



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**EIGHTH ASSEMBLY**

**11 AUGUST 2016**

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## **Thursday, 11 August 2016**

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

### **Petitions**

*The following petitions and e-petition were lodged for presentation:*

#### **Belconnen Arts Centre—petition No 7-16**

*By Dr Bourke, from 13 residents:*

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

The following residents of the ACT draw to the attention of the Assembly the proven success of the Belconnen Arts Centre since stage 1 opened in 2009 and we look forward to the ACT Government completing stage 2 of the Centre as an essential part of Belconnen's community and culture.

Your petitioners, therefore, request the Assembly to call on the Government to commit to a timeline and funding to complete the Belconnen Arts Centre by 2021.

#### **Freedom of speech—petition No 8-16**

*By Mrs Dunne, from 204 residents:*

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

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

The legislative amendments introduced by the Health (Patient Privacy) Amendment Act 2015 seek to ban pro-life actions in designated areas near an abortion clinic, including praying. These provisions trample on basic human rights involving freedom of expression which are essential in democracy such as Australia.

Your petitioners therefore request the Assembly to repeal these undemocratic provisions.

#### **Belconnen Arts Centre—E-petition No 4-16**

*By Dr Bourke, from 528 residents:*

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

The following residents of the ACT draw to the attention of the Assembly the proven success of the Belconnen Arts Centre since stage 1 opened in 2009 and we look forward to the ACT Government completing stage 2 of the Centre as an essential part of Belconnen's community and culture.

Your petitioners, therefore, request the Assembly to call on the Government to commit to a timeline and funding to complete the Belconnen Arts Centre by 2021.

Pursuant to standing order 99A, this petition stands referred to the Standing Committee on Education, Training and Youth Affairs

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

## **Petition**

### **Ministerial response**

**The Clerk:** The following response to a petition has been lodged by a minister:

By **Mr Gentleman**, Minister for Planning and Land Management, dated 10 August 2016—Response to petition No. 6-16, lodged by Mr Corbell on 3 August 2016, concerning the rezoning of Mr Fluffy houses in Braff Street, Hackett.

The terms of the response will be recorded in *Hansard*.

### **Hackett rezoning—petition No 6-16**

*The response read as follows:*

I write to you to provide my response, pursuant to standing order 100, to petition No. 6-16 lodged by Mr Simon Corbell MLA in the Legislative Assembly (the Assembly) on 3 August 2016.

The Government is committed to protecting the residential amenity and character of established suburbs, including Hackett. There are 29 blocks in Hackett included on the list of blocks affected by loose fill asbestos insulation. The majority of these blocks are located within the residential RZ1 suburban zone. I approved Territory Plan variation number 343 (V343), to permit unit titled dual occupancy development on 'Mr Fluffy' blocks surrendered under the Loose Fill Asbestos Insulation Eradication Scheme in 2015. My decision was based on a need to defray some of the significant cost of the Government's response to the 'Mr Fluffy' issue whilst continuing the positive neighbourhood amenity in the established Canberra suburbs. V343 commenced on 17 February 2016.

The variation was subject to the statutory requirements of the *Planning and Development Act 2007* including public consultation and an inquiry by the Legislative Assembly Standing Committee for Planning, Environment and Territory and Municipal Services. At the time the Environment and Planning

Directorate and the Asbestos Response Taskforce worked extensively to publicise the draft variation. This included attending Community Council and other stakeholder and community meetings. In this regard, I consider appropriate consultation has been undertaken in relation to the provisions that apply through V343.

V343 facilitates modest urban renewal throughout the capital, by focusing on the redevelopment of remediated Mr Fluffy blocks and limiting these to dual occupancy development. This is a modest increase in housing density and does not include 'higher density' development such as apartments. It should also be noted that V343 does not apply to heritage blocks; only loose fill asbestos affected blocks surrendered under the ACT Government Buyback Scheme, within the RZ1 zone and 700m<sup>2</sup> or larger. All other loose fill asbestos blocks are subject to the existing relevant Territory Plan requirements.

V343 reduced the minimum block size for dual occupancy development within the RZ1 zone from 800m<sup>2</sup> to 700m<sup>2</sup>. It also introduced appropriate plot ratios for dual occupancy development on these blocks as well as the ability to unit title. These measures are intended to provide the option for dual occupancy development as a means of contributing to housing choice in established areas.

In order to protect residential amenity of surrounding properties V343 also imposed a strict one storey building height for all dual occupancy dwellings subject to the 35% plot ratio. This will mostly apply to dual occupancy developments where both dwellings do not front the street. A design criterion was also introduced to ensure dual occupancy dwellings protect the existing character of the streetscape. This means that proposals for dual occupancy development are required to comply with the full suite of provisions of the RZ1 suburban zone as well as the additional provisions introduced through V343.

I would like to point out that community consultation does not end with the commencement of V343. Dual occupancy redevelopment proposals under these provisions are also required to submit a development application which will be made available for public comment.

In Hackett, there are some 22 loose fill asbestos affected blocks within the residential RZ1 zone that are 700m<sup>2</sup> or larger. Of these blocks only 8 are between 700m<sup>2</sup> and 800m<sup>2</sup>. Blocks over 800m<sup>2</sup> were able to be redeveloped for dual occupancy before V343 came into effect. The difference is that dual occupancy development on these blocks can now be unit-titled.

The actual number of proposals for dual occupancy development on these 22 blocks is not known. Not all the blocks will necessarily be surrendered under the Loose Fill Asbestos Insulation Eradication Buyback Scheme. In addition, from information obtained as part of the Buyback Scheme, it is anticipated that many of the blocks will be redeveloped for single dwellings under a 'knock down and rebuild' scenario. This is already permitted within the residential RZ1 zone.

I appreciate the concerns raised through this petition. I acknowledge that the redevelopment of the loose fill asbestos blocks will bring change to many streets across the ACT and particularly where there are clusters of blocks. However, I also consider that there are significant safeguards to ensure the outcomes do not result in loss of residential amenity or adversely impact on the character of the residential streets of established suburbs like Hackett.

I am confident the existing provisions of the Territory Plan as well as those introduced by V343 will minimise the impact on residents of the ACT.

## **Belconnen Arts Centre**

### **Petition No 7-16 and E-petition No 4-16—statement by member**

**DR BOURKE** (Ginninderra—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children and Young People, Minister for Disability, Minister for Small Business and the Arts and Minister for Veterans and Seniors), by leave: It is a sign of the support for stage 2 of the Belconnen Arts Centre that over 500 signatures have been gathered within just 10 days. I was a strong supporter of the concept for a Belconnen Arts Centre before it was built in 2009 and it is heartening to see so many members of the Belconnen community now support the expansion as reflected in the petitions that have been lodged today. They reflect the number of people who both use the centre and enjoy the centre in so many different ways. Arts forms a crucial part of our Canberra lifestyle and as minister for the arts I know how much arts brings to our city.

I know too that a broad cross-section of the Belconnen community take part in our arts centre's activities. A program of classes, performances and exhibitions make it a well-loved hub of the Belconnen community. Belconnen Arts Centre not only brings more character and diversity to the Belconnen town centre and the Emu Bank foreshore, our own city to the lake in Belconnen, but it is also a key part of the ACT government's commitment to arts across the city. As a regular at the Belconnen Arts Centre it is great for me to get down there and see that the time has come for it to grow. An expanded centre with a new theatre and opportunity will be well used and a popular investment for our Belconnen community. I look forward to having more to say about the ACT government's commitment to the arts generally in the lead-up to the election.

## **Valedictory**

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (10.05): I seek leave to make my valedictory remarks.

Leave granted.

**MR CORBELL:** Thank you, Madam Speaker; thank you, colleagues. My Labor colleagues; Assembly colleagues; my close and extended family, particularly my son Henry and my daughter Laura, my mother Brenda and her partner Hugh; those who have loved and supported me over my time in this place and who cannot be here today; staff and former staff of my ministerial office; Labor colleagues and comrades past and present; colleagues of the ACT public service; staff of the Assembly; friends all—you honour me with your presence here today.

I rise this morning to make these, my valedictory remarks, on my last sitting day in this place after a period of 19 years, seven months and three days in public office. I

speak to you today, this morning, cognisant that many of my peers have not had this opportunity. It is a rare thing indeed, in political life, to leave at a time of your own choosing. I am most grateful to have been given this opportunity, although some, I am sure, will say that I have well and truly worked my notice.

The role of an elected representative pervades and soaks into your life. It sees all of your time revolve around the life of the community you seek to represent. The life of the city becomes part of your own. We must always be ready to respond to the expectations of those who have put us in this place. In and outside of this building we are no longer defined as simply private citizens. We are proxies for the successes, hopes, aspirations, criticism and disappointments of so many others.

Public office can also bring great opportunity—the opportunity to influence and shape your community; to push the direction of life in a more favourable way for those who need your help; to direct our collective public wealth towards a fairer and more sustainable place in which to live; to learn from others whose stories we would not have otherwise heard; to see and experience the world, and our city’s place in it, in ways that few others get to see.

Madam Speaker, three great influences have shaped my time in this place: first, the Australian Labor Party and the Labor caucus of opposition from 1998 to 2001; second, the offices I have held as a minister and my work with the ACT public service; and third, the life of this beautiful city, my home, and the hopes and aspirations I have held and continue to hold for its future.

I have always sought to hold true to Labor and its objectives for a fairer, just, sustainable and prosperous society. Labor is a party which allows any person to contribute, to make an argument, to advance the cause of fairness and equality. Labor gives everyone a chance to build a better society.

For this grandson and great-grandson of factory workers and labourers from Port Adelaide, an ordinary kid going to public schools in the 1970s in Weston Creek, the first child of my family’s generations, the first of any of my family’s generations, to go to university, Labor welcomed and encouraged me and gave me opportunities to make a difference that I could never have imagined.

I recall attending, in my very early days as a Labor member, party meetings where the likes of Rosemary Follett, David Lamont, John Langmore, Wayne Berry, Terry Connolly, Bob McMullan and Ros Kelly were present. In those meetings, we were all treated as equals. We were entitled to question them, and debate and be part of collective decision-making.

It is fair to say that to be Labor is not always an easy road. Labor as a party can test you and, sometimes, on occasion, it can briefly break your heart, but it is also the case that hope springs eternal in the Labor breast. And as only a party of true believers can inspire, it is this that has kept me in my party.

The chance to have been a member of the Labor caucus in the opposition years of 1998 to 2001 was a formative period in my political life. There is much to be said for

what can be learnt in opposition. In opposition you are on your own. You learn to make an argument, to do your research, to build your agenda, to know the forms and purposes of this place.

Labor learnt the lessons of the 1998 election defeat well. Reinvigorated, united and focused on winning government, the caucus was single-minded in its focus on holding Kate Carnell to account. The Auditor-General's report into the debacle of the Bruce Stadium financing proved her ultimate downfall, as we all know, but along the way there was some high farce and some memorable times, like painting the stadium's dead, frostbitten turf green for an IOC inspection.

I recall that at around that time in this place, I sat where Mr Wall sits now in this chamber. Next to me sat Wayne Berry. At the start of one question time, I noticed that Wayne had a white plastic shopping bag under his desk. I said to Wayne, "What is that?" He said, "It's a plant. Look; it's a tropical plant. I left it outside. It's been killed by the frost." I said to Wayne, "What are you going to do?" He said, "I'm going to ask the Chief Minister why the government decided it was a good idea to buy turf grown north of Brisbane for the refurbished Bruce Stadium. Surely her officials should have known it would wither in the Canberra frost." Wayne asked the question. The Chief Minister scowled and Speaker Cornwell blustered, demanding that Mr Berry "put away that plant" as he hollered for order at the temerity of the standing orders being breached. I think Wayne was named that day. Needless to say, it was not the first time.

Labor in opposition was united and determined, and these qualities have endured across every term Labor has been in government. Our caucus has been a place of equals. Family quarrels, party quarrels, have never distracted us from our purpose in government.

From 1997 I have seen up close five Labor leaders: Andrew Whitecross, Wayne Berry, Jon Stanhope, Katy Gallagher and Andrew Barr. They have all had, and have, their own strengths and weaknesses, passions and obsessions, yet all have maintained—all have maintained—an unerring commitment to Labor's cause of progressive government, government that delivers opportunities to make a difference, for fairness, equality and sustainability for our generations now and for generations yet to come.

In opposition I was strongly focused on my portfolio areas of environment and planning, portfolios that have mattered to me throughout my time in this place. The agenda Labor carved out in that time, with the establishment of an independent planning and land authority and the re-establishment of public sector land development, are enduring reforms that last to this day. Planning and development will always be an area of contest, dispute and controversy. Where the state is engaged in a market intervention, for that is plainly what planning is, there will be disputation. I am proud to have created a statutory office of chief planner and a legal framework that allows development assessment and decision-making to be made at arm's length from the executive government. These are arrangements that must be maintained, and even further strengthened, so that the public interest in planning remains paramount.

Equally, the role of public sector land development is so very important. In the ACT, in our leasehold system, the increases in value that occur due to public actions

such as rezoning or infrastructure development are the grants of public investment which increase land value, and it is only right that the public receive a share of that benefit through public land development and through the capture of the so-called unearned increment, through mechanisms such as the lease variation charge. In our current debates about housing affordability, do not blame public land development; do not blame the lease variation charges themselves. Their role is an important one, to ensure the public receives a return on the investments that the public purse makes in what is ultimately a public asset, the leasehold.

Madam Speaker, in government I have had the considerable privilege to have held 14 portfolios over a 16-year period. Each has presented its own challenges and opportunities. There are some, of course, that have left a deeper impression than others.

To have had the opportunity to have held the office of Attorney-General has been a deep honour. In Labor's 16 years of government to date, there have only been two incumbents, Jon Stanhope for six years and myself for the last decade. There have been more changes in every other portfolio, including in the office of Chief Minister. The office of first law officer for the territory is a role I would have never envisaged for myself when I first entered this place. Yet over the last decade the reforms and programs that I have been a part of will, I am sure, be a lasting commitment for the administration of justice in our city.

The recognition of the fundamental right of equality through the passage of the marriage equality act of 2014 will always speak to me as an enduring and lasting reform. Although the law was operational for only a few days, it has two continuing legacies. Firstly, it ended the debate about where responsibility for this fundamental reform lay. The High Court challenge to our law, whilst successful, made it clear and unambiguous that it is for the commonwealth parliament to right the wrong that is the exclusion of same-sex people from the ability to enter into a lawful marriage. Through our passage of law in this place, we set in train a chain of events that sheeted home responsibility to where it should lie, with our federal representatives. It dismays me that there are still too many of them who would seek to prevaricate and avoid their responsibilities to provide for the equal treatment of all citizens under law.

Marriage equality also did another important thing. It told everyone in our community that they were equal and they were respected. I know, from having attended a number of marriage ceremonies during those heady couple of weeks, that it brought and continues to bring great joy.

Effective rights protections are critically important as the reach of the state continues to touch people's lives more and more, particularly when it comes to personal privacy, national security and crime. The discipline of our Human Rights Act, which demands that governments justify their actions, argue and explain why certain laws are needed and why and how citizens' rights are to be protected or curtailed, is a vital discipline. As attorney, I have always sought to expand the application and operation of our human rights law, in areas like the right to education and housing, and to impose the discipline of the act upon myself in examining our responses to organised crime and national security. It is vital for the protection of the rights of all of us that this discipline is maintained by whoever my successor as attorney is.

I have spoken previously of the importance of restorative justice to heal victims' wounds and bring contrition and insight to offenders. The fact that restorative justice is being expanded here in Canberra and that, for the first time nationally, adult offenders, and serious crimes, including sexual assault and family violence, are to be included is a reform we can all be proud of, because it will bring more healing, it will address more trauma and it will reduce offending. These are all things that a justice system should do.

I will not be present in the official party when our new law courts open in 2018. The other public-private partnership—as I like to call it, the PPP whose benefit-cost ratio and business case have received no attention whatsoever—will be modern and accessible law courts and a very important civic building which will serve our city for many years to come. Perhaps the next attorney could include me on the invitation list—in the stalls, of course.

It has been a great privilege to have worked with and supported our police and emergency service personnel over the last decade. The work they do, as career and volunteer professionals, is simply outstanding. We have learnt hard lessons about managing emergencies, particularly from the tragedy of the 2003 firestorm, but having sat in cabinet in 2003, and today, I can say that our services are more integrated and coordinated than they have ever been. As we go into the future, I would urge governments to resist the pressures that will allow our fire services to again become isolated and separate. Governments will need to resist demands that would result in an unhealthy culture being re-established that would see our services uncoordinated, culturally isolated and with every potential to be as overwhelmed as they were in 2003. So much work has been done to see a truly joined up emergency service capability that can protect our community. This has been led particularly by our current commissioner, Dominic Lane. I thank him for the work that he has done. Let it not be undone, Madam Speaker.

As police minister, I have known five chief police officers: Audrey Fagan, Andy Hughes, Mick Phelan, Roman Quaedvlieg and Rudi Lammers. I am not sure why we tend to favour CPOs of apparent Irish or low country descent. However, I can say that all of them were or are worthy leaders of ACT Policing. They have all brought integrity, courage and street smarts to this most vital of community roles. I am particularly grateful for the support and counsel of CPO Lammers, who is here today, who has made the commitment to serve out his 30-year career with the AFP as Chief Police Officer and to continue to work with me as minister until my own retirement from office.

Madam Speaker, some members may recall the death of Audrey Fagan. Her passing was a tragedy. I can still recall the enormous loss and grief experienced across the AFP at the time. Speaking with former commissioner Mick Keelty on the night of Audrey's death, it was clear that some things would never be the same again, yet we both agreed that every support should be provided to Audrey's family and the broader policing family. One blessing from the tragedy of Audrey Fagan's passing was the relationship I was able to build with Mick Keelty as AFP commissioner and, subsequently, with his successors as commissioners of the Australian Federal Police. But Audrey's passing reminds us all that sometimes we treat each other a bit too harshly and we forget some fundamental humanity.

Over the past four years, I have been privileged to be able to help lead this government's agenda to transform the growth and development of our city through the development of our first light rail line from Gungahlin to the city centre. The development of light rail is not just about long-term infrastructure for frequent, reliable public transport, as important as that is. It is also about shaping the way our city grows and develops into the future. Strategic densification in areas such as Northbourne Avenue and Flemington Road will allow more people to live and work close to existing commercial, retail, social and cultural infrastructure. This type of strategic densification is being adopted by cities around the world to reduce urban sprawl; to improve equity, access to housing, physical health and wellbeing; and to create a more sustainable pattern of urban settlement. Many of these objectives are often imprecisely, if ever, measured in economic terms, but it does not mean that they are any less important than the more traditional measures of a project's economic value.

The opportunities presented by capital metro far outweigh the project's costs, and the financing method chosen by the government means that the cost of the infrastructure is shared fairly between current and future generations. The work undertaken by the staff of the Capital Metro Agency has been exemplary. This was confirmed in the recent Auditor-General's report and demonstrated through the procurement process that delivered a project that was \$100 million cheaper than projected and with a construction time frame almost a year less than anticipated. The project simply represents a once-in-a-generation step change for our city. In the early 1990s, the opportunity was presented and we turned away. Let us not do it again. Let us not give in to the shorteners and the straighteners who cannot imagine a larger and better Canberra which will need to develop in a more sustainable and equitable way.

Creating a more equitable society is about building a more sustainable city. It will be the low income households, the old, the poor and the sick who will be most disproportionately affected by costly unsustainable housing development, by being locked into a high level of car dependency and by being socially isolated in disconnected neighbourhoods far from the urban centre, and who will be least able to cope with the impacts of a hotter and drier future through being hostage to the vagaries of costly and polluting fossil fuel power generation.

To this end, it has been the greatest privilege of my political life to champion our city's transition to a 100 per cent renewable energy future. Our society is in the midst of a technological transformation where wind and solar generation are already the cheapest form of new power generation that can be built in our economy. Now is the right time for our city to make this transition. We can seize the economic and environmental benefits that flow from it and we can see our city well prepared for the low carbon future.

The nature of the relationship and engagement with officers of the ACT public service will greatly influence any minister's ability to implement their policy agenda. While public servants are not, and should not be, any minister's friend, the best of them can be invaluable counsel, advisers and change agents for the minister's policy agenda. I am fortunate to have been served by some of the best.

In the justice portfolio, I am pleased that we have been able to continually poach the very best of the commonwealth Attorney-General's Department. Renee Leon, Kathy Leigh and Alison Playford—who, regretfully, cannot be here today—as heads of the Justice and Community Safety Directorate, have been outstanding. These three women have significantly reformed and shaped the JACS portfolio into the powerhouse of the government's legislative program, driver of wide-ranging law reform from human rights to restorative justice to the sexual assault reform program to whole-of-government emergency management to court listing reform. They have been remarkable, frank, considered, diligent and innovative. I thank them very much.

In the environment, planning and capital metro agencies, Neil Savery, David Papps, Dorte Eklund and Emma Thomas have brought determination, drive, passion and insight to the directorates they have led in my time as minister. They have each been passionate about the purposes of their directorates and have greatly supported the policy agenda I have sought to implement—strategic city planning, sustainable urban development, light rail, climate change mitigation and adaptation, and, of course, 100 per cent renewables.

In more recent times, my D-Gs have been joined by the indomitable Nicole Feely in Health. Her determination and seemingly endless capacity for hard work has been key in leading the reform agenda in ACT Health, which I am confident will continue to yield better access and timeliness for healthcare consumers and greater efficiency of our fantastic health system.

There are many others. It is simply impossible to name them all over a period of 16 years, but there are a number that I wish to mention explicitly. There is the incredible energy, policy and climate change team in the Environment and Planning Directorate, including Alan Traves, Jon Sibley, Richard Bourne, Greg Buckman, Megan Ward and Antonio Mozquiera, who have implemented the renewable energy and climate change agenda on behalf of the government. I have been blessed to have them.

The legal police branch in JACS, including Julie Field and Victor Martin, have been a constant source of advice and adaptability to an ever-changing legislative program. The Solicitor-General, Peter Garrisson, and his deputies, including Nathan Hancock and others, have been trusted, capable and professional legal advisers to me and the government.

In the Capital Metro Agency, Duncan Edghill and Nikki Pulford—thank you for your relentless efforts to deliver stage 1. A special mention to Duncan, who I think has given the best ever estimates committee answer when, in reply to Mr Coe, who asked him how a certain figure was calculated, simply answered, “Mathematics.”

A minister is only as good as their office. Ministerial staff do the legwork every day that makes their boss look good: media events, directorate meetings, constituent representations, strategy and tactics on sitting days, ministerial council meetings and much, much more. Without my office team, I simply would not have survived in this place. They have been the indispensable rock on which my work as a minister has

been built. They are people committed to me, to the government and to the Labor cause. Without them, I simply could not have done this. So now it is time for my thanks.

To my remarkable chief of staff, Monika Boogs, thank you. You have ridden shotgun with me for 13 years, first as media adviser and then as chief of staff. You have been my adviser, tactician, sounding board, wrangler, officer administrator and confidante rolled into one. The work you have done over so many years to build a cohesive, focused and talented office, one with a strong sense of camaraderie and fun, has been indispensable to me. You are my colleague and you are my friend. Thank you, Monika.

My media team over the years has been the heart of the office in so many ways. Walking into the media office, you know exactly what is happening in each and every day and whether it is good or bad. It has been led by amazingly dedicated and hardworking people who have frequently started much earlier and finished their days much later than I have. I thank Patrick Cronan, Kirsten Zotti, Andrew Benson, Ellena Bissett, Carly Grange and Alex McGee for all the work they have done for me.

My policy advisers have shouldered a mighty mountain of briefs, cabinet submissions, bills, budget initiatives and correspondence across an absurd number of portfolios. For their diligence in reading every one of them and then keeping me up to speed, my grateful thanks. In particular, I thank my justice and community safety adviser, Dr Kim Hosking, who, through freedom of information and election funding disclosure law, has learnt that what does not kill you makes you stronger. You are indestructible, Kim. Thank you. Also I thank my other advisers, Kathryn Conroy, Bethel Sendaba, Gina Pinkus, Joy Nicholls, Kim Connolly, Rachel Taylor, Stephen Lawrence, Steve Blume and Lesley Cameron.

