing, the ACT Bar Association has praised Justice Gallop's imposing courtroom presence, which was "brutally direct and impatient with those who he believed might have been wasting the court's time". This standing led to other appointments. He was a presidential member of the Administrative Appeals Tribunal, President of the Defence Force Discipline Appeal Tribunal, President of the ACT Law Society and a judge of the Supreme Court of Christmas Island.

He was made a Member of the Order of Australia in 1998 for service to the law as a judge, to military law as a member of the Defence Force Discipline Appeal Tribunal, and to the community. In 2012 Justice Gallop came out of retirement to sentence

Peter Daniels Clark II, who had disappeared in the year 2000, days before being sentenced by Justice Gallop.

Away from the courts, Justice Gallop was a successful cricketer. Amongst his achievements was representing the ACT from 1962 to 1966 as captain. This included playing for the Prime Minister's XI against South Africa in 1964. He was also named ACT cricketer of the year in 1964-65. He served with distinction as a cricket administrator, as the ACT Cricket Association's longest serving president. Cricket ACT's one-day competition is named the John Gallop Cup in his honour, and he is a member of the ACT Sport Hall of Fame.

Along with all my colleagues in this place and everyone in the ACT government, our thoughts are with his partner, Judith, and all who knew him, at this difficult time.

MR COE (Yerrabi—Leader of the Opposition) (10.05): It is with sadness that I stand before the Assembly today expressing the condolences of the Liberal opposition at the passing of the Hon John Foster Gallop AM, QC, RFD on 24 September 2017.

Born in 1930, he came into a world that had been plunged into depression and hardship. Hardship was the norm. It was a trying time for most families, and it was surely a formative time for him and his family. He would thrive at school and would go on to study, and in 1962 John Gallop joined Norm Snedden and Allan Hall to form the legal firm Snedden Hall & Gallop, a firm that continues to thrive.

It is also noted that his commencement at Snedden Hall & Gallop almost perfectly tied in with the construction of the new ACT Supreme Court building. Of course, right now, with this time of renewal at the Supreme Court, there is time for reflection on some symbolism with that change.

After more than 10 years with the firm he left to join the bar here in the capital. Three years later he would be appointed a Queen's Counsel. He went on to be appointed a presidential member of the AAT, President of the Defence Force Discipline Appeal Tribunal and a judge of the Supreme Court of Christmas Island.

His judicial appointments would also include, of course, the Supreme Court, which he became a judge of in 1982. He would go on to retire on his 70th birthday in 2000. Prior to his retirement, on 26 January 1998, as the Chief Minister said, he would become a Member of the Order of Australia for service to the law as a judge, to military law as a member of the Defence Force Discipline Appeal Tribunal, and to the community.

At his retirement Justice Gallop gave a personal tribute to those who had shaped him as a lawyer and his friends. He said, "As I face the final curtain, I wish I could say I did it my way, but I didn't." An emotional Justice Gallop told the court: "I did what I learnt in my early years in the law through my mentors and friends who are here today. I refer to Ron Bannerman, Alan Neaves and John Button. We are not talking about yesterday. We are talking about a period of 10 or 11 years, commencing in 1952." He described how they had taught him about how a government lawyer should operate, how to conduct oneself in court and how to be a real professional.

While he may have grappled with difficult decisions, he never believed himself to be an anguishing sort of judge. In fact, he had a keen sense of humour. When Mr Purnell stated during the judge's ceremonial sitting, "Beneath that rough, tough, gruff exterior there beats a soft, tender heart," Justice Gallop dryly decried it as "outrageous hyperbole".

As a renowned and passionate cricketer, Justice Gallop made an enormous contribution to Canberra. He served as president of Cricket ACT for 27 years, a phenomenal commitment to his community. He became a life member of Cricket ACT in 2001-02, and the association also honoured him by naming the limited overs competition in honour of him. Ian McNamee of Cricket ACT said:

From acquiring the management rights for Manuka Oval to ensuring the health of local clubs, John did more than anyone to progress cricket in the region. John's leadership was recognised nationally, and his speeches at PMXI matches were eagerly awaited and a feature of the match.

Of course, with the nature of the sporting field and clubs, he was not immune to nicknames, and I see it is reported that he was called "Justice John" or "the Judge" in cricketing circles.

As a talented cricketer in his younger days, having played grade cricket in Sydney for Petersham, he then moved to Canberra, where he played for the Kingston Cricket Club, winning cricketer of the year in the 1964-65 season. He was also selected in Robert Menzies' Prime Minister's XI. The highlight of his cricketing career was that match against the South Africans on 3 February 1964. The Prime Minister's XI included such luminaries as Alan Davidson and Neil Harvey. In that match, as a wicket keeper-batsman, not only did he stump the South Africans' top scorer, DC Lindsay, he went on to score 32 not out and hit the winning runs. He would captain the ACT representative team from 1962 through to 1966. John made an enormous contribution to Canberra.

Richard Faulks, the Managing Director of Snedden Hall & Gallop, described him thus:

He always spoke of the need for all lawyers to show respect for their clients and the court, and to strive for excellence in representing our clients' interests and fighting for their rights.

He said:

We were proud of the legacy he gave us and honoured to retain his name as part of what we stand for.

Sarah Avery of the ACT Law Society said:

John Gallop has been an integral part of Canberra's legal community. He was dedicated to upholding the rule of law, and he excelled. Most importantly, he was dedicated to his family and friends.

Ken Archer, the President of the ACT Bar Association, said he was:

... a much loved and respected giant of the ACT legal fraternity, the Bar and the bench. Intellectually, he was very bright.
He's remembered for his court craft, he just cut absolutely to the chase.

Justice Gallop made an enormous contribution to Canberra. He will be missed. His commitment to justice, to family and to community should be celebrated. Our deepest sympathies are with his partner, Judith Breen; his ex-wife, Joy Gallop; his sister, Valma Levinge; his children, Cathy, Robert and David; and his five grandchildren and four great-grandchildren.

MR RATTENBURY (Kurrajong) (10.11): On behalf of the ACT Greens I wish to pay my respects to former ACT Supreme Court judge Justice John Gallop QC and to acknowledge his significant contribution and service to the Australian Capital Territory. Justice Gallop has been described as a towering figure of the ACT legal profession, having been part of the Canberra legal community for over 50 years. Amongst the legal community Justice Gallop was known as intellectually bright and dedicated to upholding the rule of law. He emphasised the need for lawyers to be respectful both to the court and to their clients.

As has been noted, Justice Gallop came to Canberra in 1962 and joined the legal firm which would become Snedden Hall & Gallop. He was one of only 23 solicitors in private practice in the ACT at the time. The firm was amongst the first legal firms to represent clients in the law courts building in Knowles Place, which opened in 1963. Justice Gallop enjoyed a successful career as a solicitor before becoming a barrister in 1973 and he earned his silks a mere three years later, in 1976.

In 1978 Justice Gallop was appointed a judge of the Supreme Court of the Northern Territory and was a resident judge there until 1982. He held a concurrent commission with the Federal Court of Australia from 1978, a commission he held until his retirement in 2000. Justice Gallop served as a judge of the ACT Supreme Court from 1982 until 2000. He was also a presidential member of the AAT, president of the Defence Force Discipline Appeal Tribunal and a judge of the Supreme Court of Christmas Island. He served as president of the ACT Law Society from 1976 to 1978. He was made a Member of the Order of Australia in 1998 for services to the law as a judge, to military law as a member of the Defence Force Discipline Appeal Tribunal and to the community.

As has been noted this morning, outside of his legal career Justice Gallop was a very accomplished cricketer. In the 1960s and 1970s he played for Kingston Cricket Club and captained the ACT representative team from 1962 to 1966. Perhaps the pinnacle of his cricketing career came in that 1964 match when he played for the Prime Minister's XI against South Africa at Manuka Oval, a game in which he achieved one stumping and scored 32 not out, including hitting the winning runs. He was named ACT cricketer of the year in 1964-65 for his achievements as a captain, wicketkeeper and batsman and he was inducted into the ACT Sport Hall of Fame in 2002. Having

seen Justice Gallop at a few cricket matches in recent years in the later years of his life, I am well aware of his personal passion for the game.

On behalf of the ACT Greens, I would like to offer my condolences to Mr Gallop's family, his friends and the Canberra legal community, as we reflect on and celebrate his life and his significant achievements, both in the legal sector and in the broader Canberra community. We are pleased to support the motion today.

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (10.14): Today we mourn the loss of one of the ACT Supreme Court's longest serving judges, a man who made a significant contribution during more than five decades in public life, both in the legal sector and in the wider Canberra community. Justice Gallop's rise through the ranks of the ACT legal profession is synonymous with the development of the legal profession as a whole. As has been noted, when he became a name partner at the local law firm Snedden Hall & Gallop in January 1962 he was only one of 23 solicitors in private practice in the ACT at the time.

He was called to the bar in 1973; he was appointed Queen's Counsel only three years later. He served as the president of the ACT Law Society from 1976 to 1978. Justice Gallop became a judge of the ACT Supreme Court in 1982 and also served as a judge of the Federal Court of Australia, the Supreme Court of the Northern Territory and the Supreme Court of Christmas Island.

He also served as a presidential member of the Administrative Appeals Tribunal and President of the Defence Force Discipline Appeal Tribunal. As if those commitments were not enough, His Honour was also heavily involved in the establishment of the Judicial Conference of Australia, which is now an important and flourishing body to represent judges.

Justice Gallop's direct nature in the courtroom and regard for the dignity and the significance of court proceedings earned him respect from the entire legal community. He insisted on punctuality. I understand he would, on occasion, come onto the bench even if counsel were not present and commence proceedings. He abhorred inappropriate formality. If counsel tried to offer, "Good morning, Your Honour," he would respond, "This is not a tea party. Get on with the case." Despite what has been referred to as a gruff exterior, Justice Gallop was sensitive to the problems of people who appeared before him. He was committed to ensuring fair treatment for all. He always agonised over sending young people to prison, especially knowing their vulnerability in the prison system.

Justice Gallop pioneered the use of what is now referred to as a deferred sentence order, under which an offender may spend time in a residential rehabilitation facility before sentencing and may avoid a jail term if progress is made to address, for example, a drug addiction. In the early 1980s this was an innovative approach that ran contrary to a culture of punishing drug addicts. The practice pioneered by His Honour became so widespread that it ultimately came to be included in the Crimes (Sentencing) Act in 2005.

Justice Gallop will be remembered for his long and dedicated service to the legal profession. In 1998 he was appointed a Member of the Order of Australia for his service to the law and to the community. He retired as an ACT Supreme Court judge in July 2000, on his 70th birthday.

Following his retirement, he remained a servant of the broader ACT community. One of his most significant contributions was to conduct a major inquiry into the ACT disability sector in 2001. The resulting report highlighted ways to improve ACT disability systems that have benefited many Canberrans. The Board of Inquiry into Disability Services, commonly known as the Gallop report, is often referred to as a turning point for the ACT disability sector. It recommended sweeping reforms, including individual care plan programs negotiated with families, something that is now a key feature of the national disability insurance scheme, developed well over a decade later.

The report also led to a significant increase in funding to ACT disability services and highlighted the importance of independent oversight and external scrutiny of services for people with a disability. It also led to the professionalisation of qualifications in the disability sector, including the development of a postgraduate qualification in disability studies. To this day, the Gallop report is referred to as a touchstone for any changes to the disability sector.

As has been noted, one of Justice Gallop's great passions was his love of sport. As a prominent member of Canberra's cricketing community, it is fair to say that Justice Gallop indeed had a good innings. He was a very talented cricketer, captaining the ACT representative team from 1962 to 1966 and playing, as has been mentioned, for the Prime Minister's XI against South Africa in 1964. It has been noted in other places that there is a question as to whether he was actually supposed to hit the winning runs that day or whether there had been other arrangements made between the teams.

As a long-time president of the ACT Cricket Association, one of his achievements was acquiring the management rights for the Manuka Oval. As a result of his significant sporting accomplishments, Justice Gallop was inducted into the ACT Sport Hall of Fame in 2002 and, as has been noted, the ACT cricket first grade one-day competition was renamed the John Gallop Cup in 2007.

Madam Speaker, while the Canberra community will undoubtedly miss Justice Gallop, who leaves a remarkable legacy, the people who suffer most at this difficult time are his family and his close friends. Our thoughts and our sympathies are with them during this time of bereavement. I extend my condolences to the Gallop family.

Question resolved in the affirmative, members standing in their places.

Independent Integrity Commission—Select Committee Report

MR RATTENBURY (Kurrajong) (10.21): I present the following report:

Independent Integrity Commission—Select Committee—Report—*Inquiry into an Independent Integrity Commission*, dated 30 October 2017, together with the relevant minutes of proceedings.

I move:

That the report be noted.

I am pleased to present the final report of the Select Committee on an Independent Integrity Commission. The notion of establishing an independent integrity body for the ACT is not a new one. There have been regular calls for such a body since self-government. At the 2016 election all three parties represented in this Assembly made commitments to act on integrity in government, including through the establishment of an independent integrity commission.

The ACT Labor-Greens parliamentary agreement committed to establishing an independent integrity commission and the committee was established by the Assembly on 15 December 2016. The committee's purpose was to inquire into the most effective and efficient model for an independent integrity commission for the ACT and make recommendations on the appropriateness of adapting models operating in other jurisdictions. Key features of the commission that the committee has looked at include the personnel structure of a commission, governance and funding arrangements, what powers a commission should have, educative functions, issues regarding retrospectivity, and the relationship between a commission and existing accountability and transparency mechanisms in the territory.

The committee has given detailed consideration to these and other issues related to the ACT's integrity framework. As part of its considerations the committee invited and received a range of submissions from interested organisations and individuals, as well as briefings from governance and integrity experts. The committee also visited anti-corruption bodies in Victoria, Tasmania and New South Wales, where we spoke with staff from each body as well as members of their parliamentary oversight committees. The committee also heard from witnesses through public hearings in July and September 2017.

This process has reinforced the committee's view that the ACT community and taxpayer has a right to expect that the social contract between government and the people is working in its interest. The committee acknowledges the correlation between the establishment of an effective anti-corruption and integrity-type body and improved accountability and trust in government.

Accordingly, the committee has recommended that the government establish a standing ACT anti-corruption and integrity commission, an ACIC, to investigate, expose and prevent corruption and foster public confidence in the integrity of the ACT government. The committee has recommended that the government finalise the establishment of the commission by the end of 2018. The committee considers it important that the commission is operating well before the completion of this term of the Assembly.

The committee's report sets out our views regarding the design, form, functions and powers of this body. It is presented in four parts: the context to the inquiry; views from submitters; views put forward in hearings; and, finally, the views of the committee and its recommendations. The report makes 79 recommendations relating to the ACT's integrity framework, the jurisdiction, scope and powers of the commission, accountability and independence, staffing and resourcing, legislative application and other issues.

In considering the design of a commission, the committee is of the view that the solution that would best suit the ACT should draw from different institutional options as a way to respond to our specific needs and context. The framework that the committee has set out is informed on a foundational basis by the New South Wales ICAC model. It also draws a range of key distinguishing features from other models, particularly the Victorian IBAC model.

The committee is of the view that the primary objective of a standing ACT independent integrity body should be to investigate, expose and prevent corruption and foster public confidence in the integrity of the ACT government. With this purpose in mind, the committee has recommended that the body should have the following functions: investigation, referral and reporting; corruption prevention, including research and risk mitigation; and public education.

The committee also looked into the issues of jurisdiction and scope and formed the view that the substantive jurisdiction of a commission should cover all public officials. This includes all persons receiving a salary, wages or other payment from the ACT government service, its statutory authorities, agencies or boards. This would also include parties delivering contracted work or services on behalf of government.

Furthermore, the committee formed the view that whilst the focus of an ACIC would primarily be on public officials, its jurisdiction should expand to cover third parties where the conduct of those parties could impact on public administration or would likely threaten public confidence in the integrity of government. Examples of this might include blackmailing or defrauding a public official and collusion by tenderers for government contracts.

Another key question that was presented to the committee was whether an ACT ACIC should have oversight over ACT Policing officers. The committee notes that an oversight arrangement for ACT Policing already exists in the commonwealth sphere. The committee also recognises the concerns raised by ACT Policing that it would be difficult to delineate between the functions of ACT Policing and the broader AFP for the purpose of an ACT ACIC without the support of a commonwealth policy.

However, the committee formed the view that the commission should have oversight over police officers funded to deliver services by and to the ACT taxpayer and community. The committee considers that there are gaps and vulnerabilities in the current ACT Policing integrity framework, both real and perceived, and that these cannot be addressed satisfactorily by strengthening existing measures, such as reporting requirements.

In response to concerns about overlap between the ACT and commonwealth spheres, the committee found that there do not appear to be any structural or legislative barriers to ACLEI referring matters relating to ACT Policing to an ACT ACIC. However, the committee acknowledges that this mechanism will require discussions with the commonwealth and potentially some amendments to commonwealth legislation to best support the relationship and information sharing.

The committee also recommends that a commission should have oversight over MLAs, their staff and judicial officers, whilst also ensuring that judicial independence and parliamentary privilege are maintained. Importantly, the committee acknowledges that an ACIC needs to have regard to the public interest in the separation of powers, including the independence of the parliament's right to control its own affairs.

In relation to the definition of "corruption", the committee believes that the focus should be on serious and systemic corruption but that legislation should not be drafted in a way that unduly limits the scope of an ACIC. The committee recommends that lower level misconduct should not be captured within an ACIC's scope and should continue to be investigated by other integrity agencies. Based on these parameters, the committee recommends that an ACT ACIC should have a definition of "corrupt conduct" based on part 3 of the New South Wales ICAC Act.

Another key issue considered by the committee was the threshold for investigation. Establishing an appropriate threshold is critical for the effectiveness of an anti-corruption type body. If the threshold is too high, the body is limited in its ability to act, and if it is too low the body can be accused of contravening natural justice requirements. The threshold is also important because it determines when a body can use its investigative and/or coercive powers. The committee supports an investigation threshold of "reasonable suspicion", as is used in the Victorian IBAC Act. This threshold balances the requirement for procedural fairness whilst permitting the body to investigate where initially there may only be limited evidence.

In relation to its ability to receive complaints, the committee believes that an ACIC must be visible, accessible and a contact point for public complaints and referrals from other agencies. Whilst visibility and accessibility are important accountability requirements, it is equally important for confidentiality to apply to complaints until a decision is made about holding hearings or reporting on each case. The committee also supports having mandatory reporting within the ACT public service so that an agency head has a duty to notify an ACIC of any information or allegation that raises a corruption issue in his or her agency. At the same time an ACIC must be empowered to protect the safety of complainants or persons making a report.

In relation to the powers of an ACIC, the committee supported the commission having the following features: the power to initiate and conduct its own inquiries; the power to require attendance and answers to questions; the power to apply for warrants to search properties and seize evidence; and the power to engage in covert tactics, including listening devices, surveillance and use of undercover agents. The committee is of the view that the legislation must contain mechanisms to guard against these

exceptional powers being abused, including safeguards to avoid any unwarranted violation of the personal rights of a person under investigation. The committee did not support giving a commission a general power to engage in integrity testing or to arm its officers.

In relation to the power to make findings, the committee recommends that an ACIC have the power to make findings of fact that corruption has occurred, and that such findings should not be taken as a finding of guilt. The ACIC should be explicitly restricted from reaching formal determinations of law which would usurp the role of the courts. Furthermore, the commission should be empowered to refer suspected instances of criminality to appropriate authorities, such as the Director of Public Prosecutions.

On the issue of retrospectivity, the committee recommends that an ACIC not be limited as to the time frames around which former actions can be assessed. The committee acknowledges that an ACIC must be able to look into matters that happened before it commenced operation if it is to enjoy public confidence but that individuals can only be prosecuted under offences that existed at that time. While the commission should be able to look at retrospective issues, the committee believes that the operational focus of an ACIC should largely be prospective and focused on current matters.

One of the most complicated and contentious issues that the committee considered was whether an integrity commission should have the power to hold public hearings. In considering all views, the committee sought to draw a balance between the legitimate objectives of public examinations—that is, transparency and accountability, public confidence in the body, the discovery of further evidence and the general deterrent effect—with the possibility of undeserved reputational damage or the potential to compromise the integrity of judicial proceedings. Having considered these factors, the committee is of the view that an ACIC should have the power to hold public examinations and that the decision to hold public examinations should be informed by a public interest test.

Finally, the committee considered features which would maintain the accountability and independence of an ACIC. The committee has formed the view that the statutory head of an ACIC should be an officer of the Assembly. The financial and operational independence from the executive was a primary consideration in this recommendation, and the committee felt there was benefit in aligning the head of an ACIC with the Ombudsman and the Auditor-General under the ACT's integrity framework. The committee also recommends an accountability regime for an ACIC which includes oversight by an Assembly standing committee, as well as oversight by an inspector or inspectorate-type mechanism to receive and investigate complaints related to the ACIC's conduct and operations.

On behalf of the committee, I wish to thank all those who have contributed to this inquiry by making submissions and/or appearing before the committee to give evidence. The committee recognises the significant commitment of time and resources required to participate in an inquiry of this nature and is appreciative that it was able to draw on a broad range of expertise and experience in its deliberations. In this report

the committee has based many of its recommendations, or variations thereof, on suggestions by inquiry participants.

As chair I also want to thank my fellow committee members for their time, their contributions and the collaborative way the committee has worked together on some very complex and challenging issues. Through these collaborative efforts we have been able to deliver a unanimous report which provides a clear path forward for the drafting of legislation to establish an ACIC in the territory.

I also want to express the committee's thanks and my personal thanks to our committee secretary, Dr Andrea Cullen, who has done an exemplary job in coordinating the committee and compiling this report. I have heard Andrea highly spoken of many times in this place when committees are presenting their reports, and having now worked with her on this committee, I can only underline those earlier endorsements.

The committee considers that the establishment of an anti-corruption and integrity commission in the ACT will play an important role in investigating, exposing and preventing corruption. The report details the committee's views concerning the design, form, functions and powers of an ACT ACIC. I commend the report to the Assembly.

MRS JONES (Murrumbidgee) (10.36): I rise to add some remarks to those made by Mr Rattenbury in this place on our report and inquiry into an independent integrity commission. This committee was set up with tripartisan support to find a mechanism to clear up some concerns regarding integrity and corruption and to restore faith in the systems of government in the ACT.

It is not a unique situation. This is something that has been faced by many states and countries. The first such commission was set up in Singapore some decades ago, with good outcomes regarding the method by which officials deal with each other and by which governments and officials operate. The mechanism allows for confusions, misunderstandings or, in fact, bad behaviour to be cleared up.

I particularly want to focus briefly on the travel that we undertook. The committee travelled to three states—Tasmania, Victoria and New South Wales—and received 33 submissions. The trips, although rightly a point of media interest, were in fact invaluable to the committee, and without them I do not believe we would have been able to achieve the level of detailed understanding of such a body that we have.

I would like to take a moment to acknowledge and thank the interstate groups that took the time to meet with us and generously gave our committee the benefit of their knowledge and understanding. I would like to thank the Independent Broad-based Anti-corruption Commission of Victoria, IBAC; the IBAC parliamentary committee and the Accountability and Oversight Committee of the Parliament of Victoria; the Tasmanian Integrity Commission; the Joint Standing Committee on Integrity of the Parliament of Tasmania; the New South Wales Law Enforcement Conduct Commission; the New South Wales Independent Commission Against Corruption; the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission of the Parliament of New South Wales; the Committee on the

ICAC of the Parliament of New South Wales; and, finally, the Clerk's office of the New South Wales parliament.

Together, these groups and the people in them have had a significant impact on the outcome of this committee's report, and without their generous giving to us of their time and expertise in their respective fields I do not believe that we, as people who started this process as somewhat amateurs in this field of expertise, would have achieved what we have. I believe that their guidance and the learnings that we were able to lean on in order to avoid common mistakes have informed us very well.

I would also like to thank my fellow committee members—Mr Rattenbury as chair, Ms Cody, Mr Steel and Ms Lee—for the collaborative approach they have taken to the detailed investigation of an anti-corruption commission for Canberra. Finally, I would also like to put my thanks on record to Dr Andrea Cullen, who has worked tirelessly to have this report ready for us to table today, and all those in this place who work behind the scenes to keep up with the production of such reports. On behalf of myself and Elizabeth Lee, my colleague in this place, I thank all who have been involved in the report.

MS CODY (Murrumbidgee) (10.39): I too would like to thank my colleagues who sat on this wonderfully progressive select committee. I also thank the committee secretary, Dr Andrea Cullen. I would like to take a moment to thank all of the people that we consulted with locally, and I also refer to the generosity of the other jurisdictions that Mrs Jones has just mentioned in sharing their advice and experience. The resounding message that we got out of all of our interstate visits was that we should act carefully and deliberately in setting up the ACIC and avoid rushing through the process. Getting the ACT ACIC right, in its design and implementation, is too important for us to be sloppy. This committee report is an important step in the Barr Labor government's commitment to delivering an independent integrity commission to the ACT. I hope the government carefully considers the report, and I look forward to the government's response in the coming period.

As noted by Mr Rattenbury, one area that was robustly debated was about defaulting to public or private hearings, or examinations, as we have noted in the report. My colleague Mr Steel and I differed slightly from other committee members on this point. The difference of opinion was about the purpose of the commission. Should its purpose be to expose corruption or to make sure crooks and shonks go to jail? Ideally, we could have both, but the experience in other jurisdictions tells us differently. Public hearings often alert the guilty to an investigation, giving them the chance to cover it up. Also, the different standards of evidence between a commission and a criminal prosecution can mean the commission's public hearings can spoil the evidence that may have later led to a conviction.

Therefore, Mr Steel and I would prefer that public hearings or examinations are limited to where the commissioner considers, on reasonable grounds, that there are exceptional circumstances and that it is in the public interest to hold a public examination, and where a public examination can be held without causing unreasonable damage to a person's reputation, safety and wellbeing. We believe the ACT ACIC should prioritise putting crooks in prison, not in the papers.

I am sure this report will progress public debate on this important matter. I would like to again thank my fellow committee members for the conciliatory support that we all showed in getting this tabled today. I would like to extend great, heartfelt gratitude to Dr Andrea Cullen. She worked tirelessly to assist us in preparing this report, and staff in our offices also helped out. I commend the report to the Assembly.

Question resolved in the affirmative.

Leave of absence

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

That leave of absence be granted to Mrs Dunne and Mr Steel for this sitting week to attend the CPA annual conference.

Justice and Community Safety—Standing Committee Scrutiny report 11

MRS JONES (Murrumbidgee) (10.43): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 11, dated 30 October 2017, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS JONES: Scrutiny report 11 contains the committee's comments on 28 pieces of subordinate legislation, one national law, two regulatory impact statements and six government responses. This scrutiny report includes a comment on the Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017—a Queensland act—which was tabled in the Legislative Assembly on 24 October 2017. It appears to be an amendment to a national law, however, no explanatory statement was provided and nor was there a tabling statement. The document itself provides no information as to how it affects the ACT or how, if at all, it is relevant to the ACT.

The committee assumes the document involves an application of the Health Practitioner Regulation National Law (ACT) Act 2010. That ACT law applies the Health Practitioner Regulation National Law as in force from time to time and as set out in the schedule to the Health Practitioner National Law Act 2009 of Queensland as ACT law, subject to some ACT-specific modifications. The ACT Legislation Register contains the ACT version of the Health Practitioner Regulation National Law, the Health Practitioner Regulation National Law (ACT). However, none of this information is provided in relation to this particular document, nor is any information provided as to the capacity of the Legislative Assembly to scrutinise or amend this piece of legislation. The committee considers this to be highly unsatisfactory.

In this scrutiny report the committee has drawn the Legislative Assembly's attention to this national law, under principle (2) of the committee's terms of reference on the basis that in this case the absence of an explanatory statement does not meet the technical or stylistic standards expected by the committee in relation to explanatory statements.

It is important that the Legislative Assembly's capacity to scrutinise and amend this national law be clarified before any opportunity to amend or disallow this national law has expired. The time frames the committee has to deal with are difficult enough without there being delays to the committee's scrutiny process as a result of the appropriate explanatory material not being provided when legislation is introduced, made or tabled. As a result, the committee requires a response from the minister on this issue as a matter of urgency. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (10.46), by leave: I note Mrs Jones's brief comments on the scrutiny committee's work as it related to the national health practitioner regulation that I tabled last week in the chamber. This was, indeed, the ACT enacting a national law that has been under discussion for quite a period of time. My office noted there was no explanatory statement, sought advice from chamber support and was advised that it was not necessary. However, I note the scrutiny committee's comments, and ACT Health are working on an explanatory statement which I hope to have available by tomorrow.

Economic Development and Tourism—Standing Committee Statement by chair

MR HANSON (Murrumbidgee) (10.46): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Economic Development and Tourism relating to petitions on arts funding referred to the committee. On 9 May 2017 the Assembly received petitions Nos 4-17 and 7-17 lodged by Ms Cheyne MLA. As the petitions contained over 500 signatures the Clerk wrote to the committee on 9 May to inform it that the petitions had been referred for consideration under standing order 99A. The committee took note of the government's response to the petition and the government's response to recommendations by the Select Committee on Estimates 2017-18 on arts funding.

On 12 October 2017 the committee met with Michael Sollis, Artistic Director, Education, Musica Viva Australia and director and composer with the Griffyn Ensemble, and Alison Plevy, professional dancer and choreographer. Mr Sollis and Ms Plevy are representatives of the organisers of the petition, the Canberra Arts Action Group. They briefed the committee about their particular concerns about project funding which allows independent artists to produce new works. The committee discussed arts funding, a ministerial advisory body and developments in the area since the petition was initiated.

The committee will not be taking further action on these petitions but will continue to engage with the Minister for the Arts and Community Events on arts funding as part of the annual reports process.

Ministerial delegation to the United States

Ministerial statement

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (10.48): As members are aware, the ACT government is committed to the diversification of Canberra's economy and believes that promoting Canberra opportunities and capabilities to potential partners is a key role for the territory government. Across some of Canberra's key industry development fronts there are no bigger potential partners than in the United States. But before I move on to the specifics of the recent ministerial delegation, I want to provide members with the thinking behind this particular trip.

A recent report by KPMG found that defence expenditure in Canberra directly contributes \$3.5 billion per annum to our city's economy and employs over 14,500 people. When indirect benefits are taken into account, the total contribution rises to over \$4.3 billion per annum with over 25,000 jobs. Whilst Canberra has a broad range of defence capabilities, for example CEA Technologies, which was recently awarded a \$148 million contract for updating the radar on the existing Anzac class frigates, and Electro Optic Systems amongst many, the government believes that Canberra is particularly suited to playing a major role in particular areas. In highlighting these two companies, I note the Australian government has allocated \$17 billion in capital expenditure over the next decade to build sovereign capability in electronic warfare, space and cyber technology streams.

Then there is the Canberra space sector and its role in the omnipresent space economy. Over the past two years the ACT government has played a leadership role in the development of the Australian space industry, having raised the issue on two occasions at the COAG industry and skills council as well as working with the South Australian and Northern Territory governments to directly lobby the commonwealth for more active support for the development of a downstream industry in Australia.

Our "Team Canberra" stand at the recent International Astronautical Congress in Adelaide included the Australian National University, the University of New South Wales Canberra, EOS Space Systems, Northrop Grumman and Geospatial Intelligence and demonstrated the collaborative nature of the space industry in Canberra. The announcement by the commonwealth government at the International Astronautical Congress that it would be establishing an Australian space agency was warmly welcomed by the ACT government and our partners. However, establishing a space agency is only one part of the battle; the next job is to ensure that it has a strong operational presence in Canberra and, even more importantly, that our space capabilities are the centre of the development of the space industry.

My trip to the United States focused on raising Canberra's profile as an investment destination for defence, cyber security and the space sector. Our trip built on meetings

I had at IAC with Northrop Grumman, SpaceX and Lockheed Martin, the principal sponsor of the IAC, and meetings our defence industry advocate and members of the defence industry advisory board had had with Boeing. The US meetings focused on three broad groups of companies: defence primes with a broad range of interests: Boeing, Lockheed Martin and Northrop Grumman; space-focused companies, Planet Labs and SpaceX; and technology companies that currently have a relationship with the ACT government, Microsoft and Cisco.

The defence primes provide a significant opportunity for further growth in Canberra as a result of the defence white paper, the ever-increasing cyber threat to our national security and the announcement of a space agency. As a result of our meeting with Boeing further work is now underway to introduce senior personnel from Boeing to Canberra companies that can participate in Boeing's international supply chain. As follow-up we will be working closely with the CBR Innovation Network and the Centre for Defence Industry Capability to identify appropriate companies.

In addition, we have engaged with senior personnel from Boeing responsible for that company's space industry program who have an interest in the development of Australia's space industry. As a result, we are organising for senior personnel to visit Canberra to meet with representatives of the Australian National University and the University of New South Wales Canberra as well as key companies and players in the Canberra space industry.

Unlike Boeing, both Lockheed Martin and Northrop Grumman have their Australian headquarters in Canberra but the aim of the meetings was still the same: to grow companies in Canberra because of our city's strengths and skills in priority areas. Lockheed Martin already is a very active player in the space community in Canberra. For example, it has partnered with EOS space systems to develop laser technologies to track and deal with the ever-growing problem of space debris. Lockheed Martin is also working closely with the ANU and UNSW Canberra on the development of the space industry.

We are competing in a crowded field and it is important that the head offices of these companies are aware of what is happening in Canberra and our city's unique capabilities. It is also worth noting that within two weeks of our visit to these companies both the Victorian and South Australian governments were meeting with them also. We need to continue to promote ourselves and to be on the radar for these large multinational companies.

As a result of our meeting with Lockheed Martin we are proposing to host a visit to Canberra early next year by Lockheed Martin's vice president of the advanced technology centre. This will be another opportunity to showcase Canberra's space and cyber capabilities to an international decision-maker.

As members are probably aware, Northrop Grumman is a major contributor to the defence sector in Canberra. Northrop is a 49 per cent owner of Canberra's most successful defence company, CEA Technologies. In 2012 it acquired the M5 Network Security business, growing that company from 50 employees to over 120. Now known as the Northrop Grumman Australian Intelligence & Cyber Solutions, it is part

of Northrop's worldwide cyber security centres of excellence. The visit to Northrop in Los Angeles allowed us to again explain our commitment to growing the defence, cyber and space industries in Canberra and to encourage Northrop to continue to invest in our city.