To my executive officers, wrangling my ever-changing diary, phone calls, travel arrangements and meeting requests—calm and grace under pressure does not begin to describe the wonderful Natasha Burton. Thank you so much, Tash—and also to the others who have worked in that and assisted Tash in her role, John Gray and Jack Lindsay.

To my DLO and CPLO teams, indispensable each and every one of you—the job of the departmental liaison officer is particularly hard. You have two masters driving you crazy, the minister and the directorate. You have all been deeply valued by me for your professionalism and help, particularly in dealing with difficult line areas of your departments. Thank you to Naveen Wijemanne, Clare Guest, Vanessa Dal Molin, James Bennett, Vic Smorhun, Maria Mangeruca, Tania Carter, Victor Martin, Anthony Burton, Josh Ceramidis, David Ferguson, Andrew Butters, Ashley King, Sarah Bourne and Daniel Ng.

And thanks to my community policing liaison officers: Troy Roberts; Dennis Gellatly; Brett Booth; Andrew Bailey; Chris Maher; Peter Davis, also known as Cookie; and Aiden Milner. I should add that there may be some omissions from this list. All representations can be made to my chief of staff.

I also wish to acknowledge those who were with me at the very beginning in the early days of opposition as a young and inexperienced Labor backbencher. Although it is

almost two decades ago now, they are not forgotten—Kate Crowle, Tom Bolton, Rohan Goyne, Gina Pinkus, Joy Nicholls and Abraham Gubler. I am in their debt.

Madam Speaker, when I first rose in this place I spoke about the importance of creating a city for people and of the need for citizens to be engaged in the life of their community, of the importance of citizenship in the broadest sense of the word, not simply voting but contributing, in work, through volunteer life, through our families and friends. I spoke of how we must measure our worth not by our economic value but by what each of us brings as a person to our city.

As a minister and as a member of this place, I have been given unique opportunities by the people of the electorate of Molonglo to make a contribution that goes beyond things I could never, ever have imagined. I want to thank the electors for returning me on six consecutive occasions and for the support of the many people who have campaigned and worked with me over these years.

In a few short weeks, the caretaker period will begin and I will step back from what has been my working life for 20 years. I can assure members and colleagues that I will continue, though, when the new Assembly meets and the next government is formed, to still be a citizen of this great and beautiful city, of my home, this beautiful home on the banks of the gentle Molonglo. And I can assure you all that as I seek new horizons and find new paths to travel, I will always find some way to make my contribution to a better, just and more sustainable society. Thank you.

**MADAM SPEAKER:** Before I call the Chief Minister, I put on the record my best wishes for Mr Corbell and thanks for his service to the Assembly.

**MR BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal), by leave: It is a great honour on behalf of the parliamentary Labor Party—indeed all members of the Labor family and broader Labor movement—and on behalf of all of the friends who have gathered here today to say a few words about Simon Corbell. Simon and I have known each other I think for 25 years now. We met in Young Labor in 1992. I had joined the Labor Party just after Paul Keating became Prime Minister and bounded up to my first Young Labor meeting—it would have been early in the autumn of 1992. I rocked up to that meeting with an expectation of finding a group of people who would be passionately behind the Keating prime ministership, keen to advance the cause of the new Labor Prime Minister.

The organisation had as its secretary Simon Corbell. He ran an incredibly efficient, incredibly ruthless regime. I thought it would be enough to arrive with quality arguments and engage in debate and then the room would decide and you would win the day. It would be fair to say that I lost I think nearly every policy argument in that room at that time, whether it was the higher education contribution scheme, privatising Qantas, privatising the Commonwealth Bank—you name the issue, Madam Speaker. I am not sure whether it was because I was from ANU and Simon was from the University of Canberra or because I was from the north side and Simon was from the south side, or it might have had a little more to do with the fact that Simon was from the left and I was from the right. In those days I learnt a lot about political debate and I learnt a lot about how to organise within the Labor Party. The master of that at that time in his career was Young Labor secretary Simon Corbell.

In those early days we did not agree on much it would be fair to say. But over a 25-year journey in the Labor Party and the time that we have spent together in this caucus I am not sure whether you have become more conservative as you have aged, Simon, or I have become a little more left wing or we have met in the middle somewhere, but these days Simon and I are in agreement on most issues. I value his counsel and advice, and I am in awe of his record of achievement in this place.

Ladies and gentleman, there are not many people who will have the opportunity to serve in so many portfolios and to make such a difference to the life of this city. Simon's legacy is there for all to see; it will be an enduring legacy, and he has very eloquently outlined in his valedictory speech those areas where he has contributed so much to this city.

I, along with my parliamentary colleagues, am incredibly grateful for that contribution. I know I speak on behalf of everyone who has been a member of this caucus over the time that you have been in this place, Simon—you have always been passionate. No-one has ever been in any doubt where you stand on issues, and that is a good thing. It demonstrates your passion and your commitment to public life and the causes you champion.

The record you leave in this place, all of those achievements, demonstrate that you have put public policy and public interest first and that those reforms are enduring. Not many people would be able to say that they have shaped the national capital of the greatest country in the world. Simon, you have. Thank you for all you have contributed and all that you will continue to contribute. I note your observation about still being an active participant and a citizen of this city, and I know you will be. I will probably discourage you from writing letters to the editor; and, if you ever end up writing for *City News*—I am kidding. I digress.

It has been an honour and a privilege to work with you. I wish you and your family all the very best for the future. On behalf of all of our colleagues and everyone who has worked with you, thank you. Go well.

**MR HANSON** (Molonglo—Leader of the Opposition), by leave: It strikes me that I spent much of the past eight years arguing with Simon Corbell, but when I reflected on that, he has been arguing with Liberals for more than twice that period; and with some success, I would have to acknowledge. As Madam Speaker would attest in her time as the shadow attorney-general and Mr Coe arguing on light rail and all of us and all our predecessors, you have been a formidable opponent, there is no question. You have been a true believer for the Labor cause. Your passion has shone through on issues that are dear to you, particularly the environment and that of rights. You have argued your case—not that we have always agreed with you—but you have argued it passionately and you have argued it effectively.

I also acknowledge that as a minister you have been very professional in what you have done. There is no doubt that you are across your brief. It is seldom that you do not have an answer to a question. You have been methodical in the way you have conducted your business. Mostly you have been unflappable; we have got under your

skin sometimes, but mostly it is fair to say you are less flappable than your colleagues to your left or to your right, whichever way you view it. If we do form government in October, we will invite you to the law courts and we will acknowledge your role.

On a slightly lighter note, a couple of years ago turning up to boot camp at Rivett oval one morning I was horrified to see the ungainly sight of Simon Corbell. If you have seen him in a pair of shorts at 6 am in the morning, it is not a good sight—those big long legs. He actually was an inspiration to me because I was determined not to be beaten by him. I could do him on the push-ups, but the running, as he spent more and more time there, it was enough for me to have to quit boot camp. I might have outlasted you in this place, Mr Corbell, but you beat me in boot camp and saw me off, so well done.

That became the start of a slightly unlikely friendship of sorts, and we would spend time doing sit-ups and push-ups together and then go on air or come to this place and attack each other ruthlessly. We could then walk out of this chamber and walk up the stairs and have a bit of a chat. I think that is a wonderful thing, and I have appreciated that element of our relationship: you have been able to put aside the professional elements, the passion that we have in here, and maintain your humanity as we can then relate to each other as humans. I have really appreciated and enjoyed that aspect of our relationship.

It is remarkable what you have achieved in terms of your longevity; no-one has achieved what you have in the Assembly and, since Mr Smyth's untimely departure, no-one probably will, at least not for a long time. I congratulate you on that, and I congratulate you on being such a warrior for your cause. We probably will not miss you as much as the Labor Party will. The Labor Party will miss you. Whether the Labor Party is in government or in opposition past October, there is no question they will miss your experience, your courage and your ability in this place.

On behalf of the Canberra Liberals, I wish you every success in the future. I wish you well, and I congratulate you on what has been a remarkable career.

**MR RATTENBURY** (Molonglo), by leave: Madam Speaker, on behalf of the ACT Greens I wish to thank Mr Corbell for his work in the Assembly for the ACT community since 1997 through five Assembly terms. It is an interesting fact to note that the Molonglo electorate was only created in 1995 and will cease to exist at the end of this term. So Mr Corbell will have held the seat of Molonglo for every possible turn that one has been able to do so. There is a fitting circle there that is worth highlighting today.

I first met Simon at the Woden pre-polling booth in the 1995 ACT election. We were both, I guess, fresh-faced young representatives of our parties, and in those days not as many people pre-poll voted as they do now so we had plenty of time to sit and chat. I got to know Simon a little bit then. Of course, he came in to the Assembly; I went and did a bunch of other things and ultimately came back.

Simon has held quite a number of roles over the past 19½ years. He has spoken at length today about some of those things and others have touched on some as well. For

myself, since I came to this place with the Greens in 2008, the portfolio responsibilities I have held have regularly overlapped with those that Simon has held, particularly Attorney-General, environment, climate change, energy and water. It is fair to say that we have had a close alignment on a range of issues. That has inevitably meant that we have argued fiercely on some things but shared a great common purpose at the same time. Those arguments have been very much about how to get somewhere rather than where we were seeking to get to.

I want to acknowledge the very significant progress that has been made in the areas that we have shared a great passion on. I reflect particularly on renewable energy. Since we in this place set a climate change greenhouse gas reduction target, Simon has taken that platform and used it to deliver great change for this territory. A recent article appeared in the renewable energy press outlining the benefit the ACT will derive over the next 20 years from the locked-in renewable energy contracts that have been signed under Simon's tenure. That is a testament to the work he and his officials have done to deliver for this city and for this city to do its part in being a global citizen in attacking those areas of policy.

Over the past year or so Simon has held the Health portfolio, and we have seen enormous progress in that space. For a portfolio that has been held for a short amount of time we have seen real progress there. I have played a role as a minister this term and you start to see things from some different perspectives. I have seen all the press releases Simon has put out talking about the progress that has been made in the health space—the reductions in waiting times and the reductions in the elective surgery waiting lists—through a program he and the new director-general have put in place. But I did not read them in the press; I read them because I am on his press release list. One of the great challenges is that with many things you work on the good news does not get so often reported. So I want to take the opportunity to particularly acknowledge that work today in what is a portfolio that touches the lives of Canberrans on a daily basis.

Perhaps the area in which we have worked together the most has been the justice and Attorney-General portfolios. I want to acknowledge Simon's genuine passion for this space. I was interested in his remarks earlier about never expecting to be Attorney-General. Nonetheless, he has taken it on with great passion. I have particularly welcomed the fact that, in an environment in which it is easy to do, he has resisted the tendency for law and order responses to difficult issues.

At times when the debates have been fierce, Simon has stuck to his principles around issues such as mandatory sentencing and the like. He has sought to walk a progressive path in areas requiring a genuine justice response to deal with issues of terrorism and the like. This government has sought to walk a pathway that balances the progressive human rights jurisdiction we want to be with the necessity of dealing with the fact that some people in our society do the wrong thing and have bad intent.

We could talk about many more policy issues, but they were the ones I wanted to reflect on where Simon and I have particularly interacted and I have had the closest look at, but I know he has worked on many other areas on.

I will close by reflecting on the fact that there is never an easy time to leave a job like this: there is always more to do. I am sure Simon will feel he leaves with some things unfinished that he would have loved to have seen through. There will always be new things that will come along where, as a citizen of the city, he would wish he still had the ability to make that direct and immediate change as a minister.

But I also want to reflect on the fact that it is a great opportunity. Simon has a great deal of his life left ahead of him. There is a whole lifetime and a whole new career to be established. I want to wish him well in getting stuck into the other things his life can bring. We have seen the motorbike parked outside on occasion. Taking up motorbike riding in your mid-forties, well, it has its risks. As someone who spends a bit of time on two wheels myself I simply say to Simon: take care out there. The system is not favourable to the two-wheelers, and I hope that you ride long and safely.

I hope you get around to building that sustainable house and pursuing some of those other things that 20 years in public life have meant you have probably not got around to. You have much life ahead of you. I wish you a great deal of happiness and success in whatever you take on next. Enjoy a well-earned retirement from the Legislative Assembly. All the very best, Simon.

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

*At 10.58 am the sitting was suspended until the ringing of the bells.*

*The bells having been rung, Madam Deputy Speaker resumed the chair at 11.09 am.*

*(Quorum formed.)*

## **Executive business—precedence**

*Ordered that executive business be called on.*

## **Freedom of Information Bill 2016**

Debate resumed from 5 May 2016, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR HANSON** (Molonglo—Leader of the Opposition) (11.09): I am pleased to be able to say that the Canberra Liberals will be supporting this bill today in principle. We will be supporting it because despite the concerns and complexities that have been raised by those who prefer the status quo, we in the Canberra Liberals believe that reform in this area is required. A lot of that stems from the frustration that we have felt in opposition where many of our freedom of information requests have been blocked and delayed. They have come back with blackout redaction all over them. We have had requests and demands that we pay thousands of dollars to get information.

Then we get this inconsistency. You will get one view of what should be provided from one agency and a different view from another agency. Indeed, members of the

opposition have had take the process all the way through to ACAT to fight for what really is reasonably basic information provision. That decision was, as I understand it, upheld in the ACAT.

There is broadly across the Westminster system an understanding that government information should be provided publicly. However a lot of regimes, and the regimes in this place, have relied on what we would call a pull model. That is where information is only provided if and when people seek it. Sometimes it is like fishing in the dark and not knowing what information you are looking for. The legislation has been amended over the years. But there is no question that it is a frustrating system.

What this bill introduces today is a bit of a paradigm shift in that it creates a push system. Rather than having to keep seeking information—often information you do not know exists or you guess exists—this model will actually push the information out. Obviously, that needs to be balanced with the public interest test. Certain government information or information held by the government does need to be protected.

We have gone through this bill in some detail. I know that there have been a significant number of briefings and discussions. I note that there are staff here from the Liberal Party, the Labor Party and the Greens. I would like to acknowledge their roles as well—not just the MLAs—in dealing with this. I mention my chief of staff, Ian Hagan, and Kim Hosking from the minister's office in the Labor Party, who I know has had some frustration with this process.

I can hear sometimes the conversation between her and my chief of staff almost from my office. I think that reflects the fact that this is an important issue. It is one where the detail is very important. I believe that Mr Warne-Smith has come here from interstate specifically for this piece of legislation. I acknowledge his role as well.

In respect of some of the issues that we did have concerns with, in a sense we have sought to strike a middle ground between what has been proposed by the Greens and some of the resistance to that from the government, from the Labor Party. What we have sought is a middle ground in respect of some of that information. The information that we will protect today, that we will not support automatic release of through this model, includes private health information, information relating to legal professional privilege, national security, police matters, private personal details and issues relating to cabinet in confidence.

I guess that these are self-evident and they will be dealt with in the detail stage. But with the cabinet in confidence information—I had some conversations with the Attorney-General about this the other day—I think it is important in our Westminster system of cabinet government that cabinet debate is free and frank and that the information, the brief and the advice provided to ministers is free and frank as well. If that were to be subject to automatic release, I think it would have a chilling effect potentially on the advice that is provided and the debate that would ensue.

The detail stage is going to be long. I was going to say that I look forward to it but I look forward to the conclusion of it. My colleague Mrs Dunne will be taking carriage of the detail stage on behalf of the opposition, which I welcome personally. I think

this is actually a good thing because Mrs Dunne has had enormous experience in this area. She has been a long-term advocate of improved freedom of information legislation. She has attempted herself to introduce push-style models that basically try to hold together the old act and she has found enormous frustration in doing that. I am glad that Mrs Dunne has put her hand up to take carriage of this. I think we will get a good result as a consequence.

In conclusion, this is a complex area that has been subject to a lot of debate. It is a bit of a frustration that we are dealing with this on the last sitting day. That said, better late than never. I am confident that at the end of this process we will have a better way forward when it comes to freedom of information.

I note that because of the complexities of this legislation, because of the fact that this has come somewhat at late notice in the middle of a busy budget week, it is important to make sure that whoever forms government after October looks at this legislation carefully. I make it very clear, without changing the intent of what is worked through today, what is agreed today, that there may be some consequential amendments that will need to be made.

Certainly, when this is rolled out in practice, it will need to be reviewed to make sure that the intent of what we are debating and hopefully voting on today actually does have that effect when it hits the streets and when it starts to be applied. I think the decision is that this will be next year.

In conclusion, as I said, we will be supporting this in principle. We look forward to the detail stage. I think that this is a great step forward. It does not come without some risk. I was having a little aside with one of the Greens staff the other day that we may rue the day. We may well be in government but on the other hand the Greens and Labor staff may be applying this legislation when we push for information.

We may look at this day and ask, "What were we doing?" But I think that is a good thing. I do think that is a good thing because there is a natural tendency in government to want to withhold information and there is a natural inclination when you are in opposition to want more information. Maybe it is the case that it is only on the cusp of an election that both sides, with the ambiguity of who is going to be in government, can come together to actually make these sort of decisions. But the reality is, the important thing is, that this will actually be better for the ACT, regardless of who forms government after October. I think that is a good thing.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (11.18): The government will be supporting this bill in principle and I will be moving government amendments to the bill. The bill is presented as part of the commitments made between the Labor and Greens parties in the 2012 parliamentary agreement, which is to support a new freedom of information scheme based on the Queensland Right to Information Act 2009 but with a significantly reduced schedule of information deemed to be against the public interests to release.

Regrettably, the bill as presented goes well beyond the letter and spirit of the parliamentary agreement. This bill departs from the Queensland act fundamentally and will, if enacted in the way presented, impinge on good government and make the system for managing access to information expensive and burdensome. It is worth highlighting the commentary of the scrutiny of bills committee, which has confirmed the complexities particularly associated with the review mechanisms proposed in the bill. In the opinion of the scrutiny of bills committee, they will lead to a more time-consuming and more onerous process for review than that that is currently provided for under existing law.

For these reasons the government cannot provide support for the bill in detail in its current form. Mr Rattenbury introduced the bill with the good intention of establishing a freedom of information scheme that will make ACT government information the most accessible in the country. The government supports transparency, but we do hold significant concerns that the bill goes far beyond what is required to achieve a more open and accessible government scheme.

The bill is dangerously skewed towards the presumption of disclosure at the expense of important protections including, in the bill as presented, the protections of legal professional privilege, personal privacy, law enforcement and national security holdings.

The government amendments I will move today will seek to restore the balance between protecting certain categories of sensitive information and allowing access to government information by the public. This is about achieving a balance and it is an important consideration in our modern liberal democracy.

The government is fully supportive of open and accessible government. Nothing demonstrates this more than the open government initiative. The ACT government's open government policy promotes transparency in processing information, participation by citizens in the governing process, public collaboration in finding solutions to problems and participation for the improved wellbeing of the community.

Under this policy, the government released one of Australia's first open data portals in 2012, providing individuals, businesses, journalists, non-government organisations and the broader public sector with the opportunity to access, explore and build upon government datasets in new and innovative ways.

Despite this existing access, the bill imposes a substantive cost on the territory by setting out an extensive list of open access information which the government must proactively publish where it is not contrary to the public interest. The government believes that it is in the best interests of the public and the good working of government that some of these highly sensitive categories of information not be disclosed, such as minutes of sensitive discussions, incoming ministerial briefs, budget papers and policy documents that are still in draft form.

The government amendments I present today will seek to make changes in this regard. I note, however, that all other categories of open access information will remain available and the working documents of government will still need a level of protection.

The government agrees with Mr Rattenbury that access to government information should be based on an objective assessment of the best interests of the community and not on subjective interests of individuals or the government of the day. What the government cannot support, however, is the erosion of fundamental legal principles which protect particularly sensitive information. These principles, such as legal professional privilege, are upheld Australia-wide by governments and courts alike, and the ACT should not be the exception to this rule.

The bill is based on the Queensland Right to Information Act. It does contain a significantly reduced schedule of information deemed to be against the public interest to disclose. In those aspects, the bill conforms to the parliamentary agreement. However, that is where the conformity ends. For example, the bill completely removes exemptions which apply in the Queensland act to protect particular types of information, including from particular agencies, from public release.

In doing so, the bill in its current form subjects all government information to the public interest test. In each case, this test is applied by one government officer who is provided with a generous amount of discretion as to whether or not to release the document. Some of the information proposed to be subject to the public interest test in Mr Rattenbury's bill as presented includes information from national intelligence agencies, law enforcement and documents relating to activities under the territory's counter-terrorism laws.

The government amendments, therefore, will insert additional categories of information into schedule 1, which include categories of information where disclosure is taken to be contrary to the public interest. Cabinet information, national security and law enforcement information are included in schedule 1. These amendments were based on sections 9 and 10 of the Queensland act and are essential to protect information where disclosure could damage the security of the commonwealth, the territory or another jurisdiction. It also protects disclosure of information which could prejudice an investigation.

The bill further departs from the Queensland law by failing to categorise information subject to legal professional privilege as against the public interest to disclose. The exemption for legal professional privilege has been upheld by the High Court and exists in the court's eyes to service the public interest in the administration of justice by encouraging full and frank disclosure by clients to their lawyers. This is a well-established principle in every jurisdiction in Australia, it is protected by every other Australian freedom of information regime, and the ACT cannot become an exception to it. Therefore, the government amendments I will move today add legal professional privilege into schedule 1. The government is entitled to rely on privilege in the same way as any other private individual or entity can, without fear of this information being disclosed.

The bill is in line with the Queensland law in regard to personal privacy, but this does not go far enough to protect this fundamental human right. The bill lists a person's right to privacy as a mere factor to be considered when applying the public interest test and whether or not information should be released. The government amendments

I will move today add to schedule 1 material obtained in confidence, a general exemption for secrecy provisions in other territory laws, and for personal privacy information.

In addition, the bill overrides provisions of other laws that prohibit disclosure, making all government-held information, even an individual citizen's personal information, vulnerable to public release. It is true that the bill lists information governed by certain laws—for example, the Health Records Act 1997 and the Children and Young People Act 2008—as taken to be against the public interest to disclose. But this does not remove the obligation to apply the public interest test to that information and nor does it remove the discretion to release that information to the public.

To undo the policy which has gone into each piece of legislation affecting an individual citizen's personal privacy, where the secrecy of specified information has been determined as important enough for a specific protection in another territory law, is both presumptuous and dangerous. For this reason, I will be moving amendments to remove clause 12 of the bill entirely as this clause overrides existing law that the parliament has passed that specifically exempts certain documents from public release due to their sensitive nature.

Furthermore, I will move an amendment to exclude entirely information in a health record under the Health Records (Privacy and Access) Act 1997. Quite frankly, Madam Deputy Speaker, I find it extraordinary that Mr Rattenbury believes that it is reasonable to subject a person's individual health record to assessment as to whether or not it should be released under his proposed bill.

It is not only personal information that the bill fails to safeguard, but also the information of third-party organisations. The requirement to subject material obtained in confidence to the public interest test, potentially for the purpose of public release, may compromise the functions of government. Third parties, such as the commonwealth and other government bodies, as well as industry and commercial entities, may be reluctant to share information and engage in open and frank deliberations with the government.

This has the potential to dissuade organisations from contracting with the government, decreasing the choice available to government in tender arrangements. This can also compromise the quality of the government's infrastructure, ICT and other projects, as well as potentially increasing cost if competition decreases.

For applications that involve third-party information, whether that be information relating to an individual, business or other entity, the government amendments extend the requirement to consult with them from 15 working days to 20 working days. This would give third parties more time to consider information that affects them and allow them time to seek legal advice and gives agencies time to incorporate this advice into their decision. Allowing appropriate time for consultation is fundamental to the operation of a good freedom of information scheme.

The bill places further cost uncertainty on the government through the creation of a new role for the Commonwealth Ombudsman. The Ombudsman is intended to replace

not only some of the functions of the efficient and effective ACT Civil and Administrative Tribunal; it is also intended to replace the function currently provided for an existing law known as internal review.