The difficulty of attracting and retaining skilled staff, especially software and computer engineers, was raised by Northrop as an issue holding back its growth in Canberra. This was also raised by other parties that we met with during the trip. Whilst it is a world-wide problem, it is a particular issue for Canberra where competition for skilled people between the national security agencies and the private sector is fierce and is driving up salaries.

A number of innovative solutions to this challenge are currently being developed. For example, the investment of \$12 million by the Australian Signals Directorate into the ANU's College of Engineering and Computer Science will provide a mechanism for students to undertake low security level work while completing their degrees and waiting for their security clearances. I understand that the CEO of Northrop in Australia is discussing increasing the supply of skilled personnel with both UNSW Canberra and the ANU. The ACT government is also looking at how we increase the supply in both the short and medium terms. Canberra's education institutions, including the ANU, UNSW Canberra, the University of Canberra and the Canberra Institute of Technology, provide an opportunity for a collaborative pathway approach to skills development.

One of the clear messages from the trip was that not every skilled person needs to be at a PhD level; people with basic coding and software development skills can be trained on the job. We are also working with Northrop to pilot its cyber defender program in years 9 and 11 in Canberra schools in 2018-19 and working on our election commitment of the 2016 campaign for an academy of coding and cyber skills in 2019.

We also met with two space companies: Planet Labs and SpaceX. The public perception of the space industry is still, unfortunately, perceived as only being about space travel and space odysseys. Whilst it is true that in the early days the US and USSR governments were the drivers of the space industry, this is now no longer the case. In fact, the tipping point for the space industry occurred in 1998 when commercial activity in space overtook government activity for the first time. So two decades ago commercial activity overtook government activity in space.

The two companies we visited are two extremes of the commercial space industry. Planet Labs was founded in a garage in San Francisco in 2010 by three former NASA scientists, including Chris Boshuizen from Tumbarumba. Although Chris has now left Planet Labs, he remains committed to the development of the space industry and is on the advisory board for ANU's Advanced Instrumentation and Technology Centre.

Since those humble beginnings in a garage in 2010, Planet Labs has grown to 400 employees and has raised over US\$180 million in venture capital and equity funding. It now has nearly 200 small satellites in space and is providing an updated

image of the whole earth every 24 hours and is able to provide high resolution images following its purchase of Google's SkySat satellites. This information is obviously keenly sought by governments and intelligence agencies. Planet Labs has recently partnered with the Canberra company Geoplex to develop and use satellite image data to provide Queensland-specific data to the Queensland government. I take this opportunity this morning to thank Geoplex's CEO, Adam Smith, for the introductions he provided for this visit.

On the other side of the commercialisation of space is SpaceX, founded and funded by billionaire Elon Musk. SpaceX has one clear long-term goal—to colonise Mars before 2030. To achieve this, SpaceX operates commercially to generate funds for its long-term objective. One of its major contracts is with NASA to resupply the international space station, but it is involved in many satellite launch activities.

SpaceX build everything in house, and a visit to their facility in Los Angeles provides a clear reminder that whilst the space industry is essential to Australia we need to clearly define what role the Australian space industry can play. The visit to both Planet Labs and SpaceX emphasised that Australia's space agency must focus on commercialisation of space but also needs to clearly identify those niche areas where Australia has the capability to make an impact on this huge market.

We also took the opportunity to meet with two of the technology giants that have a clear interest in cyber security and smart city development; Microsoft and Cisco. Both have spent billions of dollars on security networks and preventing cyber security attacks; both are working in areas such as the development of sustainable cities, data aggregation as a tool for better outcomes in areas such as health and transport; protection from cyber-attack for the Internet of Things and autonomous vehicles; and how data and artificial intelligence will shape the future of the world. These discussions provided glimpses of the how we can continue to develop Canberra as a smart and sustainable exemplar city. Both also underscored our commitment to skills, STEM and, in particular, gender diversity in technology.

I wish to briefly mention some of the other meetings the delegation attended. I was able to visit the Australian landing pad in San Francisco where I was joined by the CEO of the CBR Innovation Network, Petr Adamek. The landing pads are great facilities for companies wanting to enter overseas markets without all of the resources to set up a full-time office. They provide an opportunity for up to three months for Australian companies to test the market. Petr's presence and his attendance at the innovation hubs conference in Boston that week demonstrates the commitment of all players in Canberra's innovation ecosystem to internationalise Canberra companies. High growth companies are generally born global, but the propensity for rapid scale-up—the enterprise development paradigm—is what success is now all about.

I was also able to meet with Dtex, a San Jose based-company originally founded in Adelaide that is now considering establishing a presence in our city because of the cyber opportunities of having Australia's national security agencies in our city and what that offers to cyber companies. We look forward to welcoming Dtex to Canberra in the near future.

A visit to representatives of SUPERPUBLIC, which is an innovation lab run by the San Francisco City Innovate Foundation, provided the opportunity to discuss challenges faced by each jurisdiction in regard to digital services in government, in urban mobility and changing models in procurement to encourage innovative solutions. The parallels in experiences between the two jurisdictions were evident and reaffirmed how government can both support entrepreneurs and streamline its processes to produce more innovative outcomes for the public.

Finally, I was also able to meet with Ausfilm to promote Canberra's screen industry capability and discuss how we can further develop our growing film industry and attract American screen productions to Canberra.

It is clear to us that Canberra has significant capabilities across a range of areas: defence, cyber and space. But unless we are telling the world about these capabilities, nobody else will know about them. I am committed to continuing to raise the profile of Canberra both nationally and internationally. As a result of this visit: we have a clearer idea of where we can fit into the development of Australia's space industry; we have reminded a large number of major international companies that Canberra needs to be on their radar as an investment destination; and we have a better understanding of the issues that need to be addressed to achieve our goals. I present a copy of the following paper:

United States delegation—October 2017—Ministerial statement 31 October 2017

and move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

Portfolio achievements over the past year

Ministerial statement

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (11.05): Madam Assistant Speaker, it has been just over one year since the people of Ginninderra gave me the honour of joining this Assembly. It has been a privilege to serve the community as a minister, and to participate in the Labor government's efforts to ensure that this city keeps getting better for all Canberrans.

Last December, I spoke to this Assembly about my priorities as Attorney-General. As I said in my inaugural speech, and I will continue to say, with the privilege of appointment to the ministry comes a responsibility to ensure that those who are marginalised are fully included in society. The true measure of my work over the past year is how it has contributed to building a city where everyone belongs, everyone is valued and everyone can participate.

Against that measure, Madam Assistant Speaker, I am proud to say that I am a member of a government that is getting down to business. We are building a more accessible, timely and transparent justice system. We are delivering strong measures to minimise the impacts of problem gambling, while supporting the community clubs. We are taking action to end the greyhound racing industry. Our achievements over the past year as a government demonstrate what we promised in the campaign, in this Assembly and to our community, and that is what we will deliver.

What matters most about our work in this Assembly and our work in the administration of government are the practical, real changes to life in this city. Today I would like to update the Assembly about just some of the achievements this government has delivered in the Attorney-General and regulatory services portfolios.

Ensuring that our laws are well developed, and formed with the benefit of perspectives from across government are key roles of the Attorney-General. In my first portfolio statement, I shared my belief that justice is true justice only when it is accessible, timely and transparent. One of the first pieces of legislation I introduced to the Assembly was focused on ensuring access to justice for people experiencing domestic violence. The Family and Personal Violence Legislation Amendment Bill 2017 drew on expertise from across the community to deliver a better court process for people facing violence, and in particular people who are vulnerable. It focused on the unique needs of children and the experience of vulnerable people in the legal process. That legislation was introduced within the first hundred days of this government's term. It is an example of our comprehensive and people-centred approach to law reform.

Just some of our other significant legislative achievements include building on our commitment to marriage equality by automatically recognising under ACT law relationships that are registered in other states and territories. The practical effect of this is that when a couple in a recognised relationship comes to the ACT, their relationship will have the same legal status and privileges as a civil union.

We have better criminal laws to target drink spiking and the abuse of intimate images. Both of these reforms target behaviour that is often part of violence against women, and that this community absolutely will not tolerate. Finally, we have introduced a whole package of legislative reforms to our liquor licensing scheme to promote a safe, vibrant night-time economy. Through targeted fee reductions for small venues, red-tape reduction across the industry and funding for six more police to patrol night precincts, the government has delivered a better environment for small businesses, and a safer environment for people who are enjoying a night out.

Over the past year we have also been working to make it easier for Canberrans to interact with the government. We have been putting more of our services online, so that busy Canberrans can do simple transactions in their own time. Access Canberra now has almost 300 separate transactions available online, including online renewals for drivers licence and vehicle registration, its two highest volume transactions.

We have redesigned the Access Canberra website so that it is easier to find the information that you need. This has included a “pay online” button, so that customers can more quickly interact with us. We have launched a new fix my street website, which provides a greater level of information on services available in each suburb, as well as letting users know where a number of types of jobs have been logged in their suburb.

We also brought together our events and liquor team in Access Canberra. They provide a case-managed service for people seeking to hold an event or open a liquor business in the territory. They will do all they can to help Canberrans get their business ideas over the line. This will ensure that event organisers and business owners have all the necessary approvals in place. It is estimated they are saving each event organiser 10 hours of administrative work per event. We will continue to make improvements to our regulatory system to make it easier for people to interact with government. We will continue to listen to people in the ACT for ideas on how this can happen.

A key priority for this government that we have identified in our election commitments, and that I have personally undertaken to deliver, is to strengthen our regulation of electronic gaming machines. This government came to the ninth Assembly with a clear mandate to implement robust gambling harm minimisation measures.

We have already delivered on that mandate by bringing forward a tax rebate to help small and medium clubs transition away from gaming machines as a source of revenue; by limiting cash withdrawals from EFTPOS machines in clubs to \$200 per transaction, and requiring interaction with a trained staff member for all withdrawals; and by increasing the problem gambling assistance fund levy, to provide more funding to help people affected by problem gambling.

We recognise that we need to keep looking at the evidence and doing even more. That is why in September I convened a harm minimisation roundtable with representatives of clubs, people with lived experience of problem gambling, community organisations, academic experts and regulators. The roundtable was the first time a group of stakeholders like this had been brought together to share views and work collaboratively to address problem gambling in the ACT. There was a shared vision of preserving and enhancing the community benefits offered by clubs while at the same time effectively minimising the risks that gambling poses through electronic gaming machines.

In addition to bringing in new harm minimisation rules, we will reduce the number of gaming machines overall. There will be 4,000 authorisations for gaming machines in the territory by 2020, down from the current 5,000. In implementing this commitment, we will continue to support clubs in offering their important community benefits like sport and recreation.

Our policy towards the gaming and racing sector is focused on community benefits and community values. The greyhound racing industry is out of step with community

values and, as we promised before the election, this government is bringing an end to that industry. As I said in my first ministerial statement of priorities, I am strongly mindful that this policy will affect people involved in the industry. That is why we established a transition task force, and committed from the beginning to just transition principles. We have been working with UnionsACT and the Australian Workers Union to ensure that working people are supported through this transition process. We have engaged with greyhound rescue organisations to ensure that the animal welfare standards that Canberrans expect are maintained throughout the transition process.

Across my portfolio responsibilities, our achievements have been progressive, inclusive and people-centred. The important legal changes within the Attorney-General portfolio have helped make the court process, and the legal system as a whole, more accessible to vulnerable people.

This government's work to address the harms that come from the gaming industry has already brought strengthened protections into place. And we are absolutely measuring up on our commitments to animal welfare in ending the greyhound racing industry, while recognising the effects on workers and supporting them to adapt.

This is an ambitious, people-centred agenda for the rest of the term. We are already conducting the initial consultation and research to deliver a best-practice drug and alcohol court. This new court will focus on offering the right support services at the right point in a person's contact with the judicial system to promote rehabilitation. This is just one way in which future reforms to the justice system will contribute to building more resilient people, families and communities.

Madam Assistant Speaker, today I have given a short summary of what we have achieved over the past year in the Attorney-General and Regulatory Services portfolios. Achievements to support local arts and artists, and to support veterans and seniors in this community have already earned recent updates in their own right. I will be speaking to both the Assembly and the community further about the exciting work that we have been doing in these portfolios.

I am committed to working across my portfolio responsibilities to keep on delivering this government's commitments, and to keep demonstrating that a commitment by this government will always result in action. Year by year, term by term, we will keep working to make this great city even better. Madam Assistant Speaker, I present the following statement:

One year of achievements—Access to justice and delivery of government services—Ministerial statement, 31 October 2017.

I move:

That the Assembly take note of the paper.

MR HANSON (Murrumbidgee) (11.16): I will be brief in my response. This is another of the self-congratulations that we have heard in the past sitting week and this week. As the minister talks about ensuring that this city keeps getting better for all

Canberrans and addressing a number of issues, it should be noted that for a lot of Canberrans it is not getting better across Mr Ramsay's portfolios.

Mr Ramsay talks about problem gambling with a sort of moral tone to his voice. It is worth reminding members that the Labor Party and the Labor Party-aligned CFMEU, between them, own about 1,000 poker machines; that is, 1,000 poker machines that fund Mr Ramsay, that fund Mr Gentleman, that fund Ms Cheyne, and that have in the past—\$50,000—funded Mr Rattenbury.

For Mr Ramsay to get up in this place and talk about the effects of problem gambling with this moral tone in his voice, when he and his colleagues are the beneficiaries of millions—in fact, tens of millions—of dollars of money through the profits of poker machines, is hypocrisy writ large.

In fact, outside tin pot African dictatorships, you would not find a circumstance where the government of the day owned, operated and regulated gambling assets to the extent that this mob do. For Mr Ramsay to get up in this place and talk to us, to lecture us, about the great benefits of what he is doing for problem gamblers, whilst at the same time he and his colleagues are pocketing tens of millions of dollars through the proceeds of pokie money, is an outrage.

We in this place will not be lectured. Equally, the community will look at the hypocrisy of those opposite when they talk about these issues, and of the Greens, who took their \$50,000 from the pokie-funded CFMEU.

While talking about ensuring this city keeps getting better for all Canberrans, we must ask: is it getting better for the owners, the operators, the members of the greyhound owners community? Is it getting better for all Canberrans he talked about? I do not think so.

Is it getting better for the ClubsACT members, with whom this vindictive, spiteful government will no longer meet? Or do we again see a vindictive, spiteful measure from this government attacking one section of the industry that happens not to be aligned with their Labor Party clubs, the CFMEU clubs. No, they are going to attack the other part of the industry that they do not directly profit from. They get money into their pockets from the Labor Party clubs, from the CFMEU clubs. This is a government that will not engage with a section of the industry that represents those other clubs.

Let us then look at whether it is getting better for all of our community. Let us look at some recent headlines: "War zone" from the *Canberra Times*; "Suburban Violence" from the *Canberra Times* last week. Some headlines go back to March. Since this Attorney-General has been elected he has refused to bring in anti-consorting laws. "Front lawns set alight at a house next door to a childcare centre"—is life getting better for them? "Three cars torched and fired in Kambah" in July 2017. Is it getting better for those residents in Kambah?

Another headline from July: "Cars, house shot at with high powered rifle in Waramanga". Is it getting better for those people in that street in Waramanga?

Another one from July: “Bullets fired into a home next to a childcare centre”. Another one from September: “Man shot twice in the leg in Kambah”. That sounds pretty rosy, does it not? Life is getting better for them!

We will not sit here and listen to this moral lecturing from a government, from a minister, who is profiting from the proceeds of gambling through the Labor Party and his CFMEU-aligned partners, who have donated tens of thousands of dollars to the Labor Party. He is attacking sections of the community that he does not like, that do not fit into his and the Greens’ worldview.

He is sitting on his hands. In fact, it is worse: he has turned off the laws that were introduced in the last term, draft legislation put out there, that could have prevented and tackled the bikie violence that we see in our suburbs. Since this member was elected we have seen ongoing, increasing violence in our suburbs that, at some stage, will result in death or serious injury to an innocent member of our community.

We will not be lectured. I look forward to debate later this week and laws being introduced that will tackle this issue. If he really is genuine about addressing these issues, he should engage with the greyhound community cooperatively; he should not be so spiteful to ClubsACT; he should stop taking the money from the Labor Party and the CFMEU aligned clubs; and he should introduce proper laws that will stop the violence flaring throughout our suburbs.

Question resolved in the affirmative.

Achievements over the past year

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) (11.22): Today I am pleased to speak in the Assembly to outline some of the achievements over the past 12 months in the following portfolios: climate change and sustainability; justice, consumer affairs and road safety; corrections; and mental health.

Regarding climate change and sustainability, the ACT is on track to meet its legislated targets of reducing greenhouse gas emissions to 40 per cent below 1990 levels and transitioning to 100 per cent renewable electricity by 2020. ACT government greenhouse gas emissions have decreased seven per cent from 2015-16 to 2016-17. To further reduce ACT government emissions, in the past year two new projects have been funded by the carbon neutral government fund: \$516,713 for LED lighting at CIT Bruce and CIT Fyshwick, as well as solar PV at the Fyshwick campus; and \$650,000 to upgrade the North Building to an all-electric heating and cooling system.

The ACT government is currently undertaking a trial of electric bikes for staff to travel to their appointments using active travel modes, supporting the healthy weight initiative, reducing transport costs and, of course, reducing greenhouse gas emissions.

The government has made substantial progress in the past year on the actions in the ACT climate change adaptation strategy to improve our resilience to climate change impacts such as more variable rainfall, expanding heat waves and more intense storms and bushfires. The ACT has signed up to key initiatives including joining 165 other leading cities and sub-national governments from 33 countries to sign the global Under 2 MOU, committing the ACT to reduce greenhouse gas emissions to a level consistent with keeping global warming to under two degrees.

We have also joined the cities power partnership, amongst others, aiming to identify opportunities for clean energy technology, energy efficiency and ways to adapt to a changing climate. Through this partnership the ACT will share learnings with other cities and councils to support climate action across Australia.

In the past year the ACT government has also won awards for our climate work, including: the carbon disclosure project's award for best renewable target for an Australian city and the Institute for Public Administration's 2017 public sector innovation award for innovative solutions for promoting renewable energy investment.

I am pleased to report on the ACT's renewable energy projects and I can confirm to members that two large feed-in tariff supported solar generators started in the past year: the 13-megawatt Mugga Lane solar park, and the 10 megawatt Williamsdale solar farm. Also, two large feed-in tariff supported wind generators began earlier this year: the 80.5 megawatt Ararat wind farm in Victoria and the 100 megawatt Hornsdale 1 wind farm in South Australia.

The energy efficiency improvement scheme has continued to achieve energy and bill savings in households and businesses by introducing activities such as energy efficient heating and commercial lighting. Low income households pay the highest proportion of their incomes on energy bills but are least able to make improvements by investing in energy efficiency. A priority household target within the scheme ensures that a proportion of savings are delivered specifically to low income households, alleviating energy poverty caused by rising energy prices.

Actsmart has supported more than 1,000 low income households in the last year to make their homes more energy efficient, comfortable and reduce energy bills, as well as holding do-it-yourself workshops or events to help more than 1,350 householders draught-proof their homes, implement energy efficient home cooling and make the correct solar choices for their homes.

A new Energy Consumer Advocate was appointed last December to provide a dedicated voice for ACT household and small business energy consumers in policy and regulatory processes. The ACT government worked with the community and industry to respond to a whole-of-system electricity supply emergency event on 10 February 2017. Through the collective efforts of the ACT community, businesses and government agencies to reduce their electricity use, potential blackouts were avoided.

The Renewables Innovation Hub was launched late last year to attract, connect and develop the relevant skill sets, knowhow and networks within the ACT's thriving renewable energy industry. In August I announced the outcomes of a \$1.2 million funding scheme that will support eight local businesses, many of which are based at the hub, to help develop and commercialise new technology such as new household battery controls, hydrogen fuel cells and solar radiation forecasting.

2017 also saw leading international companies CWP Renewables, Global Power Generation and Siemens establish a corporate footprint in Canberra, joining existing Canberra industry leaders including Neoen, Reposit Power and Windlab. Around 2,000 megawatts of renewable energy projects around the world are now being managed from Canberra.

The \$25 million next generation energy storage grants program continued to support the rollout of solar battery storage in Canberra homes and businesses. More than 400 systems will be installed by the end of 2017, with each system collecting critical data to inform industry research and development and further position Canberra as a world leader in this sunrise industry. It is expected that around 5,000 systems will be installed by 2020.

Let me turn to the area of corrections. The parliamentary agreement commits government to reduce recidivism by 25 per cent by 2025. ACT Corrective Services plays a critical role in helping to rehabilitate offenders and reduce recidivism by providing detainees with the opportunity to gain transferable qualifications, skills and opportunities that will assist post-release transition to the community.

The Alexander Maconochie Centre delivered new accommodation units during the last term of government on time and under budget. The savings have been used to develop prison industries. These industries provide employment and training opportunities for detainees, which assist in rehabilitation and also contribute to successful reintegration into the community. The employment opportunities that we have delivered in the past year have been in the bakery, laundry, hairdressing and barbering, chemical distribution and construction skill set training. The bakery became operational on 4 October 2017 and currently employs seven female detainees, recognising the need for female-specific employment in the AMC.

The expanded laundry facility employs six men to wash almost double the amount of laundry as previously, as well as including the facility to repair linen. The recycling bay employs eight men involved in bailing cardboard, separating comingle recycling from landfill and capturing organic waste. This activity is a significant contributor to reducing the AMC's carbon footprint and provides savings in waste management.

The government released an evaluation of the extended throughcare program, which showed promising results and some areas for improvement. ACT Corrective Services is using this evidence to further refine the program with the aim of reducing recidivism.

Implementation of the government's response to the independent inquiry into the treatment in custody of Mr Steven Freeman by Mr Phillip Moss AM is being progressed by government and overseen by a high-level steering committee chaired by Mr Russell Taylor AM. As part of the government's response to the Moss review, I am committed to establishing a dedicated inspectorate of custodial services to be operational by the end of 2017. I was pleased to introduce the bill establishing this role last week to ensure that our correctional facilities operate at the highest of standards, as our community rightly expects. Recruitment for this important role is now underway.

The government is committed to implementing justice reinvestment approaches in the ACT and reducing recidivism rates. In partnership with Winnunga Nimmityjah Aboriginal Health and Community Services and the government, the Yarrabi Bamirr justice reinvestment trial commenced early this year. Yarrabi Bamirr involves the use of community based family-centric service support for Aboriginal and Torres Strait Islander families that have contact with the justice system and aims to improve life outcomes for the whole family and reduce or prevent any contact with the justice system.

In consumer affairs, compliance, investigation and awareness work for Access Canberra in the past year has particularly focused on plastic bags provision, liquor off-licence requirements, egg labelling and tobacco displays, as well as overall consumer protections and product safety work. Another key focus has been consumer rights awareness for people with disabilities and for people from culturally and linguistically diverse backgrounds as well as awareness of social media scams.

There has been considerable progress in the road safety area of my portfolio, including the new learn-to-ride centres at Tuggeranong and Belconnen; the Australasian new car assessment program campaign, which promotes the road safety benefits of newer cars; the segway review, which paved the way for laws to broaden the areas where segway-type vehicles can be used; and the passing of the Road Transport Reform (Light Rail) Act 2017, which incorporates light rail into the existing road transport system.

Let me finally turn to mental health. The Dhulwa Mental Health Unit was opened in November 2016 and provides 24-hour treatment and care for adults with complex mental health needs that cannot be met elsewhere in Canberra. Dhulwa focuses on providing a safe environment without compromising therapeutic care and provides patients with exercise, social and cultural activities as well as opportunities to develop their skills and interests such as in gardening, arts, music and vocational activities.

Work towards establishment of an office for mental health remains a priority for me. ACT Health has been exploring various models for the office and has commenced the consultation process with key stakeholders. The Mental Health Advisory Council was established and includes representatives with lived experience of mental health—a consumer and a carer—primary mental health, mental health research and practice, and mental health promotion, prevention, treatment and care.

The justice health service team provides a community equivalent primary health service to adults and young people at the Alexander Maconochie Centre, Bimberi Youth Justice Centre, the ACT court cells and Dhulwa. A number of quality improvements have been implemented over the past year including: assessment of suitability and administration of opioid replacement treatment in the AMC; implementation of iDose, an iris scanning program for the dispensing and administration of methadone in the AMC; and successfully curing 120 clients at the AMC of Hepatitis C during their custodial sentence.

A new system is replacing the existing mental health assessment generation information collection, MHAJIC that has been in use for over 17 years and brings all service areas within mental health, justice health and alcohol and drug services on to the same electronic clinical record system, significantly improving coordination of care and clinical handover. The new system—mental health, alcohol and drug, justice health integrated care electronic record, or MAJICeR—went live in early October 2017. MAJICeR has increased functionality, updated capabilities and is further integrated with other clinical health systems across ACT Health.

In the child and adolescent mental health unit, an assertive outreach program for first onset psychosis for 14 to 25-year-olds was established as a result of 2016-17 budget funding. The delta dog therapy program has been implemented, delivering a service to CAMHS cottage and the step up and step down residential program. We also increased perinatal psychiatry clinics from one day a week to three days as a result of 2017-18 budget funding.

In allied health, a peer support worker trial role in adult mental health day service commenced and a partnership was established between ACT Health and the National Gallery of Australia with the aim of providing meaningful activities, respite and inspiration for people recovering from and/or experiencing mental illness. In addition, it fosters a sense of belonging and of being valued in the community by reducing isolation and creating an atmosphere of non-judgement and inclusiveness for people with a mental health illness to recover.

In rehab and specialty, the community clozapine initiation program won an award this year in the quality and safety awards. This program assists people to commence on clozapine, an anti-psychotic medication, in the community. Historically, people who were to commence on this medication would need to be hospitalised for the monitoring required at the commencement of this treatment. However, by developing this program people are now able to commence treatment in the community rather than waiting for a hospital bed. This treatment is more convenient and less disruptive for the person and a more cost-efficient use of resources.

It has been a busy first year of the Ninth Assembly. I look forward to delivering further updates on progress on my portfolios in coming years. I present the following statement:

Achievements in the first year—Ministerial statement, 31 October 2017.

I move:

That the Assembly take note of the paper.

Debate (on motion by **Mrs Jones**) adjourned to the next sitting.

Alexander Maconochie Centre—accommodation for female detainees

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) (11.36): I wish to update the Assembly on a recent development for our female detainees in the Alexander Maconochie Centre. Members are aware of the issues the AMC has been facing lately in terms of the rising numbers of female detainees, particularly those on remand.

As at the 30 June 2016 prisoner census, the ACT female imprisonment rate had increased by 30 per cent. There was no change in the female detainee numbers at the 2015 prisoner census from the 2014 prisoner census. Between December 2016 and May this year, female detainee numbers increased by 52 per cent. While this issue has emerged relatively quickly, we cannot rely on it receding equally quickly and we must make arrangements to respond to this trend. I have been transparent about the strategies to manage this increase, including accommodating women in the management unit and in the crisis support unit.

On Tuesday, 28 November, ACT Corrective Services will relocate female detainees from their current accommodation into one of the new accommodation units in the AMC. No longer will women be split between cottages, the management unit and the crisis support unit. Instead, female detainees will move to a 57-bed accommodation unit, which is set out in three wings of 19 beds each. This move addresses the ongoing problem of having a number of women occupying beds which are not intended for permanent living and addresses the current overcrowding issues faced by women. The new accommodation area has the capacity to cater for detainees of multiple classifications and to separate those with non-association issues.

The current arrangement of housing women within the management unit has presented some logistical difficulties for women accessing programs and education. Having women located in the one area of the AMC will mean more efficient access to programs, education, recreation and employment opportunities. Some programs and education will be provided in rooms located within the accommodation area. It also means there will be a reduced need for staff to escort individual women around the centre in order to attend specific programs. This is both a better use of staff time and a better way to deliver services for women.

The new accommodation is in close proximity to the recently constructed multipurpose recreational facility and the bakery. There are currently seven women employed in the bakery, working five days per week for around six hours a day.

Further opportunities for employment within the bakery will be explored over the next few months, with consideration of the employment of a second baker. Like all employment in the AMC, employment in the bakery depends on a detainee's suitability for the role and the completion of appropriate training. Staff at the AMC are working to better link employment opportunities with formal education. Women working in the bakery will complete foundation skills training, and AMC staff are working to complement on-the-job training with relevant formal vocational qualifications.

Women are already undertaking five units from the certificate II for retail bakery assistants, and AMC staff aim to have formal arrangements in place by the end of this year with the external training provider to provide the full certificate. This is a nationally recognised qualification, and detainees who commence the course in custody are able to complete their education in the community. The units currently taught are to use hygienic practices in food safety; clean kitchen, premises and equipment; participate in safe work practices; clean and sanitise equipment; and provide production assistance for bread products.

Employment and training while in custody is an important part of detainee rehabilitation. The training and skills learned during their course of employment in the bakery will enhance opportunities for women to seek employment after their release from the AMC and, in turn, reduce the likelihood of them returning to custody.

The relocation will better facilitate structured days for our female detainees and promote engagement in meaningful activity. I am hopeful that employment in the bakery will become a coveted role and that the relocation of female detainees to a central location will encourage more detainees to engage in the opportunity. Of course, moving women into an area currently occupied by men will have an impact on the male detainees currently in the accommodation unit. I can reassure members that all the male detainees currently located within the unit now designated for female detainees will be relocated appropriately throughout the centre, with careful consideration with regard to placement.

As always, the safety and security of the centre and of staff and detainees will inform placement decisions. All detainees, including those with high-level needs, will be assessed appropriately by case managers, senior corrections staff and healthcare professionals if necessary to determine the most appropriate accommodation option. Male detainees will remain at all times separate from female detainees. Screening will also be put in place so that there are no inappropriate line of sight issues between the men and the women.

There will be flow-on benefits from moving women currently accommodated in the management unit into alternative accommodation. Relocating the females from the management unit allows for corrections staff to once again have this area as an option for managing difficult and challenging behaviours within a purpose-built area. I acknowledge that there may be members in the Assembly who are resistant to the idea of relocating the women. We are all comfortable with the idea that cottage style living encourages independence and assists in the development of essential life skills

like cooking, and of social skills like conflict resolution that are developed by virtue of shared living arrangements.

In their new area, women will still have access to all the benefits of cottage living. Kitchens will be installed in the new accommodation area. Women will still be able to purchase items from buy-up which they can cook together in brand-new kitchens. Subject to the usual protections against association issues, they will still be able to socialise in shared areas and to participate in education and programs together. Planter boxes will be installed in the yard so that the female detainees are able to continue their gardening.

We have learned much from the early years of operations at the AMC and numerous independent reviews, including the recent Moss review. The time has come to consolidate this learning and to cater for a growing population, with continued planning that leads to better outcomes for our detainees and our community.

The government has engaged a professional services firm with expertise in fields including project management, architecture and engineering to undertake a feasibility study into future detainee needs. This will inform how best to use our existing accommodation and any need for additional facilities. Importantly, the feasibility study will be informed by the need to ensure that there are appropriate facilities and that access to these facilities can be managed in such a way as to allow detainee cohorts to peacefully coexist.

By reconfiguring the AMC and collocating female detainees, we are making the best use of the facilities and services offered in our new buildings while accommodating a growing detainee population. I am pleased that the reconfiguration will benefit both men and women accommodated in the centre. Women will have easier and greater access to education, programs and employment, including in the bakery. The management unit will come back on line as a useful tool in managing detainees. This will help improve the overall security and good order of the AMC.

I look forward to the results of the feasibility study to inform future decision-making as the AMC continues to mature as Canberra's sole adult correctional facility. I present a copy of the following paper:

Alexander Maconochie Centre—Female detainee accommodation—Ministerial statement, 31 October 2017.

I move:

That the Assembly take note of the paper.

Debate (on motion by **Mrs Jones**) adjourned to the next sitting.

Achievements over the past year

Ministerial statement

MS STEPHEN-SMITH (Kurrajong—Minister for Community Services and Social Inclusion, Minister for Disability, Children and Youth, Minister for Aboriginal and

Torres Strait Islander Affairs, Minister for Multicultural Affairs and Minister for Workplace Safety and Industrial Relations) (11.44): I am pleased to provide this update on achievements in my portfolio over the last year. As members are aware, I have a varied portfolio that I believe delivers some of the government's most important work across the community. Our aim is to ensure that all Canberrans have access to the services and supports they need to fulfil their potential and make a valued contribution to our community. The degree to which a community supports and embraces its vulnerable citizens is a measure of the quality and compassion of that community. In the ACT we want those amongst us who experience disability to be supported and to have the opportunity to live life to the full.

The national disability insurance scheme offers such a promise, but any major change also brings challenges. As the first jurisdiction to transition to the NDIS, the ACT has had its fair share of rollout challenges following this once-in-a-generation reform. We have made significant progress in addressing the issues the NDIS has presented in regard to advocating on behalf of individuals and identifying systemic concerns such as pricing for short-term accommodation, the potential for market failure in support for people with high and complex needs and the need to ensure that planners are better able to understand psychosocial disability.

The ACT government has formed strong working relationships with the National Disability Insurance Agency at both the local and national levels. We have been effective advocates in providing advice about what works and what does not and how we can improve delivery. The government continues to work with the NDIA to keep the community informed by facilitating workshops and forums for users, service providers and advocates. We will continue to work with them to implement changes and to look for continuous improvement opportunities. We are fully committed to the NDIS and have worked hard to ensure that the needs of our community are considered as we experience the full impact of the scheme.

In 2016 we established the ACT office for disability to support the ACT government and community in getting the most from the NDIS, as well as to inform broader engagement with people with disability. This government has provided and will continue to provide further support to make Canberra as inclusive as possible. There are a number of grant programs which help us do this, including the new disability inclusion grants program, for which applications close next week. For children, young people and families, the government has continued to implement its major sector reforms as well as introduce other changes to ensure that our families and young people thrive.

The most significant of our reforms is A step up for our kids. The five-year strategy has involved a fundamental shift in the provision of services, including the commissioning of family preservation and out of home care services. In the past 12 months work has continued on improving and embedding the governance model for A step up for our kids, with the aim of ensuring that effective and appropriate mechanisms are in place to guide the management and delivery of services.

I would like to thank our service delivery partners, Uniting, the ACT Together consortium, Australian Red Cross, Carers ACT and CREATE. Their commitment to

this work is critical if we are going to deliver a truly therapeutic, trauma-informed system. Most importantly, I want to acknowledge the foster and kinship carers who are truly the backbone of the system. It has been an honour to meet many of them over the last year, and I look forward to continuing that engagement.

The work of our child and youth protection services is critical to the safety of many children and young people in the ACT. It is difficult and demanding work and in the ACT we have seen a significant and sustained increase in demand over the past 24 months. The government has responded by providing major investment in front-line government and community partner services.

In the 2017-18 budget the government committed an additional \$43.8 million over four years to support our child protection system. This funding is supporting a comprehensive continuum of care approach, which, importantly, includes early intervention to help families at risk of involvement with the child protection system. It will also provide the government with two additional child and youth protection casework teams to continue the vital role they play in our community in keeping children and young people safe from harm.

To further bolster the rights of young people in the ACT, in July the government introduced the charter of rights for young people in the Bimberi Youth Justice Centre. The charter is based on international agreements to which Australia is a signatory and provides children and young people with an accessible guide to their rights and entitlements and to their responsibilities while they are at Bimberi. It reinforces our commitment to human rights and provides a focus for the voices of young people in the youth justice system.

The ACT has led the country in delivering a joined-up child protection and youth justice system. Throughout the year ACT officials have welcomed visitors from a number of other Australian jurisdictions, and we remain committed to sharing our experience and learning from others to deliver the highest standard of care and support for Canberra's most vulnerable children and young people.

We have also improved the experience of those involved in adoption. In March I tabled on behalf of the government its response to the review of the domestic adoption process in the ACT. I would particularly like to thank the people who have been adopted, adoptive parents, foster carers and kinship carers who shared their experiences to inform the report. As a result of this process, better information is now more easily available regarding the adoption process in the ACT. Further work is underway to improve our services to be as inclusive and cognisant of the experiences of people in the adoption process as possible.

The Canberra community is proud of its vibrant and active Aboriginal and Torres Strait Islander community. In 2017 a new Aboriginal and Torres Strait Islander Elected Body was elected. We remain the only jurisdiction with such a body to inform the actions of government. Achieving equitable outcomes and opportunities for Aboriginal and Torres Strait Islander people is a key objective of this government and I am pleased that we continue to make progress against the ACT Aboriginal and Torres Strait Islander agreement signed with the elected body in 2015.

We have established an outcomes framework to provide the basis for evaluation against the current agreement. And, for the first time, ACT government agencies are reporting in detail, via a dedicated section on measures to address and overcome disadvantage, in their 2016-17 annual reports. This is important because, as the agreement recognises, building strong families and connected communities for Aboriginal and Torres Strait Islander Canberrans is a whole-of-government and whole-of-community responsibility.

In my own portfolio of children and youth I announced in June a review into the over-representation of Aboriginal and Torres Strait Islander children and young people involved in the child protection system, including those in out of home care. The review's primary focus will be to inform system-wide improvements that will fully realise the Aboriginal child placement principle in the ACT. In addition, case planning for each child and young person currently involved in the child protection system will be independently reviewed to ensure that those children are thriving and are supported to maintain connections with their family, culture and community.

In July I announced that child and youth protection services is undertaking a family group conferencing pilot specifically for Aboriginal and Torres Strait Islander families at risk of ongoing involvement with child and youth protection services. The pilot includes the employment of two identified Aboriginal and Torres Strait Islander positions, based within the child and youth protection services cultural services team, to undertake the facilitation of family group conferences. This initiative will keep more Aboriginal and Torres Strait Islander families out of the child protection system.

In September legislation was passed establishing in the ACT Australia's first Reconciliation Day public holiday. This is a change of national significance. The Reconciliation Day public holiday will be celebrated annually on the first Monday on or after 27 May, which is the anniversary of the 1967 referendum and the first day of Reconciliation Week. I take great pride in being a member of a government that is the first to formally recognise and initiate a public holiday in support of reconciliation. The government will work closely with the community and key stakeholders to develop a program of events that promote and celebrate reconciliation in the lead-up to and on the Reconciliation Day public holiday.

All these things make a difference. However, we recognise that there is a great deal more work to do, and this government will continue to work to ensure Aboriginal and Torres Strait Islander people are fully engaged with and benefiting from the opportunities of our community.

I am proud to be a member of a community that at its very foundation embraces its ethnic diversity and welcomes people from all parts of the world. In February I had the great privilege of overseeing the National Multicultural Festival for the first time. It was an absolute highlight of my year and, as ever, put Canberra at centre stage of Australian multiculturalism. It is an event we can all be very proud of.

In 2017 the government provided further strength to the diverse foundations of our community by committing \$1.4 million over four years to supporting migrants,

refugees and asylum seekers to improve their English language skills and their chances of employment. This is being done through expanded English language programs and practical assistance to gain meaningful and sustained employment through local employment pathways. In September I announced the membership of our newly established Multicultural Advisory Council. The council will provide an opportunity for members of Canberra's culturally and linguistically diverse community to take the lead on issues that affect them and their communities. It will ensure that the voices and aspirations of all people within the multicultural community are heard.

In recent weeks I had the privilege of participating in a number of sessions of a deliberative democracy process to develop a new carers strategy for the ACT. Many of the people involved were carers, and their stories were moving, confronting and uplifting. Many of the participants talked about how the process of putting them, as people with lived experience, at the centre of policy development had renewed their faith that positive change could be achieved. This is an innovative example of the government's social inclusion agenda, an agenda which aims to enhance and support our strong and fair community where all voices are heard and all Canberrans are empowered to participate. I want to acknowledge the significant contribution that approximately 50,000 carers make to our community. I look forward to sharing the vision, outcomes and priorities developed by the carers voice panel with my cabinet colleagues and the community and building on those to deliver a new ACT carers strategy.

The ACT government continues to review and adapt its approaches to ensure that we have the best measures in place to continue to protect children and vulnerable people from the risk of sexual, physical, emotional or financial harm or neglect. The ACT government has just completed the scheduled legislative review of the Working with Vulnerable People Act. The review considered government and community feedback, policy and legislative issues and recommendations to improve existing pre-employment screening schemes. Many of the recommendations have positioned the ACT to deliver on the royal commission's recommendations, and we continue to participate in work to progress national standards.

There is no question that every worker has the right to work in a safe and healthy workplace. Every family should expect to see their loved ones come home from work safe and sound every day. While we still have more work to do in reducing serious workplace injuries, a recent independent actuarial review of the 2015-16 workers compensation data reveals a reduction of almost 19 per cent in the serious injury frequency rate over a three-year period.

In the ACT public sector, work injury numbers are also trending downwards. In 2016-17 the number of work injuries was four per cent lower than in 2015-16 and 13 per cent lower than in 2014-15. To build on these promising trends, we will invest \$1.4 million over the next four years for enhancements to return to work and retraining services for our public sector workers. The design of the funded initiatives is being informed by a detailed consultation with public sector unions and experts in the field of injury management, which was conducted throughout 2016.

Last week I released an RMIT study on safety culture in the construction industry. It was, as they say, a curate's egg—good in parts. But there were some concerning findings: an apparent disconnect between management and workers on the ground when it comes to perceptions of safety, concerns about mental health within the industry and a view that apprentices are not receiving the level of supervision and instruction that they should be.

We have already acted on concerns about apprentice and young workers safety. In August this year I asked the tripartite Work Safety Council to establish a time-limited subcommittee to consider the issue of apprentice and young worker safety and report back to me. WorkSafe ACT is also undertaking an audit into the supervision of new and vulnerable workers. The audit will identify the current levels of compliance with supervision and workplace induction and safety and provide education and advice to managers, supervisors, apprentices and trainees on safe work practices relevant to their industry. In addition, Skills Canberra is working closely with WorkSafe ACT to target field officer visits to workplaces employing apprentices and trainees that require further monitoring in relation to health and safety responsibilities.

In July 2017 changes to the territory's workers compensation laws came into effect that increased the amount of compensation that is available to people with debilitating asbestos diseases by \$140,000. We have also made it the responsibility of a government agency to ensure that people who find themselves in these tragic situations are able to access compensation quickly and without undue stress. These changes complement the territory's asbestos safety laws, which are amongst the most stringent in the country and include mandatory asbestos training for workers who may come into close contact with asbestos, including pest controllers and telecommunications technicians. Over 15,000 people have completed this training so far.

As I reflect on this past year, there are many highlights to celebrate. I have greatly enjoyed the chance to be part of such a change. I want to take this opportunity to thank my colleagues here in the Assembly, especially my ministerial colleagues, my staff and the public servants who have supported me over this first busy year as an MLA and minister. I particularly want to thank those public servants across my portfolios who work on the front line of service delivery. The work they do every day makes Canberra safer, stronger and more inclusive. I look forward to the next 12 months as part of the Barr Labor government, doing what I can do to see Canberra progress towards even greater levels of inclusion and participation in our community. I present the following paper:

Achievements over the last year—Ministerial statement, 31 October 2017.

I move:

That the Assembly take note of the paper.

MRS KIKKERT (Ginninderra) (11.59): I thank the minister for the statement she has read regarding the past 12 months. I also take this opportunity to briefly respond to

some of what the minister said just now. Over the past year it has been one of my duties to raise concerns in this chamber, in many cases to be the voice of those who are not heard. Unfortunately, most of these concerns have not gone away. I think it is important, therefore, and part of my responsibility to help provide a fuller picture of the past 12 months. For example, the minister has mentioned that the Labor-Greens government has in the latest budget committed an additional \$43.8 million over four years to support our child protection system. As I have said before, if the need is there I will certainly not be the one arguing against providing for some of the territory's most vulnerable children. But this need is in itself troubling. The minister's statement admits that:

... we have seen a significant and sustained increase in demand over the past 24 months.

Professor Morag McArthur at the Institute of Child Protection Studies here in Canberra has called this growth in demand distressing. As I have pointed out to the Assembly before, this increased demand has come despite the number of children entering out of home care each year remaining relatively stable over the past three years. This means that children and young people are going into care but not leaving, and this raises serious concerns about the government's A step up for our kids strategy and its commitment to "reduce demand for out of home care places" and "normalise children and young people's lives by exiting as many children and young people from care into permanent alternative homes as soon as possible". Clearly, neither of these outcomes is currently being realised, and so far I have not heard from the minister or this government any satisfactory explanations as to why.

In addition, nearly 50 per cent of those providing out of home care in the territory are now kinship carers, and yet some of these good family members report that they feel inadequately supported. Many of them are older and less well off financially, and yet some note that they are receiving less financial assistance than they used to. Helen Watchirs, our human rights commissioner, even told the ABC in a recent radio interview that she had spoken with a number of grandmothers looking after children in the government's care who were not getting any financial assistance at all. This is unacceptable.

In this same radio interview the human rights commissioner also brought up the fact that a number of important care and protection decisions in the ACT are not reviewable, as they are in other jurisdictions. This, she said, makes these decisions difficult to defend and undercuts the Labor-Greens government's supposed commitment to turning Canberra into a restorative city. I concur with Dr Watchirs. I note that some suggestions of progress have begun to appear on this issue in response to a motion I moved earlier this year calling on the government to implement a system of external review for care and protection decisions in this territory, but clearly much more needs to be done.

Regarding the Bimberi Youth Justice Centre, the minister seems to have limited her achievements to the introduction of a long-overdue charter of rights. Only time will tell if this piece of paper and any other measures taken by this government to create a truly safe space for both young people and workers will finally stop the outbreaks of

violence that have plagued this territory's youth detention centres for far too long. In the meantime, I note that youth workers who were stood down from Bimberi 17 months ago are still in limbo, with the government's investigation continuing to drag on for unexplained reasons. I simply cannot see how this situation could in any way be considered fair to these workers, and I worry that it may have taken a serious toll on their mental health.

The minister also mentioned improving the experience of those involved in adoption, but the only improvement she noted was that better information is now more easily available regarding the adoption process in the ACT. I note that this is only the second of the six recommendations that this government earlier this year committed to, and arguably the easiest one. Considering that ACT Together are currently advertising for additional foster carers who wish to adopt, I expect this government to make real progress in implementing the other four recommendations as soon as possible.

The minister also addressed the formation of a review into the over-representation of Aboriginal and Torres Strait Islander kids in the child protection system. Considering the dismal numbers on this point, a review is much needed, but I remind this Assembly that until a few weeks ago no Indigenous Australian had been recruited for this review. In addition, the government's child and youth protection assurance and improvement committee still lacks any Indigenous members and the minister has admitted on radio that the government has not tried hard enough to recruit any. I look forward to seeing improvement in this area also.

Lastly, I remind this Assembly that, despite the fact that youth unemployment in the ACT has increased to 10.5 per cent in May this year, this government has no specific initiatives to address youth unemployment and underemployment. As Rebecca Cuzzillo, policy director of the Youth Coalition of the ACT, told the Select Committee on Estimates earlier this year, she is disappointed by this fact, and so am I. In concluding her statement, the minister said that she looks forward to the next 12 months. So do I, Madam Speaker, and I sincerely hope that this time next year there will be far fewer concerns for me to raise in response to the minister's statement.

Question resolved in the affirmative.

Lakes Amendment Bill 2017

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

Title read by Clerk.

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) (12.06): I move:

That this bill be agreed to in principle.

I am pleased to table the Lakes Amendment Bill 2017 to the Assembly, the purpose of which is to amend the Lakes Act 1976 to update and modernise the provisions relating to navigation and safety on ACT lakes. The Lakes Act 1976 is an outdated and inadequate statute which has not been reviewed since its inception and does not currently provide clear or enforceable provisions in relation to navigation and public safety for users on ACT lakes.

In June 2016 the National Capital Authority initiated an administrative review of the Lakes Ordinance 1976 due to concerns associated with the increasing recreational use of Lake Burley Griffin. The ACT Lake Users Group was consulted to determine the issues to be addressed in the proposed review. The Lake Users Group comprises representatives of recreational lake users, sporting clubs and commercial operators, along with the ACT and Australian governments.

Initial consultation with the Lake Users Group and the New South Wales maritime authority identified that the following substantive issues needed to be addressed: adoption of international regulations preventing collisions in navigable waters, mainly give-way provisions; provisions relating to signals and lights on boats; conduct of persons on board boats; provisions relating to the operation and securing of boats; provisions relating to the obstruction of navigation; requirements relating to distances between boats and other objects; licensing and boat registration; towing of persons; use of personal watercraft, including jet skis; safe loading of boats; requirements relating to boat compliance plates; boat driving licences; alcohol and drug testing; and offence provisions.

A working group, the ACT lake managers' forum, was established, comprising representatives from the National Capital Authority, ACT water police, Access Canberra, the Transport Canberra and City Services Directorate, the Environment, Planning and Sustainable Development Directorate, and the Australian Maritime Safety Authority to progress the review of the Lakes Act and Lakes Ordinance.

The provisions of the commonwealth's Lakes Ordinance and the Lakes Act are effectively identical, with the main point of difference being regulatory jurisdiction over different bodies of water within the territory. The ACT government supported the view, due to similar concerns for users of ACT lakes and the ACT coroner's report recommendations in August 2015 following a fatality at the Molonglo Reach waterski area in 2010. One of the recommendations of the coroner's report was that a review of the relevant legislation be carried out to ensure that it is adequate and carries sufficient deterrent for unlawful use and that members of the AFP and ACT Policing have sufficient powers to enforce relevant legislation, including the issuing of infringement notices and the carrying out of random alcohol and drug testing.

The ACT lake managers' forum agreed that the Lakes Act and Lakes Ordinance amendments should be modelled on the maritime safety laws of New South Wales, specifically the NSW Marine Safety Regulation 2016. The New South Wales regulations are the most relevant to the ACT, based on the fact that they are current and reflect best practice in maritime regulation. Further, given that water and boat

users regularly cross jurisdictions, it is important that the maritime laws of the ACT and New South Wales are consistent.

The Jervis Bay Territory Marine Safety Ordinance 2016 was recently enacted to address similar issues at the Jervis Bay Territory and served as a useful reference for amendments to the Lakes Act and ordinance as it is modelled on the New South Wales Marine Safety Regulation 2016 for safety and navigation provisions and the ACT Road Transport (Alcohol and Drugs) Act 1977 for drug and alcohol provisions.

Currently the ACT's drug and alcohol laws do not extend to lake users operating boats. The ACT water police have no legislative authority to regulate drug and alcohol use on ACT lakes. This makes it extremely difficult for the water police to enforce standards or current compliance practices for the use of drugs and/or alcohol while a person is operating a boat. The new drug and alcohol provisions will modernise the offence provisions and ensure consistency with the ACT road transport legislation framework and comparable maritime legislation in NSW.

The proposed amendments to the Lakes Act will insert and update contemporary safety, directions and offence provisions relating to the use of the territory's lakes, consistent with surrounding New South Wales waters. These provisions cover actions relating to: the safe use of boats on the territory's lakes, including speedboats, boat operation, navigation, signals and lighting, towing and loading, and safety devices. The more serious offences which could result in sufficient risk to public safety are contained within the act. Offence provisions of a lesser and technical nature are to be included in the new regulation-making provisions in the bill.

The new regulation-making power will allow for offence provisions for setting out the requirements for obstructions to navigation, safety equipment to be carried on a boat, qualifications of operators and safety and navigation rules. Minor anomalies also exist both within the Lakes Act itself and between the Lakes Act and the commonwealth's ordinance. The proposed legislative amendments in the bill seek to correct these anomalies, which relate to areas declared as lakes under the respective legal statutes.

Currently areas of the Molonglo River upstream of Lake Burley Griffin are declared under the Lakes Ordinance as a lake and administered by the NCA. However, the management of the area is undertaken by the territory. The bill seeks to clarify the administrative and management responsibility for the Molonglo Reach from the confluence of Lake Burley Griffin and align it with the land management area responsibilities.

The bill introduces cross-jurisdictional arrangements where approvals issued under the respective territory and commonwealth laws also are recognised, subject to consultation between the regulating authorities. This will remove the current duplication for approvals for users of Lake Burley Griffin, administered by the commonwealth, and Kingston harbour and Molonglo Reach, administered by the territory, where boats operate throughout these waters.

It also seeks to harmonise the ACT regulation of boating use on our lakes, consistent with the surrounding New South Wales water, where for low-risk activities such as

recreational boats travelling at speeds of less than 10 knots licensing is not required. The introduction of a more streamlined licensing and approval regime will reduce red tape and remove regulatory barriers for people wanting to enjoy the territory's lakes. This will promote and facilitate greater use of this valuable resource for the benefit of all the community.

With increased use of our waterways comes the increased risk of conflicts, and the proposed amendments will introduce contemporary safety legislation to protect all users of our lakes, ensuring that our community can enjoy our waterways in the knowledge that appropriate safety measures are in place.

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

Crimes (Police Powers and Firearms Offence) Amendment Bill 2017

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

Title read by Clerk.

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (12.15): I move:

That this bill be agreed to in principle.

Today I present the Crimes (Police Powers and Firearms Offence) Amendment Bill 2017. The bill introduces a specific offence which will expressly prohibit drive-by shootings, and introduces statutory crime scene powers.

The ACT government is strongly committed to responding to the criminal activities of serious organised crime groups, including outlaw motorcycle gangs. Our response to organised criminal activity must be effective. The government is actively engaged with the Chief Police Officer on practical, legislative and operational measures which will address serious and organised crime. Today's bill is the product of consultation with ACT Policing. It delivers better tools to investigate crimes and enforce the law, and it does so in a way that is compliant with human rights.

Earlier this year, an investigation into a drive-by shooting showed that crime scene powers, which give police the ability to preserve evidence, would be beneficial to targeting organised crime in the territory. The government also looked at the laws which criminalise drive-by shootings and concluded that a change was needed. Current offences in the ACT address the severity of shooting at a person but not necessarily the serious risk that comes with shooting at a building or home.

For example, an act of endangering life under the Crimes Act 1900 requires the offender to discharge a loaded firearm at another person so as to cause another person reasonable apprehension for his or her safety. The maximum penalty for this crime is

10 years imprisonment. However, even proving that someone knowingly shot into a suburban home may not necessarily be enough to convict an offender of this crime. There may have been no-one inside the home, in which case there was no way to cause another person to fear for their safety.

These cases can be further complicated if the victim is a member of an outlaw motorcycle gang or other criminal organisation; they may not be willing to provide police with any information at all that enables this offence to be charged and prosecuted. While the existing legislation comes with a penalty that recognises how serious the behaviour is, in its current form it can be difficult to apply. At the other end of the spectrum, there are offences under the Firearms Act 1996 for discharging a firearm in a public place, but these are punishable by a maximum of 12 months imprisonment. These laws are aimed at regulating the use of firearms, not at serious crime.

The new offence in this bill will capture people shooting at any building or vehicle where other people might be, including homes or businesses, whether from a car or otherwise. This legislation has been drafted based on similar provisions in New South Wales. A particular person does not need to have been the target of the shooting, and a person does not need to have been injured for the offence to apply. Unlike the offence of an act endangering life, the new offence does not rely on a victim being in fear or apprehension for their safety.

The new offence recognises that shooting into a place where people could be is inherently a serious violent crime. It is an action intended to intimidate or terrorise people, and one that has occurred in furtherance of organised crime. For that reason, the new offence in this bill comes with a maximum penalty of 10 years imprisonment, the same as for the offence of acts endangering life.

The second area covered by this bill relates to investigating crimes. As the legislation currently stands, police have no express power to establish and control a crime scene in a public place or private premises. While there are a number of common law powers to secure crime scenes, these powers are limited in scope. For example, a police officer has the power to enter premises without a warrant where the officer is pursuing an offender who enters the premises. The inability to secure a crime scene adequately means police have limited power to exclude or remove people who may be either deliberately or inadvertently interfering with evidence. The ability to preserve evidence has real-world, practical consequences for law enforcement.

For example, in February 2016 police received information from a source that a drive-by shooting had occurred at an OMCG member's property. Police attended the home and spoke with the victim, who denied that a shooting had taken place. The occupant of the home declined to give police consent to search. Police observed damage from what appeared to be shotgun pellets to several surfaces at the front of the home. Tradespeople were already on site in the process of removing and replacing the damage. Police considered applying for a search warrant. However, it was apparent that any evidence would be destroyed by the time the warrant was issued.

A suspect was identified and a shotgun was recovered from a common area near his unit during the execution of a later search warrant. In the absence of any forensic evidence from the scene of the offence, however, it was not possible to link the shotgun to the shooting. This is an example of how a new power to preserve evidence can support investigating serious crime, and how it is particularly relevant to investigating organised crime.

The bill I am introducing today provides that a police officer may establish a crime scene at a public place if they reasonably suspect that any offence punishable by a term of imprisonment has been or is being committed at the place and they consider that it is reasonably necessary to immediately establish a crime scene to protect or preserve evidence of the offence.

The same thresholds apply for private premises if the owner or occupier consents to a crime scene being established. If consent is not provided, or consent is impracticable to obtain, a police officer can establish a crime scene at a private premises if they reasonably suspect that any serious offence has been or is being committed at the place and they consider that it is reasonably necessary to immediately establish a crime scene to protect or preserve evidence of the offence.

A serious offence is defined to include any crime punishable by five years imprisonment or more, along with specific high-risk offences, including family violence and death or serious injury caused by a motor vehicle. This higher threshold applies for the exercise of crime scene powers at private premises where consent cannot be obtained. The limitation ensures that citizens are not exposed to unreasonable infringements on their privacy, as the power can only be used when there is a serious crime under investigation. The legislation provides a clear process for police to follow and ensures that people affected will know what their obligations are so that they can comply.

A crime scene is considered to be established from the time a police officer begins to exercise crime scene powers or makes a record that a crime scene has been established. Following the decision to establish a crime scene, a police officer must notify a senior police officer who is at or above the rank of sergeant as soon as practicable. The requirement to inform a senior police officer ensures that there is oversight of the decision by a more experienced officer.

When a crime scene is established, police officers can exercise a number of powers to ensure that evidence at the crime scene is protected and preserved. This includes requiring a person to leave the crime scene and preventing a person from removing evidence from or otherwise interfering with the crime scene. It also includes conducting a frisk or ordinary search of people present, to prevent them from removing evidence from the scene.

There are important restrictions on the use of crime scene powers, to ensure that this legislation is compliant with the Human Rights Act. Firstly, to protect the privacy of people in their own home, there is no power provided to police to search the premises. Where those additional powers are required, police will be required to obtain a search

warrant. Additionally a crime scene may not be maintained on private property without the authority of a search warrant for a period longer than reasonably necessary and no greater than six hours or, where the crime scene relates to a motor vehicle which has been relocated to a secure facility, 48 hours.

A number of obligations have been placed on a police officer following a crime scene being established, to ensure that people who are at a scene understand what is happening and understand their obligations. For example, if a crime scene is established at a private premises without consent, a police officer must take reasonable steps to tell the owner or occupier of the premises that a crime scene has been established at the premises, the offence to which the crime scene relates and when the officer expects that it will no longer be necessary to exercise crime scene powers at the premises. An offence provision has been included for a person failing to comply with a direction from a police officer when a crime scene has been established. This offence is punishable by two years imprisonment and/or 200 penalty units.

This bill supports the ACT government's commitment to address serious and organised criminal activity proactively and effectively. The offence and the police powers in this bill give practical measures to hold people accountable for drive-by shootings and to investigate serious crimes. The drive-by shooting offence will make it clear to criminals and criminal organisations that the community rejects this behaviour and will provide the police with an effective way of disrupting and dealing with it.

Crime scene powers will ensure that police can secure the evidence of a crime, increasing the likelihood of identifying perpetrators and keeping the community safe. A strengthened offence with higher penalties for drive-by shootings will ensure that one of the most dangerous crimes of intimidation or worse can be fairly and effectively punished. Both of these important provisions are part of a suite of initiatives that this government is pursuing to ensure that this city is and remains safe. We will keep working with our police, we will keep looking at examples in other jurisdictions and we will keep working to ensure that our responses protect both our safety and our rights.

I commend the bill to the Assembly.

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

Workers Compensation Amendment Bill 2017

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

Title read by Clerk.

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) (12.27): I move:

That this bill be agreed to in principle.

Today I present the Workers Compensation Amendment Bill 2017 to the Assembly. The bill includes several important amendments to the Workers Compensation Act 1951 and the Workers Compensation Regulation 2002.

The territory's workers compensation scheme provides insurance cover to approximately 16½ thousand employers. It also provides medical, rehabilitation and compensation services for around 140,000 workers in the event that they sustain an injury or disease as a result of their employment. This bill gives effect to four reforms which will not only improve access to statutory entitlements for territory workers but also increase the amount of statutory compensation payable in certain circumstances.

Specifically, the bill increases the amount of compensation available to the dependants of a worker who dies as a result of their work. It modernises the schedule of employment-related diseases and clarifies the liability test for employment-related disease. It aligns age limits for workers compensation with the commonwealth pension age to make sure that injured territory workers are not disadvantaged by the commonwealth's increases to the pension qualifying age, and it introduces fines for employers who fail to pay workers compensation where they are required to do so.

Most Australian workers compensation schemes, including in the ACT, explicitly identify certain diseases that are highly likely to be caused by employment. In the ACT scheme these are categorised as employment-related diseases. The process for claiming workers compensation for an employment-related disease is streamlined by a reversal of the onus of proof in relation to employment contribution. This means that if a worker or former worker has an employment-related disease and they can demonstrate that they performed a type of work that is associated with that disease, their claim will be accepted unless the insurer demonstrates that work was not a substantial contributing factor.

The proposed amendment adopts an expanded list of employment-related diseases developed by Safe Work Australia in 2015. The list is based on expert, peer-reviewed research and agreed by a tripartite national committee representing the commonwealth, all states and territories, unions and employer groups. Its introduction in the ACT is supported by the tripartite Work Safety Council. Adopting the Safe Work Australia employment-related disease list will increase the number of employment-related diseases from 28 to 48. The bill amalgamates a number of existing diseases and adds diseases such as hepatitis A, B and C, HIV/AIDS, noise-induced hearing loss, lung cancer as a result of exposure to diesel engine exhaust, and skin cancer from solar radiation.

It should be noted for clarity that two diseases have been removed in this updated list—ankylostomiasis and tenosynovitis. This does not mean workers will be unable to claim compensation for these diseases but reflects the expert advice that an onus of proof on the claimant is more appropriate.

I am confident that no-one in this place would deny the importance of providing a high level of support to the dependants of a worker who dies as the result of a workplace injury. We cannot underestimate the devastation caused and we should always endeavour to limit the burdens associated with seeking just compensation. With this bill, the government is significantly increasing the amount of compensation payable to workers and their families. A review of the current scheme highlighted a significant gap in the amount of compensation payable following a work-related death in comparison to other Australian jurisdictions.

The reforms proposed in this bill will align death compensation with similar entitlements under the Comcare scheme, which is the scheme that covers ACT and commonwealth public servants. This will help to close a gap in compensation for all ACT workers and their families, ensuring that they have the same entitlement regardless of whether they work in the private or public sector. On today's values, the lump sum payment will increase from just under \$217,000 to almost \$528,500. Weekly compensation to dependants will increase from just over \$72 per week to \$145 per week, while funeral expenses will increase from \$5,780 to \$11,654. To ensure that compensation amounts remain aligned over time, the bill provides for the same method of indexation as used by the Comcare scheme, using the wage price index.

Currently, statutory incapacity payments in lieu of lost earnings can only be paid to an injured worker until age 65 or, in certain cases, for up to two years afterwards. The original rationale for such restrictions was that once an injured worker reached the retirement age of 65 they would have access to superannuation or other forms of income support, such as the age pension. With changes in the commonwealth pension age coming into effect on 1 July 2017, the qualifying age for the age pension increased to 65½ and will continue to increase incrementally to 67 over the next six years. As a result, the situation could arise where an injured worker whose weekly compensation payments cease at 65 would not be entitled to the age pension for up to six months, leaving them without any income during that time.

In order to prevent this situation from occurring, the bill proposes amendments which align weekly compensation age cut-off provisions with the commonwealth qualifying age for the age pension, as set out in the Social Security Act 1991. This change will ensure that there is no gap between the cessation of weekly compensation payments and possible eligibility for the age pension. In order to ensure that no-one misses out, sections 5, 7 and 8 that give effect to this measure are proposed to commence on 1 July 2017. While this is a retrospective commencement date, I am advised that the sector has been aware of the government's intentions on this matter for some time and officials have been working with insurers.

The act currently specifies that an employer must commence payments of weekly compensation upon notification of injury by an employee. Unfortunately, it has come to our attention that not all employers in the territory are complying with this obligation, leaving some workers in a vulnerable position without income. It is accepted that when a person is off work due to a work-related injury, disruption to their income can cause additional stress in what is already a difficult time. As a result

they may suffer an exacerbation of their injury or illness, resulting in delayed recovery and return to work.

At present the legislation does not contain a penalty provision for employers who do not comply with this obligation, leaving the regulator with limited enforcement powers. Amendments contained in this bill introduce a penalty of up to 10 penalty units and provide WorkSafe inspectors with a mechanism to issue an on-the-spot fine on an employer who refuses to comply.

The government is ever mindful of the impact a workplace injury can have on workers and their families. The changes proposed in this bill move to both modernise access and benefit design within the private sector workers compensation scheme to ensure that injured workers receive prompt and adequate compensation. I commend the bill to the Assembly.

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

Sitting suspended from 12.35 to 2.30 pm.

Questions without notice

Land—rural block 1600 Belconnen

MR COE: My question is to the Minister for Housing and Suburban Development. In May last year the board of the LDA approved the purchase of Belconnen rural block 1600, known as Pine Ridge, near Holt. The LDA purchased this property for a cost of \$4.6 million with the settlement taking place under the Suburban Land Agency. Under the old arrangements the LDA board could make a decision to purchase the land but must advise either the Chief Minister or the planning minister or both. Minister, did the board of the LDA or the Suburban Land Agency formally notify you of this purchase and in what form was that notification made, if it was?

MS BERRY: The decision on the purchase of the land referred to in the opposition leader's question was made by the LDA under the former arrangements and under those arrangements there was no requirement to inform the minister. I am just going to check whether or not I was advised prior to the decision to purchase the property to finish the contractual arrangements after 1 July. I will get that date and if I was advised before then and I will let you know.

MR COE: Why do we have a situation where the SLA and CRA do not have policies in place right now for acquiring land, given that it has been four months since they were created?

MS BERRY: That work is being done to make sure that the policy is right. In the meantime, I am advised that there are no purchases of land being sought by the SLA.

MS LAWDER: Minister, who is responsible for developing new policies for acquiring land?

MS BERRY: The Treasurer, the Chief Minister.

Crime—international students

MS LE COUTEUR: My question is to the Minister for Multicultural Affairs and relates to reports of violence against international students, most recently a Chinese international student at Woden bus interchange. What steps is the ACT government taking to directly combat racism, white supremacy and racially motivated violence in our multicultural community?

MS STEPHEN-SMITH: I thank Ms Le Couteur for her question. Canberra is, of course, a diverse and welcoming community, including for thousands of international students at both our high schools and universities. I was concerned, as everyone else in this place was, I am sure, to read about the recent incident that occurred. I am advised it was an isolated incident but I am very pleased that police are working closely with the community to support them to ensure that they are safe in Canberra, and they are listening to the community. I understand that the office of multicultural affairs has also been involved in those conversations with the community.

We take a number of steps to ensure that Canberra is a welcoming place for Canberrans from diverse backgrounds and that they have the opportunity to raise complaints if they have them, including, for example, through the Human Rights Commission, if people are concerned about instances of racism, vilification et cetera. There is a range of measures. I do not have a comprehensive list with me, but there is a range of things that we do in our community to ensure that we are a welcoming community for people from diverse backgrounds, including, of course, the thousands of international students who live in our community.

MS LE COUTEUR: Despite reports by police that these attacks were not racially motivated, this pattern of violence has understandably contributed to a perception amongst international students that Canberra is not safe anymore. What will the ACT government do to reassure residents and anyone thinking of visiting?