Internal review is critical for strengthening government decision-making processes. It saves costs by avoiding technical issues and mistakes being unnecessarily referred to an external decision-maker. I note that the scrutiny of bills committee in its report on the bill in this place has raised the same concern.

The government amendments I will move today therefore remove the new role for the Ombudsman from the regime. Removing the Ombudsman's responsibilities for merits review, monitoring and reporting on the act's operations, and making freedom of information guidelines will save \$785,000 in the first year of operation alone and over \$600,000 in each subsequent year. This amendment would save the public purse over \$2.5 million over four years, whilst still allowing for independent external review through the mechanisms already provided for in the Civil and Administrative Tribunal.

The government's amendments also seek to reintroduce internal review and remove the expensive and unnecessary concepts of information officer and principal officer within directorates. This will negate the need for multiple officers and put in a place a scheme which is practical and efficient.

It is worth drawing to the Assembly's attention that even if this bill is supported today, with government amendments, the new freedom of information scheme is anticipated to cost the government over \$1.76 million to implement, with operating costs increasing each year.

When presenting the bill in May, Mr Rattenbury declared that many Western democracies espouse values of openness and transparency and a desire to govern in the public interest, within a culture of protectiveness and secrecy. I can say firmly that this is not the case for the ACT. We do govern with openness and accountability. We do seek at all times to act in the best interests of the community we seek to serve. We do seek to collaborate and consult with industry, other governments, public advocacy groups and the broader community to develop ways to govern that are as inclusive as they can be.

It is necessarily the case that some information must be kept confidential. But this requirement is not to add to a screen of secrecy. This requirement is aimed at protecting information which, by its very nature, is universally accepted as against the public interest to disclose. These protections were recognised by the Hawke review of the commonwealth Freedom of Information Act as providing "the confidentiality necessary for the proper workings of government".

To act in the best interests of the community, an effective and efficient freedom of information scheme must strike the appropriate balance between the public's right to disclosure and the protection of information for the good working of government. The bill fails in this aim in the form it has been presented to us today.

In the form it has been presented to us today, it will result in an unworkable regime that erodes crucial protections and imposes unnecessary and substantial costs on the public and the Assembly. These government amendments are not about placing certain information or agencies above scrutiny. They are about the need for a balance between access to information and the effective functioning of government.

I am confident that with the government amendments the bill will strike a better balance. So the government will support in principle the bill today, subject to the amendments that I will propose in the detail stage.

**MRS DUNNE** (Ginninderra) (11.34): The Canberra Liberals, as Mr Hanson said, will be supporting this bill. We will also be supporting a number but not all the amendments proposed by the government. This bill repeals the existing Freedom of Information Act 1989 and creates a whole new structure for freedom of information in the ACT. It changes the emphasis from finding ways to exempt documents from release to justifying why information should not be released. This bill establishes what is called a push model for information.

I think the most important element in this document is the creation of the role of information officer, whose job is to release information and deal with requests for information. This bill provides a statutory protection for an information officer from direction to withhold information. That is a very powerful statement: the information officer will be statutorily protected from a direction to withhold information from the public.

There are problems with this bill but there are ways of getting around them. Some of them are not simple, and they have to be done. There is quite a bit of symmetry in that Mr Corbell, Mr Rattenbury and I are discussing freedom of information at the end of the Eighth Assembly because it has been something of an emblematic argument over the past two terms of the Legislative Assembly. Last night Mr Rattenbury suggested that I might like to move a particular amendment. I said no, this is his bill and I would be facilitating the passage of his bill.

Going back to 2008, one of the first major reforms of freedom of information was the removal of conclusive certificates from the existing legislation, which both the Greens and the Liberal Party took as policy to the 2008 election. Mr Rattenbury quite gallantly, on behalf of the Greens, left the way clear for the Liberal Party and for me to move that important legislation. It is worth reflecting that there were attempts before 2008 to remove conclusive certificates from the Freedom of Information Act. Attempts to do that were stymied by Mr Corbell and the Labor Party because, in agreeing to remove conclusive certificates, the amendments put forward by the Labor Party, which were thankfully never debated, would have made the Freedom of Information Act more opaque than it currently is.

I have spoken a number of times about the importance of access to information for good government in this place. I think I made an eloquent speech once that open government was like sunlight, that there was nothing more cleansing than sunlight on the operations of government, and that the people of the ACT had rights to access to information.

As Mr Hanson discussed in his comments, on a number of occasions I have looked at creating a push model within the structure of the current Freedom of Information Act 1989. I was wedded to keeping that structure because we are the ACT, we work in close proximity to the federal government in many ways and it seemed ideal to keep a structure that was common across the federal jurisdiction and the ACT jurisdiction. I thought that there would be merit in keeping that structure but it has become increasingly obvious to me over the years that the old structure, which is in effect 1980s legislation from the commonwealth, copied by us in 1989, is not a structure amenable to a push model of access to information. I think it was a failing on my part not to recognise this earlier and it is a persistent failure on the part of the government not to recognise this.

I will speak at length in the detail stage about the Liberal Party's position on many of the government amendments. The government has proposed 72 amendments. Many of them are designed to dismantle the push model, remove the role of the Ombudsman as the first reviewer and take away the empowering structure of the information officer, which I think is absolutely pivotal to this legislation. We will not be supporting these amendments.

The government does, however, have a tranche of amendments which I believe should be supported, some of which were threshold questions for us to support the legislation. My party room was not prepared to support this legislation without the inclusion of protections for legal professional privilege and for security and policing matters, as well as improved protections for personal information and law enforcement. In addition, the government has amendments that relate to cabinet information and health records. We will be supporting those for the most part.

In relation to the government's amendment on cabinet information, I think it is a bit clunky. We have struggled with getting it absolutely right. In the face of not being able to get it absolutely right, I have agreed with a suggestion put to me that we should take the cabinet information definition in the current Freedom of Information Act 1989 and put it into this. That is a better approach than the government's slightly clunky approach in this case.

I am very cognisant of the fact that this has been done in a rush. Everybody should share some blame for that. This bill was introduced in May this year and I know that Mr Rattenbury had considerable consultation before then. I think that we in the Liberal Party probably were not agile enough in addressing some of the issues earlier in the piece. If Mr Rattenbury was intending to try to have it passed this term, perhaps he should have brought it to us a little earlier than in the last two to three weeks.

Given that background, it is certain that this legislation will have to be reviewed very closely by the drafters. I suspect that when you make big changes like this in a less than coordinated fashion, you will make mistakes. We will make mistakes here today. As Mr Hanson has said, if we are in government before this legislation commences it will be thoroughly reviewed to ensure that it does the job that we set out here today. We make it very clear today that what we are doing is creating a push model for access for information. We will not resile from that. No matter who is in government, we will be quite vigilant to ensure that any amendments that need to be brought back do not undermine the basic principle of this legislation.

I am mindful that during the detail stage there will be times when I will be either supporting or opposing particular things with caveats. I will be pointing out the areas that I think the drafters and policy officers need to look at it before this legislation is implemented. That having been said, I consider this unfinished business. I am very proud to be involved in finishing some of this unfinished business here today.

I think that the people of the ACT will benefit significantly from the changes that we will see, not just because of the access of information but because of the change in the way of thinking that we will have in government. When people know that the decisions they make are going to be much more easily reviewable by individuals, I think they will take much more care about the decisions they make and will be much more mindful. This is the whole purpose of open government: to make people more mindful of the decisions they make and the impact they have and whether they have followed due process and taken all the right issues into consideration. What we will do today will set us on the path to a much better system of interchange with the people of the ACT. The people who pay our salaries will be much more able to engage in the process of decision-making. That is a very important thing.

I note the comments from the Attorney-General in relation to the cost of this scheme. It is true to say that the initial set-up, while people get used to it, will impose some costs upon the territory. Over time, as we get used to the whole process and people become more attuned with the guidelines for putting out information, it will become less onerous and therefore less costly. I do not expect that the doom and gloom advice of the government on the ongoing costs year on year will necessarily come to fruition. As more information becomes available there will be less demand for individual freedom of information requests because most of the information that people will be looking for will be on the public record anyhow.

I have struggled through the freedom of information process over many years and I have seen my colleagues struggle, especially in this term. I have seen the work that is being done by Mr Coe, in particular, who on a number of occasions has had to go, at personal expense, to the ACAT to argue for access to documents. I think that we will see less of that in future. That has to be a good thing for government in the ACT. With those few remarks, I endorse the support given by Mr Hanson for this legislation. I congratulate Mr Rattenbury for his persistence in this. I look forward to the detail stage when I am sure we will make the structure slightly better than it is now.

**MR RATTENBURY** (Molonglo) (11.46), in reply: I thank colleagues for their in-principle support for the legislation. I will turn to some of the other remarks as I go on. I believe that this bill is a significant step forward that will improve government transparency. In the lead-up to the election, it is significant that we are setting out for the community our party's respective positions on how transparent and accountable a government should be and how much the community should be able to participate in government decision-making. I believe that this bill is a first step in cultural change that we do need to have happen. That change encompasses members of this place, the public service and the community, all of whom should believe that the community has a right to know what the government is doing on their behalf and with their money.

As to the position put by Mr Corbell, I obviously have some disagreement with him, and I think that is evident to see. I believe that this legislation is consistent with the Queensland scheme and that some of the proposals put by Mr Corbell are inconsistent with the Queensland model. They actually propose to be less transparent than what is required under the current FOI Act.

As members know, there have been extensive negotiations on this bill over almost the entire term of the Assembly. I would like to take this opportunity particularly to acknowledge the staff from the Parliamentary Counsel's Office. As I touched on in my tabling speech, the number of drafts of this bill underlines the complexity of it. The fact that this week we have finally got down to concrete amendments has put further pressure on. They have done an outstanding job in supporting the formation of this bill.

I acknowledge the fact that throughout this Assembly the Liberal Party and the Greens have probably had more differences than similarities. But in responding to this bill we have shown that, on important issues of governance where real leadership is required and politicians have to stand up and be prepared to be accountable for our actions, we can work together. I appreciate the engagement that the Liberal Party has had.

I note Mrs Dunne's comments about timing on all of this. There is probably a whole lot we could say on that but, at the end of the day, sometimes you need to set a deadline to get to places. We have set a deadline today. We have finally got down to working out not just statements of principle but actually saying, "Where in the legislation is the concern?" In today's debate we will draw out those points. That is the place we needed to get to.

I note the comments of the scrutiny committee. I know that Mr Corbell had some focus on that the other day. It is fair to say that I disagree with some of the comments of the scrutiny committee. As I acknowledged in the house the other day, that debate has perhaps not taken place as well as it might have. I felt that there was scope to have a robust debate with the scrutiny committee because that is where the contest of ideas must take place. I will continue to argue some of the points that the scrutiny committee has made. Nonetheless, I welcome the diligence of the scrutiny committee and will continue to debate some of these ideas in detail. I still think they have not appreciated the approach we are trying to take here. That is at the crux of this.

Mr Hanson spoke today of his concern about the automatic release of documents. There is no automatic release of documents here. Certainly under the push model there is but, even there, the public interest is taken into account. That is the very essence of this legislation. There are two bits to it: the push model, which Mrs Dunne has spoken of, and the public interest test. That public interest test remains a critical underlying benchmark when considering the release of information.

This is about cultural change. I do not see this legislation as being about risk. It is about seeing it differently. I believe that we have scope to see it differently, to take a different approach to the release of information. What will happen under this bill is well-known and well-documented. This bill picks up the vast quantities of

information about FOI laws to make the best possible law that will deliver government transparency to the community at the same time as protecting essential public interests. This is the balance that this bill strikes. I am very pleased that, for the most part at least, the Assembly will be supporting it.

This is about taking a different approach. It is actually about embracing the community. It is about trusting the community. It is about building community trust in government and the public service. I know that some of our public servants are concerned about this draft, about the approach the bill is taking, and I say to them, “Work with it. Know that, if we start to release more information, the community will need to ask for less and the community will see that government has its best interests at heart.” On the whole, I believe government does—both the cabinet and the public service. Does that mean that either the cabinet or the public service always gets it right? Perhaps not, but let us have that discussion so that we produce better outcomes for our community as a whole.

I will have more to say on the specific comments that have been made in the detail stage. I will conclude at this point by thanking colleagues for their in-principle support. I believe that we are making a good decision for the ACT community today and I think that over time that point will be demonstrated. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MADAM DEPUTY SPEAKER:** Before proceeding with the amendments I propose that it may suit the convenience of the Assembly to consider amendments together in groups that deal with like issues.

**MR RATTENBURY (Molonglo) (11.53):** I move amendment No 1 circulated in my name [*see schedule 1 at page 2853*].

This amendment relates to the commencement date for the legislation. The Greens do not believe that we need to wait until 2018 to commence this legislation. I believe that there is almost one year, with the date I propose—1 July 2017—to bring this act into force. I believe that that allows enough time for the systems to be put in place and for the training to take place that will need to occur. I note that most of the Queensland Right to Information Act commenced in one month and was entirely commenced in less than six months. To give this some context, at the same time I recognise that it is a significant reform and changes will need to be made. Those who work in various government agencies will need to make adjustments. We will need to engage with the Ombudsman to prepare for this system. I think that is a good compromise position. The one we can accept in order to move forward on this is the proposal to commence on 1 July 2017.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (11.55): The government will not be supporting this amendment, although I recognise that it would appear to have the support of the opposition. I just want to make it clear for the record that the commencement date of 1 July next year is entirely unreasonable. This is a major change to the operation of freedom of information law in the territory. It is going to come at a significant cost to the territory. Whilst it is for this place, of course, to judge whether or not it is reasonable to have such costs in the scheme, by choosing whether or not to support this bill in its final form the issue that must be had regard to is the fact that there will need to be a complete retraining of staff across the ACT government in how the law operates. There will also need to be discussions, consultations and, ultimately, financing secured to enable the Ombudsman to perform the role proposed in this bill, which is supported, as I understand it, by the opposition and Mr Rattenbury.

These are all matters that will take some time to resolve. The government is not seeking to avoid the implementation of this law, but we have already acknowledged—and Mrs Dunne and Mr Rattenbury have acknowledged—that there is probably going to be a need to go back and look at this act again in the next Assembly, to redraft, to correct errors and to make it more legible so it can be interpreted. So we are already saying that we have to go back, redraft it and debate amendments in the term of the next Assembly. And then we also have to appropriate it, implement it and have it operational by 1 July.

That is an unreasonable ask for whoever is in government later this year. My suggestion, which was to have been moved in my amendment No 1, was for 1 July 2018, but I am willing to adopt the position that it would be 1 January 2018 because that at least allows a 12-month transition, an appropriation to be secured, an agreement with the Ombudsman to be secured, retraining and employment of additional ACT government staff to be finalised, and for a smooth implementation of the scheme; let alone this place's reconsideration of the act early next year which we have all now acknowledged will need to happen anyway. I think there is an unseemly rush in relation to the implementation of the act. I would ask members to reconsider whether or not they should support the commencement date proposed by Mr Rattenbury.

**MRS DUNNE** (Ginninderra) (11.58): The Canberra Liberals will be supporting this amendment. We have considered it at great length. The initial proposal for the legislation to commence in six months is really too much of an ask and I think that even Mr Rattenbury will concede that to some extent. The counterproposal put forward by the government to spread this out to July 2018, essentially two years down the track, I think is a sign the government is not really committed to this process. Having been a member of this place for not as long as Mr Corbell but having worked in this place before Mr Corbell came into this place and having worked in government, something that I marvel at from time to time is that there does not seem to be a sense of urgency to get things done in our public service and there is a tendency to have long lead times when they are not necessarily needed.

There will be challenges but I think that my guys are up for the challenge and we are prepared to multi-task and do a number of things at the same time. The spirit of the legislation will be set today. Retraining can commence. If there is, as we think there may be, a necessity to come back, it will be tweaking at the edges. It will be technical stuff to ensure that the language is clear. We will not be changing the spirit of this legislation. Mr Corbell may wish to but he will not have the opportunity to do so, and I think that the lead time of almost a year to get this done is sufficient if we are serious about shedding light into the dark corners of bureaucracy.

Amendment agreed to.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (12.01): I seek leave to move amendments Nos 2 and 63 circulated in my name together.

Leave granted.

**MR CORBELL**: I move amendments Nos 2 and 63 circulated in my name together [*see schedule 2 at page 2854*]. They deal with interaction with other laws.

These amendments oppose clause 12 in the bill. Clause 12 states that the bill will override any secrecy provision in any other legislation. This clause is opposed by the government due to the potential impact across the statute book. The clause overrides information which has previously been deemed by the Assembly as too sensitive for public release. Secrecy provisions are included in legislation after considered advice and deliberation by this place, and these encompass Law Reform Commission reports, extensive engagement with internal and external agencies and consideration of Australia's international obligations under certain United Nations treaties. It is not the place for freedom of information laws to arbitrarily override these integral policy decisions which the Assembly has previously agreed to in the making of these secrecy provisions.

Furthermore, there is often an existing scheme in place for access and protection of this information. A key example of this is the Children and Young People Act 2008. The act strikes a balance between information sharing between agencies and protecting sensitive information, which includes care and protection reporting information and information about child abuse or suspected abuse as well as family group conference reports.

The government opposes this provision as it does not provide an appropriate balance between access to government information and protection of sensitive and personal information of ordinary citizens.

**MR RATTENBURY** (Molonglo) (12.03): Clause 12 of the bill is important to the structure of the scheme. There is no need to remove it in order to include effectively exempt information covered by secrecy provisions which will be achieved by the government's amendment No 51 that we will come to shortly.

The way that the bill is structured is the same as the Queensland and New South Wales acts. This amendment is trying to unpick this structure, and I believe it will undermine the integrity of the scheme. Section 6 of the Queensland act reads:

This Act overrides the provisions of other Acts prohibiting the disclosure of information (however described).

Why the ACT act should not work in the same way I do not believe has been clearly articulated, and I do not think that Mr Corbell's explanation of why it is necessary—and why his concerns cannot be dealt with, with the additions to schedule 1—makes the case to support these amendments. So I will not be supporting amendments Nos 2 and 63 today.

**MRS DUNNE** (Ginninderra) (12.04): This is one of the amendments where I am genuinely torn. The provision that this act overrides the provision of any other law that prohibits the disclosure of information is one that gives me some concern. But I am also mindful of the fact that this is a provision which is reflected in much of the other legislation that has this push model.

I did say last night that I would support both of these government amendments. I have been reconsidering, and the option is open to me to not support amendment No 2 but support amendment No 63 because, as Mr Rattenbury has said, the other additions to schedule 1 should provide the protections that are necessary.

However, I am often criticised as being a conservative. In this case I will take the conservative approach and support both of these government amendments but I will—and I have said that I will do this in a number of places—use as a pointer to those of us who will be reviewing this legislation again that this is an area that might need to be revisited.

I am significantly torn about the meaning of clause 12 as it currently stands, but I also see that it has some utility in this space. However, to take the more cautious approach, I will be supporting Mr Corbell's amendments Nos 2 and 63.

Amendments agreed to.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (12.06): I seek leave to move amendments Nos 3 and 58 circulated in my name together.

Leave granted.

**MR CORBELL**: I move amendments Nos 3 and 58 circulated in my name together [*see schedule 2 at page 2854*]. They deal with special exemptions for health records.

In regard to health records, these amendments ensure beyond any doubt that this law will not apply to information contained in health records under the Health Records

(Privacy and Access) Act 1997. The rationale for these amendments is simple. Like the Children and Young People Act 2008, the Health Records (Privacy and Access) Act 1997 already provides a mechanism for access to these sorts of records. This mechanism is the result of carefully considered policy which the Assembly has recognised and endorsed.

The FOI regime should not be used to subjugate existing well-thought-through and clearly articulated rights of access or protection for information. And we also need, I think, to appreciate that the health records of all of us are extremely sensitive, private and personal and access to those records should not be subject to the balancing test prescribed by the bill. Residents are entitled to know that their health records will be absolutely protected, and that is what these amendments will do.

**MR RATTENBURY** (Molonglo) (12.08): I am happy to support these amendments. It was certainly not the intention to create the sort of straw man that Mr Corbell put up before about people's personal health records being released. And I do believe that there were sufficient protections in the legislation to ensure that that was the case.

The public interest test and the deeming of this information to be contrary to the public information test were designed to provide sufficient protection but, given a concern raised by colleagues, I believe there is no harm in the alternative method that the Labor Party proposes to achieve this and I will be supporting Mr Corbell's amendments today.

**MRS DUNNE** (Ginninderra) (12.08): The Canberra Liberals will be supporting these amendments.

Amendments agreed to.

*It being 60 minutes after the commencement of Executive Members' business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Executive Members' business be extended by 30 minutes.*

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (12.10): I seek leave to move amendments Nos 4, 5, 8, 21, 31, 37, 40, 41, 67, and 71 circulated in my name together.

Leave granted.

**MR CORBELL**: I move amendments Nos 4, 5, 8, 21, 31, 37, 40, 41, 67, and 71 circulated in my name together [*see schedule 2 at page 2854*]. They deal with removing the terms "information officer" and "principal officer".

The bill uses a number of different terms including "principal officer", "respondent", "information officer", "agency" and "decision-maker". These terms, which sometimes refer to the same person, add to the complexity of the bill for the reader. These amendments aim to streamline the bill by removing the unnecessary terms "principal officer" and "information officer". With this change the responsibilities that were on

the principal officer will be on the agency. If further clarity is needed around who is the agency for certain entities this can be defined in guidelines to be made under the act.

The proposed role of the information officer in part 3 of the bill is to deal with access applications, to ensure that the agency meets its obligations to publish information and to consider how public access may be given to information held by the agency. The part provides that the principal officer of an agency must appoint a person to this role by notifiable instrument. The part further clarifies that information officers are not subject to direction and may consult with other information officers.

The role of information officer adds to the complexity of the bill and is unnecessary. This role will generate confusion as the role of information officer is an amalgamation of a number of different types of roles currently in the public service. The new role combines non-statutory processing officers and non-statutory governance roles and statutory decision-makers. These are roles that are currently performed by different people at different levels across directorates. Combining these into one statutory role is unnecessary and will muddy the decision-making process.

**MR RATTENBURY** (Molonglo) (12.12): The Greens will be opposing these amendments. Information officers are a vital part of the scheme proposed in the bill. The creation of the role of information officer will promote expertise and reduce the delay in processing applications. This is an important mechanism to encourage consistency of decision-making and collegiality between information officers and to help ensure a correct and timely response to FOI applications.

Mr Corbell has made the case that the different terms are used inconsistently. I simply do not believe that that is the case. I think that that is a misinterpretation of the bill and, particularly given that this bill has been drafted by PCO who have gone through many drafts, I think that these concerns will have been ironed out through the drafting process.

In the case of agency information officers making the decision on applications, the principal officer can direct that information must be disclosed but cannot direct that information is not to be disclosed. So I believe the delimitation of responsibility is very clear. The only significant roles that principal officers have under the bill are to appoint information officers, to request that information officers from other agencies assist the agency with its functions under the bill and an annual reporting obligation which has been harmonised with the general annual reporting obligation of the agency. The role of the principal officer under the Territory Records Act scheme is also referred to in the bill because this is an existing responsibility of principal officers.

I trust that explanation makes the operation of this part of the act clearer and I believe that the concerns raised by Mr Corbell are not in fact the case and that there will be clarity as agencies implement the legislation.

**MRS DUNNE** (Ginninderra) (12.14): The Canberra Liberals will be opposing this tranche of amendments. I do not believe that there is such opacity in the legislation as the attorney would claim and, quite frankly, the elimination of the notion of an

information officer from this legislation undermines the legislation fundamentally. This is the most important part of the whole bill and unpicking the role of the information officer out of this legislation will seriously unwind the push model.

As I said in my remarks in the in-principle stage, the notion of having an information officer who cannot be directed to withhold information is an extraordinarily powerful message that we are going to be appointing people who are statutorily protected. That is an extraordinarily powerful message and it will change the culture of access to information fundamentally, as it should, and we will not be supporting any undermining of that principle.