MADAM SPEAKER: That question was to the Minister for Multicultural Affairs, but you are choosing to take it, Minister—

MS BERRY: Yes, Madam Speaker. If the question is specifically about the students and their support from the Education Directorate then I can respond to that.

MS LE COUTEUR: I was thinking more broadly than students.

Opposition members interjecting—

MADAM SPEAKER: It is not a discussion. Minister Berry will take the floor.

MS BERRY: As soon as the ACT Education Directorate became aware of this matter, they immediately supported the students who were involved. They were visited in hospital by members of the Education Directorate. I understand that the police have also provided advice and support to the students concerned. Members of the Education Directorate also met with leaders of the Chinese community in the

ACT and will continue to meet with them to reassure them and to continue to work on how we can—

Members interjecting—

MADAM SPEAKER: Chief Minister, do not be so easily amused, please. Ms Berry, do you have anything else to add?

MS BERRY: Just to say that this is a matter of concern. It is a very important issue. We do consider ourselves in Canberra to be a very inclusive and welcoming community. The Education Directorate and ACT Policing will work very closely with the international student organisations to ensure that that is the case.

MS CHEYNE: Minister, what is the government doing to ensure that it gets advice from leaders and members of the multicultural that community?

MS STEPHEN-SMITH: I thank Ms Cheyne for her question. I recently announced not only the establishment but also the membership of the Multicultural Advisory Council. I am looking forward to meeting with the council soon and getting their advice about the range of issues that affect our wonderful, diverse multicultural community in Canberra.

We know that people from that community can face a range of challenges both in terms of racism in the community and in relation to things such as finding employment and English language. That is part of the reason that the 2017-18 budget delivered a \$1.2 million election commitment for humanitarian and refugee entrants and a job pathway program for them to improve their employment outcomes, as well as additional funding for English language programs.

That was in response to listening to the community about some of the challenges they face. Particularly there is the work of the Multicultural Youth Services in the pilot program in this area. That is just one example of where we have been listening to the community. We engage with community throughout the year in the development of the National Multicultural Festival, which is coming up in February. I am looking forward to continuing to engage with the Multicultural Advisory Council as we work towards the Multicultural Summit that we are starting to plan for 2018.

Asbestos—valuations

MR MILLIGAN: My question is to the Minister for Planning and Land Management regarding valuations and government acquisitions. Minister, why does the government need two valuations to purchase a Mr Fluffy house?

MR GENTLEMAN: The reason that we need two purchases is that that was the policy decided with the creation of the asbestos response task force.

MR MILLIGAN: Minister, why has the ACT government purchased many rural leases with only one valuation?

MR GENTLEMAN: It is a similar answer. That is the policy that was decided by the Suburban Land Agency for purchases of rural blocks. It is important to understand, of course, the complete difference between purchasing Mr Fluffy blocks, where we made a great deal of effort to support the community that was affected by the asbestos in their homes. Indeed, we are well ahead and on track for that to be completed.

MR COE: Minister, why is a higher level of integrity required for the purchasing of Mr Fluffy blocks than for multimillion-dollar rural leases?

MR GENTLEMAN: I disagree with the premise of the question.

Visitors

MADAM SPEAKER: Before I call Mr Pettersson, members can I bring to your attention that in the chamber we have the pleasure of the company of Mr Speaker of our twin parliament in Kiribati, Mr Tebuai Uaai, and his Clerk. Welcome to the Assembly. You are here for a couple of days as part of that twinning program. Take an opportunity to meet as many members as you can and ask all the questions that you can. Thank you and welcome to the Assembly.

Questions without notice Economy—space industry policy

MR PETTERSSON: My question is to the Chief Minister. Chief Minister, how is the ACT government pursuing the growth of the space industry in the ACT?

MR BARR: I thank Mr Pettersson for the question. Our city has had a long involvement with some of the biggest events in international space exploration. This has led to the creation of a very capable space industry sector in our city with world-class research and education institutions.

Globally the space industry has been growing at over 10 per cent a year in the past two decades but Australia's performance has generally been well below that international growth benchmark. But with the right approach and policy environment now emerging, Australia and Canberra can quickly make up some of this lost ground. The government's focus is on getting Canberra at the forefront of the next wave of space industry development both here in Australia and overseas as it will be a key jobs growth sector over the coming decade.

We have driven this agenda through COAG fora and we work closely with other governments to support the development of the Australian space industry. At the local level we are investing in some key projects including the University of New South Wales Canberra's concurrent mission design facility and the space-based quantum communications jointly led by ANU and UNSW Canberra and involving local companies QuintessenceLabs and Liquid Instruments.

The government is also promoting the Canberra region's space industry capabilities on the global stage. At the recent international astronomical congress in Adelaide we

led a very significant team Canberra presence so that our local industry partners could showcase their products to the 4½ thousand delegates from around the world who attended that conference.

MR PETTERSSON: Chief Minister, why is it critical that a future space agency be located in Canberra?

MR BARR: The commonwealth government has recently announced the establishment of an Australian space agency to be both an anchor for domestic industry coordination and a front door for international engagement.

With the largest concentration of decision-makers, government agencies, education and research institutions, diplomatic communities and industry bodies here in Canberra, this is simply the most logical location for the agency's headquarters. But there is, of course, more to our city's capability than just these public institutions and agencies. We have in Canberra some of the world-leading private sector companies working in the international space economy. We host one of three NASA deep space network stations in the world and Australia's first laser-range facility tracking space debris is in Canberra.

Thanks to the recent MOU between ANU and UNSW Canberra, we have the ability to provide end-to-end design, manufacture, test and mission planning, and design and control capability for Australia's next generation of micro and small-scale satellites. Apart from an actual launch site, the ACT is the perfect backyard for the agency to operate from, with a great mix of skills, expertise, capability and networks.

MS CHEYNE: Chief Minister, what have been some of the local success stories in space industry growth?

MR BARR: The Canberra born and bred company Electro Optic Systems, EOS, with market capitalisation worth nearly \$200 million, has 34 years of world leadership in laser tracking space. EOS Space Systems, which is based at Mount Stromlo, focuses on commercial and defence requirements and has developed world renowned technologies and expertise in space surveillance through instruments and sensors to detect, track, classify and characterise space objects.

A recently established company, Skykraft, jointly owned by UNSW Canberra space staff and UNSW, has been created to develop, build, test and operate space sensors, complete spacecraft and entire missions for a variety of applications and services. The UNSW Canberra space team have jointly developed and built the Buccaneer satellite with Australia's Defence Science and Technology Group, and this satellite is currently awaiting launch.

They have both also signed a \$10 million contract with the Royal Australian Air Force to produce a research, education and space capability program involving three spacecraft. Through the symbiotic partnership with UNSW Canberra space, these satellite missions form the foundation of Skykraft's local heritage.

Animals—dangerous dogs

MR WALL: My question is to the Minister for Transport and City Services. Minister, there were 389 dog attacks in 2016-17 reported to the Transport Canberra and City Services Directorate. There were 155 presentations at hospital emergency departments for dog attacks in 2016. Most recently there was a fatal dog attack in Watson. The dog was known to your directorate. In your ministerial statement on your one year of delivery you failed to even mention the issue of dangerous dogs. Minister, in your first-year achievements in relation to the control of dangerous dogs, what have been the measurable outcomes?

MS FITZHARRIS: I thank Mr Wall for the question and his interest, and all our interest, in the matter of dog attacks. I am reflecting back on my statement from last year. I certainly do not recall not mentioning this, because it has been one of the areas on which I have spent considerable time, including in discussions with the opposition.

As has been noted in a statement in the Assembly in the last sitting period, there has been significant work undertaken within TCCS over the course of this year. As I indicated in my statement in the last sitting period, we are actively looking at legislative change around the management of dogs, in particular the management and regulation of dangerous dogs, in the territory. We have also undertaken a fairly extensive community education and awareness campaign, as well as extensive work on an animal welfare and management strategy, all of which are part of addressing this very serious issue.

Obviously, as I indicated last week, the news of a woman's death in Watson was extremely distressing, and we passed on our condolences to her family. I caution the opposition about making comment on matters specifically involved in that case because, as the opposition is aware and as I have been briefed, matters surrounding last week's events and the events in August are matters for, and subject to, ACT Policing investigations and their report to the coroner. They have advised me, and I understand that the opposition has been advised, that, given that they are the subject of an ACT Policing inquiry, we should make no further comment on the specifics of that particular matter. But have no doubt about how seriously I and my directorate take these matters.

MR WALL: Minister, when will you stop talking about dangerous dogs and start acting to provide a safe environment for the community to live in?

MS FITZHARRIS: I have indeed been acting all year on those issues outlined before. I have stated in this Assembly on a number of occasions that we are working on legislative change. That legislative change will include a significant amount of change to regulation. As I have indicated very strongly in my discussions with Mr Doszpot, I have been very open to working with him and with the opposition on the proposals that they are also bringing forward, which I know will be introduced into the chamber tomorrow.

Based on my discussions with Mr Doszpot, I expect that we will be in significant agreement. I will also propose additional further strengthened measures not only to control dangerous dogs but also to impose much tougher restrictions on the owners of dangerous dogs. Last week we announced that there would be a doubling of the ranger staff within domestic animal services. In addition, new roles within domestic animal services will also play an active role in discussing matters with individual members of the community.

This is a matter I have taken very seriously. I have indicated time and time again, including directly to Mr Doszpot, that I am very open. In our discussions I believe we will have significant agreement. I know that he and the opposition have a strong view on this. I share that. Mr Doszpot is in no doubt, from my conversations with him, that I am very supportive of these changes. I said to him, "I would like us to work together. We want to get the best of what you are proposing and the best of what the government is proposing." I indicated to him that I would respect his wishes and allow him to introduce legislation into the chamber tomorrow. *(Time expired)*

MS LEE: Minister, how many more families must go through the trauma of injury and death before your government is jolted into action? Will you be tabling tomorrow the legislative changes that you say the government has been working on?

MS FITZHARRIS: Indeed, I wish I could tomorrow, but tomorrow is private members' day. Certainly, I have been seeking advice on whether or not there would be precedent for my even making a statement. I have been fairly strongly advised that it would be fairly unprecedented for me to respond tomorrow on private members' day.

I will certainly be making a statement tomorrow upon receipt and dissemination of the opposition's proposed bill tomorrow. Have no doubt; you will see a response from me and from the government very soon after the legislation has been tabled.

Public housing—animal control

MS LEE: My question is to the Minister for Housing and Suburban Development. Minister, the property in Watson which was the location of a recent fatal dog attack is a Housing ACT property. The property had been attended by police on two previous occasions this year and police had twice called domestic animal services rangers to attend an aggressive dog on the property. On 27 October the *Canberra Times* quoted a neighbour as saying that "the fence was broken" and that "I'm afraid for my boys". The *Canberra Times* reported that a spokesperson for Housing ACT had said "the government had not received any complaints or requests for maintenance". Minister, were you or Housing ACT made aware by the police or DAS that an aggressive and known dangerous dog was at the premises?

MS BERRY: I certainly do not recall any information coming to me about that residence, and with respect to that dog. However, housing and the police have an MOU when it comes to matters regarding housing, so a conversation might have

occurred. I would have to check the record to see whether that is the case. But all of the information that you quoted in your question is correct.

MS LEE: Minister, how does Housing ACT respond to the presence of an aggressive or known dangerous dog at a Housing ACT property?

MS BERRY: Housing ACT tenants have the same legal requirements on pet ownership as any other person in the ACT. So any action that Housing ACT would take would be the same action as anybody would take for anybody in the ACT who had a dog that might be considered dangerous.

MR PARTON: Minister, who is principally responsible for maintaining a secure fence for dogs at a Housing ACT property?

MS BERRY: It is primarily the tenant's responsibility. If Housing ACT becomes aware of it, then we can work with the tenant to repair the fence. But, as I am advised, Housing ACT was not made aware of the state of the fence on that particular property.

Public Advocate—abuse complaints

MRS KIKKERT: My question is to the Minister for Disability, Children and Youth. Minister, the Public Advocate has reported that she receives some allegations of abuse in care reports nine months after the allegations are received by CYPS, with four months being the average. In addition, the material in these reports is often so limited that she has to file information requests, further delaying any response. In her words, these delays "seriously compromise" her ability to monitor child protection and provide individual advocacy for children and young people. Minister, why is it taking several months for allegations of abuse in care reports to be handed over to the Public Advocate?

MS STEPHEN-SMITH: Let me start by saying that it is every child and young person's right to be safe and protected from all forms of abuse, neglect and exploitation. Any allegation of abuse against a child or young person in the care of the territory is taken very seriously.

The vast majority of kinship and foster carers provide children in out of home care with safe and loving homes. When allegations are raised, these are risk assessed and appropriate action is taken. The Public Advocate provides oversight of the outcomes of all abuse in care allegations that proceed to appraisal. This is a statutory power in the Children and Young People Act.

Child and youth protection services meets its legislative obligations to provide the necessary information to the Public Advocate. Child and youth protection services has commenced informing the Public Advocate of all matters for children in care that are proceeding to appraisal before the completion of the appraisal.

Child and youth protection services has also commenced providing the Public Advocate with the full appraisal outcome report at the completion of the child

protection investigation. This is above the obligations outlined in the Children and Young People Act.

The Public Advocate, as members may be aware, can request information at any time from child and youth protection services, subject to sections 78 and 79 of the Children and Young People Act. As indicated by the Public Advocate, the timing of the reporting of these matters is indicative of the length of the investigation and not indicative of failures to report.

MRS KIKKERT: Minister, why is the ACT government continuing to seriously compromise the Public Advocate's ability to perform her function as an advocate for children and young people in care?

MS STEPHEN-SMITH: I absolutely reject the premise of the question. I repeat what I said: changes have been made to ensure that timely advice is provided to the Public Advocate. As I said in my previous answer, child and youth protection services has commenced informing the Public Advocate of all matters of children in care that are proceeding to appraisal before the completion of the appraisal. I understand that this was not previously the case.

Child and youth protection Services has also commenced providing the Public Advocate with the full appraisal outcome report at the completion of the child protection investigation, which is above and beyond the obligations set out in the Children and Young People Act.

MR MILLIGAN: Minister, what specific steps is the government taking to make sure that the Public Advocate has all the information she needs when she needs it, so that she can support children and young people during investigations of alleged abuse?

MS STEPHEN-SMITH: I thank Mr Milligan for his further supplementary question and refer him to my previous answer.

Public housing—renewal program

MS CHEYNE: My question is to the Minister for Housing and Suburban Development. Minister, could you update the Assembly on the progress of the public housing renewal program?

MS BERRY: I thank Ms Cheyne for the question. As members will know, across the public housing renewal program, 56.6 per cent of the overall program is now complete. As of 25 October 2017, 480 tenancies have already been relocated into new houses, resulting in about 691 people already in their new homes. The government has conducted almost six months of consultation sessions with individuals in the community who have been interested in the housing renewal program. There has been an outstanding response to that, particularly from residents in Chapman, Wright, Mawson and Holder. Their input into the consultations on and the planning for the housing in those areas of Canberra has been quite positive, for the most part, looking at ways to welcome new residents into their area. The task force has been working

closely as well with community councils across the ACT, including the Weston Creek, Woden Valley, Tuggeranong, Molonglo, Gungahlin and inner south community councils.

MS CHEYNE: Minister, how has the community responded to the public housing renewal program?

MS BERRY: The feedback from the great majority of tenants, of course, has been very positive. Members will have seen in the newspaper over the past week a photography exhibition which gives a human face to the bricks and mortar behind public housing in the ACT. If you get a chance to get to PhotoAccess and have a look at the exhibition that would be a great opportunity for you to hear and read the stories firsthand of some of the individuals in public housing.

Some of the feedback from tenants that I have heard includes things like “A new home where my family and friends can come and visit”, “I have a positive outlook” and “I’m so grateful for the work that you are doing on a daily basis to help me move into my own home”. From the Mawson Citizens Group:

The Mawson Citizens’ Group have been genuinely and pleasantly surprised by the willingness of the Minister and the Taskforce to listen to local residents’ concerns and adapt the design accordingly.

The MCG are satisfied that the resulting design is one that addresses key issues raised by the community and provides a high quality environment for new tenants, to enable them to successfully integrate into the neighbourhood and prosper.

From the Weston Creek Community Council:

The Council congratulates the Taskforce for the way that they have engaged with the three groups [Chapman, Holder and Wright] and took into account the comments and the information provided by the community in relation to the three separate sites.

Feedback so far has been very positive, and I want to thank the members of those communities for the way that they have engaged with the housing renewal project.

MS CODY: What is the significance of the diversity of voices that you have heard as part of the consultation process in the lead-up to recent DA lodgements?

MS BERRY: I thank Ms Cody for her supplementary question. As I mentioned earlier, the process for tenants to move into their new homes and introduce them to their new communities has involved a diversity of a great many voices. The linking into new communities task force was work that commenced prior to my becoming housing minister. It was put together by the former minister, Mr Shane Rattenbury. His work in setting up this task force has led to a very active and collaborative governance group, making sure that tenant engagement activities and their move into new homes has been successful, as part of this public housing renewal program.

The LINCT group includes representatives of Housing ACT as well as the public housing renewal task force. There are also many community sector representatives, from ACT Shelter, Woden Community Service, Northside Community Service, COTA, One Door Mental Health, ACT Tenants Union, Australian Red Cross, EveryMan Australia, Mental Health Community Coalition ACT, and Oasis Youth Services.

It has been great to have such a diversity of expertise involved in this program. It is certainly working well for people who are residing in public housing in the ACT and who have an opportunity to have a new life in a new suburb and in a new home that better suits their needs.

Centenary Hospital for Women and Children—aluminium cladding

MS LAWDER: Madam Speaker, my question is to the Minister for Planning and Land Management. On 27 October 2017 you tabled a report on aluminium composite cladding, which, under the “deemed to satisfy” provisions of the National Construction Code, confirmed that “combustible materials cannot generally be located near or directly above a required exit so as to make the exit unusable in a fire and cannot constitute an undue risk of fire spread by the façade of the building”.

Minister, why were PE aluminium composite panels installed adjacent and above the discharge location of fire-isolated exits or other exits serving the public areas of the Centenary Hospital for Women and Children?

MR GENTLEMAN: The reason that they were installed at the time was that they were fit for purpose. The detection of those panels has been a matter for Health. They have advised that they will be replacing those panels, particularly in areas close to access and egress. We want to go the extra step. That is what the Canberra community expects us to do in an area such as the Canberra community hospital.

The presence of cladding in itself does not present a fire safety risk. We need to look at the use of the product and the treatment and identify the situation where it is used. In fire safety, we need to look at a number of different elements such as the building construction product and whether the sprinklers are there. These issues are assessed before a building is deemed to satisfy fire safety conditions.

MS LAWDER: Minister, who was responsible for approving the installation of the PEACPs onto the Centenary Hospital for Women and Children?

MR GENTLEMAN: While I do not have the detail of that in front of me, I would imagine the certifier would have approved. Indeed, certification documents would have been provided to the ACTPLA for documentation.

MRS JONES: Minister, how long will it be until replacement work is completed at the Centenary Hospital for Women and Children?

MR GENTLEMAN: I understand that it will be as soon as other materials can be found to replace the PE panels.

Crime—crime rate statistics

MRS JONES: My question is to the Minister for Police and Emergency Services. Minister, we have had eight instances of suspected outlaw motorcycle gang activity in the ACT during 2017. The ACT police annual report shows that calls from the public to ACT police are up by 16.7 per cent, robbery offences have increased by 53 per cent, motor vehicle theft has increased by 26 per cent and arson is up by 12.4 per cent. The *Canberra Times* reported that international students feel unsafe in Woden town centre and that it is identified as a problem area. Why have serious crimes increased in the ACT in the past 12 months?

MR GENTLEMAN: I thank Mrs Jones for her question. There is, of course, an increase in crime statistics over years. That is why we provide ACT police with extra resources to combat serious crime. In regard to criminal gang—OMCG—activity, we have invested very heavily in Taskforce Nemesis, and the results are showing: police are making arrests; and they are putting people in front of the courts who are being convicted. That is what we want police to do, and that is why we are providing them with the extra resources that are necessary.

MRS JONES: Minister, why has the ACT government allowed the situation to deteriorate so much in the ACT?

MR GENTLEMAN: I thank Mrs Jones for her supplementary question. Crime statistics go up and down over the years and we invest as much as we possibly can to combat that situation. Police do a fantastic job, I think, with the resources that we give them. As I said, the results are there and the proof is in the arrests and the work that the ACT police have done. I will continue to support them and I will continue to go in to bat in budget cabinet for more resources for ACT police.

MRS KIKKERT: What confidence, Minister, can ACT residents and international visitors have that crime will not continue to rise in the ACT, and how are ACT Policing engaging with international students now and into the future?

MR GENTLEMAN: As I have indicated, the ACT is not immune to fluctuations in crime rates. The government and ACT police continue to respond to changes in the crime environment as needed. You have seen that response most recently in the incident that has been raised. The data in March 2017 in the criminal justice statistical profiles indicates that there was little movement in crime rates in the ACT in the past 12 months. Total reported incidents have increased by 0.4 per cent. The number of offences has increased by only 0.5 per cent. Total apprehensions by ACT Policing have increased by 6 per cent. So you can see that the work that ACT police are doing in comparison to the total incidents reported and offences reported is well ahead in the statistics.

Mr Coe: Madam Speaker, I raise a point of order on relevance. Out of respect to the international visitors and the international students in Canberra, whom Mrs Kikkert asked about, I ask that you call Mr Gentleman to be directly relevant to that question.

MADAM SPEAKER: Mr Gentleman, do you have anything to add to your answer in relation to international students?

MR GENTLEMAN: The police did of course attend and deal with that situation. I understand that they are continuing their investigations and that they expect either charges or court proceedings very shortly.

Director of Public Prosecutions—resourcing

MR HANSON: My question is to the Attorney-General. Attorney-General, the DPP's annual report again states that the lack of resources are, and I quote, "starting to have a significant impact. The Supreme Court's capacity to hear concurrent jury trials will be greatly increased, however I will have no capacity to meet this increase. I can only hope that at long last my plea for additional resourcing will be met." This follows, Attorney-General, numerous pleas from the DPP for additional resources. Attorney-General, why are you increasing the court's ability to conduct trials but not providing the funding for the DPP to bring trials to that court?

MR RAMSAY: I thank the shadow attorney-general for his question, though I do not agree with the premise of the question, which is that the resources are not being provided. I would like to remind the Assembly that in this last budget there has been increased funding for the DPP.

As I have also informed the Assembly before, and as Mr Hanson is well aware, I requested that there be a review of the resourcing of the DPP. The government has received that. As Mr Hanson is well aware, the government is working with that and will be responding in due course.

MR HANSON: Attorney-General, will you provide to this Assembly a copy of that study that your directorate has conducted?

MR RAMSAY: The review was done for the purpose of consideration by cabinet in terms of the budget cabinet decisions and it is inappropriate in relation to that cabinet decision to release it.

MR WALL: Attorney, does the report commissioned by government highlight that there is under-resourcing or underfunding of the DPP?

MR RAMSAY: Noting that the report is a report that has been commissioned for decision by the cabinet, it is appropriate that that be held with the cabinet. But we will be responding in due course in relation to the ongoing funding of and increasing the funding for the DPP.

Municipal services—micro parks

MS CODY: My question is to the Minister for Transport and City Services. Can the minister update the Assembly on the government's plans for micro parks?

MS FITZHARRIS: I thank Ms Cody very much for the question. Indeed the government is delivering on our commitment to establish a network of micro parks around the city. Micro parks are small green spaces in the city and other high density locations—for example, in Braddon, New Acton, town centres and the city centre—in order to better use our public realm.

A pilot project commenced in April this year as part of a city activation initiative under the city action plan. Transport Canberra and City Services undertook to deliver the pilot project. A community design competition was undertaken in July 2017 for a temporary, pop-up micro park in Garema Place in the city. Fourteen designs were received from the community, from families, students, individuals and professionals. Six designs were shortlisted by the jury for a community vote to determine the most popular entry.

The Grounds of Garema received the greatest number of votes, 80 of the 221 cast. The vibrant colours and intergenerational elements were some of the reasons for selecting this design as a favourite. I was very pleased to announce the winning design on 26 September, and the design competition winner—indeed a family with a daughter in year 2—and the consultant are working collaboratively together as we speak to develop the design for construction.

The micro park is expected to be installed in Garema Place next month. It will be there for up to eight weeks, after which time we will explore options to move it to other locations in the city so that other communities can enjoy the micro park. We will also gather further feedback through this initiative so that we can inform further planning for the delivery of future micro parks across Canberra.

MS CODY: Minister, how do micro parks contribute to our community?

MS FITZHARRIS: Micro parks are expected to provide a wide range of benefits to our city. They demonstrate our commitment to enlivening city centres and investing in the look and feel of community places. They can create a meaningful, attractive space within a broader location where people can spend time and appreciate their friends and family, strike up new friendships and have new conversations.

Some of the benefits of micro parks include improved access to outdoor recreation; improved activation and utilisation of space in a range of locations, particularly where space is compact, limited or underused because of a lack of infrastructure or connectivity; improved social cohesion and interaction; improved sense of safety through increased visitation and passive surveillance; improved local economies due to greater activation—terrific for small businesses; contributing to place-making through opportunities for meaningful community participation in the development of the physical urban environment; improved comfort through a reduction of radiant heat

from hard surfaces, offering shelter, reduced air pollution and increased vegetation; and of course supporting the needs of humans to seek connections with one another and with nature.

MS ORR: Minister, what can Canberrans expect to experience in a micro park?

MS FITZHARRIS: Many Canberrans may have experienced it when the Australian Institute of Landscape Architects, working with the ACT government in October last year, had a pop-up in Garema Place, which is exactly the place the current micro park will be established before the end of the year. What we found, and what is evidenced through micro parks where they are established across Australia and around the world, is that they are compact, human-scale and intimate places of high amenity. They contain physical elements but also support activities such as reading, eating, sitting and socialising.

Micro parks are designed to create usable public spaces in locations that, as I mentioned, have previously been under-utilised, including of course Garema Place, which is generally viewed as a transient space in our city centre. As last year's experiment showed, it brought people together and attracted thousands of individual visitors and a huge increase in the number of families and children who visited the micro park. On a micro-planning scale, micro parks support opportunities for conversation, pause, rest and relaxation. They can contain landscaping, vegetation, somewhere to sit, interactive elements and access to wi-fi, power and possibly lighting; they are interesting and attract people into them.

Members might be familiar with other names for micro parks, including pocket parks, parkettes, mini parks, vest-pocket parks and parklets. I encourage everyone in the Assembly and indeed all Canberrans to take the opportunity to enjoy and visit the micro park in Garema Place when it opens later in the year.

Greyhound racing—government policy

MR PARTON: My question is to the Minister for Regulatory Services. Minister, on Wednesday night last week the Victorian Labor Premier, Daniel Andrews, made a speech about greyhound racing and his government's unequivocal support for it. He said: "We know and understand that it is all about enjoyment, it's about jobs, it's about prosperity and fundamentally this sport, given the changes ... we've seen in recent times, this sport is very much focused on animal welfare ..."

Minister, if the Victorian Labor Party and Premier Daniel Andrews can support the reforms in the greyhound racing industry, why can't the ACT Labor/Greens coalition government do the same?

MR RAMSAY: I thank Mr Parton for the question. The simple answer is that the ACT government governs for the ACT on the values of the people who live in the ACT. It is particularly clear—as we have explained before over and over again, as the government took to the last election and has been maintaining since—on the basis of the communications that we have had with people, that community values in the ACT are that the greyhound industry should be—and it will be—ended. The racing

industry will be ending as we govern in relation to the community values of the ACT.

MR PARTON: Minister, when will you applaud the Canberra Greyhound Racing Club for not committing a single breach of animal welfare legislation in its entire history?

MR RAMSAY: It is interesting at times that we hear about the unblemished record and the applause that is supposed to be passed on. What we have always said in relation to the review that has taken place in New South Wales and the review that was also taking place here is that the clear evidence is that the greyhound industry is filled with difficulties, with problems of governance, with problems of oversight.

Let me simply note for members of the Assembly in this space that the winner of the most recent Canberra greyhound racing cup, who was also the winner of three previous Canberra cups, has been disqualified from racing three times since 2005 on the discovery of prohibited substances in her greyhounds, including cocaine.

She is also one of 178 trainers who has been charged by Greyhound Racing New South Wales with the unauthorised export of dogs to Macau, where healthy Australian dogs are kept in appalling conditions and used for barbaric entertainment.

Her husband was also disqualified for a year for presenting a dog affected by amphetamines in December 2015. These drugs, cocaine and amphetamines, are drugs that are not just of interest to animal welfare regulators. It can hardly be claimed that there is an unblemished record when we see the evidence of what is truly taking place.

MRS JONES: Minister, why will this government not recognise that the Canberra Greyhound Racing Club has the best animal welfare record of any track in Australia?

MR RAMSAY: I thank Mrs Jones for the supplementary question. As we have said—the evidence is clear—the Canberra greyhound racing industry is unable to be extricated from the New South Wales industry with its plethora of governance and welfare problems. We will be ending the greyhound racing industry as we have promised.

ACT Emergency Services Agency—open day

MS ORR: My question is to the Minister for Police and Emergency Services. Could the minister please provide the Assembly with information on Sunday's successful ESA open day?

MR GENTLEMAN: I thank Ms Orr for her interest in community safety right across the territory. I had the pleasure of attending the ESA open day just last Sunday, 29 October, along with 5,000 other Canberrans. The event was promoted as an opportunity to meet the people who keep our community safe, and for the community to learn about how they can take care of what matters during an emergency. As promised, there was also plenty of family fun. On these counts alone, the day was an outstanding success.

This was the first time the event has been held at that ESA headquarters in Fairbairn. Hosting the open day at this site provided an opportunity to showcase a whole range of emergency management activities and to educate the community about taking shared responsibility for safety.

ESA staff conducted tours inside their facilities and allowed the public into the incident management room, emergency coordination centre, the planning room, the media room and ESA workshops. I want to thank in particular Darren Cutrupi for his work in showing people around those areas and explaining the work that they do there. It proved to be extremely popular. Also popular was all the equipment on display, skills demonstrations, food and drink stalls, a petting zoo and helicopter joy flights.

As I walked around the site, the one thing that particularly stood out and gave me great pleasure to see was how proud ESA volunteers and staff are of their roles and how passionately they speak about the work they perform. The ESA's mission is "working together to care and protect, through cohesive operations, collaborative management and a unified executive". This was clearly on display at the open day. Volunteers and staff across the ESA, including each of the four services—ACT Ambulance Service, ACT Fire & Rescue, ACT State Emergency Service and ACT Rural Fire Service—worked as "one ESA" in hosting an extremely successful educational and fun event for the community.

MS ORR: Could the minister please advise how ESA's state-of-the-art equipment and vehicles showcased to the community at the open day?

MR GENTLEMAN: I thank Ms Orr for the supplementary. As indicated in my previous answer, I walked away from the open day with a great feeling of comfort and reassurance that in the event of any emergency incident we have the appropriate plans and procedures in place and some truly outstanding emergency services volunteers and staff to protect the people of Canberra.

Many vehicles were on display at the open day, including the Bronto, pumpers, hazmat vehicles and heavy and medium tankers. On display as well were compressed air foam systems, ambulances, storm response vehicles, helicopters, platforms on demand, flood rescue boats and community fire unit trailers.

I was pleased to see the continued police involvement at this event too. The display of their vehicles—the jet ski, motorbike, quad bike and bearcat—was very well received by the community, as was the return of the original Constable Kenny.

On display also was the new ACT Rural Fire Service heavy tanker. On Friday, 27 October I had the pleasure of handing over this new tanker on behalf of the government. The tanker will be based at Jerrabomberra brigade in Symonston. I have a big shout out to Pat, Meg and the whole team at Jerra for the fantastic work they do for the community. The new appliance is a boost for the firefighting efforts over the ACT summer season. The vehicle can carry 3,600 litres of water and comes fitted

with crew protection systems in the event of a rollover, which I am assured by Pat will not occur.

MR PETTERSSON: Could the minister please advise what important safety messages were delivered to the community at the open day?

MR GENTLEMAN: The open day was beneficial for all parties involved. Not only did it welcome the community into the world of emergency management but also it provided a forum for the ESA to deliver some very important messages to the community. Canberrans were able to see the interactive bushfire-prone map and speak directly to ACT Rural Fire Service firefighters about knowing their risk this bushfire season and what they can do about it.

The ACT State Emergency Service were able to share information on how to be prepared for the impact of storms and floods over the next several months. ACT Fire & Rescue's main messages for the day were "Don't stop looking while you're cooking" and "Working smoke alarms save lives". The ACT Ambulance Service highlighted the importance of first aid and encouraged Canberrans to find out more about automatic external defibrillators and CPR. These are just some examples of the many messages that our community was able to take away from what was an extremely successful open day.

The day also gave us the opportunity to entertain and entice some of our budding emergency services personnel of the future. Like everyone who attended, I am sure the kids will go home with very positive things to say about our emergency services in the ACT. Once again, I thank all the emergency services volunteers and staff for the work they do and for letting the community into the behind-the-scenes activity that occurs in the event of an emergency.

As is always the case in the organisation and planning of such events, there are many people to thank. I take the opportunity to particularly thank Joe Murphy, Chief Officer, ACT Rural Fire Service and Fiona Amundson, Manager, ESA Community Engagement. Their work, with the tremendous support of the volunteers and staff, made the day possible. A special mention also to the Canberra Airport Group who, I am told, played a big part in the success of the event.

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

Supplementary answers to questions without notice

Land Development Agency—Williamsdale Solar Farm

Land—rural block 1600 Belconnen

MS BERRY: Last week I took a question on notice from Ms Lee in relation to the acquisition of the Williamsdale Solar Farm site in Tuggeranong. The chief executive officer gave a briefing to the LDA board providing the rationale for the acquisition, being a transaction between government entities. Approval to pursue the acquisition was made on the basis of that advice and an agreed purchase price. Both parties were satisfied with the value in the original valuation. Therefore no further valuation was sought.

The board's decision was not noted due to a member declaring a potential conflict of interest prior to the discussion of this matter. This was recognised as an error, and arrangements were put in place to prevent this recurring. I took a question today on when or whether I was advised of the decision made by the LDA board to purchase the Pine Ridge land in Belconnen. I was advised on 16 June. Because it was within the prior threshold, government approval was not sought.

Mental health—Raphael review

MR RATTENBURY: Last week I undertook to provide advice in response to a question from Mrs Dunne regarding the cost of the ANU research report into suicide and contributing factors in the ACT. I am advised that the total cost of the report was \$152,775.

Papers

Madam Speaker presented the following papers:

Ombudsman Act, pursuant to section 21—Ombudsman complaint statistics—Quarterly report for the period 1 July to 30 September 2017, dated 17 October 2017.

Legislative Assembly (Members' Superannuation) Act, pursuant to section 11A—Australian Capital Territory Legislative Assembly Members Superannuation Board—Annual Report 2016-2017, dated 30 October 2017.

Official Visitor (Homelessness Services)—annual report 2016-17

Paper and statement by minister

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Women and Minister for Sport and Recreation) (3.30): For the information of members, I present the following paper:

Official Visitor Act, pursuant to subsection 17(4)—Annual report 2016-17—Official Visitor (Homelessness Services).

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

Leave granted.

MS BERRY: Today I am pleased to table the 2016-17 annual report for the official visitor for homelessness services. The official visitor scheme in the ACT provides a monitoring and complaints mechanism. It is in place to safeguard the interests of people being held in government institutions, as well as people temporarily residing in community facilities who are dependent on service providers for their care and

support. The objective of the official visitor for homelessness services program is to detect and prevent systemic dysfunction that may affect people residing in shared occupancy homelessness services and supported accommodation facilities for people experiencing homelessness provided by an organisation that is funded by the territory.

The official visitor for the homelessness service is Dianne Lucas. In this role, Ms Lucas inspects properties utilised by the ACT specialist homelessness services. She is available to talk with residents and receive and consider complaints from people who are experiencing homelessness or are at risk of homelessness who are staying in shared occupancy and supported accommodation services. As part of the official visitor duties, Ms Lucas is required to make two scheduled visits a year to each visitable place. Additionally to the visits and meetings with residents, the official visitor fulfils her role by inspecting records, reporting on the standard of programs and properties, and providing quarterly reports to me, which are collated into the annual report I have presented today.

I am pleased to report that during 2016-17 Ms Lucas did not identify any emerging or systemic issue within the ACT specialist homelessness sector and did not report any matter of concern to an investigative body. Ms Lucas conducted 32 visits to services and properties that provide supported housing to young people, single men, single women, women and children escaping domestic and family violence, women who are pregnant or with babies, and women exiting the Alexander Maconochie Centre. At these visits, Ms Lucas spoke with 72 residents about their accommodation and any issues they may have had with the service provider. She facilitated discussions between individuals and service providers or raised concerns with service managers and Housing ACT, as required, to clarify service policies and procedures and secure early resolution of issues.

Ms Lucas has reported that, throughout the year, clients have consistently expressed their appreciation of the services provided and that the specialist homelessness sector has continued to demonstrate its commitment to good practice and meeting human rights standards in its treatment of clients. I note again that, as in previous years, there were no referrals to investigative entities and no systemic failures identified. In 2016-17 only three issues of concern were raised with Ms Lucas by service users. These related to service provision and maintenance. I am pleased to advise that both the services and Housing ACT provided diligent responses to resolve them and ensure improved outcomes for residents.

The low number of complaints indicates the quality of services provided and, as Ms Lucas states, an “overwhelmingly positive client feedback over the years” about the accommodation support received. In her report, Ms Lucas commends the dedication of staff and management in the specialist homelessness services to providing a safe and respectful environment where some of the most vulnerable members of our community are encouraged and supported to gain the necessary skills to sustain a tenancy, regain control of their lives and fulfil their potential.

**ACT and Region Catchment Management Coordination
Group—annual report 2016-17
Paper and statement by minister**

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) (3.34): For the information of members, I present the following paper:

Water Resources Act, pursuant to subsection 67D(3)—ACT and Region Catchment Management Coordination Group—Annual report 2016-17.

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

Leave granted.

MR GENTLEMAN: I am pleased to table the 2016-17 annual report for the ACT and Region Catchment Management Coordination Group. On 4 August 2015 the ACT Legislative Assembly amended the Water Resources Act 2007 and established the coordination group as a statutory body. This is the second annual report detailing the progress of the coordination group. The ACT lies within New South Wales borders, yet we know water has no boundaries. It is essential that we take a regional approach to managing our catchments. The coordination group has demonstrated its commitment to achieving governance across multiple jurisdictions. It is undoubtedly an effective tool for facilitating a collaborative approach to natural resource management and regional forward planning.

During this reporting period the coordination group has met five times. Meetings have been hosted by members of the coordination group throughout the region on a rotating basis. This has helped build a spirit of collaboration and gain a better understanding of the issues across our shared catchment region. I have met with the chair, Professor Ian Falconer, several times this year to receive a progress report on the implementation of the catchment strategy. No formal recommendations were made by the coordination group during the reporting period.

The annual report details the progress on implementation of the catchment's strategy implementation plan. To date, six of the 19 actions contained within the catchment strategy are underway and have made notable progress. This is a commendable achievement, since the strategy was only agreed by government in August 2016. It is evident that the change is taking place at a faster rate than predicted, increasing the potential for temperature rises, rainfall variation and more extreme climate events such as bushfire and flooding as climate change increases temperatures.

In light of these unavoidable changes, emergency response preparedness is critical to being a resilient region. The coordination group has made significant progress on drafting a regional post-emergency recovery framework, which considers the causes and threats to our catchment, and the steps needed to recover in the event of a major disaster occurring. This plan will be ready for stakeholder consultation in early 2018.

You may also have noticed that the H2OK stormwater education program is in full swing. Launched in February this year, in partnership with the Australian government, the campaign targets suburban and rural communities and building and construction industries across the region to raise awareness of behaviours that contribute to poor water quality. The program will ensure that everyone does their part to keep our waterways healthy and clean.

Other highlights detailed in this report include resolving cross-border waste management issues, working towards shared sewerage solutions and assessing the shared regional impacts of climate change. I thank Professor Falconer, chair of the coordination group, and all other members for their time and commitment. Professor Falconer brings a wealth of technical expertise and experience to the group. His dedication to working together across borders will ensure that the work of the coordination group is valuable to the ACT and our regional counterparts. I also state that it is great to see Luke on the cover of the report. I commend the report to the Assembly.

Planning and Development Act 2007—variation No 348 to the Territory Plan

Paper and statement by minister

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) (3.38): For the information of members, I present the following paper:

Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No 348 to the Territory Plan—Incorporating Active Living Principles into the Territory Plan, dated 27 October 2017, including associated documents.

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

Leave granted.

MR GENTLEMAN: I would like to talk about draft variation No 348 to the Territory Plan. The variation seeks to incorporate active living principles into the Territory Plan. The ACT government's vision is for a healthy, active, vibrant Canberra that is well connected, compact and equitable. Active living is integral to this vision. Six active living principles have been developed for the ACT to promote active lifestyles, contributing to an economically, environmentally and socially thriving and resilient territory.

My statement of planning intent in 2015 identified incorporating active living principles into Canberra's statutory planning framework as an immediate action. In response to this, draft variation to the Territory Plan No 348 was prepared. The variation incorporates activity living principles throughout the Territory Plan, including the statement of strategic directions, various zone objectives, development codes, the community and recreational facilities location guidelines general code, and

the definitions and the estate development code. It involves making a number of minor amendments to the existing controls as well as introducing new controls.

Draft variation No 348 was released for public comment between 9 December 2016 and 10 February this year. It received 34 written public submissions and 17 Facebook comments. A report on the issues raised during the consultation process was prepared and changes were made to the draft variation in response. The report on consultation is publicly available on the Environment, Planning and Sustainable Development Directorate's website and will be tabled with the approved version of the variation today.

Under section 73 of the Planning and Development Act, I referred the draft variation to the Standing Committee for Planning and Urban Renewal. The committee decided not to conduct an inquiry into the draft variation. I am satisfied that the issues raised by the community have been adequately addressed and that the changes made through variation No 348 improve active living in the ACT.

Official Visitor (Children and Young People)—annual report 2016-17

Paper and statement by minister

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) (3.41): For the information of members, I present the following paper:

Official Visitor Act, pursuant to subsection 17(4)—Annual report 2016-17—
Official Visitor (Children and Young People).

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

Leave granted.

MS STEPHEN-SMITH: I am pleased to table the official visitor, children and young people, annual report for 2016-17. The Official Visitor Act 2012, which became operational in September 2013, requires me as the operational minister for the Children and Young People Act 2008 to provide the Legislative Assembly with an annual report collated from the information received from the official visitors throughout the year. Official visitors provide an independent adult who will listen to the concerns of young people in detention or residential care and follow up those concerns with the Community Services Directorate or me directly.

There are rigorous oversight mechanisms for detention and residential care, including the Public Advocate, the Children and Young People Commissioner and the Human Services Registrar. The official visitor's key focus is to engage directly with young people and to ensure that their voices are heard. In their reports, the official visitors have consistently noted that they are received well by the staff and management at Bimberi and have expressed their satisfaction with the level of care provided to young

people. The official visitors have recently raised a concern about operational lockdowns at Bimberi and the potential for this to disrupt young people's participation in education programs at the Murrumbidgee Education and Training Centre.

Bimberi management has responded to these concerns by ensuring that, where possible, management of an operational lockdown does not interfere with access to educational services and also by undertaking recruitment to ensure that staffing levels can respond to increases in the number of young people in Bimberi and the pressures of unplanned leave. A period of low numbers in Bimberi has resulted in the depletion of the casual staffing pool and consequently the capacity of Bimberi to respond to a temporary increase in numbers. I am pleased to note that six new youth workers commenced in June and a further four are currently in their last week of training.

In relation to residential care, the official visitors did not raise any major or systemic issues and noted that they will continue to increase their profile with young people and build their relationships with staff. A number of specific matters were raised and responded to by Premier Youthworks at Narrabundah House. The official visitors also attended monthly meetings with Premier Youthworks and staff from the office of the Public Advocate, which were considered very worth while.

I would like to take this opportunity to thank the official visitors for their continued dedication to providing Canberra's most vulnerable children and young people with a voice. I am pleased to advise that Ms Hargreave's and Ms Whetnall's appointments as official visitors have been expended until 7 October 2018.

Official Visitor (Disability Services)—annual report 2016-17 Paper and statement by minister

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) (3.43): For the information of members, I present the following paper:

Official Visitor Act, pursuant to subsection 17(4)—Annual report 2016-17—
Official Visitor (Disability Services).

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

Leave granted.

MS STEPHEN-SMITH: I am pleased to table the official visitor, disability services, annual report for 2016-17. The Official Visitor Act 2012 requires me as operational minister for the Disability Services Act 1991 to provide to the Legislative Assembly an annual report collating the information received throughout the year from the official visitors. The role of official visitors is to visit, talk with, receive and consider complaints from and exercise other functions in relation to people considered to be entitled persons under the Disability Services Act 1991. In this capacity, the official visitors are also required to report to me as the relevant minister on occasions when,

on reasonable grounds, the visitor believes that the care arrangements or living conditions of the person receiving support at a visitable place are inadequate or where a complaint has been made.

The official visitor program is part of a suite of important oversight and quality assurance mechanisms designed to provide rigorous scrutiny of and support to services with the goal of ensuring the best possible outcomes for people with disability in the ACT. These include the formal oversight functions of the Public Advocate, the Disability and Community Services Commissioner and the Human Services Registrar and informal mechanisms such as advocacy and support through the office for disability and community advocacy bodies such as ADACAS and Advocacy for Inclusion.

The official visitor, disability services, annual report 2016-17 describes an overall positive environment in terms of care and support in disability accommodation services. Over the year, the report noted that fewer referrals had been received by the official visitor about the care of people with disabilities in group homes. The report also notes a number of positive changes following transition to the NDIS, with people with disability using their NDIS packages to improve their lives through increasing their range of activities, with more inclusive use of mainstream activities.

In terms of challenges, the annual report points to particular concerns for younger people living in aged-care facilities. The official visitors' ability to properly examine these issues is hindered by complexities over what now constitutes a visitable place. The report notes the importance of ensuring that knowledge and access to the official visitor is maintained and promoted to people who are considered to be an entitled person, given the ongoing transitional changes to the disability services system. These issues are currently being pursued by the ACT government.

Ms Sue Salthouse, originally appointed in early 2014, finished her term as an official visitor for disability services at the end of August this year. I would like to commend her for her commitment to ensuring that vulnerable people in Canberra have a voice for their concerns and her actions to remedy systemic issues that have affected people with disability. Ms Narelle Hargreaves has been reappointed as an official visitor for disability services until the end of August 2019. Ms Mary Durkin has been appointed as the second official visitor for disability services for the same period. I thank them both for the valuable role they play in the lives of Canberrans with a disability.

Community participation in government service delivery

Discussion of matter of public importance

MADAM SPEAKER: I have received letters from Ms Cheyne, Ms Cody, Mr Hanson, Mrs Jones, Ms Lee, Ms Orr, Mr Parton and Mr Pettersson proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Ms Cody be submitted to the Assembly, namely:

The importance of community participation in the ACT on government service delivery, including through Fix My Street.

MS CODY (Murrumbidgee) (3.47): I rise today to advocate for the importance of community participation in the ACT on government service delivery, including through fix my street, because I believe in social democracy. Social democracy, as championed by Labor greats like Whitlam, Curtin and Gillard, is the process by which we include all people, lifting up the excluded. It means that those who are disadvantaged financially by a disability, by lesser education, by social exclusion or by poor language skills are lifted up and included. Sometimes it also means not giving so much weight to the squeaky wheel or those who are already in a privileged position in the community. I am sure the opposition will be pointing out the elite's complaints shortly.

As I lodged this MPI I took the time to think about all the ways this government is listening, and I realised that I could not list them all. There are simply too many to list in the time available. So I would like to apologise to those many hardworking public servants whose work I will not acknowledge today, and I do hope some of the other speakers cover off these other important ways in which the government is listening.

There are a few examples of listening that I particularly want to highlight. Firstly, I would like to congratulate Minister Stephen-Smith on the recent conclusion of the deliberative process helping to develop the ACT carers strategy. Carers are one of the groups in our community who often have trouble being heard as they face the challenges of balancing caring with work and other responsibilities. The carers voice panel included 49 carers and other members of the community to ensure that those voices were heard and that our government's carers strategy is inclusive of diverse points of view, including carers of frail aged people, carers of people with a disability, young carers and foster and kinship carers. Each has their own unique experiences, perspectives and advice, and they have given the minister a great deal to think about in developing our carers strategy.

I would also like to highlight the work of Minister Gentleman in continually improving the community participation mechanisms in the planning portfolio. Not wanting to undertake city planning simply for the sake of crafting artistic street layouts, Minister Gentleman is ensuring that we have the processes to listen and to deliver for the future needs of people who live, work and play in our city. This has included ongoing processes of encouraging pre-DA consultation and promoting good practice in those consultations, as well as initiatives like the DA finder app and the community panels on the Kippax and Curtin master plans.

I would also like to congratulate Minister Ramsay and Minister Fitzharris on their excellent work on the recent upgrades to fix my street. Whilst I am sure the government's extensive program of scheduled maintenance will be rightly praised in the upcoming annual report hearings, I am also aware that sometimes things break when they are not scheduled to, an animal may come to an unfortunate end, a streetlight goes out or one of our less considerate Canberrans takes a shopping trolley for a walk where they should not.

Fix my street is an important part of how the government promotes community participation in service delivery because it not only takes complaints but also informs

our community of upcoming scheduled maintenance, be that the mowing schedule, potholes, wayward shopping trollies or when the green waste bin will be collected in the trial suburbs of Weston Creek and Kambah. The new map feature of fix my street is particularly exciting as it gives a real sense of how engaged our community is in service delivery.

Finally, I would like to take the opportunity to praise Chief Minister Barr. All right-minded members should recognise the integrity he brings to inclusive community participation in government service delivery. His commitment to focusing community participation on the important, rather than the sensational, is demonstrated by the citizens jury on compulsory third-party insurance. By taking on this issue, a number of feathers have been ruffled around this town. Any member of this place who pays attention to their inboxes is no doubt highly aware of the strong interests advocating in this policy area. Not content that current arrangements are delivering well enough for the victims of road trauma, the Chief Minister has demonstrated leadership on this too often overlooked matter.

Led by Mr Barr, this government has repeatedly demonstrated its commitment to genuine processes of community participation. After having closely watched the yoursay.act.gov.au website through the extensive consultation for light rail stage 2, I returned there today to look at the current consultations. Members of the community are invited to consult on the next budget process, city services, naming West Basin's new park, the future of education, Haig Park and many, many more.

These consultations have done a lot to make our community and our city better and provide a stark contrast to the fake consultation being done on the imitation have your say website. Like many imitations, that site, a phishing website attempting to capture data by misleading citizens into thinking they are dealing with the government, appears amateurish and misleads few. Citizens should beware of these sorts of websites, the risk of theft and misuse of their personal data and the lack of integrity of the processes and people behind them. Fortunately, when dealing with ACT government consultations and community participation mechanisms, Canberrans can be confident in the integrity of the processes.

This social democratic government values genuine community participation on government service delivery, including through fix my street, and I encourage everyone in the community to get involved.

MR MILLIGAN (Yerrabi) (3.56): I thank Ms Cody for raising this important matter, and it is important. The people of the ACT certainly think that it is important to engage with their government, important enough to lodge more than 47½ thousand requests through the fix my street portal. The Canberra Liberals' have your say website also generates a significant response from participating local residents, many of whom complain about unaddressed or unresolved issues in their suburbs. My office is also testimony to the engaged people of Canberra, with more than half of the complaints fielded by my office from concerned people telling us that reporting on fix my street fixes nothing, with many issues remaining unresolved for long periods.

There is a common theme here, of course, besides our very engaged community, and that is that there is a very poor standard of government service delivery in the ACT. What is very obvious, from the many emails, phone calls and letters received, is that the ACT government's fix my street program is not working, leaving many disgruntled residents with unresolved issues—issues such as broken and dangerous footpaths, tree litter, broken branches and leaves, broken streetlights and urban maintenance of public areas. The list is long.

In response to a question on notice, the minister informed us that it took between four and eight days for matters raised on the fix my street website to be resolved. From the contacts we have had, what does “resolved” mean? Does this mean the matter has now been subcontracted elsewhere or that some public servants have read and responded to the issue?

Let me give a couple of examples. I will give the reference numbers to these cases so that the minister can get back to us on these issues. The first case is of a constituent waiting on some streetlights to be fixed. The reference number is 170629-002427. In fact, this resident has been waiting four months to get their streetlights fixed. Maybe the minister could get back to me by the end of the day on why this has been left unresolved since 29 June. In response to an estimates question on notice, Ms Fitzharris stated that it took 10 days for a lamp change. I would like to point out that it has now been 124 days since the request was lodged, and the matter not fixed.

Let me give another example—reference No 170311-000568—another one of the many that have contacted us about the lack of action resulting from the fix my street website. This person asked us to investigate the absence of any management of the public garden areas within the suburb of Casey after getting a very unengaged response through the fix my street website. The response from the subject matter expert was:

It is accepted practice in the ACT that maintenance of nature strips, including rain gardens, is undertaken by the resident or lessee of the adjoining leased land.

As our constituent rightly questioned:

Are members of the community expected to divide up public areas that are not their own nature strips and manage them themselves? I think this is a standard answer from a Public Servant who has no awareness of the issue or really cares about the local community that is not theirs.

And maybe that is the case. After all, a little more investigation by this public servant would have told them that the areas in question were not nature strips next to housing but public land areas which are the responsibility of government public services. Maybe it is not this public servant's fault at all. Maybe the issue goes deeper than this. The government wants the community to engage, and it has. To date it has lodged over 47½ thousand complaints. Maybe this tells us a different story—the story of inadequate funding and understaffing and lack of adequate resources.

The government very loudly proclaimed the award and recognition of Canberra as a great place to live but this is belied by the level of maintenance provided in the suburban communities. What the engagement of the community is telling us, yet again, is that this government has its priorities wrong and this government is not looking after its citizens, those that live and work here—people who are keen to maintain quality standards in their living environments. The huge number of engaged and participating community members tells us that perhaps the government services are inadequate, that maintenance schedules need to be reviewed, that there is inadequate funding and resourcing of the public services and that this needs to be addressed.

There have been significant increases in rates—on average 12 per cent for individual households—and people are telling us that they are not happy that their increased rates are not generating appropriate increases in government services.

Yes, we agree that this is a matter of public importance. It is important that the community in the ACT participate on government services, perhaps through the fix my street website. But this is only important if this government responds, only important if this government funds the appropriate services. Maybe if the government actually funded their services appropriately then the community could participate in more positive matters such as volunteering, attending community events or supporting local groups.

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (4.02): It is a pleasure to rise today to speak on this, a definite matter of public importance on how the community can help the government to ensure that services are delivered in the most efficient way. It is with some sadness that I hear yet another speech from the opposition dripping with negativity, maligning our public servants, who are working well, efficiently and effectively and listening well to members of the public.

I was pleased to launch the newest version of the fix my street website with the Minister for Transport and City Services. Fix my street is a government service that is well utilised by many in the community, just shy of 40,000 jobs through the platform in the last financial year alone. Its role and its effect is to help the government have eyes and ears in places all across Canberra, as we cannot always have our hardworking and positive public servants in every suburb at all hours of the day.

In a way, fix my street is a form of crowd-sourcing information. Many organisations and individuals across many industries, including government, have been using this approach very effectively over a number of years. Citizen scientists are out in force every day helping scientists and governments map information and reporting back on things that they have seen. For example, the FeralScan app allows Australians across the country to report sightings of introduced species and document the effects they are having on the landscape. Programs such as these allow companies, scientists and governments to collect data much beyond the reach of their own internal resources.

This is done by volunteers who are either passionate about the cause of the project or seeking to give back some of their time to make their local community a better place. Again, despite the dripping negativity that I hear from across the chamber, I do not malign these passionate members of our community either. In my conversations with people throughout the electorate and across the city I have seen these positive attributes in those people who live in Canberra. People who live here are incredibly proud of where they live and how far we have come. They want to be active participants in helping to maintain the city and keep it looking and functioning its best. One only has to go to the meeting of one's local community council or to look at the responses to major developments to see the passion that Canberrans have for ensuring that we continue to maintain the high quality of living and amenity that this city offers to its residents. A core part of this is the government's provision of city services.

It is for this reason that we develop resources such as fix my street. It allows and encourages members of the community to actively participate in keeping the city at its best. It is why we devote the resources to improving the service so that those who are interested can keep up to date on what we are working on in their suburb. The features that we have added in the most recent version are those that the people of Canberra have been asking for, including having a hub of information for their suburb conveniently located in one place. It then provides links out to information on the services available, as well as a map of the issues that we are tracking across their suburb.

I encourage all Canberrans to get out there and use this newly refreshed resource to help the government deliver services in the most efficient way possible. Having passionate Canberrans out there every day letting us know what they see will help us to devote our resources to maintaining the city. I can assure the Assembly that we will always have our rangers, our inspectors, our arborists and our other government workers looking at and logging what needs to be done, but the community also has a part to play. This new site will give them an unprecedented view of what we already know about their surrounds but will also continue to provide information to government in a quick and efficient way.

We provide this service to allow people to participate in the running of their government. As such, we are also keen to meet the needs of the people who use it. It is why we have also added a feature to allow people to provide their feedback on the new site. We want to build and provide a service that people want to use and one that does what they need. I encourage all people to get out there and try the new site. It has been optimised to work well on computer and on smartphone so that people can use it both at home and when out and about. So when Canberrans are out and about, if they see something that we can fix, I encourage them not to miss a beat and to log on to fix my street. I would then like the people of Canberra to give us their feedback so that we can continue to refine and improve the site.

I have tasked Access Canberra with collating the feedback that they receive and reporting back to me on what features the community have asked for. We can then put this back to the people to let us know what features they would like developed next. While some of these might be quicker to implement and deliver than others, rest

assured that we will continue to improve the service so that our passionate and committed residents continue to participate in the delivery of services throughout the city, ensuring that the city that we are building remains a great place to live.

MS LE COUTEUR (Murrumbidgee) (4.08): I thank Ms Cody for raising such an important issue in the Assembly, and I thank the government for its efforts in this regard and, in particular, for the improvements to fix my street. It is probably the most loved of all the ACT government services. I used the new version of it, the new front end, at lunchtime to report some non-working streetlights near my house in Woden. It seemed easier to describe exactly where they are—these ones are not on a street—and to be precise about it.

The new suburb landing page is definitely prettier, with the pictures of garbage collection, mowing and street sweeping. But I think it is the interactive map that is the real winner in this reiteration. It is not just a novelty feature and new; it is something which will enable people to much better report the issues that they may have in their local communities and also, importantly, to see what other issues have been reported so that they do not feel they have to report what has clearly already been reported.

Certainly I found it a lot easier to pinpoint where the issue was, compared to a street address, which is not always an adequate description of problems. Anything that makes it easier for people to accurately report problems is a good idea. The accurate part is quite important. We do not want the ACT government to waste its time trying to find things which are a couple of hundred metres away and they are not going to fall across.

Another way fix my street could be improved is better integration with some of the existing smartphone apps. I am sure the people who have worked on fix my street are aware of the large variety of smartphone apps on this council services subject. I am not sure how well they all link into the ACT government's processes, but I hope that there is some sort of Australian group of councils who work on this subject, and hopefully fix my street is being plugged into that.

Minister Ramsay talked about this working on smartphones. I admit that I have not tried the new version on a smartphone. If it is anything like NXTBus, which is available both as a website and as an app, I would say the website is great but, when you are on your phone trying to navigate around, the native smartphone app works a lot more easily. That is something the government can take on board.

The other thing to take on board is that some of us are not very computer literate. Maybe we could have a process whereby a few smart devices were available at Access Canberra and libraries, with signage as to how to use them. I note that the government yesterday announced the tender to roll out devices to all our high school students, which is great. There are people, generally speaking a lot older than high school students, who have not really gotten into the smart device age, and it might be good to have some of these devices in community facilities.

Looking more broadly at community participation, we are making some progress, although I do not feel we are making enough. Some of the progress is due to the

agreements that the ACT Greens won in the parliamentary agreement, and I will talk particularly about citizen juries and participatory democracy. But still many in our community feel powerless over what happens in their local community.

The dissatisfaction and the cynicism come through loud and clear, I am afraid, when I speak to everyday Canberrans. It is depressing. Community members constantly say they do not have the information they need, they do not know who to talk to, they do not know what the process is or, which is actually more concerning, they feel it does not matter what they say, as the result of the consultation has already been predetermined and the government is going to do whatever it was the government originally planned to do. That is the most disturbing feedback of all.

The Greens strongly believe that better citizen participation in decision-making will not only make citizens feel more empowered but also genuinely lead to better outcomes for Canberra. That is one of the reasons why last week I amended Ms Lawder's motion about Red Hill to require an integrated process that would look at the impacts of development on the nature park of Red Hill and on the local traffic and amenity issues in a way that the government process as previously outlined simply was not doing. The local residents had got to the point where a petition had already been launched expressing their dissatisfaction about the process. We should not have to come to that. That is why I was very pleased that Ms Lawder brought forward the motion, and that is why I amended it to require integrated planning, which is clearly what the community wants. I am also very confident that, in the long run, it will bring the best possible outcome rather than doing developments bit by bit.

Another way of getting better outcomes for the community and for Canberra as a whole is deliberative democracy. This was part of the parliamentary agreement, and I am really pleased that it is starting to come into operation. Ms Cody talked about the carers citizens jury, and she mentioned the CTP citizens jury, which we are all aware of. I spent an afternoon as an observer of the citizens jury process. One of the things I reflected on is how much better information the citizens juries had than the public accounts committee did when I chaired it in the Seventh Assembly and we did an inquiry into CTP. We did not have nearly the breadth of information that the citizens jury is going to have. I commend the government for this—it was strongly encouraged by the Greens—and I am really looking forward to the results.

I am also really looking forward to the participatory budgeting trial, which was a result of a motion that I moved earlier this year. I think that all the citizens of Canberra appreciate that real budgets involve choice, trade-offs, priorities and compromises. We all have to do our own household budgets. But these realities of government budgets often can be lost on the community because of poor reporting by the media, intentional politicking by the opposition or the fact that no-one in Canberra has enough time or energy to think deeply about all of these matters, with the possible exception of a couple of people in treasury.

The ACT government has a budget consultation process, but unfortunately it is unknown to most Canberrans. In practice the only groups that take part in it are groups that are already engaged with the government. The average citizen does not

know it exists. This is why my motion was about participatory budgeting. It is a proven method used successfully all over the world and in Australia.

In Porto Alegre, in Brazil, the city has been running a participatory budgeting process for nearly 30 years. Local residents attend public meetings where they make proposals and then vote to decide how municipal funding will be allocated. The city has allocated hundreds of millions of dollars to capital projects using this approach since 1989. Research into the Porto Alegre process has found that this approach is strongly correlated with reduced poverty, improved access to water and sanitation, better housing affordability and reduced infant mortality rates.

In Australia we have experimented with this in the city of Geraldton. They have run two parliamentary participatory budgeting exercises, in 2013 and 2014, engaging with a community panel of around 30 residents to determine budget priorities. More recently the city of Melbourne ran a process to do a 10-year plan for the budget of the city of Melbourne, and that was very successful. These are just two examples of over 2,000 participatory budgeting exercises conducted worldwide.

I am very pleased that Canberra, as a progressive jurisdiction, will soon be undertaking its own participatory budgeting process, and I look forward to more community participation in the work of the government and our budget. I commend Ms Cody for her motion.

MS FITZHARRIS (Yerrabi—Minister for Health, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.18): I thank Ms Cody very much for putting forward this matter of public importance. As has been noted, Canberrans are rightly very proud of their city. Canberra's open spaces, shared infrastructure and valued services help to make our city one of the most livable in the world. It is also our community which makes the ACT unique. It is our values which shape how Canberra grows and which set the standards we strive for. Meeting those standards is a responsibility that the Transport Canberra and City Services Directorate is fully committed to.

Our community relies on TCCS services every day, be that in helping us get to school, work, study or leisure, protecting and maintaining our open spaces, or helping us learn and grow through our libraries. It is easy to look at what TCCS does and think of the tangible, visible, physical things like buses, books and roads, but really our services are about people. Every day TCCS does what it does so that we can make the lives of fellow Canberrans easier. That is a great responsibility and one we can only meet with the support of the community. We need their help to understand what is important to them, to shape the services that will continue to make Canberra one of the world's most livable cities for decades to come. And of course we need to receive feedback from the community.

The fix my street service is an important tool for us in delivering the services the ACT community needs and deserves. It is a useful and meaningful resource for Canberrans. Fix my street provides a simple way for the community to speak to us directly about and point out things that need our attention, which not only helps us to know where we are needed but also demonstrates our commitment to working with

the community to make things better. It reinforces the idea that the community owns our city and that we work for them to make their city better every day.

As Minister Ramsay explained, the recent changes to fix my street will serve to better demonstrate our commitment to each and every suburb right across Canberra. It is right that Canberrans should be able to see when we will provide our services to them and have an easy and direct way to ask for help with the unexpected. The new fix my street webpage delivers this. It would not be possible without the feedback and suggestions the community has offered us.

I note Mr Milligan's comments about fix my street. Unfortunately he was away when the new fix my street online presence was launched. I definitely encourage him to have a good look at it and to think of the feedback we receive through fix my street not only as complaints but also as important community feedback that we need to do our job. It is also important for us to engage with the community directly to ask them what is important and how we can help achieve it. That is why I have asked TCCS to step up our efforts in community consultation and customer insights so that we can better learn what we need to do to best serve the needs of Canberrans today and in the future.

The better suburbs initiative is giving the community the chance to shape our city services, helping us to understand the priorities for each suburb and what residents would like to see in the future. Already nearly 1,000 individual Canberrans have given us their views through the better suburbs survey, with pop-up consultations still to come. Added to this, we look forward to the contribution of community and interest groups as well as a deliberative forum to help us develop a vision for services which represent the community and will make Canberra an even better place to call home.

Alongside our future focus, the annual community survey helps guide the work we do each day. The opportunity to hear the views of Canberrans is valuable to us. While it is great to know that our services have delivered the highest satisfaction rate of any jurisdiction in Australia, we know that there is still more we can do. This is why, as a result of this year's survey, we are inviting the community to participate in focus groups to help us better understand how we can improve our waste and recycling services. The community have told us that these are important to them, so it is important that we get them right.

And of course the community's views on transport have been instrumental in shaping what we do and how we do it. The community said that they would like to see better transport options, and that is what we will deliver. The consultation we undertook to shape phase 1 of light rail has helped us to understand the kind of transport network Canberra needs to thrive. Staff from Transport Canberra are working to deliver an integrated transport network which works for everyone, whether you walk, drive, cycle, ride a bus or take light rail, or a combination of all of the above.

Again, it will be community input that helps us to shape our future plans for transport. We will continue to ask the community to help us to develop the new and revised bus network which will support light rail. A household travel survey will help us to understand everyone's transport needs, and our current customer insights work asks

those who already use our buses how we can make things even better. Community consultation has become a popular term for governments to use, but here in the ACT consulting the community has had a real impact on what we do and how we do it. It is our community which ultimately makes the ACT such a great place to live, and we should never underestimate the importance of their participation in shaping the work we do for them.

Discussion concluded.

Waste Management and Resource Recovery Amendment Bill 2017

Debate resumed from 21 September 2017, on motion by **Ms Fitzharris**:

That this bill be agreed to in principle.

MR WALL (Brindabella) (4.24): From the outset I am going to call this bill for what it is: a tax on beverages and an impost on Canberra businesses in the beverage space which then has the very real potential to negatively impact consumers across the territory. The bill purports to promote the recovery, recycling and re-use of empty beverage containers, but there is nothing in the scheme that encourages re-use and there is a great deal of doubt around whether the incentive of a 10c refund would actually change the recycling habits of Canberrans. However, I will let my colleague Ms Lee focus on this aspect of the legislation.