Amendments negatived.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (12.16): I move amendment No 6 circulated in my name [*see schedule 2 at page 2854*]. This deals with the public interest test.

Clause 17 sets out how the public interest is to be assessed when determining whether to release or refuse to release under the new scheme. Government amendment 6 omits clause 17(2)(d) which provides that when determining whether or not to release information the fact that access could result in confusion or unnecessary debate is not a factor to be taken into consideration. The issue with clause 17(2)(d) is that it precludes any weight being given to whether the information could cause confusion or unnecessary debate by the applicant.

The crucial role of government is to uphold the rule of law and to make sure that society is able to function. There are occasions where this purpose may be best served through not releasing information which could prove to be counterproductive to these aims.

The amendment recognises that the government does have responsibility for information with which it is entrusted and there is a responsibility not to release information in circumstances where it would serve no other purpose than to cause confusion or unnecessary debate.

**MRS DUNNE** (Ginninderra) (12.17): The Canberra Liberals will be opposing this amendment. You have to give the attorney credit for his sort of high-minded rhetoric but we are upholding the rule of law and therefore we cannot actually create a situation that might in some circumstances result in confusion or unnecessary debate. I am not entirely sure I know what unnecessary debate is. I would have thought that in the public arena, if people want to express an opinion, it is very rarely unnecessary. It might be inconvenient; we may not want to hear it, but one of the things that I think we might have learnt this year in the festival of democracy is that people do not take kindly to being disregarded and having their opinions disregarded and that—what people in the commentariat might consider extraordinary—the election result that we have seen is quite frankly a manifestation of people who are sick and tired of not having their opinions heard and we who know better perhaps considering their contribution to the debate unnecessary.

As I am wont to say, people out there pay our salaries and they are entitled to be engaged. If in the process of being engaged they are confused perhaps it is our job to smooth out that confusion. And if there is debate which we might consider unnecessary or some bureaucrat might consider unnecessary perhaps it is the first time that that person has engaged in the issue. I think that it is very unlikely that we will find very many circumstances of unnecessary debate. We will not be supporting this amendment.

**MR RATTENBURY** (Molonglo) (12.19): This amendment and the following one, No 7, form part of what are known as the Howard factors. They are universally recognised as inconsistent with the object of freedom of information and are condemned by experts in the field. They invite speculation by agencies and have been used as an excuse not to release information that should otherwise be released. They are at odds with the underlying principle of the bill, which is to give everyone an equal right to access information.

Consideration of what the applicant might do with the information invites one to say, “Well, might a different applicant behave differently?” As Mrs Dunne has said, to suggest that the release of information would invite unnecessary debate does not sit very well with our community. I think the community can decide whether there is a necessary debate to be had or not.

Amendment negatived.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (12.20): I move amendment No 7 circulated in my name [*see schedule 2 at page 2854*].

This amendment omits clause 17(2)(e), which provides that when determining whether or not to release information the fact that access could result in mischievous conduct by the applicant is not a factor to be considered. As I previously discussed, this clause precludes any weight being given to whether the information could be used for a mischievous purpose by the applicant. However, there are times when the purpose of responsible governing will be best served through not releasing certain information.

Let us take as a hypothetical example where the government is considering two potential means—option A and option B—to implement a new program. During the course of developing the scheme it becomes apparent that option A has a fundamental flaw and results in the government changing its delivery mechanism to option B. The new scheme with the option B delivery mechanism has now been implemented and there is an application for information relating to the development of the scheme. The applicant intends to publicise the information relating to how the scheme would have been delivered under option A for mischievous reasons, yet under the public interest test that is provided for in the bill, this is not permitted to be taken into account in making a decision on the release of the information.

Omitting this clause from the list of factors that must not be considered in any way does not mean that whether information could be used for mischievous reasons would be a determining factor in a decision about whether or not to release information. All this does is to say that there are circumstances in which it maybe a legitimate factor that should properly be weighed up with all other factors in making a decision about whether the release of particular information is in the public interest.

**MRS DUNNE** (Ginninderra) (12.22): It is with some reluctance that we will be supporting this amendment from the attorney. I listened to the hypothetical, but even if someone wants to make a point about the fact that the government decided not to go down path A, but path B, any government that is confident enough should be able to defend that position if they have made the right decision. If path A is flawed, they should be able to do that. Being able to determine what is mischievous behaviour is going to be extraordinarily difficult, so putting it in makes it very difficult.

I also want to make it very clear—this was a discussion we had in our party room—that mischievous behaviour is not people who are frequent flyer users of the Freedom of Information Act. You could perhaps single out Mr Coe as an example, but people have a legitimate right to use the provisions of legislation to obtain information. I was probably a frequent flyer user before I became the Speaker, and I want to put on the record that when talking about “mischievous behaviour” we are talking about something which is venal and unworthy. The pursuit of information through freedom of information is not venal and unworthy, and just because people are regularly users of the provisions of the Freedom of Information Act they will not be considered mischievous under these provisions.

**MR RATTENBURY** (Molonglo) (12.24): In relation to mischievous conduct, I note that this is listed as an irrelevant factor in the Queensland act, a factor that decision-makers should not take into account, but it seems we are going to insert it into the ACT legislation. I agree with what Mrs Dunne is saying about frequent flyers; this is not how the consideration should work. I think it is unfortunate that the Assembly is going to accept that it might be possible for a decision-maker to consider this in their decision-making. It puts subjectivity in the mind of the decision-maker where they are somehow second guessing how a member of the public might use the information. I think that is an unsatisfactory situation, so the Greens will be opposing this amendment.

Amendment agreed to.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (12.25): I move amendment No 9 circulated in my name [*see schedule 2 at page 2854*].

Clause 23(1) of the bill contains a definition of “open access information” of an agency and of a minister. This lists the categories of information that agencies will be required to routinely publish regardless of whether a request has been received. Government amendments 9 to 12 are intended to somewhat limit the scope of this open access scheme due to the overwhelming and unnecessary burden the current scope will place on the ACT public service.

As I have mentioned in my speech, the government is fully supportive of open and accessible government, as demonstrated by our open government initiative. However, an open access scheme must be properly constructed to be balanced and appropriate. For this reason we are seeking to remove budgetary papers, minutes of meetings of certain government bodies, reports, studies and draft policy documents from the definition of “open access information”. Government amendment No 9 will remove budgetary papers, including details of appropriations by appropriation units for classes of outputs from the definition.

**MRS DUNNE** (Ginninderra) (12.27): Madam Deputy Speaker, I cannot tell you the extent to which I oppose this amendment by the government. When I was going through this I wrote down, “Bring it on”. I cannot tell you the number of times I have put in requests for information and questions on notice trying to drill down into just the sorts of information that would be provided here; trying to drill down into what are the appropriations below the output class and what are attached to them. For probably nine years I have been foiled at every attempt to have this done. It is about time this sort of information was brought on. I cannot oppose this amendment more strongly.

**MR RATTENBURY** (Molonglo) (12.28): That is a hard act to follow on this particular amendment. Having spent my share of time on the crossbench where we simply wanted to understand elements of budget lines, the point Mrs Dunne makes is spot on. It is appropriate that members of the Assembly and members of the public be able to understand the breakdown of agency spending. It is an area where we should see considerable improvement in government processes. The Greens will also be opposing amendment No 9 put by Mr Corbell.

Amendment negatived.

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

**Sitting suspended from 12.29 to 2.30 pm.**

### **Questions without notice**

#### **Government—integrity**

**MR HANSON:** My question is to the Chief Minister. In light of the widespread opposition to your government regarding actions relating to liquor licensing, the community gaming model, late night venue restrictions, light rail, actions of the Land Development Agency, land development, dodgy deals, the casino, health system failures, rates that are escalating, land taxes, procurement, conflicts of interest, influence of Labor lobbyists and power brokers, failures in urban maintenance, the unions MOU and the school cage—to name just a few—what reforms will you offer to clean up perceptions of the smell surrounding your administration?

**MR BARR:** The government remains focused on the issues that matter to the people of Canberra and that is: investing in our city’s health system; and ensuring that we

have world-class education and that we continue to invest in transport, community and municipal services. The budget that we will pass later this evening invests \$5 billion in the future of this community to ensure that we have the best hospitals, the best health facilities, in our regions and that we are able to provide world-class education in our preschools, primary schools, high schools, colleges and vocational education training centres and through our world-class universities so that we continue to lead this country and, in many respects, the world in the provision of world-class education.

The government continues to focus on the delivery of public transport with the light rail project, a significant renewal of our city's public transport system, the establishment of Transport Canberra and the new focus on public transport, active travel and innovations like the introduction of ride sharing in the ACT. We have a holistic transport plan to ensure that Canberra remains the world's most livable city.

We continue to invest very strongly in municipal services. Fifteen per cent of the territory's budget is invested in our council responsibilities. This year's budget provides significant boosts in many areas of municipal services, areas that the community has identified and would like their government to invest more in.

We continue our focus on the prevention of family violence. Through the package of reforms contained within the budget that will pass later this evening, we see a nation-leading response to tackling domestic and family violence. We have put in place a mechanism to ensure that those measures can be funded sustainably into the future. It is a comprehensive response to a challenge that our nation faces. We are not immune from it here in the ACT and we must continue to have a very significant focus on the prevention of family violence.

In community services, in the arts, in sport and recreation and in disability services we continue to invest very strongly in our community to ensure that we are offering world-class services. Canberra is the best city in Australia to live in. We have been rated by the OECD as the world's most livable city. Our economic future is very bright. We have the lowest unemployment rate in Australia. Service exports from the ACT have been growing faster than those of any other state or territory. We are seeing record levels of international and domestic tourism to Canberra.

We are seeing our higher education sector growing rapidly. We have enabled the University of Canberra to compete on the national and international stage. We have established new vocational education and training facilities, opening a new CIT in Tuggeranong. We are building the new University of Canberra public hospital in Belconnen. We have just recently opened the Majura Parkway, a major new road transport investment.

We are delivering 100 per cent renewable energy for our city by 2020. We are serious about tackling climate change and we are working very hard across the board to ensure that services are delivered to a world-class standard and that we are investing in those areas of importance to our community.

On social policy, we want Canberra to be the most inclusive place in this country. That is why we have taken the lead on LGBTI inclusion—(*Time expired.*)

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Chief Minister, have your actions intimidated people so that they have been reluctant to give you advice that you simply do not want to hear?

**MR BARR:** The government continues to engage very strongly with the community. We have just launched a new platform for community engagement called Your Say. This gives significant new capability to the ACT government to engage with the community. I have been delighted to see the level of engagement on a variety of different community issues. What is particularly pleasing is the broad range of people who are participating in community engagement activities.

I think it is important that in the future we move away from time-based consultation processes and set new benchmarks in terms of the number of people engaged. A good example of this in recent times relates to the city to the lake project where during 2013 we sought the views of 15,000 Canberrans. As I responded yesterday to a question from those opposite, 94 per cent of those 15,000 people who participated in that consultation were supportive of the direction that the government had outlined. We will continue to engage in those large-scale consultations. In the future consultations will be based on the number of people we reach to ensure that those people are demographically representative of the Canberra community.

But it is important to note that the median age of the population in our city is 34 and the single largest demographic is young people between 20 and 29. It is important that their voices are heard as well as those who fall outside that demographic. A real focus in the future on community consultation has to have a demographically representative sample of Canberrans consulted on the major issues that affect the future of this city, and that will be a focus for the government in the months and years ahead.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Chief Minister, how has your overwhelming centralisation of power and decision-making impacted the deteriorating integrity in your administration?

**MR BARR:** The government was pleased to commission in 2011 the Allan Hawke review of governance of the territory. That particular review made a series of recommendations that the government has established—one ACT public service. I remind Mr Coe that if he looks at the paper and looks at option A, it was for a combined central agency, Chief Minister, Treasury and Economic Development.

Option A of the Hawke review has been adopted by my government. It reflects the recommendations of a considered review undertaken five years ago and has been progressively implemented by the government since 2011. Dr Hawke made that recommendation to establish a directorate of Chief Minister, Treasury and Economic Development and we have undertaken our government's structures in accordance with the principles outlined in that review, which was commissioned in 2011, and the recommendations of the review.

Option A, the first option, has been followed by the government. It may not suit the petty arguments of those opposite, but the review has been implemented. We have, through the changes to public sector legislation, through other reforms that have been implemented over the past five years, implemented the Hawke review of governance.

You are entitled to your own opinions, Mr Coe, but not to your own facts.

**MADAM SPEAKER:** Supplementary question, Mr Coe.

**MR COE:** Chief Minister, why have you not allowed public servants to utilise their experience and expertise when it comes to informing sound decision-making by your government?

**MR BARR:** The ACT public service is actively engaged in the policy development process within ACT government. We have established since I became Chief Minister three cabinet subcommittees where public servants sit in the room with cabinet ministers and participate actively in discussions in the policy development process. We have a significant level of engagement across directorates, a one-government approach. So we are moving away from the silo department-by-department approach to public policy development and delivery.

The budget process in particular has focused on collaboration between directorates to ensure that joint bids are put forward to tackle some of the more challenging issues that we face. A classic and fantastic example of that was the package put forward in this budget responding to domestic and family violence. It brought together work across all different ACT government directorates into a whole-of-government response, breaking down the silos that too often have stood in the way of good public policy outcomes.

One of the great things about ACT government is that we are a small institution, that we cover both state and local government responsibilities. This means that with a one-government approach you can bring together skills and expertise and deliver high-quality public policy outcomes.

Another great example of that is in our Australian and world-leading approach to the procurement of renewable energy, which has been lead by the Deputy Chief Minister. It is outstanding work that even the commonwealth government—the Liberal government and the former environment minister Greg Hunt—endorsed as fantastic public policy and the best way to procure renewable energy for our city.

They are just two of many examples across the cabinet subcommittees and the work that we have been undertaking to deliver whole-of-government responses.  
*(Time expired.)*

### **Bushfires—Mount Clear**

**MR JEFFERY:** Madam Speaker, my question is to the Minister for Police and Emergency Services. Minister, when was the fire outbreak at Mount Clear in December 2015 first detected and reported?

**MR CORBELL:** I do not have that information immediately to hand, so I will take the question on notice and provide an answer to the member.

**MADAM SPEAKER:** Supplementary question, Mr Jeffery.

**MR JEFFERY:** What was the extent of that fire when first detected?

**MR CORBELL:** I will have to take that detail on notice, too.

**MADAM SPEAKER:** Supplementary question, Mrs Jones.

**MRS JONES:** Minister, when were firefighting personnel and firefighting assets first deployed to fight that outbreak?

**MR CORBELL:** Again, I will take the question on notice.

**MADAM SPEAKER:** Supplementary question, Mrs Jones.

**MRS JONES:** To add to that, when was this fire extinguished and what was its extent at the time it was put out?

**MR CORBELL:** Again, I will need to get the precise details from our emergency services. I will take the question on notice and provide an answer to the member.

### **Taxation—rates**

**MS LAWDER:** My question is to the Treasurer. Treasurer, is your proposed tax mix switch from stamp duty to rates sustainable for households including ageing Canberrans?

**MR BARR:** Yes, the government's approach to phasing in tax reform over two decades, we believe, is the best way to manage the transition from an unfair, inefficient and highly volatile tax system that every economist in the world recommends moving away from to a simpler, fairer and more efficient tax system that has been recommended by every recent review of the Australian taxation system.

The Prime Minister, Mr Turnbull, in his first interview of this year on the *Insiders* program on ABC television, commended—

**Mr Hanson:** Simon was quoting Howard before. We have got Turnbull and Howard being quoted.

**MR BARR:** Prime Minister Turnbull, from your side of politics, commended the ACT government, endorsed the policy direction and commended us for our political courage. Yes, it does take political courage to change taxes in this country. That is possibly one of the reasons why our tax system has not been changed, as it should, to ensure fairer outcomes for taxpayers.

In the end we have a choice. We can choose unfair, inefficient and volatile taxes or we can choose simpler, fairer and more efficient taxes. We know which taxes damage the economy, damage households, slow down growth, slow down job creation, slow down investment, and they are the transaction taxes: stamp duty, taxes on insurance, all of those bad taxes that everyone recommends getting rid of.

We are doing that. We have abolished tax on insurance. You no longer pay tax on your home contents insurance, your motor vehicle insurance, your life insurance and, if you are a business, any professional indemnity insurance or business insurances. We are the first jurisdiction in Australia to get rid of that bad tax because we want people to insure. If you tax it you make it more expensive and fewer people will insure. That is a bad outcome for the community.

The best tax that is available to our level of government is general rates. It is the fairest, it is the hardest to avoid and it is the simplest tax. It does not distort economic activity and it means that the tax burden is shared fairly across the community and revenue each year is predictable.

I make this very simple point: each year we need to continue to provide hospitals, schools, ambulance services, police and emergency services, firefighters and the rest. We have to make a prediction and guess how many houses will sell in Canberra each year to try to guess how much revenue will come from that bad tax that is stamp duty. That those opposite think that it is fair that when you move house the government taxes you \$20,000, \$30,000, \$40,000 or \$50,000—if you think that that is fair, if you want more stamp duty, if you want housing affordability to get worse—

*Mr Coe interjecting—*

**MADAM SPEAKER:** Come to order, Mr Coe.

**MR BARR:** If you think that tax is not high enough, then the option is there for you to make—

**MADAM SPEAKER:** Address the chair!

**MR BARR:** The option is there, Madam Speaker, for those opposite to make stamp duty even higher. Why don't you hit first homebuyers, pensioners and those who are downsizing, anyone who needs to move house at any point? Tax them more.

*Mrs Jones interjecting—*

**MADAM SPEAKER:** Come to order, Mrs Jones.

**MR BARR:** That is your position. It is not ours. *(Time expired.)*

**MADAM SPEAKER:** Supplementary question, Ms Lawder.

*Members interjecting—*

**MADAM SPEAKER:** Order! I would like to hear Ms Lawder's supplementary question.

**MS LAWDER:** Treasurer, what changes to conveyance duty thresholds and rates will occur from next year's budget and what are the rates and thresholds underpinning the forward estimates?

**MR BARR:** The government has been cutting stamp duty in every budget. I am pleased to be able to advise that from the time we began stamp duty cuts in 2012 to now, on a \$300,000 property we have cut stamp duty by 43 per cent, or \$4,000, from \$9,000 to \$5,000. On a \$500,000 property stamp duty has been cut by a third, from \$20,500 now down to \$13,400, a saving of over \$7,000. On a \$600,000 property stamp duty has come down by nearly \$8,000. On an \$800,000 property stamp duty has come down by nearly \$8,500. On a million-dollar property stamp duty has been cut by over \$7,000.

Over the next stages of tax reform the cuts continue. A \$300,000 house will see the duty cut by just under 60 per cent from when reform began. For a \$500,000 property stamp duty will be cut in half—by 51 per cent, a saving of over \$10,000. For a \$600,000 property the saving will be \$12,350, or 47 per cent. On an \$800,000 property the saving will be \$15,250, a 40 per cent reduction.

And you have opposed every one of those stamp duty cuts that make housing more affordable for Canberrans at whatever stage of life. My commitment is to cut stamp duty in every budget that I am Treasurer. I have done so for the past five, and if we are re-elected we will continue to cut stamp duty.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

*Mr Hanson interjecting—*

**MADAM SPEAKER:** I would like to hear Mr Coe, Mr Hanson.

**MR COE:** Treasurer, whilst your conveyance cuts might be sustainable from your budget's point of view—

**MADAM SPEAKER:** Preamble.

**Mr Gentleman:** Preamble.

**MADAM SPEAKER:** I have already done that, Mr Gentleman. It is all right.

**MR COE:** How is it sustainable for households that have already paid stamp duty and are seeing rapidly increasing rates?

**MR BARR:** On average, Canberra households move once every seven years. These reforms are being phased in over a 20-year period. Given the frequency of movement—

*Members interjecting—*

**MR BARR:** It is not unsurprising that people buy their first home and then they might start a family, have children, need a larger home and move into a larger home. They might have more children and need an even larger home. They might move three times during that phase of adulthood. When their children grow up and they become empty nesters, it is often the case that people downsize. And a real barrier to moving in our housing market is stamp duty. It is a real barrier. I think that even those opposite acknowledge that: I think, although from the interjections and their absolute opposition to us cutting stamp duty, you would probably even question that.

Our desire is to see this bad tax phased out. We are doing it gently over a 20-year period to minimise the impacts on households who have recently moved. On average, Canberra households move every seven years, so there are some people who move even more frequently. Stamp duty is a significant tax and a significant burden for those who, for whatever reason, need to move house, whether that is because their family is growing or because their family is shrinking. They may have separated; they may have divorced. They may need to move house.

That you support a gouging of tax out of those people reflects on your values. We choose a different path, and that is why we support tax reform.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Treasurer, under your plans, in what year will conveyance duties be abolished?

**MR BARR:** The government has outlined a second stage of tax reform in this budget that takes the reforms through to 2021-22. We have indicated our desire to phase out stamp duty over a two-decade period, so that would take the timetable into the early 2030s.

### **Transport—integrated system**

**MR HINDER:** My question is to the Minister for Transport Canberra and City Services. Can the minister outline for the Assembly the steps the government is taking to deliver an integrated transport system for the people of Canberra?

**MS FITZHARRIS:** I thank Mr Hinder for his question. Indeed, I can outline the steps the government is taking to establish an integrated transport system. This is, as the Chief Minister noted earlier, one of the government's highest priorities. As the minister for transport, I am proud to be implementing it.

Of course, as members know, Labor set out its ambition to achieve this in the transport for Canberra policy document consulted on throughout 2011 and released in early 2012. Through that we identified the frequent public transport corridors and we have delivered the blue and red rapid bus services. We subsequently released a detailed public transport improvement plan late last year setting out our commitment

to provide more buses more often, to deliver simplified ticketing arrangements and a better customer experience and to honour Labor's election promise to deliver light rail for Canberra.

An integrated transport system will reduce congestion and save commuters time. It will strengthen the economy and create jobs. By encouraging active travel—things like more walking and cycling—an integrated transport system will improve our community's health and wellbeing.

We are also taking steps to reduce congestion on our roads. Traffic jams on Northbourne Avenue are bad now and, unless we take serious action, will get much worse. The congestion on Northbourne Avenue is not a problem just for those who drive along Northbourne Avenue. It has a flow-on effect to other areas of our city, and it is a glimpse of our city's future if we do not take decisive action now. For those Canberrans who do not experience the daily commute along Northbourne Avenue, make no mistake. Unless the people they elect to the Assembly take our transport challenges seriously, then in time congestion will come to other roads across other parts of our city.

Planning our city's transport future is not simply a matter of coming up with a few lines on a map. As we all know, Canberra is a unique city. We do have an over-reliance on cars and traffic corridors that demand innovative transport solutions, solutions that do not just encourage more people to use public transport but that renew our city and encourage sustainable development.

If you agree that our city needs greater density along urban corridors to help deliver more affordable housing for more people and offer people greater access to employment hubs and essential services, then we need to think differently about how we deliver public transport. This government has a plan to achieve that. We established Transport Canberra on 1 July to ensure that all our transport modes are integrated. We conducted a comprehensive survey to find out what Canberrans want from public transport and we are moving forward with major improvements to our bus network, building on Labor's commitment to the rapid routes and adding new services as our city grows.

A new ACTION timetable will be in place later this month that offers more services for more people across our city. Our city loop service is proving a huge success with the city's travellers and workers, who are using it to get around our city's most popular precincts.

We are looking at ways to encourage more walking and cycling around our city, better bikepaths, improvements to footpaths and investing in better infrastructure around schools to get more kids riding and walking to school each day. Our vision is for public transport that is integrated with walking and cycling options, with the possibilities now offered by ride sharing, car sharing, taxi services and smart parking. In the future, autonomous vehicles will also be part of this picture.

We are also working towards a trial of electric buses, which have the potential to provide a smoother and more pleasant ride for customers, as well as being more environmentally sustainable. We are overhauling our ticketing system, with \$3 million provided in this year's budget.