Members of this place in previous Assemblies have been great advocates for a container deposit scheme, or CDS. It is a scheme that has been in operation in South Australia for many years and it is currently in operation in the Northern Territory. There has also been a relatively recent change in legislation in New South Wales to allow for a CDS to operate over the border, and the bill that is before us today has been modelled on that scheme, in an attempt to gain consistency across jurisdictions. However, there are too many pitfalls and potential failings for the Canberra Liberals to support this bill today. It is the view of the opposition that the introduction of the container deposit scheme will ultimately cost Canberra consumers, not reward them, with a significant burden on small local businesses. The benefits to the environment and the potential to change our recycling habits spruiked by this government are arguable at best.

The bill outlines that the Minister for Transport and City Services will have the power to enter into binding agreements with a scheme coordinator and a network operator. The scheme coordinator is to be responsible for the financial aspects of the scheme and the network operator is to be responsible for the logistics, such as entering into further agreements with collection point operators. It is anticipated that the minister would appoint the same scheme coordinator as in New South Wales. The New South Wales scheme coordinator is Exchange for Change, a joint venture between Asahi, Coopers, Carlton & United Breweries, Lion and Coca-Cola Amatil. The legislation requires beverage producers to report their sales volumes to the scheme coordinator in order for the 10c deposit and an administrative fee to be invoiced to them.

For a craft brewer or small beverage manufacturer, under this legislation there is a requirement to report sales volumes to their larger corporate competitor. There are no safeguards in this bill to give any confidence to anyone in the beverage industry that once this information is provided to the scheme coordinator it is not passed on, either formally or informally, to the parent companies, being the big corporate beverage companies. Let me emphasise this point again: this law will require businesses to disclose confidential sales information to their competitors. This is a slippery slope and a very dangerous precedent to be setting.

The agreement that is entered into by the scheme coordinator and suppliers of beverages is effectively a tax—a tax of 10c per bottle or can, plus the administration and transport costs of the scheme. The administration levy may amount to an additional 5c to 10c per container over and above the 10c deposit. This will have to be passed on to the consumer, adding around \$4 to \$5 to a case of beer. The assumption that this kind of additional cost can be absorbed by suppliers is ludicrous and would demonstrate a complete lack of knowledge of how tight profit margins are for businesses, particularly dealing in this grocery line sector, and the practice and price sensitivity of many consumers buying these products.

The opposition is also concerned that, given the make-up of the joint venture that operates the scheme, it would be in their commercial interest to have a low rate of recycling, allowing the 10c deposit that they are paying into the scheme ultimately to remain on their balance sheets through the joint venture. There is also an issue that the opposition poses as to what happens to a deposit that is paid in to the scheme if a container is never returned, in order to have the deposit refunded.

The main businesses that will be affected by the container deposit scheme in the ACT are not big beverage companies such as those forming the joint venture. They will be the little guys—the craft brewers, the home-grown local businesses that this government is consistently sending mixed messages to. Canberra currently has a very rapidly growing and vibrant craft brewing industry. Those in the industry are taking the risk to grow a business, employ local Canberrans and promote our city through their brands. The Chief Minister continually wants to call Canberra the “cool little capital” and pays lip-service to supporting these businesses, but at every opportunity, and often in the name of the environment, his government come up with a new tax and more red tape to place in the way of these businesses thriving and maintaining Canberra as the most competitive place to go into business and grow your business.

For a local craft brewer to enter the container deposit scheme that is before us today, we are talking about an up-front cost that could run into the hundreds of thousands of dollars—and this is before a product even hits the shelves. The deposit is paid by manufacturers prior to the product being sold. This imposes a significant drain on the cash flow reserves of businesses; and, for every business, cash flow is critical to their life.

While there is not any evidence to suggest that the fledgling scheme in New South Wales has been a success, the New South Wales government did have the foresight to put in place interest-free loans through an alternative scheme to support businesses to

assist them in meeting costs, such as the onerous requirements in the lead-up to the implementation of the container deposit scheme across the border, and alleviate the burden on their cash flows in those early stages

As part of this bill, the network operator becomes responsible for entering into agreements with operators of the collection points. It is clear that these collection points—their location and the number of them—will ultimately determine the success of the scheme. The director of the Total Environment Centre, who was heavily involved in lobbying for the container deposit scheme in New South Wales, agrees that the scheme's success is dependent upon the number and location of collection points. In media reports earlier this year he said:

The more convenient it is, the more people who'll use it. It affects the reputation of the scheme if people can't get their money back. A nasty aspect of it is that the company gets to keep [the money] if it's not recycled. It's not intended as a pay rise for beverage companies, it's intended as a way to maximise recycling. This is not being run for the benefit of big companies, it's being run for the benefit of the environment ...

Given the propensity for vandalism at our local shopping centres, it is quite likely that someone that has gone to the trouble of collecting their containers to take to one of the vending machines that may be placed around the territory may find that it is not in operation, and that, in effect, may be enough to put them off ever trying to take part in the container deposit scheme again.

The biggest financial beneficiary of the introduction of this scheme is in fact the Labor-Greens government. There is no evidence that the legislation introduced by New South Wales last year is effective in any way. The environmental credentials of the container deposit scheme simply do not stack up, and the lack of transparency and accountability is staggering.

The biggest beneficiary of this scheme is not the environment, as the government would have us all believe, but instead the government itself. Under this scheme, with respect to bottles and cans that are traditionally put into the yellow recycling bins in homes across Canberra and collected as part of the fortnightly collection service, the deposit will be split between the operator of the materials recovery facility, or MRF, and the ACT government—a cash grab of potentially over \$4 million each, based on current recycling figures; an unearned profit for the MRF operator and another tax grab on the part of the ACT government, funded entirely by beer drinkers across the ACT.

Ultimately, this bill provides for a tax on beverages, paid for by consumers, with the administrative impost placed on business largely benefiting the government. For these reasons the Canberra Liberals will not be supporting the legislation.

MR RATTENBURY (Kurrajong) (4.32): I am pleased to rise in support of this bill, which will introduce a container deposit scheme in the territory. This is an initiative that the Greens have long supported and called for because we know it is an effective way to help reduce waste going to landfill and to recover valuable resources. With plans underway to have a container deposit scheme operating in New South Wales by

the end of this year, it makes sense for the ACT to develop a similar scheme, since we know our waste flows are integrated into the broader New South Wales market.

Ideally, I would like to see the implementation of a national container deposit scheme, which would mean there would be one consistent approach across the country. But in the absence of federal action on this issue, it is great to have the ACT progressing a container deposit scheme and joining with New South Wales, South Australia and the Northern Territory. There seems to be a pattern emerging on environmental policy, whereby our federal colleagues are dithering and the states and territories are getting on with the job.

There is strong evidence that a container deposit scheme does help to improve recycling rates and reduce litter. According to the Boomerang Alliance, every year Australians consume drinks from around 13 billion containers. Only around 40 per cent of these are recycled, so we know there is plenty of ground to be made up to capture more recyclable materials.

In contrast to these national figures, I understand the South Australian scheme has resulted in around an 80 per cent return rate of drinks containers. The South Australian EPA reported that in 2013-14 that equated to nearly 583 million containers returned, with more than \$58 million in refunds. The South Australian scheme has been running for over 30 years and its success provides a great example of what can be achieved in the ACT in terms of improving recycling rates and creating new clean businesses and jobs.

I am pleased to be debating this bill today, at a time when waste is becoming an increasingly important issue for people across the territory, particularly as Canberra's population continues to grow. If we continue consuming at current rates, we will encounter increasing problems with costly landfills, depleting natural resources and the economic and environmental costs that come with extracting those resources.

The ACT Greens believe our waste must be minimised and managed sustainably to reduce greenhouse gas emissions, mitigate climate change and keep our city clean and livable for all Canberrans. We believe all waste should be treated as a potentially valuable resource and processed in a way that achieves the maximum economic and environmental benefit. A container deposit scheme will play an important role in diverting valuable resources away from landfill and ensuring that they can be recycled for future use.

The ACT has set some ambitious targets when it comes to waste minimisation and resource recovery. The ACT waste management strategy has set a goal of recovering over 90 per cent of our waste in the ACT by 2025. This may seem a long way off at the moment, with our current resource recovery rates sitting closer to 60 per cent, but this goal is achievable if we introduce the right incentives in our system to make sure we keep materials in the economy for as long as possible. A container deposit scheme is one part of this circular economic model, alongside other important initiatives. These include improving waste education, separating green and food waste for composting, and improving product design to make products more durable and able to be repaired rather than tossed out after a single use.

Container deposit schemes are also about extending producer responsibility for the waste that they produce. At the moment the beverage industry has little to no responsibility for the waste generated from its packaging. We have seen in the Northern Territory that large beverage companies such as Coca-Cola have been dragged kicking and screaming to these kinds of reforms. Ultimately, community sentiment has changed, and in a world where waste is becoming an increasing problem it is important that industry is part of the solution. That is why the Greens are pleased to see that under this scheme beverage suppliers will be required to make contributions towards the cost of paying refunds on empty beverage containers as well as towards the administration of the scheme.

The bill also includes key provisions about the marketing and financial management of the scheme, defining which containers are eligible, a proposed 10c refund amount per container and a range of offences to prevent fraud and noncompliance. While many of the details of the scheme will be worked out further in the regulation, I want to make a few points on the issue of container eligibility. Overall the Greens are very supportive of this bill and have been calling for its introduction for a long time. However, I do hold some concerns that the scheme will not be as effective as it could be if the criteria for container eligibility are too narrow.

For instance, it would be a shame if common containers such as milk bottles and wine bottles were not eligible for refunds under the scheme. I understand the need to ensure consistency with the New South Wales model in order for the scheme to be mutually beneficial. However, I raise this issue because I think it is an important aspect of ensuring that the scheme can help to improve recycling rates. While the New South Wales scheme has set the framework for our CDS right now, the ACT government should always be looking to improve the scheme and make it more accessible where possible.

I place on the record my thanks and acknowledgement to my Greens colleagues, who have continued to raise this issue in this place and who will be enjoying seeing this legislation finally come before the Assembly. I want to take this opportunity to place those efforts on the record today. The introduction of a container deposit scheme was an ACT Greens policy back at the 2004 ACT election. In 2008 former Greens MLA Deb Foskey introduced the Waste Minimisation (Container Recovery) Amendment Bill. In tabling the bill Ms Foskey noted:

It is smart, it is efficient, it makes economic and environmental sense, it is overdue, and I am hoping that the government will see fit to support it.

In 2010 my colleague Ms Le Couteur called on the responsible minister to vote in favour of a national container deposit scheme at a COAG forum. And in 2013 the Assembly passed a Greens motion supporting the progress of container deposit recycling schemes across Australia—although I note our colleagues in the Canberra Liberals were not supportive of a CDS at that time.

I am disappointed to see again today Mr Wall, on behalf of the Canberra Liberals, opposing this scheme. It is symptomatic of what we see in this place from the

Canberra Liberals all too often: they will stand up and profess broad, sweeping support for environmental initiatives, but when the rubber hits the road and you have to actually implement something, we consistently see them backing away or in fact positively getting in the way of trying to move these initiatives forward. It is similar to the way they have taken the position of supporting 100 per cent renewable electricity, which I very much welcome, but when the actual measures are put in place, we see them consistently seeking to undermine those efforts in this place. It is disappointing, particularly for the reasons I have outlined today, in that this is clearly a successful environmental initiative, one that has a significant impact on not only the re-use of resources but also the cleaning up of litter.

I am very much looking forward to seeing this roll out. I know there is real community enthusiasm for this, and we will see a range of community organisations using this as a fundraising opportunity. As a young boy, in my primary school days, I remember going to football matches at Batemans Bay oval, and I was the one who went round and got the cans and made some pocket money out of that. We will see a range of enterprising community organisations, and perhaps even individuals, doing their part when people cannot be bothered to return their container. We will see people creating new community opportunities out of this. I think there are some really positive elements to this program, apart from the obvious ones, that will make this a very successful scheme.

Clearly, the suggestion from our colleagues across the chamber is that we should not adopt this scheme. If we do not take it on board when New South Wales is going to, it would really be a missed opportunity.

Certainly, after more than a decade of advocacy, the ACT Greens are proud that the government has now moved to establish a container deposit scheme in the territory. It is great that in the ACT our kerbside recycling is well utilised. The evidence from other jurisdictions suggests that container deposit schemes actually complement kerbside recycling programs rather than interfere with them. That is an important point. It is certainly something that we were mindful of, but the evidence does indicate that it is complementary, and that is a good thing.

We have a lot of work to do to improve our resource recovery rates. I believe that this bill is an important first step on that journey. I thank the minister for her work in bringing the proposal for a container deposit scheme to the Assembly. The Greens are very pleased to support this bill today.

MS ORR (Yerrabi) (4.42): I rise to speak in support of the Waste Management and Resource Recovery Amendment Bill 2017 introduced into the Assembly by Minister Fitzharris on 21 September of this year. This bill introduces a new container deposit scheme, to commence in early 2018, which will encourage Canberrans to recycle. This bill amends the Waste Management and Resource Recovery Act 2016 and will establish the ACT container deposit scheme. When the scheme commences, Canberrans will have the opportunity to receive a cash reimbursement of 10c for returning eligible beverage containers to designated drop-off points across the ACT.

Keep Australia Beautiful has been recognised as Australia's independent litter prevention leader, and this bill is part of our continued commitment to reducing waste, in line with the ACT waste management strategy, which outlines the government's goals of waste reduction and full resource recovery. We know providing incentives is one of the best ways to encourage the recycling of drink containers. Research by the City of Sydney found overwhelmingly that a refund-based scheme for beverage containers was the most motivating incentive for people to use the scheme. Our scheme will align with the scheme being introduced in New South Wales.

The New South Wales government released a discussion paper on container deposit schemes for New South Wales in 2015, with extensive consultation. More than 11,000 submissions were received, with more than 98 per cent of respondents in favour of a refund scheme. Our container deposit scheme is part of ACT Labor's \$23.3 million commitment to better suburbs. The commitment of \$800,000 for a feasibility study into a recycling scheme for beverage containers was delivered in the budget. Through the budget measure and this bill, the ACT Labor government is delivering on our election commitment for better suburbs across the ACT.

The better suburbs package is the ACT government's commitment to renew our city by investing in better roads and better community facilities and keeping our suburbs neat and tidy. As the scheme is rolled out the government will be engaging with the community and will be seeking feedback regarding the progress of the CDS. Litter has a considerable impact on our natural environment. Empty beverage containers are some of the most prevalent forms of litter on our roads, in our waterways and on roadsides in our bush capital. Further to the impact on the natural environment, these containers also pose a safety hazard to people who may be injured by glass bottles or packaging. The 2015-16 national litter index indicates that around 25 per cent of ACT litter by volume comprises beverage containers.

This problem is further compounded by the fact that for each plastic bottle we purchase only around seven per cent is made from recycled materials. The reason for this is not that there is insufficient recycled material available but that any composition that includes a higher proportion of recycled material tends to result in a cloudy appearance. There is a clear need for us to challenge how we view recycling and how recyclable materials can be put to use, especially as the national litter index found that there was an increase in litter in volumetric terms in the ACT.

ACT Labor is delivering on our commitment to deliver a container deposit scheme in order to address this issue and to maintain the natural beauty of our city now and well into the future. The Waste Management and Resource Recovery Amendment Bill 2017 provides the framework for the new container deposit scheme. The bill establishes a scheme coordinator who will be responsible for administration, marketing and financial management. The bill provides for a new network operator to establish the infrastructure for the designated collection points. The bill also establishes what containers are eligible under the scheme and implements a cost recovery scheme. The bill sets out requirements for beverage container makers and suppliers to register eligible containers under the scheme and also sets out offences to safeguard the scheme from fraud or false claims for reimbursement.

It is proposed that the ACT will adopt the same eligibility as the New South Wales container deposit scheme, meaning that most beverage containers with a volume between 150 millilitres and three litres will be eligible. Container materials that may be eligible include aluminium, steel, glass, liquid paperboard, PET and HDPE. This bill recognises that there is a shared responsibility between beverage container makers and suppliers, the government and the wider community. The bill requires beverage container makers and suppliers to establish a system to collect and recover empty beverage containers. The scheme will be funded by beverage container makers, which will simultaneously encourage recycling and reduce littering across the ACT.

This scheme will be effective because it delivers on these outcomes in two ways. The container deposit scheme will reduce littering, as members of the community will want to hold on to their used beverage containers to receive a refund payment under this scheme. The scheme will also increase tidying up of our streets and recycling by encouraging other members of the community to pick up litter for late redemption. This scheme will simultaneously reduce littering and divert recyclables and re-usables away from our environment and landfill, and will also encourage picking up of litter in our streets. This bill has been designed to align with the existing schemes in South Australia and the Northern Territory and will likely align with its equivalent in New South Wales.

The New South Wales return and earn scheme is set to commence on 1 December this year, to reduce the volume of litter in New South Wales. The return and earn scheme will allow members of the community to turn in eligible drink containers to a designated drop-off point for a 10c refund. The ACT government has been in consultation with the New South Wales Environmental Protection Authority to ensure that both schemes are harmonised so that a container deposit scheme can operate between both jurisdictions seamlessly. Due to our close geographical proximity, ACT residents will be able to receive a cash reimbursement when depositing eligible containers in New South Wales and vice versa.

Results from schemes in other jurisdictions have indicated a substantial reduction in litter and improved recovery of recyclables, so it is extremely positive to see that the ACT government is delivering a scheme here in the ACT. A container deposit scheme also has a monetary benefit for community groups such as schools, local charities, sporting groups and environmental groups. Local community groups will benefit from this scheme by returning containers to designated drop-off points across the ACT. While reducing rates of litter in the ACT and increasing recovery rates of litter, this may also encourage behavioural and culture change in the ACT in regard to littering and local waste management.

The Barr Labor government is delivering on our commitment to establish a container deposit scheme which we took to the election in 2016. I am very happy to see that this will be delivered early next year. This bill is a fantastic initiative to manage waste in the ACT and to protect our waterways, parks and roadsides. It will increase levels of recycling, reduce waste and keep our Canberra streets beautiful. I thank the minister for bringing this initiative forward, and I commend the bill to the Assembly.

MS CHEYNE (Ginninderra) (4.49): Canberrans produced approximately 75,000 tonnes of household rubbish last year. That is about 1½ times as heavy as the Sydney Harbour Bridge. That impact weighs heavily on the environment, and in the words of Jack Johnson:

We've got to learn to
Reduce, re-use, recycle ...
And if the first two r's don't work out
And if you've got to make some trash
Don't throw it out
Recycle ...

We are doing pretty well on that front; Canberrans are recycling over 70 per cent of their waste. But there is room for improvement. It is important that the government continues to support new initiatives to further reduce the amount of rubbish ending up in landfill and littering our streets. The container deposit scheme will encourage everyone to do their bit to reduce litter and increase recycling.

The ACT's waste management system is integral to keeping Canberra looking beautiful and reducing our environmental impact. Litter not only is unsightly on our streets and in our waterways but also contributes to our carbon footprint. Waste accounted for 2.6 per cent of Canberra's carbon emissions in 2015-16, and that figure is increasing. Diverting as much waste as possible from landfill to be recycled helps reduce our carbon emissions. It is a double win—not only is less waste going to landfill but we can make quality new materials and products without having to extract, refine and process as much raw material from our environment. The waste sector is incredibly innovative in transforming household waste into worthwhile products. We can all do our part to recycle as much as we can and to help make Canberra a more sustainable city.

The ACT government is introducing a container deposit scheme to reward the community for avoiding littering and increasing recycling. According to the 2015-16 national litter index, beverage containers account for about 25 per cent of the ACT's litter, and that is over 140 litres of beverage containers contaminating our waterways, parks and roadsides. Under this bill the ACT container deposit scheme will require suppliers of beverages sold in certain eligible containers to have them licensed by the ACT government. Those containers will be required to display a CDS symbol.

From early 2018 beverage containers with the CDS symbol will be able to be returned to designated drop-off points for a 10c refund. It keeps the containers out of the litter stream and puts a bit of extra cash back in the pockets of consumers. Beverage containers deposited at a drop-off point will go to the materials recovery facility at Hume to be sorted, bundled and sold for recycling.

The first state to implement a similar scheme was South Australia, back in 1977. The South Australian scheme has proved to be very successful in recovering and recycling beverage containers. Currently, their overall return rate of containers is 79.9 per cent,

meaning that today beverage containers make up only a small amount of South Australia's litter.

Although we are a bit behind South Australia in the timing stakes, we are joining a growing movement nationwide. The Northern Territory also has a container deposit scheme. As we heard, New South Wales will introduce their scheme on 1 December 2017, and Western Australia will implement a CDS in January 2019. As a leader in waste management and with the help of our environmentally conscientious residents, I have no doubt the ACT scheme will be successful in reducing waste levels in our city.

In the 2016 election Labor promised to implement a container deposit scheme, and today we deliver. This bill establishes an effective container deposit scheme that will successfully reduce litter and increase recycling. It will encourage everyone, from the government to beverage suppliers to consumers, to play their part in keeping the ACT beautiful and clean. I commend this bill to the Assembly.

MS LEE (Kurrajong) (4.52): As already outlined, this bill sets up a container deposit scheme for the ACT along the lines of the New South Wales container deposit scheme. Refund schemes for containers or, more generally, recycling programs for products are not a unique concept, with a number of similar programs—also referred to as product stewardship schemes—operating, for example, for the agricultural chemicals industry, mobile phones, batteries and other commodities. In pre-empting the introduction of the scheme, the Transport Canberra and City Services 2016-17 annual report described it as:

A product stewardship scheme that obliges beverage suppliers to take greater responsibility for packaging after it has been sold. It is an effective and popular means of reducing litter and encouraging community participation in recycling.

Whether it will be popular in the ACT is yet unknown. In the ACT we already have, by general and anecdotal reflection, a fairly good track record of recycling. Canberrans pride themselves on having a strong environmental conscience and acting on these values. We have well-promoted and effective recycling programs, and I am sure that many Canberrans will agree. In 2016-17, 6.8 million household rubbish collections and 3.4 million recycling collections were undertaken. Our yellow bin arrangement works effectively, and the green bin pilot program for selected suburbs attracted 7,400 registrations.

This bill's stated objectives are to establish a cost-effective container deposit scheme and promote the recovery, reuse and recycling of empty beverage containers. In terms of recovery, reuse and recycling, we acknowledge that the goal of this bill is to motivate individual consumers and community groups to seek out containers entering our waterways, nature reserves and streets and recover them, thereby promoting and motivating Canberrans to recycle. But will it really? For example, currently you buy a drink from a vending machine in your workplace, you drink it and then I would hope you put it into the recycling bin. Under the scheme you buy a drink from the vending machine, but it will cost you about 20c more and after you finish it you will—I hope—put it into the recycling bin. The notion that many Canberrans will be

motivated to collect can after can perhaps over a number of weeks, store them then take them in a bundle to a deposit collection bin to receive their 10c is unrealistically optimistic.

For those Canberrans who will not be doing this—which I would say will be the vast majority—the containers they throw into the appropriate recycling bin, provided they carry the deposit scheme logo, will be disposed of through kerbside collections and will be filtered out at Mugga Lane. The refunds they would have received will be divided between the materials recovery facility and the ACT government. So effectively another process, admittedly automated, will be added to the current process.

Will the scheme cause people to rethink how they dispose of their containers? Will it change habits that lead to more containers going where they should? I doubt it. I am just not convinced that the opportunity to get 10c back by a laborious route will achieve the bill's self-dictated objective of promoting the "recovery, re-use and recycling of empty beverage containers". Will it lead to stockpiling of containers, registered or not, by scout groups or volunteer groups? Probably. Will this arrangement create a whole new version of difficulty, cost and inconvenience, like the clothing-for-charity bins? Will it lead to confusion as to how and where you dispose of your container? Probably.

The bill also apparently intends to encourage re-use. Quite bluntly, there is nothing in the bill that actually does anything to deliver on that front, and during our briefing the officials admitted that to be the case. Given that we have a glass mountain on the outskirts of Canberra because recyclers have discovered that the market for re-using glass is not viable, what does the bill have in mind to address this issue?

Like other jurisdictions, we have a myriad of exemptions to the scheme—milk, flavoured milk, juice greater than one litre, wines, spirits—and I note that Minister Rattenbury also expressed his concern about these exemptions. In our briefing we were advised that the ACT's biggest waste issue by far is take-away containers, and this bill does nothing to reduce this burden.

We know we have a successful kerbside collection program in the ACT and we have a defined recycling culture. Last year's promotion, get re-psyched about recycling, with Ricky Starr, was by any artistic standards woeful if not the ACT government's promotional equivalent of a dad joke, but it did serve to remind Canberrans that we have in place programs for recycling and we are and need to be good managers of waste.

This bill seems to be less about improving the environmental credentials of the ACT than generating what is effectively, as my colleague Mr Wall stated, a tax on beverage consumers. As Mr Wall pointed out, suppliers of beverage containers will be charged not just the 10c per container but also the administration costs of the scheme as a whole. As such, the actual cost to suppliers, according to advice received in the briefings, will amount to more like 20c or \$5 on an average slab of beer, which most likely will be passed straight on to the consumer. Although this cost sounds small, with a 50 to 100 per cent leakage you cannot call this scheme efficient.

Mr Wall has also discussed the numerous concerns we have had from local businesses about the impost on them and the risk of having to expose confidential data to their competitors. This in itself is a serious issue that the government has clearly not given much, if any, thought to. The phrase “recovery, re-use and recycling” is emblematic of the bill. The style of alliteration reads more like a slogan rather than an actual plan to achieve any substantive environmental goals. On that basis, the Canberra Liberals will not be supporting this bill.

It is clear the government has brought it on not to achieve any environmental goals, as it claims, but because it is blindly tacking on to the introduction of the scheme in New South Wales, it is part of the Greens-Labor alliance deal to secure government and it is another revenue-raiser for the ACT government that already spends too much of ACT ratepayers’ money. This scheme is not right for the ACT. This scheme is not right for ACT residents.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.59), in reply: The Waste Management and Resource Recovery Amendment Bill 2017 will amend the Waste Management and Resource Recovery Act 2016 to establish a container deposit scheme in the territory. As has been noted on this side of the chamber, this delivers on commitments made during last year’s election campaign. The container deposit scheme will assist the beverage industry and the community to reduce litter and promote the recovery and recycling of empty beverage containers, which make up 25 per cent of the litter stream in our streets, waterways, parks and roadsides.

The container deposit scheme is a positive step to encourage the community and the beverage industry to work together and create a cleaner environment. The bill was presented to the Assembly on 21 September 2017. To ensure that the scheme achieves its aim of reducing litter, increasing the recycling rates of used beverage containers and engaging the community in active and positive recycling behaviours, we need to make sure that it is easy for Canberrans to get involved in the scheme. That is why we are circulating a discussion paper asking this community some important questions now to help us identify where collection points should be located, what days they should be open and what will encourage people to return their empty beverage containers.

Submissions received from the community demonstrate that there is a high level of enthusiasm within the Canberra community to participate in the scheme. Community groups and organisations, like scouts, and multiple charities and sporting groups have expressed their enthusiasm as the scheme will allow them to raise funds, provide services to their communities and improve the environment.

Already, community responses we have seen here, and which we understand are common around the country, call for conveniently located container collection points providing a simple way to return empty containers for the 10c refund. Other themes that we have noted from the community were the need for prompt service when

redeeming containers and the opportunity for various forms of payment of the 10c refund.

The ACT government has heard much feedback from the community and looks forward to more as a result of the debate in this Assembly today. I am optimistic that this bill will be passed and that the feedback from the community can be incorporated into the territory's container deposit scheme.

Experience from other schemes is that 80 per cent of sold beverage containers will be returned for a 10c refund. This will mean that empty containers will be returned and recycled and not littered across our streets, parks and waterways, and the community will be able to profit whilst delivering a better environment. The scheme will be funded by the beverage industry and delivered by experienced operators in the recycling and beverage industries. The scheme will be mobilised across the territory in early 2018.

The structure of the scheme emphasises the obligations of beverage manufacturers and suppliers to participate in and fund the scheme. There will be a regulatory framework which is set out in the bill to ensure that the government is able to oversee the performance of the scheme and that it delivers for the Canberra community.

An important aspect of container deposit schemes is about alignment to other states and territories. These are state-based schemes. Many other states and territories understand that these schemes are a great way to promote the recovery, reuse and recycling of empty beverage containers, and keep them out of the litter stream.

The territory's scheme is being developed in close consultation with the New South Wales government. New South Wales is introducing a similar scheme on 1 December this year. Given that the geographic location of the territory places it effectively within New South Wales, our scheme has been designed to enable the community to access refunds for eligible containers across both jurisdictions seamlessly. It makes sense for the territory to align its scheme with New South Wales. Of course, people come and go between New South Wales and the ACT on a daily basis.

In terms of volumes, there are an estimated 3.5 billion eligible beverage containers sold into the New South Wales market each year compared with around 180 million into the ACT. This represents around five per cent of the total ACT and New South Wales combined beverage market. It is unlikely that manufacturers and suppliers will differentiate between the ACT and New South Wales in terms of any retail price adjustments due to the introduction of the scheme.

When the New South Wales scheme commences on 1 December the cost of the beverage sold in Canberra is likely to change by the same amount as the cost of a beverage sold in Queanbeyan. This bill also aligns the territory's scheme with the existing schemes in South Australia and the Northern Territory, and upcoming schemes in Queensland and Western Australia to be introduced in 2018 and 2019 respectively.

It is important that the beverage industry is not negatively impacted by numerous and differing schemes and requirements. The ACT government has had, and will continue, discussions with other states and territories to ensure that all jurisdictions' schemes are aligned to assist industry and reduce confusion in the community.

As soon as possible following the passing of this bill I intend to enter into agreements with a scheme coordinator and a network operator who will work together to deliver the CDS scheme on the ground. The scheme coordinator will manage the funding and administration of the scheme. This will include ensuring payments are received from the beverage industry to fund the scheme and that container refunds are passed through to the community when returning empty beverage containers.

The scheme coordinator will also monitor progress towards container recovery targets and be responsible for auditing and verifying the scheme to minimise the potential for fraud. The network operator will manage the day-to-day operations of the scheme, ensuring that bottles, cans and all eligible containers are able to be redeemed quickly for a 10c refund at conveniently located container collection points.

The network operator may operate collection points or they may also enter into agreements with collection point operators where it will pay collection point operators the refund amount, as well as a handling fee, for containers redeemed. These collection point operators could be a social enterprise business, a charity or a community group. The scheme will therefore provide another source of potential benefit to these groups.

The scheme agreements will include incentives for good performance. This could include provisions to allow a contract to be extended due to good performance. On the other hand, penalties will apply if requirements or performance targets are not met, including community access targets and opening hours.

To ensure the integrity of the scheme, a detailed verification system will be required to substantiate the number of containers redeemed. Without such verification, it may be easy for collection points to inflate the number of containers collected.

The regulatory framework underpinning the scheme has penalties for fraudulent behaviour or misreporting. This includes people seeking to claim refunds for containers which are not eligible under the scheme, for double claiming or for claiming a larger than normal number of containers without substantial proof of purchase.

The scheme will have a robust auditing framework, implemented by the scheme coordinator and overseen by the territory. This will ensure that beverage manufacturers and suppliers are only paying refunds for containers redeemed through the scheme and that handling fees are kept to a minimum.

The scheme will have a high level of transparency and accountability. There will be an annual report prepared by the scheme coordinator which will be tabled in the

Assembly. It will detail the performance of the scheme, the container recovery rates and the operation of collection points.

In addition, as the responsible minister, I will have the power to direct the territory's designated waste manager, who is responsible for compliance, to conduct performance audits on both the scheme coordinator and the network operator at any time. A full review of the scheme is required under the bill after five years of operation.

The container deposit scheme will enable eligible containers collected through co-mingled kerbside recycling, commonly known as the yellow bin, also to be redeemable for the 10c refund. The bill proposes a method for redeeming these containers without having to separate them manually from the broader recycling stream. This process will avoid additional handling costs for containers that are being recycled anyway.

Refunds for containers processed through co-mingled kerbside recycling will be shared between the material recovery facility that processes these containers and the territory. This is to ensure that the scheme does not prejudice the existing co-mingled recycling system and that refunds are returned to the community.

Some other benefits expected with the introduction of a container deposit scheme are funding for better resource recovery infrastructure, an increase in local economic activity and the provision of greater employment opportunities in the coming years, particularly for community groups and organisations.

Consultation with the community via the your say website will be available very soon, along with a discussion paper about how the scheme will operate. Preliminary feedback from the Canberra community has indicated broad support for the scheme and significant support has been expressed by sporting, community and charity groups for a potential new revenue stream. This scheme represents a win for the community and community groups by offering a small reward for empty beverage containers, which could accrue significant benefits to those groups over time. This incentive will also help keep these containers out of the litter stream and increase recycling, benefiting our environment.

I expect that the Canberra community will take a hands-on approach to participating in the scheme as they see the revenue benefits and embrace recycling and litter reduction. It may also lead to improved recovery of other wastes through behavioural changes. This bill will ensure that the beverage industry accepts its share of responsibility to manage recovery of beverage containers and reduce litter in the community.

This bill outlines a simple and logical process to introduce a container deposit scheme in the territory which is aligned with other schemes and which will reduce litter and promote recycling by engaging the Canberra community through incentives.

In response to comments, I table an additional explanatory statement. I also will make some comments on comments made in particular by members of the opposition. Of

course, I thank the ACT Greens for their support and note that this has been an issue that they have advocated for for a long period of time.

In particular, to respond to some of Mr Wall's claims, I am disappointed that we did not have the opportunity to work with the opposition who now, by their vote, would see our environment worse off and community, charity and sporting groups not able to access a scheme that not only improves the environment and reduces litter but also provides them an opportunity to be extremely active in their community.

The opposition claimed that industry could keep unredeemed deposits. That is not the case. Scheme deposits are only charged to manufacturers on redeemed containers. Therefore, if the container is not redeemed, there is no deposit that can be retained.

My advice is that the New South Wales government are not offering loans to small businesses as a result of the container deposit scheme. I am also advised that Mr Wall's claim that small manufacturers of containers will be required to disclose confidential sales figures is incorrect. The scheme coordinator will be bound by law to deal fairly with all scheme participants and manufacturers.

As I noted, there are significant regulatory requirements as part of this scheme. As the responsible minister, I can indeed instruct an audit to be undertaken of either the scheme coordinator or the network operator. Sales figures are, however, publicly available in many cases.

I think the opposition also claimed that there is no evidence that recycling rates increase. I have a couple of comments on the opposition's view on this. I think we had a previous discussion about city services. I am certain that we have had discussion in this place on the importance of cleaning up litter. I put on the record now that the opposition have voted against reducing 25 per cent of our litter that is in the public realm. Twenty-five per cent of the litter that is at present in the public realm will now be collected through this container deposit scheme.

Their opposition to this scheme is really quite surprising, Madam Assistant Speaker. There is plentiful evidence from other jurisdictions on the increased recycling rates directly as a result of the CDS. There is anywhere in the range of 35 to 80 per cent of reduced litter in the public realm. International experience is similar and overwhelming, that these schemes have an impact on reducing litter. The next time the opposition claims that we are not doing our part, I certainly put them on notice today that they are not doing their part in supporting this scheme commencing in the ACT.

I note that Ms Lee spoke of product stewardship. It is very unclear to me now whether the opposition has a view on product stewardship, whether they have a view on industry taking some responsibility for the products that they manufacture. I think that is a widely supported principle by industry and by governments, Labor and Liberal, around the country.

If the Canberra Liberals now are saying that they do not support product stewardship—the most recent other one we introduced here was in relation to paint—

they are standing on the side of big business not taking responsibility for their contribution, for example, to pollution, to litter, to the waste that is generated. It is a highly accepted principle across the world; so I am very surprised that they have not sought further advice.

Mr Wall mentioned that he did not believe there were enough safeguards. I believe that there are enough safeguards. That is a conversation that we could have had with the Canberra Liberals if they had alternatives. Instead, the opposition has again said no under the leadership of Alistair No. They are opposing the scheme. They do not really have the decency, in fact, to suggest amendments or suggest some practical and substantive measures to improve the scheme, if that is their view. Instead, they are opposing it outright.

They are opposing the introduction of a container deposit scheme. I am aware of one operator whose containers would not be eligible. I have actually written to the New South Wales minister responsible for their scheme seeking to have their scheme amended so these particular containers can become eligible. If the opposition had sought to further this conversation, I could have informed them of that.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 12

Noes 9

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

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Tree Protection Amendment Bill 2017

Debate resumed from 24 August 2017, on motion by **Ms Fitzharris**:

That this bill be agreed to in principle.

MS LEE (Kurrajong) (5.18): This bill has two major purposes: first, to increase the ability of the conservator to deregister a tree which has died of natural causes; and,

second, to correct an anomaly in the merits review process. I will speak to each of these in turn.

Under current legislation, anyone can nominate a tree for registration. This nomination is considered by the conservator after consultation with anyone the conservator considers appropriate, based on the cultural and heritage value of the tree. If a registered tree dies of natural causes, the process for deregistering and removing it is lengthy and onerous. It involves giving written notice of the proposed cancellation to the person who proposed the cancellation, the lessee of the land where the tree is located, neighbours within 50 metres of the tree, and the Heritage Council, which must include an indication of whether the cancellation satisfies the cancellation criteria.

After 21 days of notice being given, the conservator must ask the advisory council for advice on the proposed cancellation, with particular regard to the Indigenous and heritage value of the tree. Six months after the publication of the notices, the conservator must decide to cancel or not cancel the tree's registration, taking into account the advice from the advisory panel and any other comments the conservator received.

Then the conservator can only actually cancel the tree's registration after the appeals period has ended and no appeal has been lodged or an appeal has failed. This bill seeks to alleviate that burden by allowing trees that have died of natural causes to be removed from the register without the consultation process currently required, which, as I have pointed out, is arduous and onerous.

This is not to say that dead trees have no heritage value, as scar trees could be important both for the community and for wildlife. However, if the conservator is satisfied that the tree has died of natural causes, this bill allows the conservator the option of deregistering and removing the tree with a significantly streamlined procedure.

As can be expected, the ACT Conservation Council has some views on this bill. I thank Larry O'Loughlin for taking the time to talk to me about the council's concerns. The council's concerns, as outlined to me, revolve around the powers of the conservator and the discretion the conservator has in determining whether a tree has died of natural causes. They would like a narrower framework for determining whether a tree has died.

The Canberra Liberals are of the opinion that the position of conservator exists to ensure that an expert in the field of conservation is able to exercise his or her judgment. The position of conservator is a respected and highly regarded one, and we think that some discretion of expertise and judgment is necessary to enable the conservator to carry out his or her duties without undue red tape.

The second purpose, to amend the merits review provision, comes about in part, I understand, as a result of a decision in the ACT Civil and Administrative Tribunal on Liangis Investments and ACT Conservator of Flora and Fauna handed down on 1 December 2016. Merits review is intended to strengthen the accountability of

regulators and is designed to deliver better decision-making over time. So the presidential member's conclusion that under existing law no entity had a right of merits review in a decision about the cancellation or the refusal to cancel the registration of a tree is problematic.

As the explanatory statement states:

This was not the intention of the original legislation and so the amendments relating to this extend merit review of the decision to all entities that are directly affected by the decision and whose interest could be significantly affected or disadvantaged by the decision.

As it stands, only the person who holds or held the registration can seek review of a decision to cancel or refuse to cancel the registration of a registered tree. The presidential member found this phrasing unhelpful, as the registration is not actually held by anyone, thus denying anyone standing for merits review.

This bill seeks to amend this drafting mistake and gives eligibility to the person who nominated the tree, as was presumably parliament's intention under the original act. It also broadens the eligibility of those who can seek merits review to a number of other interested stakeholders, including the lessee of the land where the tree is located, the neighbouring lessees within 50 metres of the tree and the Heritage Council if they gave advice on the registration of the tree.

The ACT Conservation Council suggests that the list should be widened for others to have standing, such as community groups and neighbours and businesses beyond 50 metres of the tree. They argue that environmental groups whose very existence is to preserve the natural heritage of our community have also been excluded from this bill's broadened pool of merits review applicants.

While I understand the council's concerns, if we were to support, as I understand Ms Le Couteur will be proposing in some amendments, to broaden the pool, we would have a situation in which anyone or any group that claims to be adversely affected by the decision, no matter how tenuously, will be able to seek merits review over a tree even if the owner or the nearest neighbours who are directly impacted have no problems with the cancellation.

The Canberra Liberals believe that the bill as drafted finds a balance on expanding the pool of potential applicants wide enough to allow those who are genuinely and significantly impacted to have standing, without throwing the net so wide that anyone who has even a passing glance at the tree has a right to challenge the conservator's decision. Broadening the eligibility pool too widely has the real risk of stifling development or obstructing works that are necessary for the future of our city, and can have an onerous and negative impact on the people most affected by the tree.

Accordingly the Canberra Liberals support this bill as drafted and will not be supporting the amendments that I understand Ms Le Couteur will move. We appreciate and respect all community groups, including the Conservation Council, who do so much to preserve our natural and cultural heritage, and we trust that the

conservator will take on board a number of diverse views in making a decision to deregister a tree.

MS LE COUTEUR (Murrumbidgee) (5.25): I rise to speak on the bill generally and to outline the amendments which have been circulated in my name, which I will move later in this debate. I will start with a bit of background, but only a little bit, because last week members heard at some length my views about trees and the importance of trees in Canberra. It is worth re-emphasising that the Canberra community has very strong views on urban trees. Every year tree-related issues end up in the *Canberra Times* and on ABC 666. Some of these relate to street trees and others to trees in our parks. Some relate to trees that could be removed in the development of new suburbs.

It is important to note that this bill is not making changes to the processes that apply to every regulated tree; we are talking specifically about trees which are registered trees. To be registered they need to be, to quote the government's website and, I am sure, the legislation, of "exceptional value". They are not just normal street trees or park trees that the immediate neighbours love; these are trees that are exceptional and therefore of wider community interest.

To give you an idea of what kinds of trees we are considering here, some of the registered trees closest to this chamber are the elms in Glebe Park and the trees up on Vernon Circle. I did a count of the list of registered trees, and I believe that in my whole electorate there are only 18 trees that meet the exceptional standard, out of hundreds of thousands of trees in the ACT. Some of them are old exotic trees and others are large, old eucalypts. Probably on the whole of the ACT list of registered trees there could not be more than hundreds, and possibly only 100 registrations because some registrations are for multiple trees in one go.

My amendments seek to address two issues with the bill: the need for checks and balances in the proposed shortcut of the deregistration process for dead trees; and the need for broader appeal rights than those in the standard registration and deregistration process, because, as I said, we are talking about a very small number of very important trees. These are not just my issues; these are issues that have been raised with me by people in the community who regularly deal with tree protection issues. They are concerned that the bill as it stands will be a backward step for the protection of registered trees. This is not acceptable to the Greens.

Ms Lee noted that she had talked to the Conservation Council and Larry O'Loughlin. I have had very similar conversations, although I think we have come to different conclusions as a result of them. I thought earlier that the government might be proposing something similar to my amendments, an alternative version of them, but I think the situation is now otherwise.

I will now discuss the Greens' concerns with the bill in some detail, because I am not quite sure where we are up to. The first is the proposed shortcut to the deregistration process for dead trees. That is section 4 of the bill, which inserts a new division 7.4 into the act, the deregistration of trees that have died of natural causes. My concern and that of stakeholders is that the division has no checks and balances on the conservator. A tree dies, the conservator deregisters it and notifies only the lessee and

the lessees of the adjoining land and then, presumably, Transport Canberra and City Services come along with their chainsaws and it is all over.

The first problem with this process is that the tree was registered because it met one or more of the criteria and it may still meet one or more of those criteria, despite the fact that it is dead. Two of the criteria in particular do not require the tree to be alive. Natural or cultural heritage could easily apply to a tree that has died. The scientific value criteria may also apply to a dead tree, particularly a native. The scientific criteria includes “is a significant habitat element for a threatened native species”.

Many native species, including threatened ones, live in hollows of dead trees. Amendment 1 that I will move will address this problem. It is a very simple change. All it does is require that the conservator check against the existing established criteria before they deregister a dead tree. This is a simple, straightforward check on the process. I hope that all members can support it and I sincerely hope that, regardless of whether they do, the conservator actually does this.

Amendment 3 will reinforce this by making the conservator’s decision appealable, so that if a registered tree has died and the conservator uses the new fast-track process to deregister it, the decision would be appealable. Without this amendment, the community will have no recourse if the conservator makes an inappropriate decision.

I clarify here that none of my amendments would stop a tree being pruned or removed if it becomes a safety hazard. Sadly, this does happen occasionally, and there is a process already built into the registration and deregistration criteria that means that safety hazards can be fixed. My amendments would not change that at all.

The second issue my amendments cover is appeal rights for standard registration and deregistration, not just the dead tree process but the standard existing processes. Section 5 of the bill is essentially trying to fix up something that was broken in the existing Tree Protection Act. The current wording of the act means that for the registration decision only the person who nominated the tree can appeal the decision, which excludes a long list of interested parties, including neighbours and even the lessee if the tree is on a private lease. Deregistration is worse: it is not clear that anybody can effectively appeal at all.

My concern and the concern of the many people who have emailed me is that the bill does not go far enough in broadening the categories of interested parties that can make a submission. Critically it excludes people who have made a submission on the registration or deregistration of the tree. What often happens with these types of decisions is that someone hears about a proposed registration or deregistration, they then tell their friends and neighbours, and a community campaign gets up, supported by the National Trust, the community council or the Conservation Council. The government then gets a number of submissions from people who care greatly about the tree, including the supporting community groups. However, the way the bill is written, potentially none of them would have appeal rights.

My amendment 2 expands appeal rights to cover all submitters. I make it clear that that is all submitters; it is not the entire universe of people. It is particularly important

that there are appeal rights for community groups like the Conservation Council, the National Trust and the local community council. The reality is that your average resident will only ever get involved in one or two of these sorts of decisions in their life. They have no idea how to challenge decisions. Community groups can support concerned community members when the government has got it wrong, and they can make a huge difference in whether the community's voice is heard.

I urge all members to support my amendments to make sure that registered trees which, as I said earlier, are a very small number of trees—in the low hundreds of trees; they are a small number of the most significant trees in the urban areas of the ACT—are appropriately protected. My amendments will also ensure that the community have appeal rights if and when they need to challenge the government's decisions when they believe that the wrong decision has been made.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (5.33), in reply: Madam Speaker, I am pleased to speak in this debate today on the Tree Protection Amendment Bill 2017. The objective of this bill is to correct an anomaly in the Tree Protection Act 2005 and to ensure that the conservator has the necessary authority to manage the tree register.

In March this year the most popular choice for a new ACT numberplate slogan was “Canberra—The Bush Capital”. It is not surprising, as the notion of the bush capital is promoted by locals as one of Canberra's greatest attractions. With our parks and open spaces, wildlife and close access to nature, Canberra's urban forest underpins a lot of what this city is about. The benefits of an urban tree canopy have been discussed here recently, but often not as broadly in the community; but the benefits are many.

I would like to identify just a few of the changes this bill makes to the Tree Protection Act. As we know, trees improve air quality, create micro climates and can cool cities as urban trees lessen the impact of the urban heat island effect that can be generated by a city. Trees act as a natural water filter and significantly slow the movement of stormwater, reducing runoff. Trees have a positive impact on human health, making cities more liveable.

But, like any city, Canberra has the challenge of balancing development and heritage, open space and building infill, innovative progressive city planning and outcomes for our natural environment. In such situations, this tension can be lessened through legislative schemes that provide guidance on how to consider and weight the merits of particular situations.

The Tree Protection Act provides such a scheme by providing for the protection and independent consideration by the Conservator of Flora and Fauna to ensure that trees and the tree canopy of our city are not unnecessarily affected. The Tree Protection Act importantly protects large trees from removal and damage, and specifically identifies trees for special protection by registering the tree as a tree of significance. At times, this involves a balancing act. We are also a jurisdiction that promotes procedural fairness and natural justice. Part of providing these things includes statutory rights to challenge governments on decisions that may adversely impact on us as individuals.

Merits review of certain decisions is provided for in the Tree Protection Act. Merits review is within the purview of the ACT Civil and Administrative Tribunal, ACAT. It was ACAT that identified that the merits review mechanism contained in the Tree Protection Act did not properly identify those people with an interest in a decision to register or deregister a tree. Merits review tests that a decision is correct and preferable, that is, legally correct and preferable in that the decision settled upon is the best that can be made on the basis of relevant facts.

The identification was made by the tribunal that the words “the person who holds registration” currently contained in the act results in no exercisable right of review. This is because the registration of a tree is not held by anyone, the details of the tree merely being entered into a register by the conservator. The bill under clause 5 addresses this issue by correcting the anomaly and properly identifying those people or entities that have an interest and a statutory right to seek review of certain decisions made under the act.

Clause 5 makes changes to schedule 1 of the act, which identifies the decisions that are reviewable and who can seek review. The decisions that are reviewable are decisions under section 52 to approve or refuse to approve registration of a tree and, under section 58, to cancel or refuse to cancel registration of a tree. The people who will now have the right to merits review are consistent with the entities that the conservator is required to consult with when making decisions under section 55 and section 58.

Specifically, those entities to which the right of merits review is given are the person who nominated the tree for registration or the person who proposed the cancellation, depending on the decision to which review is sought; the lessee of the land where the tree is located or alternatively the land management agency responsible for the land; if the tree is on leased land, the lessees, or land management agency responsible, for land that adjoins the land where the tree is located and which is within 50 metres of the tree; and, if the Heritage Council gave advice, the Heritage Council.

Merits review is directed towards the circumstances of a particular person or legal entity. Decisions that affect the community more generally are considered unsuitable for review because they dilute the rights of those that have a demonstrable interest in the outcome of the decision. Extending standing to a broader group of people, such as any interested or affected public or community group or other businesses in the neighbourhood, will diminish the rights of those who have a direct interest in the matter. The identification of these people and entities who have access to merits review is considered appropriate. It gives expression to the intentions of the legislation and to the principles of natural justice and procedural fairness.

The bill also includes a new provision which provides the Conservator of Flora and Fauna with discretion to remove a tree from the register when that tree has died from natural causes. The bill provides the conservator with a discretion to determine when it should be applied. New division 7.4 to the act covers this.

New section 61A provides that the division applies if the conservator is satisfied on reasonable grounds that a registered tree has died of natural causes. New section 61B provides the conservator with the power to cancel the registration of the tree and further that division 7.3 of the act does not apply to the decision.

Division 7.3 under the act covers the proposed cancellation and decision-making in relation to the cancellation of registered trees in all other cases. This division includes significant consultation and allows, in certain circumstances, for the possibility of the conservator declaring a site to protect ground where a tree may have been damaged by unauthorised conduct.

New section 61C ensures that, where the conservator makes a decision to deregister a tree because it has died of natural causes, notice of the decision be given to specified people such as the person who holds the land where the tree was located. The section also requires that a public notice of the decision be published. The conservator may also provide written notice of the decision to anyone the conservator considers appropriate. New section 61D provides for the tree to be cancelled and the entry about the tree removed from the tree register.

“Natural causes” is not defined in the legislation. Under principles of statutory interpretation, the ordinary meaning of what constitutes “natural causes” will apply. To do otherwise, for example by listing what constitutes a natural cause, could potentially narrow the application of the act and perhaps open the question of cause of death in situations where that cause is otherwise uncontroversial and uncontentious.

I note that the conservator is well placed to determine such decisions about the death of a tree and can seek expert opinion from arborists and the like if it is necessary. Even if a tree has apparently died from natural causes, the conservator may still decide to undertake a full consultation process in removing the tree from the register.

These are important changes to the act to improve its operation. They are only a small part of the broader scheme, which seeks to provide a sensible and practical response to the matter of trees of significant size and cultural and aesthetic value in the urban environment.

I thank members for the discussion over recent days done in good faith. I would also like to note the conversation, as Ms Le Couteur said, last week in the chamber and of course a more extensive and comprehensive review of the Tree Protection Act, which the chamber supported last week. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4.

MS LE COUTEUR (Murrumbidgee) (5.42): I move amendment No 1 circulated in my name [*see schedule 1 at page 4758*].

Amendment 1 applies only to the new fast-track process for the removal of dead trees. It would mean that the conservator can deregister a dead tree only if the deregistration is consistent with the existing established deregistration criteria that applied to a standard deregistration. This is a simple, straightforward addition to the process. It will ensure that the conservator cannot deregister a dead tree that still meets the registration criteria for which it was registered, unless it has become unsafe and there is no other reasonable option to making it safe.

Amendment negated.

Clause 4 agreed to.

Clause 5.

MS LE COUTEUR (Murrumbidgee) (5.44): I move amendment No 2 circulated in my name [*see schedule 1 at page 4758*].

Amendment 2 applies to the standard registration and deregistration process, not the new process for dead trees. It would provide appeal rights to anyone who made a submission on the registration or deregistration process. Its most important impact is likely to be that community groups such as community councils, the National Trust and the Conservation Council would be able to assist interested members of the community in their appeals.

Amendment negated.

Clause 5 agreed to.

Proposed new clause 6.

MS LE COUTEUR (Murrumbidgee) (5.45): I move amendment No 3 circulated in my name which inserts a new clause 6 [*see schedule 1 at page 4759*].

Amendment 3 would apply only to the new fast-track process for the removal of dead trees. It would provide appeal rights for this process, while the bill provides none. It is an important check on the powers of the conservator.

Proposed new clause 6 negated.

Title agreed to.

Bill agreed to.

Justice and Community Safety Legislation Amendment Bill 2017 (No 2)

Debate resumed from 21 September 2017, on motion by **Mr Ramsay**:

That this bill be agreed to in principle.

MR HANSON (Murrumbidgee) (5.46): The Canberra Liberals will be supporting this bill. As the explanatory statement says:

The Bill makes amendments to a number of laws in the Justice and Community Safety portfolio. The amendments are intended to improve the operation of each amended law without amounting to a major change in policy.

Indeed, this appears to be the case. However, I would make the point that even small changes which, when taken individually, are all understandable and acceptable, can form a major change when they are grouped together. They can form a pattern of reforms that then do amount to a major change in policy over time. There is a set of amendments relating to FOI legislation contained in this bill that may indeed reflect that sort of change.

But, as I said, we will not be opposing this bill, nor will I be moving amendments to change those particular aspects. But what I would put on the record is that we will be watching for those changes by stealth, especially if we see further changes to that particular piece of FOI legislation being brought forward without a proper debate about the actual head legislation.

I will review some of the other changes before turning to the FOI changes. There are changes to the Associations Incorporation Act. I understand that this was at the request of a federal minister. It follows a problematic case which showed a flaw in existing legislation. The amendment means that a person disqualified from a commonwealth board cannot retain a position on a local board. The scrutiny committee has noted that this could impinge on the right to a fair and public hearing and has asked for further clarification. However, all jurisdictions have been asked by the commonwealth to implement this change, and we will be supporting that request.

An amendment to the Co-operatives National Law (ACT) Act 2017 allows fees, allowances and expenses to be prescribed by disallowable instrument rather than by regulation. In the spirit of less regulation is better regulation—not always, but mostly—we support this change.

There are also changes to the Coroners Act 1997. The most important element of this change is to remove the mandatory requirement for a hearing to be held when a person dies under anaesthetic. A report needs to be made but a full hearing will no longer be mandatory. From briefings from the Attorney-General's office and from background information in the explanatory statement and presentation speech, we understand that not all deaths that occur under an anaesthetic require a full-blown

court hearing. It is important to recognise that the coroner still retains discretion to hold a hearing where the coroner believes it reasonable to do so.

There is also a range of changes and amendments being brought forward relating to the Court Procedures Act 2004. We understand that they arise from consultations with the Law Society and have been also subject to consultation with the Bar Association. Both support those changes.

There is an amendment to the Crimes Act to change references to “director-general” to “regulator” and so on. And there is a range of other changes, including to the Legal Profession Act, the Family Violence Act and the Guardianship and Management of Property Act.

I will, though, talk about the changes to the Liquor Act 2010 to broaden the membership of the Liquor Advisory Board. What it actually does is remove the specific reference to the clubs industry and the hospitality industry and replaces it with “a representative of the night-time economy”. In briefings the government claimed that the industry bodies accept this change. However, our own consultations with sections of the industry revealed that they were not really consulted at all. I do not know whether that is because this is a government that refuses to engage with an industry group that represents the majority of stakeholders in the clubs sector other than those, as I have said before, that directly fund the Labor Party and the Greens.

Mr Parton: The friendly ones.

MR HANSON: That is right; they will consult the new clubs grouping because they directly fund them with massive donations equating to tens of millions of dollars in funding over the years. One would hope that that is not the reason for this plot but, given the way that the government has behaved towards the clubs sector and ClubsACT, it is difficult to think that this has been done for any other reason than out of spite.

The amendment to the Road Transport (General) Act 1999 allows a person to volunteer to be the responsible driver of a vehicle registered to another person. Currently, as we have been briefed, the mechanism is for the registered owner to nominate the other person. That seems like a sensible addition. There are other amendments also, but I will not go into the detail, to the Road Transport (Offences) Regulation 2005 and the Territory Records Act as well.

I come now to the Freedom of Information Act 2016 and the amendments that have been made there. This is the legislation that was worked on and that was brought forward by Mr Rattenbury, supported by the Canberra Liberals, and then essentially we forced the government, the Labor Party, to adopt this legislation largely against their will, it must be said. And we got to a position where before the last election we had a bill that I think should have been in operation a lot earlier than it will be because of delays, disappointingly, by the Greens who had such a sense of urgency before the election and then did not have that same sense of urgency post the election.

These are a series of amendments and they have been outlined in some part by the Attorney-General and are explained in the bill. But they exclude certain organisations from the operation of the FOI act, specifically the Judicial Council and the Law Society, basically justified because those bodies are outside the scope of government. They allow information officers to delegate some functions associated with processing an access application but not on major decisions. They extend the period for notifying the applicant that their access application has been received to allow for mail timings.

It allows the Ombudsman to delegate its functions under the Freedom of Information Act and, again, that is an administrative measure. It inserts a presumption to schedule 1 that it is against the public interest to disclose information in possession of a court or tribunal unless that information is administrative in nature. It applies the presumption against disclosure of adoption records to the person whom the information is about. It defends the operation of the presumption against disclosure applying to mandatory reporting under the Children and Young People Act 2008 to include voluntary reports. It inserts a presumption into schedule 1 that it is against the public interest to disclose information that is in the possession of the ACT Ombudsman relating to the Ombudsman's role under the reportable conduct scheme. And it makes the principal registrar a principal officer for all ACT courts and the ACT Civil and Administrative Tribunals, ACAT. While any of those seem reasonable, and certainly they do individually—and I am not suggesting otherwise—it is the cumulative effect that we are concerned about, and that we are not seeing that slow degrading of this act from its lofty pre-election principles.

Of particular note is the provision in the explanatory statement referring to an amendment to omit a criminal offence. This clause omits section 91 which makes it a criminal offence for a person to engage in conduct with the intention of preventing disclosure of government information where that disclosure would or could reasonably be expected to be required under the Freedom of Information Act. This could be considered more than just a minor change.

In the briefing with the government that my staff were engaged in, the government stated this provision as it exists is too harsh and would have an adverse effect on public servants who may deal with the threat of criminal prosecution in ambiguous situations by not acting at all and refusing to be put into this role. That is largely because it is a matter of whether the act of the public servant who would be potentially subject to this criminal prosecution were malicious or not. And there are elements of the bill that actually deal with this and cover unscrupulous behaviour, such as knowingly making a decision contrary to the Freedom of Information Act. Certainly we do not want a situation where a well-meaning public servant has either omitted information or included information, acting with best intent, but is found to be in breach of the act and then is subject to criminal prosecution. We would not want that to happen.

We will support these changes, but they are reasonably substantive. It does lower the threshold. It does lower the bar in terms of how information will be treated and the

severity of punishments should information not be provided that ought to have been provided. We do accept the government's arguments in this case.

I would like to thank the groups that we have consulted. There is a bit of a gang of them: the Law Society, the Bar Association, the Human Rights Commission and, indeed, the Attorney-General's office. Once again, although the Attorney-General and I have certainly some differences of opinion—and I outlined some of those this morning in response to his ministerial statement, and I am sure he enjoyed that—when it comes to these sorts of bills I do appreciate the advice and the cooperation that he provides to my office. I would like to also thank those staff in my office, particularly Ian Hagan who has, again, been very thorough in meticulously going through this legislation to make sure that what the government is telling us is, indeed, what appears in the bill that they have presented.

Noting all those matters, the Canberra Liberals will support this bill. But I put the Attorney-General on notice that further amendments provided in JACS bills that essentially degrade or weaken potentially the FOI Act I would rather see in an FOI bill to amend that act specifically so that we can have a more substantive debate. I think any further omnibus bills will be problematic.

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

MR RATTENBURY (Kurrajong) (6.00): As with the other regular justice and community safety bills, this bill makes minor amendments to a range of legislation relating to justice and community safety. I do not intend to discuss all of the changes as they are largely positive and relatively procedural, but I do want to make some brief comments on a few in particular.

The amendments to the Legal Profession Act 2006 will allow the Law Society and Bar Association to summarily deal with a complaint against a practitioner. Thus where there are multiple instances of unsatisfactory professional conduct against one legal practitioner, the matter will no longer need to be automatically referred to the ACT Civil and Administrative Tribunal. This will enable the Law Society to more effectively deal with complaints and ensure that matters that can be dealt with administratively do not go to ACAT. Furthermore, by reducing resources spent on the Law Society's disciplinary proceedings, more funds will, naturally, be available for other things such as grants to legal aid and community legal centres. Of course, that is a positive outcome.

The changes to the Associations Incorporation Act 1991 will automatically disqualify a person from managing an incorporated association when they have already been disqualified under commonwealth law. Incorporated associations are often not-for-profit or non-profit organisations that play an extremely important role in our community. It is essential both for public confidence and for the operation of the organisation that office holders of incorporated organisations are not disqualified at a commonwealth level yet are still able to hold office at a territory level.

The amendments to the Coroners Act 1997 remove the mandatory requirement for a hearing in situations where a person dies as a result of or under an anaesthetic. This reflects a significant clinical improvement in anaesthesia and the increasingly common use of anaesthetics, which has made the original policy intent for mandatory hearings no longer necessary. This also brings the ACT into line with other jurisdictions in Australia, many of which abolished the need for mandatory hearings in anaesthetic-related deaths many years—and in some cases decades—ago. Importantly, the amendment only removes the requirement for a hearing and not the rest of the coronial inquest. This recognises that other parts of the coronial inquest can still produce very useful findings without needing a hearing that involves witnesses and potential further investigation. It will be at the discretion of the coroner as to whether a hearing will be held as part of any particular coronial inquest with respect to anaesthetic-related deaths.

The changes to the Liquor Act will broaden the membership of the Liquor Advisory Board. The Greens consider that these amendments reflect the changing nature of our clubs and hotels industry. In this new environment it makes sense that the hotel and club representatives on the board can come from across their industries rather than restricting the membership to any one specific organisation. There is also an amendment to expand the membership of the board to include a representative of the late-night economy. These amendments will hopefully encourage different people with a diverse range of skills to participate in advising government on policy related to our liquor laws and night-time economy. I do note Mr Hanson's commentary on this. I do not buy into that. As a party that continues to meet with all of these organisations, we certainly have no particular agenda in that space, and I do not think it is the government's agenda.

The minor changes to the Co-operatives National Law Act and regulations are administrative and are designed to improve its efficiency in the prescription of fees and allowances.

The bill also makes minor administrative changes to the road transport legislation. The road transport authority will be able to accept "known user declarations" from the person who was responsible for a vehicle at the time of an offence. Previously, the declaration had to come from the owner of the vehicle, stating they were not in control of the vehicle at the time of the offence and nominating the person responsible.

Finally I would like to talk about the amendments to the Freedom of Information Act 2016. I was pleased to introduce this piece of legislation last year. As Mr Hanson rightly noted, it did take much longer than I had hoped, but I guess that is the process of negotiation. I was pleased to work with colleagues across the chamber to get that bill passed during the last Assembly. It is set to commence operation next year. The Greens are committed to openness and transparency in government. This legislation has taken the ACT from being one of the least open FOI jurisdictions in the country to being one of the best. Based on the Queensland FOI laws, the new FOI laws will not only assist the public to assess whether the government has done its job well but also facilitate the release of important government information so that the community can actively participate in the formulation of policy ideas.

The previous FOI laws left the government in control of the release of the most significant government information, and ignored the obvious conflict of interest that exists in having government decide what is made available to the community. Of course, no government is ever shy about releasing information that presents it in a positive light, but access to government information should be based on the best interests of the community and not simply on whether it is good news for the government of the day. This new FOI framework recognises that government information is a public resource and will help to promote a culture of openness and transparency in government. Both agencies and ministers will be required to proactively publish a range of documents unless it is contrary to the public interest to do so.

The types of documents include policy documents, details about agency activities and budgeting, certain expert reports and, from three years after they are written, incoming minister briefs, question time briefs and estimates and annual reports briefs. This approach will greatly reduce the need for sometimes unnecessary FOI requests that are time consuming for directorates and applicants alike. The new public interest test will increase the availability of government information, improve public understanding of government decisions and increase public confidence in government processes.

The proposed amendments in this bill are based on advice received during the implementation of the new open access scheme. These do not undermine the intent of the FOI legislation, in our view, and will ensure the practical operation of the new scheme and avoid what I think might be described as some unintended consequences. I certainly look forward to ushering in the new system of FOI for the ACT, shifting the culture of government transparency in the territory and allowing our citizens more opportunity to participate in government by opening up our information flows.

In conclusion, the Greens are happy to support this bill today. We believe the amendments promote a series of improvements across a range of government legislation.

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (6.06), in reply: I am pleased to speak in support of the Justice and Community Safety Legislation Amendment Bill 2017 (No 2)—the JACS bill. I thank Mr Hanson and Mr Rattenbury for their contributions and their support of this bill. I also thank the scrutiny committee for its comments. In response to that, I table a revised explanatory statement.

The JACS bill makes amendments to justice and community safety legislation to help put in place better support and better services for our community. This bill is the result of ideas from legal professionals, government agencies and our commonwealth colleagues about how to make our legislation more efficient, effective and fair. Several of these ideas were about how we can reduce unnecessary interaction between members of the community and the courts. The amendments to the Legal Profession Act 2006 will allow the Law Society and the Bar Association to, where appropriate,

deal with multiple complaints of unsatisfactory professional conduct against a practitioner summarily.

The amendments to the Road Transport (General) Act 1999 allow for proceedings against a person to be discontinued where the person has already paid the infringement notice penalty. These amendments will help reduce unnecessary interaction between individuals and the court and reduce the burden on the courts.

The JACS bill also removes the requirement that deaths under anaesthetic automatically go to a hearing before the coroner. This amendment to the Coroners Act 1997 does not affect the requirement to hold an inquest where a person dies and the death appears to be completely or partly attributable to an anaesthetic. Instead it will mean that the decision to hold an inquest where an anaesthetic is involved is now discretionary.

The JACS bill also makes a number of amendments to improve the operation of the new Freedom of Information Act 2016 prior to its commencement on 1 January 2018. I note and thank Mr Hanson for his observation that each of the amendments is a reasonable change. One of these amendments is to introduce a presumption that it is against the public interest to disclose information in the possession of the ACT Ombudsman relating to the Ombudsman's role under the reportable conduct scheme. The reportable conduct scheme was introduced by the government to help to detect abuse and misconduct and protect children from them. This amendment will help to ensure that reportable conduct scheme matters are treated consistently with other complaints handled by the Ombudsman, particularly as the subject matter of such complaints is likely to be particularly sensitive. Another amendment to the act will extend the time frame for agencies who receive an FOI application to provide an acknowledgement of receipt to the applicant.

The JACS bill also makes amendments to the Liquor Act 2010 to add a member to the Liquor Advisory Board. Recognising the vibrancy of Canberra's night life and the risks of antisocial behaviour that occur late at night and early in the morning, these amendments add a member to the board to represent the night-time economy. The amendments also remove individual names of organisations from a list of members of the Liquor Advisory Board and replace them with representatives of on-licensees and a representative of club licensees.