Last month we turned the first sod on the first stage of our city-wide light rail network, a huge milestone that will create 3,500 jobs and free up 1.2 million kilometres of bus travel that we will be able to redeploy across our city. With light rail, we add significantly—(*Time expired.*)

**MADAM SPEAKER:** A supplementary question, Mr Hinder.

**MR HINDER:** Can the minister advise when the new ACTION bus timetable will start and what changes the public can expect to services?

**MS FITZHARRIS:** I thank Mr Hinder for the supplementary. The new weekday bus timetable will come into effect in just a couple of weeks on 29 August. There will be a number of major improvements to services. A new Weston line is being introduced to increase service options between Cooleman Court, Woden town centre and the city. It will provide a direct service between Cooleman Court and the Molonglo Valley with the city via the Cotter Road, introduce an all-day service for the north Weston park and ride and introduce services to John Gorton Drive.

There will also be changes to Xpresso services in the new timetable. These changes are driven by strong passenger demand. The introduction of additional route 744 and 743 services from west Belconnen will reduce the strain on the blue rapid service. There has been an additional 783 Xpresso service introduced for the new suburbs of Wright, Coombs and Molonglo Valley. Since the introduction of services into the area in 2014, the service has been steadily gaining new passengers. The introduction of additional high density housing in the area requires additional public transport.

The new timetable also introduces improvements to weekend services. The changes to the weekend timetable will come into effect from Saturday, 27 August, two days before the weekday timetable on Monday the 29th. In that there will be adjustments to route 981, which will now service the new tourist information centre at Regatta Point and Westside Acton village and will align with the weekday route 81.

Residents in Coombs will also have a weekend service introduced to the suburb through the extension of route 983 which, along with the changes to the weekday timetable, provides a seven-day-a-week service to Woden and Cooleman Court. There have also been adjustments made to route 980 to provide improved access to people working in and around Fyshwick.

The government is committed to improving public transport and creating an integrated network that can be used by all Canberrans. The changes in the new timetable, along with new initiatives like the city loop, will make transport more convenient, quick and reliable. (*Time expired.*)

**MADAM SPEAKER:** Supplementary question, Mr Coe.

**MR COE:** Minister, how will adding 40,000 people to the corridor and more than half a dozen new signalised intersections on Flemington Road and Northbourne Avenue actually help congestion?

**MS FITZHARRIS:** I thank Mr Coe for that question because I am very pleased to talk about reducing congestion along Flemington Road and Northbourne Avenue. As we already know, the rapid services that service this current route and additional services are almost at capacity during peak times, as is the road network, certainly along Flemington Road and Northbourne Avenue. I am often in the Gungahlin town centre of a morning and you can see that the bus will fill up at peak time and, on occasion, not be able to pick up other passengers along that route because the demand is so high for public transport services along the Flemington Road-Northbourne Avenue corridor.

That is exactly why this government is delivering a solution for congestion along the Northbourne Avenue and Flemington Road corridor. We are the only party with a solution for congestion along the Flemington Road and Northbourne Avenue corridor. Let me be very clear—

**Mr Coe:** Point of order, Madam Speaker.

**MADAM SPEAKER:** Point of order. Stop the clock, please. Mr Coe, on the point of order.

**Mr Coe:** The question was how will adding 40,000 new people to the corridor, which is planned by the government, and also adding more than half a dozen new sets of signalised intersections help congestion on the corridor.

**MADAM SPEAKER:** While Ms Fitzharris is clearly speaking about congestion, I ask her to be directly relevant to Mr Coe's question, which is about population and signalisation. Ms Fitzharris.

**MS FITZHARRIS:** Certainly, Madam Speaker. Additional residents along the corridor are moving there now. They will move there anyway, and they will move there in greater numbers because they know that this government is delivering a fixed public transport corridor and a fixed public transport mode down Flemington Road and Northbourne Avenue. There are hundreds, potentially thousands, of people who have already moved into that corridor because they know that this government is delivering light rail. They are the same people who Mr Coe will ask to vote for him in this upcoming election. They do not want to risk their investment in their first home—with reduced stamp duty, I might add—in their first business, in their family home along Flemington Road and Northbourne Avenue. They have bought there because they can count on this government to deliver our priorities.

**MADAM SPEAKER:** A supplementary question, Ms Burch.

**MS BURCH:** Minister, can you update the Assembly on the success of the government's new free city bus loop and other policy options for an integrated system.

**MS FITZHARRIS:** I am delighted to update the Assembly on the success of the free city loop bus service. Every week, on average, 1,400 people are boarding the new city bus loop service to move quickly and conveniently around town. I am pleased to

confirm that earlier this week the free city loop bus collected its 8,000th passenger. That is 8,000 passengers, 8,000 reasons not to support the alternative policy, which is to axe the free city loop and replace it with the so-called city hopper.

I think those opposite think that the city hopper is superior, but how can it be when it takes longer, costs more, is less frequent and they predict fewer people will use it than have currently used the free city loop? It would be a hopeless hopper. It would take more than an hour to crawl around the city and, worse, passengers would have to pay for it. In addition, it would put the red explorer out of business.

Rather than invest in public transport, those opposite want to cut it. They want to scrap light rail and now they want to scrap a free bus service that has just picked up its 8,000th passenger.

As Ms Burch asked about, I am aware of alternative policy options that are available and certainly those opposite have put forward alternative policy options, although they are a little hard to describe, as the elements within them keep changing. Over the past decade, Madam Speaker, as you would be aware, the Canberra Liberals have achieved something unique in transport policy. Simultaneously they have opposed buses and light rail and then gone on to support light rail and oppose buses. Now they support buses and oppose light rail. The people of Canberra should not be surprised by this. *(Time expired.)*

### **Clubs—lease variation charge**

**MRS JONES:** My question is to the Chief Minister. Chief Minister, yesterday in the Assembly you said:

So if you live next-door to a club in this city, you should expect that there will be dramatic change in what is allowed to be developed on that club site if those opposite are elected.

Minister, why did the Weston Creek Labor Club seek a variation to their lease if not to change what is allowed to be developed on that site?

**MR BARR:** The point of difference being that under the current planning regime in operation under this government there is a process associated with that; under the recommendations that were endorsed by the Leader of the Opposition, carte blanche!

**MADAM SPEAKER:** A supplementary question, Mrs Jones.

**MRS JONES:** Minister, how much was paid by the Labor Club to vary leases in Weston Creek, Braddon and Belconnen? If you do not know, will you take it on notice? Also, what was the value of any waivers?

**MR BARR:** I do not have that information in front of me. I will take that it on notice.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Treasurer, why did you allow and waive the lease variation charge for the Brumbies site in Griffith if you do not think club sites in residential areas should be redeveloped?

**MR BARR:** I have not said that I do not think club sites can be redeveloped. All I have said is that I do not think it should be an automatic entitlement for redevelopment. The planning system should not be changed to an automatic presumption that there will be a variation and that clubs have some entitlement to vary their lease at any point in time because they might hit some financial difficulty.

In relation to the Brumbies site, following a detailed process that involved Assembly committee inquiries and recommendations in support of a change to the zoning in that area, the government agreed that there would be a community benefit—

**Mr Hanson:** Where did that community benefit go?

**MR BARR:** That community benefit has gone to the Brumbies.

**Mr Hanson:** Where is it?

**MR BARR:** It has gone to the Brumbies and it is there in bricks and mortar—

*Mr Coe interjecting—*

**MR BARR:** The new headquarters and sports facility at the University of Canberra. There is a \$15 million building that—

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Order, Mr Coe! Mr Hanson, come to order!

**MR BARR:** There is a \$15 million building on the University of Canberra campus which the Brumbies have a long-term lease on. Their contribution to that was \$5 million.

*Opposition members interjecting—*

**MADAM SPEAKER:** Come to order, Mr Coe! Mr Wall!

**MR BARR:** The ACT government made a \$5 million contribution; the University of Canberra made a \$5 million contribution; and the Brumbies made a \$5 million contribution.

**Mr Hanson:** What did they get for it?

**MR BARR:** Headquarters for 30 years. *(Time expired.)*

**MADAM SPEAKER:** Supplementary?

*Members interjecting—*

**MADAM SPEAKER:** Order! Mr Doszpot and Mr Hanson, come to order. A supplementary question, Ms Burch.

**MS BURCH:** Treasurer, can you explain the principles of the lease variation and the circumstances for a waiver.

**MADAM SPEAKER:** I think you will have to limit yourself in relation to clubs, because the question is about clubs, not about lease variation charges.

**MR BARR:** Thank you, Madam Speaker. The lease variation charge as it applies to clubs and, indeed, to other entities, seeks to capture for the community some of the windfall gain that arises from a variation to that lease that is granted by the government or by this place. It is an unearned windfall gain. Someone who leases the land and buys it for a certain price with a certain level of development rights and is then granted significantly more—the land is worth significantly more—the lease variation charge captures a portion of that uplift. That is the economic policy principle.

*Mr Coe interjecting—*

**MADAM SPEAKER:** Order, Mr Coe!

**MR BARR:** It is an unearned windfall gain. The charge is calculated—

*Mr Coe interjecting—*

**MADAM SPEAKER:** Order, Mr Coe!

**MR BARR:** The charge is calculated by the difference in values before the variation and after. If there is no difference in values, there is no lease variation charge applicable. There is no lease variation charge applicable if there is no increase in value.

*Mr Coe interjecting—*

**MADAM SPEAKER:** Mr Coe, I warn you.

**MR BARR:** It is a very simple proposition the shadow treasurer struggles to understand.

*Mr Coe interjecting—*

**MADAM SPEAKER:** Mr Coe, you are on a warning.

**MR BARR:** It is a very simple proposition, Madam Speaker. If there is no uplift in value, the lease variation charge is a percentage of zero. Seventy-five per cent of zero is zero. If there is a value uplift, the lease variation charge applies. As those opposite know—

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson, you are about to be warned as well.

**MR BARR:** Prior to the system change in 2011, the change of use charge regime operated in the territory. All variations prior to that point are assessed under the old system. From 2011 onwards, the lease variation charge system applies.

I do note that, for all the interjections, you oppose the lease variation charge and you are proposing to get rid of it. You do not believe that the community should benefit from some of the uplift. You believe in all the windfall gains going to the developers. That is your policy position. That is the bed that you have made. You can lie in it.

### **Gaming—regulation**

**MR DOSZPOT:** My question is to the Chief Minister. Chief Minister, on Tuesday you said in response to a question from Ms Lawder about cuts to positions in the Gambling and Racing Commission that:

... the whole point of the exercise, both tape reduction and the administrative changes within Access Canberra, was to focus our regulatory efforts on the highest risk areas...

Chief Minister, why do you believe that regulation of gaming and racing is a low risk area where the government can afford to lose 28 per cent of its staff?

**MR BARR:** Because as a result of the legislative changes, a lot of the work in that area is no longer required by regulation. We no longer require that regulatory work to be undertaken because the law has changed.

**MADAM SPEAKER:** Supplementary question, Mr Doszpot.

**MR DOSZPOT:** Chief Minister, how do you determine whether an issue in the gaming and racing portfolio is a regulatory issue coming under your responsibility or a policy issue for which Mr Gentleman has responsibility?

**MR BARR:** The areas of difference in terms of responsibility are outlined in the administrative arrangements

**MADAM SPEAKER:** A supplementary question, Ms Burch.

**MS BURCH:** Chief Minister, do you have any difficulty understanding the difference between the regulations from Access Canberra and the Gambling and Racing Commission and who is responsible?

**MR BARR:** No.

**MADAM SPEAKER:** Supplementary question, Mr Wall.

*Mr Coe interjecting—*

**MADAM SPEAKER:** Order, Mr Coe!

**MR WALL:** Chief Minister, do you still support the community gaming model and how is that support consistent with your decision to allow the casino to have poker machines?

**MR BARR:** The government's position is that the predominance of poker machines in this city will be held in the club sector. Should any club wish to participate in a trading scheme—and some are—then the government is giving consideration—

*Opposition members interjecting—*

**MADAM SPEAKER:** Order!

**MR BARR:** although it has not yet made a final decision, to allowing the casino to participate in the trading scheme. It is my preference that the number of poker machines in this city reduce dramatically and I will look in the coming weeks and months to outline a policy that will see a dramatic reduction in the number of poker machines in this city. The trading scheme is one such mechanism to achieve that because the great thing about the trading scheme is that as machines are traded, licences are extinguished and poker machines are removed for good.

I remind this place and I remind those opposite that when I was Minister for Racing and Gaming I oversaw a reduction in the number of poker machines in this city and I will continue to advocate for that. I am not owned by the club industry, Madam Speaker. I am not taking their money.

*Opposition members interjecting—*

**MR BARR:** I am not taking the money. I am not taking—

*Mr Coe interjecting—*

**MADAM SPEAKER:** Mr Coe, you are on a warning.

**MR BARR:** I am not going to the board room of ClubsACT offering to run their campaigns like those opposite have been. We know all about that. We know all about the Liberal Party's offer. We know the collusion that is going on. We have seen the ads; that the big gambling houses are lining up with the Liberal Party is no surprise. *(Time expired.)*

### **ACT Land Development Agency—land acquisition policy**

*Opposition members interjecting—*

**MADAM SPEAKER:** Order! I would like to hear Mr Wall.

**MR WALL:** My question is to the Chief Minister. Chief Minister, in June 2014 you issued a direction to the Land Development Agency that purchases of land needed the approval of the board and for the minister to be notified. Over a year later the LDA board adopted an interpretation that this direction applied only to purposes outside the core business of the LDA. Chief Minister, did the LDA board get written approval from you before it adopted this interpretation of the Planning and Development (Land Acquisition Policy Framework) Direction 2014 (No 1)?

**MR BARR:** The Land Development Agency, its chief executive and its board have operated entirely in accordance with legislation.

**MADAM SPEAKER:** Supplementary question, Mr Wall.

**MR WALL:** Chief Minister, how did the LDA make purchases in December 2014, January 2015 and June 2015, which were all before the LDA board adopted its interpretation of August 2015?

**MR BARR:** In accordance with the delegation established by the LDA board on 4 July 2003 under the planning and land act.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Treasurer, why did the LDA board need a new guideline about interpreting the land acquisition policy framework if there was a legitimate delegation under the Financial Management Act 1996 and the Planning and Land Act 2002?

**MR BARR:** The government reviews these delegations from time to time and we put in place a policy framework to provide guidance to the LDA.

**MADAM SPEAKER:** Supplementary question, Mr Coe.

**MR COE:** What takes precedence, minister, the delegation of some years or the framework that was issued, which apparently applies to all land acquisitions by the LDA?

**MR BARR:** Both provisions are clear in their operation.

**Mr Doszpot:** Supplementary question, Madam Speaker.

**MADAM SPEAKER:** No, you cannot have a supplementary question, Mr Doszpot. We have already had two supplementary questions.

### **Land—block 24, city**

**MR COE:** My question is to the Minister for Economic Development. My question is regarding the government's acquisition of land adjacent to Glebe Park through the LDA and its use. Minister, will you rule out allowing Aquis to use this block? Has the government been presented with any plans or concepts by Aquis or a related party that includes development on this block, that is, block 24 section 65?

**MR BARR:** I am not aware of any proposals for that development or any development on that site. However, there are, of course, adjacent leases that are held privately and there may be a need to coordinate the public realm associated with those adjacent leases.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Minister, what checks have you undertaken to ensure that the purchase and delegation were legitimate and have you sought advice from the Government Solicitor or another legal source?

**MR BARR:** These matters have been extensively canvassed.

**MADAM SPEAKER:** Supplementary question, Mr Doszpot.

**MR DOSZPOT:** Chief Minister, have any government officials, including public servants, ministers and advisers, raised concerns with you or your office about this acquisition?

**MR BARR:** No.

**MADAM SPEAKER:** Supplementary question, Mr Doszpot.

**MR DOSZPOT:** Chief Minister, what is your responsibility as a minister to ensure that the governance arrangements in the LDA are appropriate?

**MR BARR:** That is outlined in legislation and codes of conduct.

### **Parks and conservation—Australian Alps**

**MS BURCH:** My question is to the Minister for Planning and Land Management. Minister, can you please outline to the Assembly—and, indeed, as this is the last sitting, the last question of this Assembly, perhaps, to the friends of the Assembly who are listening—your recent announcement of the ACT taking carriage of responsibility for the Australian Alps.

**MR GENTLEMAN:** I thank Ms Burch for her question and her interest in this area. On 1 July this year, Parks and Conservation ACT, parks and cons, took carriage of the Australian Alps, a key tourism, environmental and economic opportunity to ensure the protection of some of the park's mountains and biodiversity areas.

The Australian Alps national parks protect the canopy of Australia and some of the most unique environments in the country. There is a cross-jurisdictional agreement between the ACT, New South Wales, Victoria and commonwealth governments and it protects a chain of 12 mountainous parks, from our own Namadgi national park in the north through Kosciuszko national park in New South Wales down to Baw Baw national park in Victoria.

Collectively, these parks protect our alpine natural and cultural heritage. They protect a wealth of plants and animals, some nationally endangered, such as the mountain pygmy possum and the northern corroboree frog. These places also retain some of the east coast's most important Aboriginal sites, such as our own Yankee Hat rock shelter, the best example of Aboriginal rock art known from the alps.

The alps are prized by many for the recreational opportunities that they present. Bushwalkers are rewarded with spectacular snow-topped scenery and the quiet contemplation that only mountain environments can offer. Of course, the alps provide the tiny fraction of Australia's landscape that supports winter sports, and these areas are almost exclusively within our alps national parks.

A memorandum of understanding was recently re-signed by heads of agencies from all four partner jurisdictions. This represents a renewed commitment to cooperative management of the alps bioregion. The vision for the program is to achieve excellence in conservation management through active cross-border cooperation.

The MOU provides for each jurisdiction to take turns in leading the program. From 1 July this year, the ACT has taken its turn to lead the program for the next three years. As the lead agency, all programs will be run out of Namadgi national park visitors centre, where a dedicated staff member will act as coordinator for a suite of projects, forums and workshops. These are all activities based on the current alps strategic plan and approved by the Australian Alps Liaison Committee, which has representation from all four partner agencies.

This position and the MOU now allow our parks and conservation services to work more cooperatively and collaboratively with their fellow park rangers, environmentalists and conservation specialists to ensure that the highest level of care and support can be provided for these key jewels in our natural habitats.

The alps website, social media, newsletters and press releases will all be utilised to keep the public up to date with the efforts of the program and ways to get involved with the management and enjoyment of the Australian Alps. I look forward to providing further updates throughout our term of responsibility.

**MADAM SPEAKER:** Supplementary question, Ms Burch.

**MS BURCH:** Minister, how would this work with and improve the tourism opportunities for the ACT?

**MR GENTLEMAN:** Nature-based tourism already drives much economic activity throughout the Australian Alps. Each jurisdiction has a depth of knowledge and experience gleaned over many years, be it four-wheel drive tours, winter sport activities or sightseeing by foot or aircraft, which in turn are supported by a host of remote and not-so-remote accommodation options. The great strength of the Australian Alps cooperative management program is that it provides a conduit for the sharing of this knowledge and experiences gained.

The Australian Alps walking track—660 kilometres from Walhalla in Victoria to Tharwa in the ACT—represents an opportunity to establish an iconic walking track within the broader national and international tourism sector. I know that Mr Jeffery would be very excited about the opportunities there.

At present, the Mount Tennant section of the AAWT near Tharwa is walked by over 10,000 people per year. This is clear potential for the AAWT to become a highly desirable tourist destination in much the same category as the overland track in Tasmania.

The government has identified \$210,000 in the 2016-17 budget to develop and re-use opportunities for ex-staff accommodation in the Namadgi national park and Tidbinbilla Nature Reserve with a view to inviting more public enjoyment of our own alpine environments.

The Environment and Planning Directorate is looking to explore ways that tourism operators might be supported to offer unique experiences in an environmentally sensitive way for a public eager to sample our unique alpine environment. By investing in the refit of ex-staff housing in our parks, we could offer visitors some exciting accommodation options to overnight in our alpine environments.

**MADAM SPEAKER:** A supplementary question, Mr Hinder.

**MR HINDER:** Minister, how will the ACT's carriage improve the conservation and environmental outcomes for the alps and the ACT as a whole?

**MR GENTLEMAN:** I thank Mr Hinder for his question. As the lead agency for the next three years the ACT will be seeking to ensure that the alps program is firmly grounded in practical operational outcomes and that those outcomes are effectively communicated to all agency staff. Funds will be directed towards priority conservation issues in line with the alps strategic plan 2016-2018. Projects approved under this plan will come under the auspices of three reference groups: connecting people, cultural heritage and environment. Each of these groups comprises members from each partner agency and meets on a regular basis.

Project outcomes will be promptly uploaded onto websites and social media. The regular newsletter will be more clearly targeted at operational staff and future project proposals will need to demonstrate tangible and timely benefits to member agencies.

This financial year the program has a strong conservation focus, with projects such as using sniffer dogs to locate high-risk weeds, improved methods of surveying wild horse numbers, the use of unmanned aerial vehicles to assess stream bank erosion and a field workshop focused on emerging vertebrate pests. All of these are high-value, practical projects from which all partner agencies will benefit. It is the intention of the alps program over the next three years to focus strongly on practical outcomes and effective communications using the latest technology.

**MADAM SPEAKER:** A supplementary question, Mr Hinder.

**MR HINDER:** Minister, why the rotation and what benefit does that bring to the community?

**MR GENTLEMAN:** The vision of the Australian Alps cooperative management program is to promote excellence in conservation management across the alps bio-region by fostering strong partnerships between the agencies. Rotating the office of program manager between the partner agencies ensures that each has a strong sense of ownership while preventing the perception of any one agency dominating the agenda. Rotation of the program manager's office and occupant has also proven a highly effective means of reinvigorating the program.

In the context of the alps program, the community consists of the rangers and field staff who manage the 12 regions covered by the MOU. The rotating arrangement builds collaborative relationships amongst participating agencies. The past 30 years has clearly demonstrated the benefits to field-based agency staff of this cooperative arrangement.

One of the primary objectives of the alps program over the next three years is to strengthen the links between project outcomes and agency staff and to disseminate and apply the results, tools and lessons learned across the jurisdictions.

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

### **Supplementary answers to questions without notice Bushfires—Mount Clear**

**MR CORBELL:** I have a matter arising from question time, Madam Speaker. Mr Jeffery and Mrs Jones asked me some questions about the fire at Mount Clear in December last year. Mr Jeffery asked me when the fire was first detected and reported. I can advise that the fire occurred as a result of a series of storms in the southern part of Namadgi national park, which resulted in a lightning strike igniting bushland in the vicinity of Booth Range in the Namadgi national park.

It was reported to the ACT RFS duty officer at 5.28 pm on Wednesday, 16 December 2015. When it was first detected, the fire was one hectare in size. I was asked when responders were first deployed to fight the fire. I am advised that the fire was in an inaccessible part of the Booth Range, with the closest road access being 2½ kilometres from the Shanahan walking trail and Boboyan Road intersection.

At the time, an ACT RFS-contracted helicopter was deployed from the Hume helibase and, after a size-up of the fire, immediately commenced water bombing in an effort to slow its progress. A second larger contracted helicopter located at Hume helicopter base was also tasked to this incident and commenced water bombing operations until last light on 16 December, the same day as the fire was reported.

Ground crews made their way into the fire on the morning of 17 December. The RFS duty officer, in consultation with TAMS directorate staff, conducted a risk assessment of the most appropriate and effective option to contain and extinguish the

fire. After careful assessment, it was agreed not to deploy ground crews—these would have been remote area firefighting crews—that evening, with a focus remaining with water bombing activity.

This was decided because the time of day provided a very limited amount of daylight, and the safety of ground crews was an important issue to be considered. The ground crews would have had to have been deployed by helicopter and in a limited capacity due to the remote and unfamiliar terrain. There was still active storm cell activity occurring. These storms would have increased the risk to the RAFT area crews being deployed by helicopters, particularly during breaching operations.

Walking ground crews in on the first night was considered but later ruled out due to the estimated walking time and the risks posed by the storm activity. If crews had walked in, it was estimated that they would have arrived on the fire line at approximately midnight. There would have been significant fatigue issues for firefighters which would have reduced their effectiveness in the hours between midnight and dawn, and the storm cells in the area presented a risk to firefighters through the possibility of falling trees or further lightning strike.

The area in question was burnt in the 2003 wildfire, which saw a large amount of dead standing timber. This would have seen many logs in the area, restricting access for ground crews. This was subsequently confirmed on the second day when RAFT members did walk in. It took them 3½ hours to walk the 2½ kilometres to the fire ground. To walk into the fire in darkness would have taken even longer. The fire was declared out on Thursday, 24 December following four days of patrol. The final size of the area burnt was 42 hectares.

**Ms Burch:** Madam Speaker.

**MADAM SPEAKER:** Ms Burch, do you have something to say in relation to what Mr Corbell has said?

**Ms Burch:** No, I have a point of order, Madam Speaker.

**MADAM SPEAKER:** Point of order. It helps if you say—

**MS BURCH:** I raise a point of order under 5AA, Madam Speaker. I have written to you twice now—

**MADAM SPEAKER:** No, I am dealing with matters arising from question time. That is not a point of order. Mr Gentleman, did you have something arising out of question time?

### **Planning—proposed new suburb of Thompson**

**MR GENTLEMAN:** I do, thank you, Madam Speaker. It is a response to Mr Wall's supplementary question on 4 August in regard to bushfire risk in areas of western Greenway. I can advise Mr Wall that the Environment and Planning Directorate has advised me that no development applications have been formally rejected for sites in

the western Greenway area due to bushfire risk. The assessment of bushfire risk and management or mitigation options needs to be undertaken carefully, taking account of the most up to date information about the site and potential users.

More recently, the EPD received a specific request for a scoping document to inform a possible territory plan variation for a parcel of land that is adjacent to the land being considered for the new suburb in western Greenway. The scoping document was issued by EPD in May this year. It includes specific reference to the site being bushfire prone, as documented in the strategic bushfire management plan 2014. It therefore requires a bushfire risk assessment to be undertaken to demonstrate that an adequate level of protection can be achieved.

Bushfire risk is one of the matters that will be carefully considered in any current work to assess any potential suitability of western Greenway for future development. This assessment will be reviewed by the Emergency Services Agency and, of course, a community panel.

### **Light rail—employment**

**MS FITZHARRIS:** I would like to clarify an answer I gave to the Assembly in question time yesterday. Ms Lawder asked me to confirm that no member of my office or any public servant had said that requests for meetings with the light rail consortium needed to be approved by me or my office. I indicated yesterday that I was not aware of any such advice being given. I can now advise that the project director of the Canberra Metro consortium sought advice from the Transport Canberra and City Services Directorate on the protocol for responding to a request for a meeting with the consortium from a member of the Assembly.

Following this request, advice was provided to Canberra Metro by the directorate that as Canberra Metro is a special purpose entity formed solely for the purpose of the Canberra light rail project, it would be an appropriate protocol for that request to be made through my office. I note, Madam Speaker, that no such request has been received but, as I indicated yesterday in question time, if I were to receive such a request I would indeed approve that.

### **Proposed referral to the Commissioner for Standards Statement by member**

**Ms Burch:** On a point of order, Madam Speaker.

**MADAM SPEAKER:** Sorry, I do not think you have a point of order. If you want to ask a question or raise a query, that is fine, but at the moment there is no point of order.

**Ms Burch:** The advice I had was to ask you a question under a point of order under 5AA.

**MADAM SPEAKER:** Yes.

**Ms Burch:** So it is simply a question to you, Madam Speaker.

**MADAM SPEAKER:** Yes.

**Ms Burch:** I have now written to you twice with a complaint seeking a referral to the Commissioner for Standards. This matter is serious and this matter is urgent. As this is the last sitting day, can you provide advice on whether you have referred this matter? If not, will you make your decision and advise the Assembly before the end of today's sitting?

**MADAM SPEAKER:** I will make my decisions. I do note that I received a letter from you at 6.15 last night when I had 20-odd people in my office and I was going to an event that was hosted by me. I have sought some advice, not all of which I have received. I will make my decision in accordance with the procedure outlined in continuing resolution 5AA and the people concerned will be notified confidentially.

It has attempted to be the practice of this place that matters arising out of reference to complaints against the code of conduct, if they are referred to the Commissioner for Standards, be dealt with essentially confidentially and that the members—that the complainant and the respondent—would be notified. That would then be in the hands of the commissioner.

I had no intention of making a statement to the chamber on this matter simply because the matter is not resolved. I have not made a decision. I have not received all the advice that I need in order to make a decision. As has been the case on two other occasions when there have been matters referred to the commissioner, I have not made statements because it is a matter for the commissioner and not for this place.

**Mr Barr:** How did they get into the media, then?

**MADAM SPEAKER:** If you would like to make a statement—do not sit there and ask me questions while sitting down.

**Ms Burch:** Just a point of clarification, you made comment that those making the complaint and those being complained about were treated in confidence. I refer to a matter in an earlier part of this year where it was in the public domain before the person who was being complained about—

**MADAM SPEAKER:** As is the current case. On that subject, I am not quite sure, but I will treat this as a question on notice, actually. I was somewhat expecting a question on notice on this. So I will treat it as a question on notice, although question time has finished. As the questioner would know, the questioner raised with me the protocol for this on—no, actually, I cannot do that, because that would reveal the deliberations of an Assembly committee.

It is my understanding, and it has been my desire, that these matters be dealt with confidentially and that this matter would not become publicly known until it was resolved. That is the way I have handled it. There has never been any release of material by my office or the Clerk's office in relation to these matters, except to the commissioner. When the commissioner has reported, at that point it goes to the Standing Committee on Administration and Procedure for consideration. Then the Standing Committee on Administration and Procedure reports to this place.

Neither my office nor the Clerk's office has at any time released any of that information to anyone other than the commissioner, to the respondent and to the person complained about. How things get into the media is for other people to speculate upon but it has not been through my agency, the agency of my office or the Clerk's office.

**Personal explanation**

**MS BURCH** (Brindabella): I ask for leave to make a statement under standing order 46.

**MADAM SPEAKER:** Do you claim to have been misrepresented?

**MS BURCH:** Yes, I do, Madam Speaker. Perhaps this is not the appropriate standing order—

**MADAM SPEAKER:** If you claim to have been misrepresented, I give you leave.

**MS BURCH:** Thank you, but I will go to the matter of my referral to the Commissioner for Standards—

**MADAM SPEAKER:** You have not been—this is not a misrepresentation.

**MS BURCH:** and you were on radio before you gave me the decency of being informed—

**MADAM SPEAKER:** Sit down, Ms Burch. You do not have leave. Members, as you well know—

**Mr Gentleman:** Madam Speaker, I would like to move that that leave be granted to Ms Burch to finish her request.

**MADAM SPEAKER:** I am sorry, standing order 46 means that I grant leave. You might like to suspend standing orders or you might wish to move that Ms Burch be given leave to make a statement. But under Standing Order 46, leave rests with me. I am in your hands but standing order 46 does not—

**Statement by member**

**MS BURCH** (Brindabella): Madam Speaker, I seek leave to make a statement.

Leave granted.

**MS BURCH:** With due respect to you, Madam Speaker, what you have just said has not been the experience of two members on this side of the chamber who have been referred to the commissioner. On both times the media was alerted. On both times—it was certainly the first time—you were on radio explaining the process and the referral before I was given any notice whatsoever. So I think there is a flaw in the process.

For the benefit of those in this chamber, I have written to you twice: last night and again today. This matter is urgent. I continue to ask you and, again, I ask you: will you make your decision by the end of today?

**MADAM SPEAKER:** That is not a statement. That is a question.

**MS BURCH:** This is the last—

**MADAM SPEAKER:** Under the standing orders you are—

**MS BURCH:** It is a rhetorical question.

**MADAM SPEAKER:** making a statement.

**MS BURCH:** The reason that I am standing making this statement for the information of those here is that this is the last day when perhaps this chamber may take this referral into its own hands. That is why, rhetorically, I was seeking advice so that it may not need to be considered.

**MADAM SPEAKER:** I think I am going to have to seek leave of the Assembly to respond which is highly unusual because I am occupying the chair. Ms Lawder, would you like to occupy the chair? I am in the hands of the Assembly.

**Mr Rattenbury:** Madam Speaker, I think it is appropriate that you respond from the chair. You have been asked a direct question.

**MADAM SPEAKER:** Thank you. This is a delicate matter. Continuing resolution 5AA sets out a process for me to consider and to decide whether or not to refer a matter that has been brought to my attention to the Commissioner for Standards for inquiry. I have to receive a complaint pursuant to paragraph 5. I have to decide whether there is sufficient evidence to justify investigating the matter and I have to decide whether or not the complaint is frivolous, vexatious or only for political advantage.

At this stage I have sought advice. I have sought advice, some of which has been forthcoming, and I have sought extra advice which is not yet available to me. I am in the process of seeking supplementary advice from the Ethics and Integrity Adviser. I do not believe that I will be in a position to make a final decision on this matter in the course of the sitting day because I have a certain amount of material that I have to weigh up. I am not entirely sure but I will make a decision as quickly as I can.

Ms Burch has said that she needs to know what I am going to do because it may be for the Assembly to take this matter in hand but I would have to seek advice as to what mechanism, apart from a suspension of standing orders, the Assembly would have for taking this matter in hand.

I assure members of the Assembly that since I received this communication at 6.15 yesterday afternoon I have sought advice. I have received some of the advice that

I have sought and I am seeking more advice. I will make the decisions that are necessary and that are outlined in continuing resolution 5AA as quickly as possible when I have all the information before me that I need. I have to give members a complete commitment that on all of these occasions I will act in good faith. This is the third time I have had to handle one of these complaints in 18 months or so.

I do want to touch on the question raised by Ms Burch in relation to publicity in relation to the matter. Ms Burch has told me on a number of occasions—now she has said it in this chamber; so it is not part of Assembly committee deliberations—that she first heard about the complaint being brought by her on the media. I have not actually gone back and checked the time line on that but I have on separate occasions apologised to Ms Burch for that and assured her that we have attempted to ensure that all of these matters are dealt with as confidentially as possible because that seems to be the spirit of the matter.

One of the issues that have been of concern to me in relation to complaints is that in many cases the complaint is enough to tarnish someone's reputation by the existence of the complaint. That is why I believe that these matters should be dealt with as confidentially as possible and that is why I have worked to ensure that that is the way it will work.

But there have been occasions, including on this occasion, when the matter has made it into the media. On this occasion the matter seems to have made it into the media before I had a chance to even finish reading the letter. I am in the Assembly's hands as to what you wish me to do on this matter but I give you the undertaking that when all the information is available to me, as outlined in the continuing resolution, I will make the decisions that I am required to make.

## **Legislative Assembly—accommodation**

### **Statement by Speaker**

**MADAM SPEAKER:** Members, as you know, it has been my practice to provide regular updates to the Assembly on the accommodation project. In my last statement on 9 June 2016 I undertook to provide members with a full account of the cost of the project during the final sittings of the Eighth Assembly. The total appropriation for the project was \$7.87 million. This comprised \$1.546 million for the North Building; \$5.317 million for the new works within the Assembly; and \$0.624 million for the refresh of works within the Assembly building.

It is important to highlight that a much broader scope of works was undertaken from within these appropriations than was originally budgeted. Due to the competitive tendering process, cost reductions were identified which, with the Treasurer's blessing, were able to be directed towards other timely and strategic upgrades. The most significant of these was the replacement of a large portion of the building's heating, ventilation and cooling system components at a cost of \$1.077 million. This was work that would have had to be done in coming years but we were able to do these works with the building works underway and we have saved costs in the process.

I am advised that upgrading the remaining elements of the HVAC system, mainly on the ground floor, represents a major logistical and engineering challenge. It is likely that these works will have to be done during the next Assembly during a time when the chamber and committee rooms can be taken offline for an extended period. I am advised that this work will be complex and, as such, it is expected to be costly. There were also upgrades of most of the general bathrooms and many have told me this is a significant improvement in the amenity of the building. These works cost \$234,000.

Members will be aware that, early on in the works schedule, the contractors detected the presence of bonded asbestos in some areas of old flooring. Whilst this work was a little disruptive to some staff, we completed the removal of the asbestos safely and without any significant slippage in the construction time frame. The cost of those unexpected works was \$115,000.

Despite the quite extensive additional works that have been funded from the original appropriation—totaling \$1.578 million—a small quantity of funds still remains available. The Treasurer recently agreed to a proposal that I put to him—which was supported by Ms Burch in the estimates committee—that those funds be made available for the replacement of furniture in the 13 original non-executive suites. Much of that furniture was acquired when the Assembly moved into this building in 1994 and has well and truly passed its use-by date. The remaining funding is modest, but the OLA accommodation project team is currently preparing some options for consideration.

A couple of weeks ago, the Chief Minister and I jointly hosted a morning tea to mark the completion of the works and we took the opportunity to thank all those involved in this project. I am sure members will agree that the project team—the contractor, Built, and the OLA staff—have delivered an excellent and cost-effective accommodation solution to cater for the expanded Assembly. In the process, they have also delivered important additional upgrades from within the original funding envelope. The final result is a more contemporary Assembly building providing a pleasant working environment for all occupants.

I heartily commend the work of all those involved. I thank them for their commitment to working with everyone in this building not only to improve its amenity but also to do the works in a cooperative manner and with the least disruption to the working of this building.

Members, the other task that is underway is to make some changes to this chamber to accommodate the enlarged Assembly. Tomorrow I will be visiting the factory of Designcraft in Hume to view the new centre table. The Chief Minister and the Deputy Chief Minister will sit on one side of the new table opposite the leader and deputy leader of the opposition. The existing bookshelves will be re-imagined as a very welcome and attractive addition to the two chamber lobbies, giving them a lift in the standard of their furniture, and providing them with an aesthetic link to the chamber itself.

The final cost of chamber modifications is being tied down. The cost of design, fabrication and installation of the new table and associated works will be in the order of \$40,000. I am advised that a further \$15,000 is budgeted to cover the cost of re-imagining the existing bookcases and installing handrails to access the Speaker's chair, as well as ancillary costs for things like concrete cutting, carpeting, manufacturing and wiring of display boards. Once again, I have seen a pragmatic approach taken to producing a workable solution that will be cost effective and, most importantly, retain the architectural integrity of the chamber.

Members, again I thank the people involved in all these projects. I thank all the people who worked in this building for their cooperation and good humour during the building works. Together I believe we have created an exciting new chapter for the ACT Legislative Assembly.

## Papers

**Madam Speaker** presented the following papers:

Commissioner for Standards—Annual Report for the period 1 July 2015 to 30 June 2106, dated 18 July 2016.

Ombudsman Act, pursuant to section 21—Ombudsman complaint statistics—Quarterly report for the period 1 April to 30 June 2016 and annual statistics for 2015-16, dated 29 July 2015.

Standing orders for the 9<sup>th</sup> Assembly—Speaker's discussion paper, dated August 2016.

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

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

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 30 June 2016—2015-16 Interim Result, including financial instruments signed during the quarter.

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

Leave granted.

**MR BARR:** I present to the Assembly the June quarter consolidated financial report for the territory. I am delighted to advise the Assembly that the territory's fiscal position has improved significantly in the 2015-16 year. We see a further \$60 million improvement in the territory's financial position. The deficit for the 2015-16 year is \$60 million lower than projected at the time of the budget.

I am pleased to report that this interim financial result is positive, reflecting an improvement in the key fiscal measures such as general government sector headline

net operating balance and net debt and strong growth in the territory economy. The deficit of \$172 million for 2015-16 is \$60 million lower than what was estimated at budget time and significantly lower than what was estimated last year.

This is a positive result. It demonstrates that the government's economic and fiscal plan is working. We have maintained jobs and growth during the significant shock to our economy caused by the federal Liberal government's cuts to the public sector here in Canberra. Our economy is now growing rapidly and our budget is weathering this storm, as this report makes clear. We remain on track to return the budget to surplus and growth remains in the ACT amongst the strongest of all Australian jurisdictions.

The June quarter report shows that total revenue for the general government sector was \$4,769.6 million which is \$37.2 million higher than the estimated outcome. This includes higher taxation revenue of just under \$25 million, which mostly relates to the strength of the residential property market, and higher revenue in the small and large commercial property markets; larger distributions from financial investments—nearly \$11 million—primarily due to a higher than anticipated distribution of income on Australian and international debt and share investments to the superannuation provision account; and higher than anticipated commonwealth grants of \$10.9 million, largely reflecting funding for the national disability insurance scheme.

Total expenses for the general government sector were \$5,089.8 million, which was \$41 million lower than the estimated outcome. This favourable result is mainly due to lower operating expenses. It also includes the capitalisation of works for the Constitution Avenue project.

The territory has been experiencing strong economic growth reflected in key indicators such as gross state product, state final demand and employment growth. We have the lowest unemployment rate in Australia. Our economy is performing well and is on track to meet, and possibly exceed, our 2016-17 estimate of two per cent growth in gross state product in 2015-16.

Looking forward, the ACT economy is expected to continue to expand, with economic growth forecast to reach 2.25 per cent in the current fiscal year before returning to its 10-year trend growth rate of 2.5 per cent from 2017-18 onwards. The strength of the ACT economy is also demonstrated by recent outcomes in economic activity as measured by state final demand.

The most recent data shows that for the March quarter this year the ACT recorded the highest state final demand growth rate of any state or territory at 1.3 per cent. This was significantly higher than the national average and came at a time when most states and territories actually recorded declines in state final demand. Over the 12 months to March 2016, state final demand grew by 2.9 per cent.

The labour market is continuing to improve, with employment growth reaching a solid 1.5 per cent during 2015-16, equating to the creation of 3,100 new jobs, and exceeding the 2015-16 forecast of one per cent growth, smashing that out of the park. It is 50 per cent more than we were anticipating: 3,100 new jobs in this economy in 2015-16. And our unemployment rate has fallen to 3.6 per cent, the lowest in the country.

The government's focus on jobs, on economic growth, is paying significant dividends flowing through to our budgetary position. The ACT's population is also continuing to expand, increasing by 5,271 people over the course of 2015. That is a growth rate of 1.4 per cent, of which net overseas migration contributed around 40 per cent.

The housing and construction industry is currently experiencing high rates of growth, with dwelling commencements for houses or apartments increasing by almost 90 per cent in the past 12 months. Retail trade grew by a healthy 3.8 per cent through the year to June 2016, a stronger performance than the national growth rate of 2.8 per cent over the same period.

The ACT's service exports have also increased, growing by a significant 16.2 per cent over the course of 2015, to reach \$1.6 billion, again the highest growth rate of any jurisdiction in Australia. This outstanding result was driven by growth in international education exports of 10.3 per cent in 2015, bringing their total value to \$451 million for our economy.

International tourism exports also grew in 2015, increasing by 5.1 per cent to reach \$208 million. In 2015 technical, trade-related and other business services, such as engineering services, increased by 35.2 per cent to bring \$165 million into the territory economy.

Over the past five years, service exports have grown by 65 per cent, well above the national average of 30 per cent. This incredibly strong economic performance is being reflected in continuous improvements in the territory's budget position. I am delighted today to be able to report to the Assembly a further \$60 million improvement in the territory's budget position. That is a 25 per cent reduction in the estimated deficit for the previous fiscal year and it demonstrates that the government's fiscal strategy is the correct one. We are on track, Madam Speaker, and those who have been casting aspersions to the contrary are proved wrong yet again.

## Papers

**Mr Barr** presented the following paper:

Public Accounts—Standing Committee—Report 24—Report on Annual and Financial Reports 2014-2015—Recommendations Nos. 17 and 18—Revised Government response.

Icon Water—Results to a Series of Questions conducted for Icon Water—Interview conducted 15 to 21 April 2016—Reported 28 April 2016.

**Mr Barr**, on behalf of **Mr Corbell**, presented the following paper:

Evaluation of the Community Fire Unit Program in the ACT, dated June 2016—Prepared by Risk Frontiers for ACT Emergency Services Agency.

## Freedom of Information Bill 2016

### Detail stage

Bill as a whole

Debate resumed.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (4.05): I seek leave to move amendments Nos 10, 11, 12 and 15 circulated in my name together.

Leave granted.

**MR CORBELL**: I move amendments Nos 10, 11, 12 and 15 circulated in my name together [*see schedule 2 at page 2854*]. The amendments deal with open access information.

Government amendment 10 removes the minutes of any meeting held by a body mentioned in paragraph (g) from the definition of open access information. Bodies mentioned in paragraph (g) include boards, committees, councils, panels and other bodies established to advise an agency or a minister. It is the government's view that this provision is too broad. For example, there is a lack of clarity as to the breadth of the definition of committee, including whether this definition includes an internal committee. The government has concerns that this provision may stifle frank and fearless discussion, which may lead to a detriment in the quality of advice provided to agencies or ministers.

Government amendment 11 removes any report or study prepared by an agency or an expert from the definition of open access information. This omission is proposed because the government has concerns that this provision may limit seeking external expert advice as an evidence base for policy development.

Government amendment 12 changes the time frame from three years to five years for the release of open access information. This applies to incoming minister briefs, parliamentary estimates briefs, annual report briefs and question time briefs. The time line has been changed to five years from three, as three years is within the term of a government, and changes to five years would foster frank and fearless advice continuing to be provided to government.

Government amendment 15 amends the definition of "policy document" in relation to the open access scheme to insert subclause 23(2)(b) to make clear that it does not include drafts of policy documents. In the policy development process, the final product of a policy is the result of extensive consultation, both internally and externally to government, and includes work in progress. Some of this information can be highly sensitive and can include aspects where legal advice is sought. Furthermore, providing every iteration of a policy may cause confusion and fail to properly articulate the agreed government position.

**MRS DUNNE** (Ginninderra) (4.08): The Canberra Liberals will be supporting this tranche of amendments. But, again, these are issues which are quite open for debate,

and I think experience will show us in future that perhaps we are being a little too cautious on this occasion.

Because we are making significant changes to the Freedom of Information Act and we are making a significant change in the culture and the architecture of the legislation, as I have said, there are some things about which I have some cause for pause. That is why I am supporting these four amendments. It is really taking a conservative approach. I do not apologise for taking a conservative approach on these issues, and I am thoughtfully supporting the position. I am not happy to support it—there are parts of me that would like to keep these things in the legislation—but I am going to take a cautious approach.

**MR RATTENBURY** (Molonglo) (4.09): I will speak briefly on each of the amendments.

With regard to minutes of the various government boards, councils and committees and other bodies, as members know, we have quite a range of these types of bodies, from the child death review committee and the cemeteries board to the Animal Welfare Advisory Committee. There are all sorts of these committees across the government. They all perform a function in the governance of the territory and we should be able to know what they are doing. Rather than members having to ask questions about the various committees or accepting the minister saying that the advice of a particular committee is X or Y, we should be able to see what they are actually doing.

I understand that this amendment is going to be supported and that this will no longer be open access information. I think this is unfortunate. It will not only mean that information requests will have to be made for this information but also that we, as members, will not have, as a matter of course, the benefit of knowing what is happening and what the government is being advised by these bodies.

I note Mrs Dunne's comments and I think that this is something we can potentially come back to in the future. In light of Mr Corbell's concern about the breadth of the definition, one of course could simply work on an amendment that would address that issue if he has a concern about internal committees. But we will discuss that another day.

In relation to reports and studies, I draw members' attention to the scheme in Victoria, which requires the government to publish a list of all reports so that at least people know that they exist. That bill went further than this and required that, unless the information was contrary to the public interest, the government was obliged to publish these reports. The obvious advantage is that, again, it would have removed the need for access requests. But also it would have improved accountability for the expenditure of public money on these reports and it would mean that we would have a better informed public debate on issues.

In terms of ministerial briefings, the inclusion of this information was recommended by the Solomon review, which was the basis for the Queensland act. That review recommended that the documents should be available after three years. However, in

light of the discussion here, there is a clear preference in the Assembly that it be five years. I think that is fine. It is still a significant step forward that these documents will be in a push scheme.