Notwithstanding the negativity and cynicism that seem to be espoused again across the chamber, these changes are strictly a matter of good governance. Rather than naming organisations in the legislation to be appointed, this bill will introduce descriptions for interests within the industry that must be represented. Appointments of a peak body or other organisation will occur on the basis of merit in representing those interests. No-one will be removed from the board as a result of these amendments, and the government is absolutely not reconsidering its membership or the merits of appointing the current representatives.

The JACS bill program is also an opportunity to make minor technical amendments to ensure the continuous improvement of the operation of our legislation. It is a good opportunity to improve regulation in the ACT by bringing it, where appropriate, in

line with national schemes. The amendments to the Associations Incorporation Act 1991 will now disqualify a person from managing an incorporated association in the ACT where they are disqualified from managing a corporation or Aboriginal and Torres Strait Islander corporation under commonwealth legislation. These amendments were requested by the commonwealth of all states and territories, and will help maintain public confidence in these types of organisations, which are often non-profit organisations raising money for charitable purposes.

The JACS bill also makes amendments to the Family Violence Act 2016. This act contains provisions relating to the national domestic violence order scheme. As the proposed national commencement date for this scheme is not until 25 November 2017, these amendments will allow for a transitional regulation to be made to ensure that there is no gap in the ability for the court to recognise interstate family violence orders or registered foreign orders.

This bill is an example of how even small legislative changes can have a very positive impact on the community. The JACS bill makes improvements to a range of legislation to help protect survivors of family violence, to reduce the interaction between Canberrans and the courts, and to ensure that the operation of the new freedom of information scheme is accessible, transparent and timely. 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.

Nature Conservation (Minor Public Works) Amendment Bill 2017

Debate resumed from 14 September 2017, on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

MS LEE (Kurrajong) (6.13): The government has presented this bill to reduce the red tape surrounding the process of maintenance and upkeep of ACT nature reserves. Simplifying and streamlining planning procedures is vitally important. However, it is also important to remember that some planning procedures exist for a reason and are a vital bulwark against rash and detrimental decisions. As it stands, minor works, including the maintenance and repair of park furniture, car parks, bike and walking tracks, landscaping works and tree maintenance all require a development application which then triggers a planning process.

Currently the conservator is able to provide an environmental significance opinion, or an ESO, which attests that the specific works outlined in the application will have no significant adverse environmental impact. This then halts the development application

process and allows the minor works to take place without the need to go through the onerous full planning process. Even with the power to bypass a full development application process, this is a burdensome procedure and creates unnecessary delays and paperwork for the conservator and rangers.

This bill seeks to bypass these procedures by creating a standing ESO through the minor public works code. This code sets out the types of works which can be carried out without the need for a development application or a specific ESO. This will have the effect of freeing up the time of the conservator and rangers, and improve upgrade and maintenance of amenities for people accessing ACT nature parks. This code is effectively a checklist.

The code establishes and maintains a consistent standard for the planning and assessment of minor public works on reserved land managed by the parks and conservation service, or the PCS, that balances the need to undertake activities for land management with the protection of the natural and cultural environment.

The intent of the code is to provide an efficient framework for undertaking minor public works in reserves without requiring individual environmental assessments or environmental impact statements for minor activities. The code requires consideration of a range of environmental factors and excludes those activities with the potential to cause a significant adverse environmental impact.

I have been advised that the estimated time saved on a simple, single project will be 11 person days per project. At present an ESO for a simple project, for example, the upgrade of 10 kilometres of existing fire trail, can take at least 19 person days. Under the new code assessment process, there will still be eight person days of time involving investigating the site, preparing a works plan and assessing the project against the code, but 11 person days are saved, leading to reduced costs and more effective management. More complex or multi-faceted projects would extend each stage of the ESO process and require a more detailed assessment. The code potentially involves a greater time saving in these circumstances as efficiencies are found in the code assessment process itself.

In 2016-17 the PCS completed seven ESOs for works in reserves. I have been assured that the changes in this bill will not put at risk any scrutiny process for new works and that they will be excluded from the fast track process facilitated through the code. I am also assured that the provision allowing tree removal to be included in minor works does not extend to mature trees; rather it covers the saplings which may spring up and interfere with fire trails and other tracks. The ability to remove these saplings without requiring a DA and an ESO is a vital facet of this bill's intent to reduce regulatory burden for the conservator.

The Canberra Liberals support the concept of red tape reduction and while the code is a 13-page document and not the easiest to read, I believe its implementation will mean real savings in staff hours and administrative paperwork. We thank the minister's office for giving us a draft copy of the code to enable us to be able to get a view, and we are happy to say that we support the bill.

MR RATTENBURY (Kurrajong) (6.17): The Greens will be supporting this bill which amends the requirement for the parks and conservation service to submit a development application and have the Conservator of Flora and Fauna prepare an environmental significance opinion, or ESO, for minor works in ACT parks and reserves. The bill allows the conservator to prepare a minor public works code which will act as a standing ESO and will set out the standards and practices for carrying out minor works in reserves.

This bill seeks to balance an appropriate red tape reduction with the need to maintain strong environmental oversight of development projects. This is a fundamental tension we are often trying to meet in this place. The Greens have come to the conclusion that we will be supporting this bill because it includes a number of key protections to conserve our precious natural places and ensure that the red tape reductions do not come at the expense of environmental safeguards. As a Greens MLA my priority is always to ensure that Canberra's native bushland, wild places and protected biodiversity areas are preserved and enhanced for future generations.

The ACT is home to a range of unique grassland and woodland environments that should be valued, restored and protected. At the same time we acknowledge that in order for our parks and reserves to be safe and accessible to visitors a range of minor works need to occur and that these can be done without having a significant adverse environmental impact.

Examples of minor public works listed in the bill include maintenance of roads, bike paths, walking tracks and car parks, landscaping and tree maintenance and repairs to facilities such as fences, signs and park furniture. These are all vital services to ensure that our parks can be enjoyed by members of the public but they are all what could be considered low-risk activities. That is why the requirement for a development application in each individual case is overly burdensome and why an ESO is almost always granted for these activities.

This bill proposes establishing a standing ESO for activities included under a minor public works code so that there is no longer the need to seek an ESO in each case where minor works are required. This is a sensible red tape reduction that will mean repairs and maintenance in our parks and reserves can happen more efficiently.

The Greens are pleased that local environment and conservation stakeholders have already been engaged on this issue and that there will be a role for them to assist with the development of the code. A definition of "minor public works" is included in the legislation, and I understand the code will provide further clarity on what activities are covered and any conditions associated with those activities to ensure that they are low risk.

The code will also be a disallowable instrument giving an added layer of oversight to ensure that the works covered by the standing ESO truly are minor and will not require a full environmental impact statement and assessment through the impact track. Finally, the code must be reviewed by the conservator at least once every five years to ensure that it is working appropriately. These are important checks and

balances that seek to ensure that no significant adverse environmental impacts result from this change in administrative arrangements.

The growth in the ACT's population is growing our urban footprint and placing strain on our environment. Climate change is also increasingly requiring us to take adaptive measures in response to its impacts. In this environment it is important that the ACT government is consciously and actively ensuring that our native bushland, rivers and protected biodiversity areas are preserved and that our natural assets remain accessible to the Canberra community. I believe this bill outlines a sensible arrangement to support minor but necessary works in our parks and reserves with a reduced administrative burden.

I thank the minister for his willingness to engage with interested stakeholders on this proposal. It will be important that these groups continue to be engaged as the code is developed. The safeguards I outlined earlier will ensure that the code covers only truly minor works while at the same time retaining the strong oversight and assessment for proposals that could have a significantly adverse environmental impact. The Greens thank the minister for the briefings and discussions we had on this bill. We support this bill and look forward to seeing the final minor works code presented to the Assembly.

MR GENTLEMAN (Brindabella—Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal) (6.21), in reply: I thank members for their important contributions during the debate for the Nature Conservation (Minor Public Works) Amendment Bill 2017. As we have heard, the bill will create efficiencies in the planning approvals process for the territory when undertaking minor public works in reserves. In the ACT we have high quality nature reserves and a high standard of amenity and facilities. As the Australian jurisdiction with the highest proportion of our land area in reserves, it is important that we continue to maintain these valuable recreational and conservation areas.

We want to continue to make our network of reserves accessible and attractive to the public to use while balancing the need to protect the strong environmental values that these natural sites have. To effectively achieve these goals, the approval processes for maintenance works must not impose unnecessary burden and barriers to undertaking these works. At the same time, there must be robust protections that ensure appropriate oversight of activities that may impact on the environmental values of reserves.

The amendments in the bill will support the important work of the parks and conservation service as the custodian and land managers of ACT's reserves, to maintain facilities within reserves, manage the environmental values and undertake important bushfire preparedness activities.

The bill proposes to amend the Nature Conservation Act 2014 and the Planning and Development Act 2007 to streamline the process for the territory to receive planning approval to undertake minor public works in reserves. The bill achieves this outcome by enabling the Conservator of Flora and Fauna, as you have heard, to make a code of

practice for minor public works in reserves. If works comply with this code of practice, then development approval does not need to be obtained for the works proposal.

Under the current planning approval process the time and cost involved in applying for and receiving approval to undertake works in reserves is often disproportionate to the scale and nature of the minor works being proposed. To create a more efficient assessment process and remove the need for a case-by-case approval each time the works are proposed, the amendments in the bill will enable a single overarching process for authorisation to undertake works in reserves.

In addition to reducing the administrative and procedural requirements of the current process, the new approach set out in the bill will be a robust and transparent process and involve more Assembly scrutiny. To achieve the outcomes I have spoken about, the bill contains a number of key amendments which I will summarise now, and then discuss in further detail.

Firstly, the Nature Conservation Act is amended to insert a power for the conservator to approve a minor public works code of practice. The second aspect of the bill is that it amends the Planning and Development Act and the planning and development regulation so that minor public works carried out in accordance with the code are removed from the impact assessment track and do not need to complete an environmental impact statement if they are performed under and comply with the code of practice.

Works performed under the code will also be exempt from the requirement to obtain development approval if they are carried out in accordance with the code. This is consistent with other exempt development rules for public works undertaken by the territory. The bill also contains an amendment to chapter 9 of the Nature Conservation Act which contains offences for activities in reserves so that undertaking works in accordance with the code will not constitute an offence.

Clause 50 the bill inserts a power into the Nature Conservation Act to enable the Conservator of Flora and Fauna to approve a minor public works code. The code is a code of practice for minor public works carried out in reserves by or on behalf of the territory. A code sets out the standards and practices for undertaking such works to ensure that they do not have significant adverse environmental impact. It may also include circumstances where works are not likely to have an impact or conditions to apply to works so they do not have an impact.

Compared to the current process of having the conservator providing an environmental significance opinion or ESO on a case-by-case basis, the code will act as a standing ESO which will prescribe conditions up-front that must be met to ensure that a proposal will not have a significant environmental impact.

I will speak more about ESOs and the planning framework in a moment. Where a proposal complies with the standards and practices and conditions set out in the code it will be unlikely that the works will have an environmental impact. In these circumstances it is justified that the proposal does not need an environmental impact

statement to be prepared under the Planning and Development Act. I will also discuss this in more detail in a moment.

Clause 1.1 of schedule 1 of the bill provides a definition for minor public works. This definition acts as a limitation on the scope of works to which had code can apply and is specifically inserted for the purposes of the code. Minor public works are small-scale works for maintaining existing infrastructure in reserves or for installing new minor infrastructure. They include such things as bush regeneration, landscaping, bushfire management works, the maintenance of roads and tracks and the installation of signs, water tanks and fences. These are important regular and minor activities undertaken by the parks and conservation service that are unlikely to have adverse environmental impacts.

Under clause 5 of the bill the code is made a disallowable instrument. This means that the code will be subject to Assembly scrutiny and will be open and transparent as to the requirements to be met before a works proposal will be considered to be unlikely to have a significant environmental impact.

This is an important improvement of public transparency compared to the current process of the conservator issuing an ESO where only the ESO decision was required to be notified. With the introduction of the minor public works code, the decision-making framework, the standards and practices that must be met and the types of works that can be completed are now made public and accessible at the start of the assessment process.

Additionally, the bill requires that the code must be reviewed at least once every five years to ensure that the requirements of the code are regularly reviewed and remain appropriate and relevant in achieving the protection of the environmental values of reserves. In preparing these amendments, an indicative draft of the code has been provided to the Conservation Council, Minister Rattenbury's office, and Ms Lawder's and Ms Lee's offices as well.

My office also provided information on the expected administrative savings that would be gained through these amendments. I am advised by the directorate that following the passage of this bill the Conservator of Flora and Fauna will undertake targeted consultation on the detail of the draft code before looking to finalise it in the coming months.

As I mentioned earlier, the bill also makes complementary amendments to the Planning and Development Act and planning and development regulation to incorporate the code into the planning assessment framework. The Planning and Development Act specifies types of development that are in the impact track because they require an environmental impact statement or EIS.

This is the highest level of environmental assessment available under the planning assessment framework. Even if a proposal is exempt from requiring development approval under schedule 1 of the regulation, it would still be in the impact track and require development approval if it is listed in schedule 4 of the Planning and Development Act.

Currently, all works undertaken in reserves require an EIS unless the conservator has provided an environmental significance opinion stating that the proposal is not likely to have significant adverse environmental impact. The proponent of the works must apply to the conservator for an ESO on a case-by-case basis and an ESO will only be issued where the conservator believes that the proposal will not have a significant adverse environmental impact.

The effect of an ESO granted by the conservator is that the proposal is removed from the impact track and is assessable in the merit track unless an exemption in the planning and development regulation applies that removes the requirement to obtain approval before undertaking works.

The bill amends these planning approvals requirements for minor public works that are undertaken in accordance with a minor public works code. Such works will not require an EIS and therefore will not be assessable in the impact track. The works will also be exempt development and not require development approval.

Clause 1.2 of schedule 1 of the bill amends schedule 4 of the Planning and Development Act to allow for minor public works undertaken in accordance with the minor public works code to not require an EIS. Also, clause 1.4 of schedule 1 of the bill amends schedule 1 of the planning and development regulation so that minor public works undertaken in accordance with the minor public works code are included as exempt development.

The amendments in the bill achieve efficiencies in the planning assessment process by allowing works that comply with the minor public works code to be deemed to satisfy the requirements of the planning approvals process. In effect, the code will function as a standing ESO issued by the conservator for all works that are undertaken in accordance with its requirements.

The requirements of the code will set up a pre-defined set of conditions and circumstances that, if complied with, will mean that the works proposals are unlikely to have a significant adverse environmental impact. Having the requirements of the code set out at the start of the assessment process will enable a more efficient process in determining whether proposed works will have an environmental impact. This will reduce the need to produce an ESO for each works proposal and will allow for a better understanding of the types of works that can be undertaken in reserves.

To give members an idea of the expected administrative time savings that these amendments will achieve, it is estimated that there will be a saving of 11 person days per project. I am advised that a simple ESO can take at least 19 person days to finalise, involving staff from the parks and conservation service, the planning and land authority and the environmental division within the Environment, Planning and Sustainable Development Directorate.

Under the new code assessment process, there will be at least eight person days of time involved in investigating the site, preparing a works plan and assessing the

project against the code requirements. This shows that proper environmental impact analysis will still take place under the new code assessment process.

In 2016-17, the parks and conservation service completed seven ESOs for works in reserves. In the 2017-18 year to date, the parks and conservation service has completed four ESOs. Putting this all together, the expected time savings from the bill today are about 77 person days per year, freeing up ACT government staff to better direct their time towards delivering quality outcomes for the ACT's reserves.

Madam Speaker, in summary, the introduction of the code of practice will create administrative efficiencies that will free up time and resources within the parks and conservation service to be better directed towards important land management and conservation work. The amendments in the bill strike a balance between maintaining important oversight of potential environmental impacts in our reserves, while removing unnecessary administrative burden.

The bill does not reduce the assessment of works by the territory in reserves; rather, it finds a more efficient and better way of undertaking this assessment so that limited resources are used more effectively.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

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

That the Assembly do now adjourn.

Kurrajong electorate—one year on in the Ninth Assembly

MS LEE (Kurrajong) (6.33): One year ago today I stood in this chamber and pledged to faithfully serve the people of the Australian Capital Territory as a member of the Legislative Assembly and to discharge my obligation according to law. And, Madam Speaker, each morning of every sitting day, as you did this morning, when you say the words, "Members, I ask you to stand in silence and pray or reflect on our responsibilities to the people of the Australian Capital Territory," I reaffirm this pledge and silently ask myself: "How can I achieve that today?"

Today, as it was one year ago, I acknowledge the great privilege that the people of Kurrajong have afforded me in trusting me to represent them. And today, as it was one year ago, it is a duty I take very seriously. One year on, I reflect on the good, the bad and the ugly, the highs and the lows and the downright random, the achievements, the things I could have done better and, most importantly, an acknowledgement of so much more that I need to do to be the best elected member that I can be.

Having had no experience or expertise in the areas of disability or the environment, taking on these portfolio responsibilities was definitely outside my comfort zone. But where I lack knowledge or experience I hope what I bring is a new and different perspective, a capacity to look outside the square in a tumultuous world of change and, most importantly, the ability to look at issues affecting everyday Canberrans from the viewpoint of an everyday Canberran.

I have had the opportunity to meet some wonderful people in both the disability and environment sectors and I am sure that, had it not been for the environment portfolio, I would not have had the chance to go on a twilight tour of Mulligans Flat complete with a constant fear of huntsman spiders, or the trip to Yankee Hat at Namadgi, spotting our very own bluebell in the wild, or touring the new recycling facility at Hume and learning how far we have come since the days of takeaways coming in styrofoam boxes.

I am also sure that, had it not been for the disability portfolio, I would not have had the chance to get an insight into one of the biggest transitions we have seen in the sector warts and all. I have met some of the most amazing people who, even with all the challenges in the world, have shown strength and courage to advocate for, inspire and support some of Canberra's most vulnerable.

It has been a great pleasure to be able to support and encourage the social consciousness and entrepreneurship of organisations, like GG's Flowers, that do so much to ensure that Canberrans living with a disability have the best opportunities for employment and a sustainable future. In short, I have seen the best in people and what inspired Canberrans can offer the entire community.

Given our unique parliament of both local and territory responsibility, of course my first and utmost duty will always be to the people of Kurrajong. I represent an electorate that I would say is one of the most diverse in the ACT and is home to Canberrans from all walks of life. Whilst you cannot be everything to everyone, it is important for me to listen more than I speak, always put myself in the shoes of someone else and make sure that the interests of the people of Kurrajong come before my own. I must remember that my duty to faithfully serve the people of the Australian Capital Territory is as a parliamentarian and not just another politician.

One year on I take this opportunity to thank my colleagues from all sides of the chamber, all my family and friends who supported me to be where I am today, everyone that I have met since I have been a member of this Assembly and, most importantly, the people of Kurrajong.

Today, as I did a year ago when I pledged to faithfully serve the people of the Australian Capital Territory, I stand ready to serve for as long as the people of Kurrajong place their trust in me to do so.

Refugees—resettlement

MS LE COUTEUR (Murrumbidgee) (6.37): Today marks the theoretical end to the offshore detention on Manus Island. I say "theoretical" because the reality is that

asylum seekers on Manus are still not allowed to set foot on Australian soil. Even though the men will not technically be detained, there is nowhere for them to go. If they are not fortunate enough to be assessed as suitable by the US—and we still do not know how many they will take—they are being forced to either relocate to unsafe housing in the PNG community or wait for deportation back to whatever persecution they were escaping from.

Food, water, medical supplies and access to medical care will be cut off from today. A notice has been issued that, as of 5 pm, which was an hour and a half ago, the detention centre will become the property of the PNG defence force. Defence force personnel have been patrolling the fence line for days. The men are frightened. They have been warned that they will be liable for removal from an active PNG military base. It is a time bomb, ticking fast. It is a catastrophic situation. Men were given a month's supply of medication a week or so ago and, as of yesterday, two days supply of food and water.

What will happen to them after today is unknown, but we can confidently assume that they will not be safe, they will not be cared for, they will not be able to access medical and psychological supports and they will be left to languish—languish on top of the four years they have already languished—with no end in sight.

In spite of their peaceful protest for 91 days, this is a human rights disaster. Even the PNG government is unclear what is to happen to the men. It is calling for clarification about what Australia is doing about those refugees who do not want to settle in PNG or those who have been found not to be refugees. Bear in mind that some of these men have sought asylum on the basis of being gay and they are being released into a society where that is punishable by 14 years imprisonment.

People do not choose to be refugees. Often smugglers are the only option for those seeking safety in other lands. People have left their families and friends in search of freedom from persecution. They have risked their lives in doing so. Most of them would relish the opportunity to contribute and, by far, most of them are deemed to meet the definition of refugee. This is what they have been found to be: a person who has been forced to leave their country in order to escape war, persecution or natural disaster.

The federal government has created avoidable suffering. Eighty-eight per cent of the men on Manus have mental health issues, and this is our doing. There have been six deaths, all avoidable. Many are self-harming. This illegal, cruel and unworkable solution will have long-term deleterious effects and will continue to have a negative toll on human lives long after this week. They have experienced riots, been shot at, assaulted, sometimes treated worse than animals, robbed and, on occasions, beaten in front of Australian security guards.

Think of the locals, the PNG inhabitants. These people are already living without guaranteed supplies, including clean drinking water. They are, in fact, people who are struggling. They are a tribal society who will not be able to assimilate hundreds of men from very different backgrounds who have been forced upon them. I mentioned their attitudes to the gay community. It is no wonder they are resisting even though

we know that all of them can be helpful and supportive of refugees and have been assisting them where they can.

It stands to reason that as a whole the locals will likely hold some significant resentment. The locals do not have access, for instance, to mental health supports. They are not a standard provision for locals. The plight of the refugees and the global focus that has eventuated unfortunately have not given insight into the plight of the people of PNG. I have had the privilege of visiting PNG twice, and it is certainly a country that needs a lot of assistance and compassion. What we need is a world that is more compassionate, a world where everyone is treated with respect and compassion.

In spite of the ACT government writing to the Australian government calling for the men to be sent here or to any one of the 147 safe haven zones, as agreed by the Assembly in August, in spite of the many protests by nurses, doctors, former workers in detention camps and refugee action groups around the country, this shameful and inhumane treatment continues.

Today the camps close and there are no suitable alternatives. I want it on record that these atrocities are not happening in my name and I am watching.

Back to your roots writing competition

MRS KIKKERT (Ginninderra) (6.42): I recently lost my favourite aunt. She was a fahu, my father's sister, and therefore one of the highest ranking members of my family, because in the Tongan culture it is the women who hold rank. She was important to me for this reason but also for many very personal reasons. As soon as a death has occurred in a Tongan household, all family members will be notified immediately and they would feel a strong desire to go to the putu, or funeral vigil. I am grateful that I was able to travel to participate in this observance. The days leading up to my aunt's burial were opportunities for extended family members to bring gifts of traditional Tongan mats, intricately painted tapa cloth called ngatu, money and other goods for the family of the deceased. Attending this vigil and giving these gifts are signs of love and respect.

The vigil was held each night over the course of several days. A big tent had been erected at my aunt's home for this purpose, and there we all sat together singing hymns and saying prayers. We also wore black clothing covered with a very large ta'ovala, a traditional woven mat that is bound around one's body, again as a sign of respect. In addition, close family members, including me, had our hair cut as a sign of mourning.

As I experienced all of this it occurred to me that there were still many aspects of my Tongan heritage that I did not completely understand. As I came to better understand these traditional ways of Tongan life, however, I found myself developing an even deeper aspect for my own culture, and this in turn has strengthened my identity as a Tongan-Australian woman.

As shadow minister for multicultural affairs and for families, youth and community services, it is my hope that young people in the ACT will likewise feel a connection to

their heritage regardless of what their backgrounds may be. I wish to encourage them to start the personal journeys now that will lead them to better understand the significance of certain parts of their parents' or even their grandparents' cultures.

For this reason I have designed a formal but fun way for kids aged from eight to 18 years to explore and then share more about their cultures. Tongan people often describe the experience such as I had in attending my aunt's funeral as going "back to our roots". I therefore wish to announce the back to your roots 2017-18 writing competition for all children and young people who live, study and/or work in the ACT. Entrants will learn more about their cultural heritage and then produce an essay, a short story, a poem, song lyrics, a script or a comic that demonstrates an insightful appreciation of one or more aspects of the participant's cultural heritage.

The purpose of this competition is to encourage youths to either connect or reconnect with the culture of their parents, grandparents or even more distant ancestors. As studies have shown, knowing and appreciating who we are and where we come from gives people an empowering sense of identity and helps to support good mental health outcomes as well. Next week I will be launching a website that will provide further details regarding this competition. A panel of judges will be engaged to assess submissions. To encourage participation, there will be a fun and exciting prize for the winners.

I hope that many Canberra kids will be inspired by this back to your roots writing competition to learn more about their cultural heritage, draw closer to their families and then use their creativity to share their insights with the rest of us. I look forward to announcing the winners in February.

Greyhound racing industry

MR PARTON (Brindabella) (6.47): I rise to respond to one of Mr Ramsay's answers in question time today in the gaming and racing space. Mr Ramsay has been unable to provide any evidence that greyhound racing is out of step with community values in the ACT. This was in response to questions about the unequivocal support of Victorian Labor, and indeed every other Labor Party in this entire nation other than his own, for the sport of greyhound racing. In his response to the strong support from the Victorian Labor Premier, Mr Ramsay was seriously grabbing at straws this afternoon. He brought up the prohibited substance convictions of the Lords who train out at Gunning as, I am assuming, a reason to ban the industry.

The Canberra Liberals believe that all incidents of this nature should be taken very seriously. We certainly have faith that the governing bodies of all codes have in place a regulatory framework and penalties to police their industries. History shows that there have been a number of similar incidents involving prohibited substances across all three codes and involving trainers who participate regularly in the ACT.

If we are basing our banning decisions on such incidents, I can only assume that we will be banning thoroughbred racing in the ACT, perhaps by 1 January 2019. I am sure that the minister responsible for racing in the ACT would know who Chris Waller is. I am sure he would know that Chris Waller trains thoroughbreds in Sydney.

He has got a fair old nag by the name of Winx who has won a number of races in a row. He has had many runners compete at Thoroughbred Park here in Canberra, including in our premier events, the Black Opal and the Canberra Cup.

Chris Waller was fined \$30,000 last year after one of his horses tested positive to ice. On appeal, the fine was reduced, but the conviction remained. A number of harness racing trainers who participate in this region have also had a number of their runners test positive for banned substances. So perhaps we could work on 8 March 2019 as an end date for harness racing in the ACT.

The Essendon Football Club in the AFL were found guilty of widespread substance abuse. I am assuming that this would rule out any ongoing involvement with the GWS Giants. Indeed, perhaps we should work on a ban of AFL in the ACT. I might suggest that we go with October 2019, just so that they can get through their season. We would like them to get their grand finals all done.

I think it is absurd to be grabbing at straws in this fashion in a desperate attempt to produce any shred of evidence that this unjust ban on greyhound racing has any basis. I await someone from the parliamentary Labor Party finding some courage to stand up and voice their concerns to their colleagues about this forthcoming legislation.

Multicultural affairs—events

MR PETTERSSON (Yerrabi) (6.50): It was an immense privilege to attend the inauguration of a new Sefer Torah at Chabad ACT in Giralang just a couple of weeks ago. A Sefer Torah is a handwritten copy of the *Torah*, the holiest book in Judaism. I want to thank every member of the community, in particular Rabbi Shmueli Feldman, for welcoming me into their holy place for a festive evening to celebrate their amazing achievement in funding its completion. I want it on the public record that the food was delicious and the company marvellous. I apologise for my singing, which was a bit lacklustre. I am already looking forward to the next one.

Further, the Gungahlin mosque is finally open. I tell you what: the Canberra Muslim community can throw a party. It has been a long and trying journey to reach this point but what an amazing accomplishment it is. I was honoured to attend the opening of the newly minted mosque. I want to thank Mainul for inviting me, as always. It was a great day. It felt like half of Gungahlin was in attendance, and they were most definitely warmly welcomed. I want to congratulate the local community for this achievement.

Ginninderra electorate—school fetes

MS CHEYNE (Ginninderra) (6.51): It is fete season again. It often happens around autumn and spring. I particularly like the spring fete season. It means we have to fit in quite a lot of fetes over a weekend because lots of schools and other organisations hold fetes and twilight fetes. This past weekend was no exception with no less, and potentially more, than five fetes being held in the Ginninderra electorate. I was lucky enough to get along to four of them. I just want to put on the record what an enormous

sense of community spirit there was at each of those. Every one of them was different but every one was a great deal of fun.

The first fete I went to was the Kangara Waters fete, which is a retirement village in the Belconnen town centre. I happened to pick up quite a few bargains, including a wine decanter, which will obviously be greatly useful, and a classic set of Canberra playing cards, which were not even opened yet. I could not help myself and I have opened them. They look outstanding and clearly they are a collector's item. I really want to congratulate Kangara Waters. I was only able to attend in the last hour and almost everything had been sold out. But, of course, that is the best time to attend for a bargain.

The next fete I went to was the Latham Primary School fete, which is held on the same day, Saturday, from 3 till 6 pm. There I helped run the carnival games sideshow, I suppose, where I helped children fish for a duck. If they fished a duck out of the pond with a little black spot on the bottom of it, they won a prize. We also ran the pick a stick competition. It was great to see so many parents and kids participating. I really want to give my thanks to Daniel and Matt, who helped me run it. I certainly needed help. They made it an enormous amount of fun. It was great to see so many smiling faces at that fete.

Aranda primary fete was also that afternoon from 3 till 7 pm. It was another outstanding fete. It was absolutely packed. There were so many rides. I have never seen a bigger line up for the toss the coin on to the chocolate thing. I wish I knew the name of it. That is something that I feel very fondly about from my own childhood. When I walked past I think there were about 50 people lined up. Everyone was in very good spirits.

On Sunday there was the McGregor spooky fete. Unfortunately I was not able to get along to that. But I did make it along to the Weetangera fete where I, together with Minister Berry, helped at the barbecue stall. I put together, I guess, around 50 roast pork rolls. They were made to the highest standard that I possibly could. Fortunately, someone else was cooking them. Again, there was an extraordinary vibe at that fete.

I put on the record my thanks to all of the people involved. Fetes are absolutely a volunteering exercise. It is always a delight to see the community spirit and the number of people attending the school fetes, particularly those who did not necessarily have children but were there to support the school. The mood at all of those fetes was extraordinary. That is no doubt due to the hard work of all the volunteers and particularly the people managing the organisation of the fetes. I put on the record my thanks to all of them. I love a good fete. I think we all love a good fete. It was a really lovely weekend because of it.

Battle of Beersheba 100th anniversary

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) (6.55): I rise this afternoon to recognise the 100th anniversary of the Battle of Beersheba. The Australian War

Memorial's website says the Battle of Beersheba took place on 31 October 1917 as part of the wider British offensive collectively known as the Third Battle of Gaza. The final phase of the all-day battle was the famous mounted charge of the Light Horse Brigade commencing at dusk. Members of the brigade stormed through the Turkish defences and seized the strategic town of Beersheba. The capture of Beersheba enabled the empire forces to break the Ottoman line near Gaza on 7 November and advance on to Palestine.

Mounted troops spent the summer of 1917 after the Second Battle of Gaza in constant reconnaissance and in preparation of the offensive to come. Turkish forces held the line from Gaza near the coast to Beersheba, about 46 kilometres to the southeast. The allied forces held the line to the Wide Chuza from its mouth to El Gamli on the east. The positions were not continuous trench lines but, rather, a succession of strong posts. Both sides kept their strength in front of the city of Gaza. With that I would like to read into the record my grandfather's record:

2326 Private Walter Hamilton Gentleman, Australian Army, 6th Light Horse Regiment, 2nd Light Horse Brigade, 1st Australian Imperial Force, Regimental Battle Honours, Defence of Anzac, Rumani, Gaza - Beersheba, Jordan - Esall, Megiddo, South West Pacific, Cape Endaladere, South Africa, Sari Bair, Egypt, Jerusalem, Jordan - Amman, Palestine, Bunagona, Senemi - Creek.

It states:

Men of the light horse - your sacrifice and deeds and those of following generations of Australians who fought for Australia will remain ever etched in the history of a grateful nation.

Question resolved in the affirmative.

The Assembly adjourned at 6.58 pm.

Schedule of amendments

Schedule 1

Tree Protection Amendment Bill 2017

Amendments moved by Ms Le Couteur

1

Clause 4

Proposed new section 61B (1)

Page 2, line 16—

omit proposed new section 61B (1), substitute

- (1) The conservator may cancel the registration of the tree, if the conservator considers the cancellation satisfies the cancellation criteria.

2

Clause 5

Page 3, line 18—

omit clause 5, substitute

5 Reviewable decisions Schedule 1, part 1.2, items 1 and 2

substitute

1	52	approve, or refuse to approve, registration of tree	<p>(a) anyone given written notice, under section 53 (1), of registration decision</p> <p>(b) an entity who was not given written notice under section 53 (1) who—</p> <p>(i) had a reasonable excuse for not giving written comments on proposed registration under section 49 (5) (b); and</p> <p>(ii) may be adversely affected by the decision</p>
2	58	cancel, or refuse to cancel, registration of tree	<p>(a) anyone given written notice, under section 59 (1), of decision to cancel, or refuse to cancel, registration</p> <p>(b) an entity who was not given written notice under section 59 (1) who—</p> <p>(i) had a reasonable excuse for not giving written comments on proposed cancellation under section 56 (5) (c); and</p> <p>(ii) may be adversely affected by the decision</p>

3

Proposed new clause 6

Page 3—

after the table in clause 5, insert

6 Schedule 1, part 1.2, new item 3A

insert

3A	61B	cancel, or refuse to cancel, registration of dead tree	<ul style="list-style-type: none"> (a) anyone given written notice, under section 61C (1), of decision to cancel, or refuse to cancel, registration (b) anyone given written notice, under section 53 (1) (d), of registration decision (c) anyone given written notice, under section 59 (1) (d), of decision to cancel, or refuse to cancel, registration (d) an entity who was not given written notice under section 61C (1) who— <ul style="list-style-type: none"> (i) had a reasonable excuse for not giving written comments on proposed registration of under section 49 (5) (b) or proposed cancellation under section 56 (5) (c); and (ii) may be adversely affected by the decision
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