Finally, on the definition of policy document, whilst we do not think it is necessary to add draft documents in the definition, because it is not included in the Queensland act, I do not see any substantial harm in this amendment.

Amendments agreed to.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (4.12): I seek leave to move amendments Nos 13, 14, 16 to 20, 23 to 25, 27, 29, 30, 32 to 36, 38, 39, 42 to 44, 46, 47, 59, 62, 64, 66, 68 and 69 circulated in my name together.

Leave granted.

**MR CORBELL:** I move amendments Nos 13, 14, 16 to 20, 23 to 25, 27, 29, 30, 32 to 36, 38, 39, 42 to 44, 46, 47, 59, 62, 64, 66, 68 and 69 circulated in my name together [*see schedule 2 at page 2854*]. The amendments deal with the Ombudsman and internal review.

As I have said in the debate in the in-principle stage, the government seeks to omit part 7, as the role of the Ombudsman as articulated in the bill is unnecessary and detracts from the operation of the act in that it transfers a routine internal function from directorates to an external third party. This will have significant cost implications, in the order of \$785,000 in the first year of operation and ongoing costs of over \$600,000 per year: in excess of \$2.6 million over four years. Not only is the mechanism costly, but it weakens the capacity and engagement of directorates in the FOI process.

The scrutiny of bills committee, in their recent, unanimous report on this bill, reiterated that having three tiers of decision-making necessarily adds to the delay in obtaining a final decision on an application for a document. The government is concerned to maintain the strength of agency commitment to open and transparent management of information. Removing responsibility for FOI decision-making and review undermines community confidence in our public servants. There is a role for the Ombudsman and that is dealing with complaints about the process and review of the administrative systems in place to manage FOI requests.

*The time allotted to executive business having expired, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to executive business be extended to allow the Assembly to complete its consideration of the Freedom of Information Bill 2016.*

**MR CORBELL:** As I was saying, there is a role for the Ombudsman, and that is dealing with complaints about the process and review of the administrative systems in place to manage FOI requests. The government considers that the appropriate role for the Ombudsman is looking at the systemic issues in the FOI system rather than

dealing with individual review applications. Applicants can still make a complaint to the Ombudsman and all other investigatory functions of the Ombudsman's office remain in operation. This retains the role of the Ombudsman in the current FOI Act as the investigator of complaints and reviewer of administrative and process deficiencies.

The bill places cost uncertainty on the government by proposing that the role of the Ombudsman be expanded to replace internal review and some functions of the ACAT. Internal review is critical for strengthening the government decision-making process. It saves costs by avoiding technical issues and mistakes being unnecessarily referred to an external decision-maker.

In regard specifically to amendment 62, this amendment omits part 4.1 in schedule 1 to the bill. This part of the bill introduced new consequential amendments to the ACAT act to provide for the ACAT to make orders that the government pay costs of applicants where they are unsuccessful in a review of a decision not to disclose documents. Earlier, I moved amendment 33, which restored the current provision in section 76 of the FOI Act where the ACAT can recommend to the minister that costs are awarded in certain circumstances rather than making a costs order.

Removing costs orders from the ACAT's jurisdiction aligns more closely to the function and purpose of the ACAT, that is, being a low cost and accessible forum for parties in civil matters. Providing for cost orders in ACAT also encourages the use of expensive legal representation, which is contrary to the objectives of ACAT as a low cost, accessible forum.

Omitting part 4.1 will also make changes to clauses 4.2 and 4.3 in schedule 4 which are consequential to the move away from the Ombudsman review scheme. As I mentioned earlier, this will retain existing tribunal appeal decisions.

**MRS DUNNE** (Ginninderra) (4.17): Perhaps we should put these numbers in Powerball or something and then split the prize if it comes up.

Madam Assistant Speaker, the Canberra Liberals will be opposing these amendments. These amendments are part of a tranche of amendments proposed by the government which fundamentally attempt to dismantle the architecture of this piece of legislation. Therefore we will not be supporting them.

It is a new role for the Ombudsman, but Mr Rattenbury has made it quite clear that it is an appropriate role for the Ombudsman and it is perhaps a shorter cut role than creating a stand-alone commissioner for information, which has been the case in many other jurisdictions.

This change to the role of the Ombudsman, along with a couple of other things that have happened recently, like the reportable behaviours scheme, raises the serious question for the next government as to when it becomes time for us to have our own Ombudsman rather than contracting services from the commonwealth. As we put more responsibilities onto the Ombudsman, it may become more cost-effective for us to go it alone. That is not a reflection on the commonwealth Ombudsman; it may be just an example of our coming of age.

That having been said, we will not be supporting this tranche of amendments because they fundamentally undermine the spirit of the legislation.

**MR RATTENBURY** (Molonglo) (4.19): The Greens will be opposing these amendments. We believe that every modern FOI scheme has an independent external review mechanism. The commonwealth, Queensland and Victoria have an information commissioner, and South Australia and Tasmania have given the Ombudsman the same role. To suggest replacing Ombudsman review with internal review shows how reluctant the Labor Party is to actually make serious reform in this space.

The success of the various FOI reforms across the country has in large part been driven by the information commissioner or ombudsman. To not include them here would severely curtail the effectiveness of the scheme. In conversations that I and my office have had with the Ombudsman, the Ombudsman has indicated a desire to undertake the role, and I have every confidence that the Ombudsman will acquit the various functions well and will prove to be an effective mechanism to ensure that the bill is applied correctly and the community can access all the information they are entitled to.

Going to a place where it suggests that this will somehow undermine confidence in the public service is, I think, stretching the argument a little. At the moment, we have a situation where there is a common perception that in the public service the initial decision-maker makes a very conservative decision because they know there is an internal review. That is the common perception so confidence in the public service is already undermined on this one.

Putting more responsibility onto a single public service decision-maker will focus better decisions and will produce a situation where that decision will be made. If not, it will go straight to the Ombudsman and there will be an immediate response.

I disagree quite strongly in this case with the views of the scrutiny committee, for the reasons I have outlined. This will not lengthen decision-making; I think it will produce better decisions more frequently and in a more timely manner.

Amendments negated.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (4.22): I move amendment No 22 circulated in my name [*see schedule 2 at page 2854*].

This amendment deals with processing applications. Clause 34 deals with identifying information that is within the scope of an access application. Amendment 22 clarifies that a respondent is not required to search for information from a backup system, but may do this if it is appropriate. Requiring the search of backup information for every access application would be administratively difficult and costly. The purpose of an FOI regime is to provide the public with access to government information. Requiring the government to locate and retrieve information from old backup systems is outside the scope of this purpose and unnecessarily adds to the complexity and cost of the scheme.

**MRS DUNNE** (Ginninderra) (4.23): The Canberra Liberals will be supporting this amendment, but this is a provision that needs to be watched. The advice that the Canberra Liberals received in briefing was that there is the possibility that the information obtained in a search of a backup could be a how-to for hackers and that the backup material needs to be kept safe. On the basis of that advice, I am prepared, again, to act conservatively and to support Mr Corbell's amendment on this occasion.

**MR RATTENBURY** (Molonglo) (4.24): The Greens' view on this is that both the bill and the current act indicate that this is not an onerous requirement. All the bill says is that an agency is considered to have complied with a request if it provides a transcript. It does not say that it has to generate one. This option exists in the current FOI, so this is actually not a change.

**Mrs Dunne:** Shane, that is 28; we are on 22.

**MR RATTENBURY:** Yes. Sorry, we are doing 22 and 28 together, aren't we?

**Mrs Dunne:** No, we are not.

**MADAM ASSISTANT SPEAKER:** Amendment 22.

**MR RATTENBURY:** I will finish my remarks anyway, and then I will not have to say them again. This option, we think, is a bit of a step backwards.

In terms of the rest of it, I will leave it to the house and catch up with where I am up to.

Amendment agreed to.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (4.25): I move amendment No 28 circulated in my name [*see schedule 2 at page 2854*]. This deals with processing applications.

Government amendment 28 omits clause 47(1)(c) of the bill. This removes the requirement to prepare a transcript of sound recordings or to provide a transcript where words are in shorthand writing or in a codified form. The obligation in clause 47(1)(c) of the bill would have significant impacts on the public service and is an obligation which significantly departs from the current act. This clause would require the public service to create documents or transcripts. Obtaining or creating transcripts will be costly and may not be possible within the statutory time frames.

In removing this requirement it will still be possible under clause 47(1)(a) to give the applicant an electronic copy of the recording. This may practically occur through providing the sound recording in an email, thumb drive or having the applicant listen to a recording.

**MRS DUNNE** (Ginninderra) (4.26): The Canberra Liberals will be opposing this amendment. These provisions are currently pretty much the same as they are in the current 1989 act and, as such, I do not think it is an onerous imposition on the public service.

**MR RATTENBURY** (Molonglo) (4.27): As indicated, I will be opposing this amendment.

Amendment negatived.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (4.27): I move amendment No 26 circulated in my name [*see schedule 2 at page 2854*]. This deals with consultation with third parties.

Government amendment 26 extends the amount of time provided to consult third parties where third-party information is the subject of an access application from 15 to 20 working days. This will give third parties more time to consider information that affects them and gives agencies time to incorporate this advice into their decision-making. Consultation with third parties is a fundamental part of the current FOI scheme and this new bill. Providing sufficient time for consultation with third parties will assist them where the information being considered is substantial or where the third party is seeking legal advice.

**MR RATTENBURY** (Molonglo) (4.28): I will be opposing this amendment. The bill provides 15 working days for third parties to comment and extends a time frame for decisions accordingly. I would note that under the Queensland legislation it is, in fact, only 10 working days. So the bill already does provide some further generosity on top of that.

Amendment negatived.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (4.29): I move amendment No 45 circulated in my name [*see schedule 2 at page 2854*]. This amendment relates to fee waivers, and would remove the proposal for automatic fee waiver for members of the Legislative Assembly.

While the government has adopted the approach of waiver of fees in circumstances where the information that is sought is of special benefit to the public and the information requested by concession cardholders and not-for-profit organisations with a material connection to the information, the government is of the view that it is not appropriate to give special dispensation to members of the Legislative Assembly at the expense of the community. A blanket fee waiver for MLAs would place them in a more favourable position than other members of the community, including journalists, who would still need to make an application for any fee waiver under this bill.

It is the government's view that MLAs should have the same ability to apply for access to information as any other member of the community and the same ability to

apply to the agency or minister for a waiver of a fee associated with the application. Of course, if a member makes an application for information that meets the test for information that is of special benefit to the public, the fee should be waived. But this would also be the case if the application were made by any other member of the community.

**MRS DUNNE** (Ginninderra) (4.30): The Canberra Liberals will be opposing this amendment. There has been a long and controversial history in relation to fee waivers. Back in probably 2004-2005 there was a practice of automatic waiver for members but as members became more inclined to use the Freedom of Information Act it became more difficult and more expensive and it has become prohibitive.

I disagree with the argument from the attorney that members of the Legislative Assembly are just like any other members of the community. They often act on behalf of members of the community in obtaining information and, quite frankly, if this legislation works the way it should there will be fewer and fewer instances when members will be seeking information because most of that information should already be out there.

**MR RATTENBURY** (Molonglo) (4.31): I will be opposing this amendment.

Amendment negatived.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (4.32): I move amendment No 48 circulated in my name [*see schedule 2 at page 2854*]. This deals with transitional regulations.

This amendment allows the executive to make regulations dealing with transitional matters. The regulations may modify the transitional part of the act for anything that has not been adequately or appropriately dealt with. The power to make transitional regulations will expire after 12 months. New section 201A(2) enables the making of a regulation that modifies the act. A regulation under this section may only modify the transitional part of the act and only if the executive is of the opinion that the part does not adequately or appropriately deal with a transitional issue.

New section 201A(3) gives a transitional regulation full effect. A transitional regulation will operate in the same way as if it were made by an act. This section of course does not authorise the making of a regulation limiting further enactments of the Assembly itself. This provision is an important mechanism to ensure that transitional issues are able to be resolved and the power is limited to transitional matters. Having the ability to make transitional regulations will assist if unforeseen circumstances arise in the implementation of the act.

Given the concessions made by other members in the debate today that there will probably be a need for such transitional corrective action to be undertaken in the new Assembly, I think it is wise to agree to this amendment.

**MR RATTENBURY** (Molonglo) (4.33): I will be opposing this clause. This takes the nature of a Henry VIII clause, as they are commonly referred to, and that is

unfortunate, where the regulation can override the act. It is my and the Greens' view that if an act is to be amended such amendments should come before the Assembly. That is why we are opposing this proposal.

**MRS DUNNE** (Ginninderra) (4.34): The Canberra Liberals will be supporting this amendment. The insertion of transitional regulations is a fairly standard procedure. I know that some people have concerns about them and when I was the chair of the scrutiny of bills committee we wrote at length and eventually published a paper on Henry VIII clauses. I know that some people have reservations because it can be an inappropriate acquisition of power but I think that the scrutiny process under the wise guidance of Mr Stephen Argument will ensure that no-one oversteps the mark.

Amendment agreed to.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (4.35): I move amendment No 49 circulated in my name [*at page 2854*]. This deals with legal professional privilege.

Schedule 1 sets out the categories of information held by government that are considered contrary to the public interest to release. Government amendments 49, 57, 60, 61, 70 and 72 insert new schedule 1, information considered to be contrary to the public interest to release.

This amendment, amendment 49, deals with legal professional privilege. As the Hawke report into FOI legislation at the commonwealth level noted, the purpose of exemption is to balance the objective of providing access to government information against legitimate claims for the protection of sensitive material. Exemptions provide the confidentiality necessary for the proper workings of government and the protection of the confidences and privacy of those who have dealings with government or about whom information is collected by government.

Amendment 49 inserts the new category “information subject to legal professional privilege” as information that is considered contrary to the public interest to release. Legal professional privilege protects the confidentiality of certain communications made in connection with giving or obtaining legal advice or in the provision of legal services such as representation in legal proceedings.

Legal professional privilege is an important common law right. It is a right held not only by individuals and corporations but by governments as well. The privilege encourages full and frank disclosure between a client and their lawyers and as a result serves the public interest in the administration of justice.

I should also note that the Queensland Right to Information Act recognises that information held by government may be subject to legal professional privilege and does not apply the public interest test to this information.

**MR RATTENBURY** (Molonglo) (4.37): The bill does not deem information over which legal professional privilege may be claimed to be contrary to the public interest,

and consequently the public interest test set out in clause 17 applies to such information. There is a significant and very well-recognised public interest in the confidentiality of communications with a lawyer, and this of course is the basis for the existence of legal professional privilege. In reality, there would have to be something exceptional about the legal advice to require release under the bill.

I think this is symptomatic of some of the other categories of information we are talking about today, that is, the construct of the act and the way that it works. However, in Victoria there is a public interest override in the FOI Act that means that the VCAT, the civil tribunal in Victoria, can decide to release information that would otherwise be privileged. This is in section 50(4) of that act.

The most notable and I think only example of legal professional privilege information being released by VCAT was in the case of *Osland v the Secretary to the Department of Justice*, which went all the way to the High Court. In that case the High Court found legal advice received by the Attorney-General to be in the public interest to release. Chief Justice French and justices Gummow and Bell said:

When the Attorney-General received the advices which he did from various members of the legal profession, he did so on behalf of the public and not as a private citizen. Such continuing public interest as there was in the privilege attaching to the documents in the circumstances of this case was capable of being put to one side against the public interest in disclosure.

I believe that there is a significant distinction between individual citizens obtaining legal advice and the government obtaining legal advice. The scope of the matters that the government may obtain advice on and the purpose for which the advice may be obtained are very different from those of an individual. That is why I think there is a justifiable basis here, not that this should become a free-for-all but that there should be an assessment based on the public interest test, not on a blanket exemption of access to this information. I will be opposing Mr Corbell's amendment on that basis.

**MRS DUNNE** (Ginninderra) (4.39): We will be supporting Mr Corbell's amendment to insert "legal professional privilege" into schedule 1. This was a threshold question that had to be passed before the Canberra Liberals would agree to support this bill, and my resolution on this has just been reinforced by the arguments put forward by Mr Rattenbury why we should not do this. It does show that there is quite a disconnect between us and the Greens on some issues, and this is one of them. I am going to have to respectfully disagree with Mr Rattenbury. I think it is imperative that legal professional privilege is maintained. On this occasion I do agree with the attorney. This is fundamental to the rule of law.

Amendment agreed to.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (4.41): I move amendment No 50 circulated in my name [*see schedule 2 at page 2854*]. This deals with information obtained in confidence.

Amendment 50 inserts into schedule 1 new clause 1.1(b), information obtained in confidence. This amendment protects third-party information which was obtained in

confidence and which, if disclosed, would result in an action for a breach of confidence by that third party. This amendment provides a legitimate protection of commercial-in-confidence material where disclosure of the information would cause detriment to a third party.

The amendment also recognises the need for all third parties to be able to engage openly with government and disclose information which they can be certain will not be easily accessed. It is an essential amendment to protect both the government's and third parties' commercial interests.

**MRS DUNNE** (Ginninderra) (4.42): The Canberra Liberals will be opposing this amendment. I think it is ironic that we are coming up to an election. I recall an election campaign in a previous millennium when a Labor aspirant for the chief ministership said over and over again that he would not hide behind commercial-in-confidence as an excuse for withholding information. But since the election of that Labor government, the Labor government has consistently hidden behind commercial-in-confidence.

This is not to say that information will be pushed out in this space. But the thing is that there will not be a blanket protection and there will have to be the public interest test applied to the information. I am comfortable with that information. It will be challenging for all of us but that is what they pay us the big bucks for.

**MR RATTENBURY** (Molonglo) (4.43): Just briefly, the Greens will not be supporting this amendment. We believe this is another example where it should be subject to the public interest test. New South Wales, Tasmania and Victoria operate without the need for an absolute prohibition on this information under their respective FOI schemes. I do not believe there is any reason why the ACT cannot do the same. We believe this simply creates another mechanism for avoiding provision of information when there is no good reason why it could not be released to the public.

Amendment negatived.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (4.44): I seek leave to move amendments Nos 51, 52, and 54 to 57 circulated in my name together.

Leave granted.

**MR CORBELL**: I move the aforementioned amendments circulated in my name together [*see schedule 2 at page 2854*]. They deal with secrecy provisions.

These amendments insert into schedule 1 new clause 1.1(c), information disclosure of which is prohibited under law, and new clause 1.1(d), sensitive information. New clause 1.1(c) provides a protection for all ACT laws that include secrecy provisions prohibiting disclosure of sensitive and protected information. This section provides specific protection for secrecy provisions for protected information in the Adoption Act, Children and Young People Act, Crimes (Sex Offenders) Act and Crimes

(Restorative Justice) Act. These acts are specifically excluded clause by clause in the bill under schedule 1. However the schedule is more streamlined and cohesive if all protected information related to a secrecy provision is contained in the one section.

I will not go through the more detailed rationale for these changes as I understand there is support for them.

**MR RATTENBURY** (Molonglo) (4.45): As previously discussed, the Greens do not support the wholesale exclusion of secrecy provisions. The bill currently lists the information that we can reasonably expect will always be contrary to the public interest. Both the Queensland and New South Wales schemes do not have a general wholesale exemption for secrecy provisions, and there is no reason to have one in the ACT.

A better approach is for us to identify the particular information that will always be contrary to the public interest for release under the scheme, such as care and protection information or any other specific information listed in schedule 1. That any information that officials are prevented from unilaterally disclosing will always be contrary to the public interest to release under the heavily regulated framework of the FOI scheme, we believe, is contrary to the intent of what we are trying to achieve here. I do hope this is an area we can revisit over time and we do not arbitrarily deny Canberrans access to information that may well be in the public interest for them to have.

Amendments agreed to.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (4.46): I move amendment 72 circulated in my name [*see schedule 2 at page 2854*].

This amendment is consequential to amendment 51 regarding sensitive personal information. It includes a new definition of “sensitive information” in the bill as a category of information, disclosure of which is taken to be contrary to the public interest. The definition of “sensitive information” is taken from section 14 of the Information Privacy Act 2014.

Amendment agreed to.

**MR RATTENBURY** (Molonglo) (4.47): I move amendment No 2 circulated in my name [*see schedule 1 at page 2853*].

The amendment deals with cabinet information. Cabinet information is the most significant issue in any FOI bill because all of the most controversial information and the information that is most often contested and for which there will often be either the strongest public interest in release or confidentiality goes to cabinet. As with all government information, the bill will only mandate the release of the information when it is in the public interest to release it. For information to be released, the agency, the Ombudsman or ACAT has to be convinced that it is not contrary to the public interest to release the information. To that extent, the potential for misuse is limited.

In respect of each of the subject areas, the purpose of having the exemption for cabinet information is to ensure that cabinet can consider every option and raise every issue the members of the cabinet think should be considered as part of the decision-making process. This means effectively protecting cabinet solidarity and ensuring that individual members of the cabinet can bring any issue to the cabinet's attention without fear of a public negative consequence. Once a decision has been made and then is acted on by cabinet there may well not be any need to keep confidential information relied upon to reach the particular decision. This is evidenced by the amount of information that is already released to the public following cabinet decisions.

The bill, in schedule 1, part 1.4, deems "information created for the purpose of consideration by cabinet, or a committee of cabinet, disclosure of which would, or could reasonably be expected to, prejudice the collective responsibility of cabinet" to be contrary to the public interest test. This exemption protects the underlying rationale for the confidentiality of cabinet considerations without extending to information that has no ability to affect how well cabinet does its job in the future but only to demonstrate to the public whether or not the decisions that have been made are well-founded and can withstand proper public scrutiny.

The Greens do not agree that there should be any exemption for cabinet information and instead believe that the public interest test should be applied. However, we accept that the majority do not share this view, and that is why I have moved the amendment to maintain the status quo. The government amendment that had been circulated actually expands the scope of the exemption, which is the opposite intention of the bill. So I will put an amendment forward instead which simply adopts section 35 of the current FOI Act. As I say, it maintains the status quo.

**MRS DUNNE** (Ginninderra) (4.50): The Canberra Liberals will support this amendment. The Canberra Liberals were keen to put some more protections for cabinet information into this legislation. Originally we agreed that we should support the attorney's amendment No 53, but a close reading of it revealed that it is a little clunky and that the insertion of the term "brought into existence in the course of the budgetary process" somewhat undermines the position we took in relation to the open access scheme in budget information.

On that basis, as well as the slightly clunky wording, we have agreed that we should reinstate or retain the exemption definitions in the current Freedom of Information Act. Again, this is an area where I am open to a more liberal approach over time, with experience, but at this stage my colleagues and I agree that we should take this cautious approach, and we are happy to support the insertion of protections for cabinet information. I think that the approach in the present legislation is preferable to the government's proposal.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (4.52): The government is willing to accept the position that the current definition of cabinet information in the current FOI Act be applied in the new legislation.

Amendment agreed to.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (4.52): I move amendment No 60 circulated in my name [*see schedule 2 at page 2854*] which deals with national or state information.

Amendment 60 provides clearly and expressly that information, which, if disclosed, would or could reasonably be expected to damage the security of the commonwealth, the territory or a state, is taken to be information that is contrary to the public interest to disclose. This adopts the scope of existing national security exemptions in section 37A of the FOI Act which the government considers are necessary and appropriate to ensure that national security is not compromised by release of highly classified or sensitive information which may arise outside the other categories of security information for non-disclosure in schedule 1 of the FOI Bill.

The amendment mirrors the drafting of the national or state security information provision in clause 9 of schedule 3 of the Queensland Right to Information Act, but also covers security information of the territory. It defines what matters may be relevant to the security of the commonwealth, territory and states and includes prevention of activities hostile to Australia, its state or territory interests or those of its allies. It also covers information that relates to the security of communication systems that are used in defence of Australia or the conduct of international relations.

**MR RATTENBURY** (Molonglo) (4.54): The Greens will not be supporting this amendment. We believe that the government amendment is too broad. The protections in the bill are sufficient to protect the information that should not be in the public domain. Common sense would tell you that the public interest test would have prevented the disclosure of any information that endangered public safety; that is the very architecture of the bill.

I believe the risk with the government amendment is that it will hide from public scrutiny the actions of security and law enforcement agencies that are not in the public interest and that should be the subject of public debate. There is a clear ability here for people like the Ombudsman and the tribunal to determine this sort of test. It is common sense. The agencies would clearly have the opportunity to make their case as to why a piece of information would endanger public safety. We need to draw a clear distinction between information that would endanger public safety and information that might embarrass an agency. These are two different things. The latter category does not endanger public safety, even if it might make some in an agency feel uncomfortable or put them in a position where their policy decisions or their operational methods or something like that might be legitimately publicly debated.

**MRS DUNNE** (Ginninderra) (4.56): The Canberra Liberals will be supporting the attorney's amendment on this occasion. We believe it is important that national, territory and state security information is maintained. Contrary to what Mr Rattenbury would say, the essential nature of security organisations is that they do not conduct themselves in the glare of public scrutiny and they would be undermined in their actions if they did.

Amendment agreed to.

**MR RATTENBURY** (Molonglo) (4.56): I seek leave to move amendments Nos 3 and 4 in my name together.

Leave granted.

**MR RATTENBURY**: I move amendments Nos 3 and 4 in my name together [*see schedule 1 at page 2853*].

It is my understanding that these amendments are supported and that is a result of the government amendment that has just been passed. The government amendment has effectively covered the field in this regard and these clauses are now redundant.

Amendments agreed to.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (4.57): I move amendment No 61 circulated in my name which deals with law enforcement or public safety information [*see schedule 2 at page 2854*].

This amendment substitutes clause 1.19 to mirror the exemption for law enforcement or public safety in the Queensland act and strengthens protection for information obtained for the purposes of law enforcement investigations and public safety. In addition to the types of information already provided in clause 1.19, which includes information that could endanger a person's life or result in a person being subject to a serious act of harassment or that could endanger the security of a building, structure or vehicle, clause 1.19 is amended to now include information disclosed that could prejudice the investigation of a contravention or possible contravention of the law in a particular case, prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law, prejudice the maintenance or enforcement of a lawful method or procedure for protecting public safety, prejudice a system or procedure for the protection of persons, property or the environment or prejudice the wellbeing of a cultural or natural resource or the habitat of animals or plants.

Information is also protected if it consists of information given in the course of an investigation of a contravention or possible contravention of the law where the information was given under compulsion under an act that abrogated the privilege against self-incrimination. Lastly, information is protected if it was obtained, used or prepared for an investigation by an entity prescribed by regulation in the exercise of its function.

**MR RATTENBURY** (Molonglo) (4.59): I will be opposing this amendment. Other jurisdictions such as South Australia and New South Wales apply the public interest test to much of the information that would be excluded from the public interest test by this amendment. It is a not dissimilar observation to the one I made on the previous

section in that law enforcement and public safety should be under greater scrutiny, not less. The influence that it has on individuals' lives is significant. It is all good and well to say that we care about individual rights when it comes to privacy but we are now potentially preventing action being taken to help protect individual liberty and other protected individual rights.

Agencies involved in this work should be subject to public scrutiny. The fact that we debate these sorts of issues so often in this place demonstrates the significance of the public interest at stake. We should not be preventing ourselves from having a proper and informed debate about these issues. Again, this is not *carte blanche*. It is about having the scope to examine whether it is in the public interest. We certainly do not want *carte blanche* to say we cannot examine these issues. That is what the passing of this amendment will achieve.

Amendment agreed to.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (5.00): I move amendment No 65 circulated in my name [*see schedule 2 at page 2854*].

This final government amendment amends clause 4.40(2) to provide that where the director makes a declaration under section 28 of the Territory Records Act, applying provisions of the FOI Act to a record, they may do so if the disclosure would or could reasonably be expected to be a contempt of court or the Assembly or if the record would be subject to legal professional privilege.

The amendment assists in providing the balance needed in the bill between promoting open and accessible government and protecting particularly sensitive information and the efficient workings of government. It also reinstates the current practice under the Territory Records Act and aligns with the more robust protection for legal professional privilege, which has been dealt with by amendment 49, and the protection for court and Legislative Assembly process already provided by clause 1.1 of schedule 1 of the bill.

**MRS DUNNE** (Ginninderra) (5.01): The Canberra Liberals will be supporting amendment 65. Again, this is an area where I think practice might lead to innovation later in the day. The caveat is that this applies the Territory Records Act to a range of information. Although I have been very keen to ensure that there has been protection of legal professional privilege, we are now imposing a 20-year blanket ban on anything that has legal professional privilege attached to it. We may in the future decide that that is too great a time, but at this stage—again taking a more conservative approach—I am happy to support this amendment.

**MR RATTENBURY** (Molonglo) (5.03): Colleagues will not be surprised to discover that I do not support this amendment. Similar to my earlier comments about legal professional privilege, this is now amplified in the sense that we are now talking 20 years later. I think any public interest that exists in protecting this information 20 years after it was produced is significantly diminished. It is an extended period of

time. Again, having a blanket removal of this is not in the public interest. This information should be considered in a way that weighs it up on its merits rather than addresses it in a single and uniform manner.

Amendment agreed to.

**MADAM DEPUTY SPEAKER:** The question now is that the bill, as a whole, as amended, be agreed to.

**MRS DUNNE** (Ginninderra) (5.03): I will speak briefly in support of this bill as amended. We have come a long way in a fairly short time today in installing what will be fine new architecture for open government in the ACT. I congratulate Mr Rattenbury on persisting in this matter. Although we do not agree on everything, I think that we have come to a reasonable accommodation today. I thank the attorney and his staff. Although they agreed with even less than we did, the overall accommodation has been a good one. I commend the staff in the Leader of the Opposition's office and also the staff in Mr Rattenbury's and Mr Corbell's offices for the work that they have done. I am sure the officials from the Justice and Community Safety Directorate and, in particular, the Parliamentary Counsel's Office have been beavering away on this.

I also pay tribute to Janice Rafferty, whose assistance has meant that we have managed to pass this legislation and go through quite a complex detail stage in a fairly orderly fashion; and also to whoever it was in either the attorney's office or JACS who came up with the system of clustering the amendments by type, rather than just dealing with them by number. However, I apologise to Assembly staff. I suspect the reading of this bill will be very difficult indeed. Max probably draws the short straw on that one.

That said, this is a piece of legislation that we can be proud of. It is not perfect, and it has been a little bit sausage-like, but it is a vast improvement on the regime that we have had hitherto. It feels, at the end of an Assembly, that it is an appropriate time to do this, and I reflect on Mr Hanson's remarks earlier this morning: a time of election uncertainty concentrates the mind on these issues more than at other times. I made my first attempt to amend the Freedom of Information Act in about 2006. It is a great achievement for this Assembly to make the progress that we have made on this bill.

**MR RATTENBURY** (Molonglo) (5.06): I rise briefly to reflect on some of the remarks Mrs Dunne just made in thanking the various staff involved. Be it our various officers in the public service, in the Parliamentary Counsel's Office and here in the Assembly, it has taken a lot of work from a lot of people. I would particularly like to acknowledge Tom Warne-Smith and Indra Esguerra in my office. They have both worked extremely hard on this. Once we got down and got really focused on this, the three parties worked together quite effectively. Even if we have not agreed on everything, we have been able to have quite productive and involved conversations. I think that has resulted in a good outcome.

That outcome is that the ACT now has much better freedom of information legislation. It requires the proactive release of information from government and removes a

number of restrictions that prevent public access to information. To me, that is distilled down into two very simple points. We now have a push model where government will release a range of information that it has, which I am sure the public will find beneficial. It means that it will simply be published as a matter of course; people will not have to ask for it. This will, in the long run, reduce the number of freedom of information applications because people will simply have the information and they will not need to ask for it.

The second point is that there will be a greater application of the public interest test. As I have been clear in my remarks today, I would have liked to have seen that expanded further, but we have made some progress today and I think we can consider some of this at future points in time. Assessing whether information should be released based on the public interest rather than on simple blanket categorisations, I believe—and the Greens strongly argue—is a better way to examine what information should or should not be released.

In bringing that architecture to the legislation we have, as Mrs Dunne said, made it much better legislation. I am pleased to have been able to get us to this point. I look forward to the implementation of the legislation. As I said earlier today, I think that as government and the public get used to this, it will produce better government. A more transparent government is a better government and that is what this legislation will help achieve.

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

Bill, as amended, agreed to.

## **Justice and Community Safety—Standing Committee Scrutiny report 48**

**MR DOSZPOT** (Molonglo) (5.09): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 48—2016 Australia–New Zealand Scrutiny of Legislation Conference, dated 10 August 2016, together with a copy of an extract from the relevant minutes of proceedings.

I move:

That the report be noted.

The report that I have tabled relates to the scrutiny committee's attendance at the 2016 Australia–New Zealand scrutiny of legislation conference in July. The conference was hosted by the Western Australian parliament and was attended by representatives of legislative scrutiny committees from most of the Australian parliaments, together with New Zealand and other international delegations. The committee members who were able to attend found the conference to be very beneficial and provided an opportunity to meet with members from other jurisdictions to discuss and observe how legislative scrutiny regimes operate elsewhere.

In addition to the interesting papers and jurisdiction reports presented, we were also fortunate to hear from the international observers from Nepal and Fiji. In their presentations the Fijian delegates provided background, information and commentary on the current situation in Fiji since the re-establishment of the parliament in 2014.

During the conference I gave an ACT jurisdiction round-up. A copy of my presentation can be obtained from the secretariat. Finally, I would like to acknowledge and thank all those who have contributed to the work of the scrutiny committee of this Eighth Assembly. Thank you to the current members: Mr Hinder, Ms Burch and Mrs Jones; and also to the former committee members: Mr Hanson, Ms Porter, Mr Gentleman, Dr Bourke and Ms Berry. Your efforts have ensured that the committee has operated in the best traditions of non-partisan technical scrutiny of legislation.

Thanks are also extended to those from the Office of the Legislative Assembly who have supported the committee—its secretary, Max Kiermaier and its assistant secretary, Anne Shannon, and to Janice Rafferty, Joanne Cullen and Celeste Italiano who, at various times, have acted as secretary or assistant secretary.

Of course, the committee is very grateful to have its eminent and hardworking legal advisers, Peter Bayne for bills and Stephen Argument for subordinate legislation. It is through all of their efforts that the committee has been able to produce 48 reports examining 224 bills, 1,385 items of subordinate legislation, 136 responses, nine regulatory impact statements and amendments to 14 government bills over the past four years, often to very tight and perhaps unrealistic deadlines.

On behalf of the members of the scrutiny committee, I wish to thank all officers of the Legislative Assembly staff who have provided such valuable contributions to our scrutiny committee and to the ACT Legislative Assembly.

Question resolved in the affirmative.

## **Public Accounts—Standing Committee**

### **Statements by chair**

**MS LAWDER** (Brindabella): Pursuant to standing order 246A, I wish to make statements on behalf of the Standing Committee on Public Accounts. The first relates to inquiries about certain Auditor-General's reports currently before the committee and other matters. It is an established practice in many Westminster parliaments, including the United Kingdom, for committees to table a legacy report at the close of a parliamentary session or term.

This practice provides committees with an opportunity to: look back on their work; outline some of their work, progress and effectiveness during the course of a parliament; set out areas that may be of interest to successor committees; set out some headline figures reflecting the more tangible elements of the work of the committee; and scrutinise what actions the government has taken with regard to issues and recommendations raised in committee reports.

Importantly, a report such as this provides committees with an opportunity to account for the important role they have been delegated. Whilst not a report, this statement, in part, goes some way towards taking the form of a legacy report on behalf of the public accounts committee.

The committee has had a significant workload and level of activity during the course of the Eighth Assembly. Amongst other things, it has tabled 32 reports containing 351 recommendations and extending over 2,000 pages. As at 8 August 2016, with regard to its 351 recommendations, the government has agreed to 153, agreed in part to eight, agreed in principle to 30, did not agree to 36 and noted 79 recommendations.

Of the 32 reports, 19 related to inquiries into reports of the Auditor-General, nine addressed matters referred to the committee by the Legislative Assembly, two addressed the committee's participation in activities of the Australasian Council of Public Accounts Committees and two arose from self-referred inquiries. Of particular note were the committee's inquiries into the proposed Mr Fluffy Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-15 and elements impacting on the future of the ACT clubs sector.

With regard to reports of the Auditor-General, which are automatically referred to the committee, during the Eighth Assembly 39 Auditor-General reports were referred. Of these 39 reports, the committee inquired into 31 and reported on the outcomes of its inquiries either by a report or a 246A statement. The committee also held further inquiries into four reports.

Nevertheless, due to time constraints the committee is yet to complete its inquiries into four referred Auditor-General's reports. Should the committee be unable to complete its inquiries, the following Auditor-General's reports will stand referred to the Ninth Assembly's Standing Committee on Public Accounts: report No 3 of 2016, ACT Policing arrangement; report No 4 of 2016, the management of the financial arrangements for the delivery of the Mr Fluffy loose-fill asbestos insulation eradication scheme; report No 5 of 2016, initiation of the light rail project; and report No 6 of 2016, management and administration of credit cards by ACT government entities.

As chair of the committee, I would like to take this opportunity to thank my committee colleagues: the deputy chair, Ms Joy Burch, and Mr Jayson Hinder and Mr Alistair Coe for their commitment to the work of the committee. Throughout the course of the Assembly, the committee has undergone a number of membership changes. So I would also like to thank the following former members for their contribution to the work of the committee: Mr Brendan Smyth, Ms Mary Porter, Ms Meegan Fitzharris, Ms Yvette Berry, Dr Chris Bourke, and Mr Zed Seselja.

The committee in particular wishes to make special mention of two longstanding former members of the committee and the Assembly who retired during the course of this Assembly. The committee wishes to acknowledge and thank both Mr Smyth and Ms Porter for serving as chair and deputy chair respectively and for their commitment to the important work of the committee, in particular their expertise and wise counsel during their time on the committee.

The committee also acknowledges that both Mr Smyth and Ms Porter made a significant contribution to the work of the Assembly and its committees throughout their time as members of the Legislative Assembly. The committee would also like to express its appreciation for the assistance provided by its secretariat throughout the course of the Assembly, including many thanks to Dr Andrea Cullen.

The committee notes that throughout the current Assembly, ministers and other officials have readily assisted the committee, as have the current Auditor-General and her staff, and directorate and agency officials. The committee also expresses its appreciation for assistance so provided to it.

The committee would like to acknowledge and thank all those who contributed to its many inquiries by making submissions, providing additional information and appearing before it to give evidence. The committee recognises the significant commitment of time and resources required to participate in a committee inquiry and at all times was grateful to be able to draw on a wide range of expertise and considered comment as contained within various contributions to its inquiries. This fundamental aspect of committee work is a measure of the relationship between the Assembly and the ACT community.

As touched on briefly in this statement, the committee has had a significant workload and level of activity during the course of the Eighth Assembly. I hope this statement has given some measure of its activities and responsibilities and provided an insight into some of the demands which have been placed upon its members and the secretariat.

Pursuant to standing order 246A I also wish to make a statement on behalf of the Standing Committee on Public Accounts relating to statutory appointments in accordance with continuing resolution 5A. Continuing resolution 5A was agreed by the Legislative Assembly on 23 August 2012. The requirements of the resolution set out a transparency mechanism to promote accountability in the consideration of statutory appointments. The resolution requires relevant standing committees which consider statutory appointments to report on a six-monthly basis and present a schedule listing appointments considered during the applicable period.

The schedule is required to include the statutory appointments considered and, for each appointment, the date the request from the responsible minister for consultation was received and the date the committee's feedback was provided. For the applicable reporting period—1 January 2016 to 30 June 2016—the committee considered three statutory appointments.

Pursuant to continuing resolution 5A, I present the following paper:

Public Accounts—Standing Committee—Schedule of Statutory Appointments—  
8<sup>th</sup> Assembly—Period 1 January to 30 June 2016.

## **Standing and temporary orders—suspension**

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

That so much of the standing orders be suspended as would prevent the adjournment debate for this sitting extending beyond the 30 minute time limit.

## **Leave of absence**

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

That leave of absence from 12 August to 14 October 2016 inclusive be given to all Members.

## **Standing and temporary orders—suspension**

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

That so much of the standing orders be suspended as would prevent order of the day No. 1, Executive business—Election Commitments Costing Amendment Bill 2016 being called on and debated forthwith.

## **Election Commitments Costing Amendment Bill 2016**

Debate resumed from 9 August 2016, on motion by **Mr Barr**:

That this bill be agreed to in principle.

Debate (on motion by **Mr Coe**) adjourned to a later hour.

## **Reconciliation Day public holiday**

**DR BOURKE** (Ginninderra—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children and Young People, Minister for Disability, Minister for Small Business and the Arts and Minister for Veterans and Seniors) (5.23): I move:

That this Assembly:

(1) notes:

- (a) the ministerial statement by the Minister for Aboriginal and Torres Strait Islander Affairs on 9 June 2016 regarding commencement of a public consultation on a Reconciliation Day public holiday in the ACT;
- (b) the Reconciliation Day public holiday consultation report tabled in the Assembly by the Minister for Aboriginal and Torres Strait Islander Affairs on 9 August 2016;
- (c) the consultation report recommends that a Reconciliation Day public holiday be trialled in the ACT; and

- (d) the significant opportunity to progress the work of reconciliation in the ACT presented by the 50th Anniversary of the 1967 referendum and the 25th Anniversary of the Mabo Ruling in 2017; and
- (2) calls on the ACT Government to:
- (a) work with the ACT community to establish a Reconciliation Day to commence in 2018; and
  - (b) mark the 50th Anniversary of the 1967 referendum and 25th Anniversary of the Mabo Ruling with significant public events.

As members would be aware, earlier this week I tabled the outcomes report from the recent public consultation process on my proposal to establish a Reconciliation Day public holiday. I was also pleased to inform members that the outcomes report found that people who participated in the consultation process overwhelmingly support the proposal to establish a Reconciliation Day public holiday for the ACT.

In June 2016 I announced that the ACT government would start a discussion with the Canberra community on a proposal to commemorate reconciliation with a public holiday. Since June, in response to my proposal a total of 94 written submissions have been received, 150 people responded to an online survey and 25 participants attended community forums to discuss the proposal.

The outcome of this community consultation process was clear: the majority of community members support establishing a Reconciliation Day public holiday. I now seek the approval of members to call upon the ACT government to work with the Canberra community to establish a Reconciliation Day in 2018.

Most of the engagement activities during the consultation process addressed the core questions of whether the Canberra community supported the proposed Reconciliation Day public holiday and when a Reconciliation Day public holiday should be held. Whilst there was no consensus on a preferred date in the focus groups or the interviews it was generally agreed that the day needed to have a strong link that is something culturally or historically significant. Participants at the focus groups emphasised the need to get it right and to not rush things, noting that it was important that the day be on the right date at the right time and with the right name.

I believe that reconciliation is about building a better relationship between Aboriginal and Torres Strait Islander and non-Indigenous Australians and I believe that the ACT government working with the Canberra community to establish a Reconciliation Day for 2018 would be a valuable opportunity to assist this work.

When I first came into this Assembly after my election in, coincidentally, Reconciliation Week 2011, I made reconciliation a key theme in my inaugural speech. I said then that reconciliation is about nation building, that the history of our nation is marked by achievements of which we can be proud but there are other events that we wish had been done differently or not at all.

The impact on Aboriginals and Torres Strait Islanders since 1788 has been profound. Invasion, violence, dispossession, dispersal, discrimination and racism have smashed Aboriginal and Torres Strait Islander peoples. Of course, there was resistance and resilience but the intergenerational trauma is deeply affecting and lies at the heart of contemporary disadvantage creating the gap that we struggle to close. For non-Indigenous Australians, reconciliation is the opportunity not just to move beyond the shame and embarrassments of our history but to write a better Australian story and also to reach into that 40,000 years of this country's history and culture and say, "That is what it is to be an Australian."

Reconciliation Day will also keep reconciliation in the public conversation and celebrate the ongoing contributions of Aboriginal and Torres Strait Islander culture, history and connection to country. As one respondent to the consultation process noted, trialling of a Reconciliation Day public holiday would be a great vehicle to raise awareness of how much we all value reconciliation and would build understanding. Reconciliation needs to be seen as a journey that has a clear destination, one that can strengthen momentum each year. This holiday can be a celebration of what we have achieved as well as recognition of what we still want to do. It should not be talked about as a destination that we have arrived at and so it stops; we need to reflect as a community on what has been, where we are and where we want to be.

Following this consultation process with the Canberra community I seek the support of my fellow members of this place to call on the ACT government to transform this community feedback into reality. I firmly maintain that establishing a Reconciliation Day public holiday will be a concrete demonstration of the ACT Aboriginal and Torres Strait Islander agreement statement of commitment to reconciliation and wellbeing which commits all parties to recognising the ongoing effects of transgenerational trauma caused by past government policies and supporting the rights of Aboriginal and Torres Strait Islander people to freely pursue their economic, social and cultural development.

Celebration of Aboriginal and Torres Strait Islander cultural identity is a key focus of the ACT Aboriginal and Torres Strait Islander agreement and there are many ways that Canberrans could celebrate the oldest living culture in the world on Reconciliation Day. Indeed, now is the perfect time for all Canberrans to reach into that history and say it is part of who they are as Australians, to renew our effort for reconciliation and recognise the ongoing contributions that Aboriginal and Torres Strait Islander Canberrans make to the life of this city and this region.

Next year, 2017 will be a significant year in terms of reconciliation. 27 May 2017 will mark 50 years since the 1967 referendum to allow Aboriginal people to be counted in the census and the removal of a reference in the Australian constitution that discriminated against Aboriginal people. Whilst this was a detailed referendum it is best remembered for the overwhelming support of all Australians: 90.7 per cent of Australians voting yes for a better deal for Aboriginal and Torres Strait Islander peoples.

In 2017 we will also mark 25 years since the Mabo decision in 1992 when the High Court of Australia declared that terra nullius should never have been applied to Australia and also legally recognised Aboriginal and Torres Strait Islander native title rights.

I propose that we do not let these significant anniversaries go by without proper recognition. I propose that the ACT government plan celebrations to take place in 2017 for the anniversaries of these past achievements. As one community consultation respondent noted:

A day like this will enable us to reflect on what is being done and what needs to be done to improve the way Aboriginal and Torres Strait Islander people are treated in this country. It will enable a reduction in prejudice and discrimination to increase the public awareness of the difficulties that they face, based on their heritage, culture and identity.

This is also particularly important as we move towards a referendum for recognition, and it would allow for discussion on this sort of topic.

Establishing a Reconciliation Day public holiday in 2018 as well as the authentic celebration of the anniversaries in 2017 of these historic achievements will be an opportunity to progress the Canberra community's journey along the path to reconciliation. I invite members of this Assembly to join me in this act of reconciliation and recognition and call upon the ACT government to work with the Canberra community to establish a Reconciliation Day in 2018 and plan community celebrations in 2017 to mark the 50th anniversary of the 1967 referendum and the 25th anniversary of the High Court's Mabo decision.

**MR WALL** (Brindabella) (5.31): The opposition are largely supportive of the intent of Dr Bourke's motion brought here today, and we will be supporting his motion. But in doing so we would also like to put on the record our way forward; what we see as the process between here and 2018 for this public holiday to be enacted.

First, I think it is important to note that in the ACT there are, for 2017, 14 gazetted public holidays and the addition of any new holidays would place a disproportionate burden on those who operate businesses within the ACT. Balancing that with the importance of recognising the contribution of Aboriginal and Torres Strait Islander people to our community by having a holiday in lieu of one of the existing public holidays is a good solution.

I note Dr Bourke's comments in this place previously and also the discussion paper's consultation broadly on two days being considered in place of an enacted Reconciliation Day holiday, namely the Queen's Birthday holiday and the Family and Community Day holiday, and I think there is a very simple choice to be made as to which would be the more appropriate moving forward. The intention of creating a Reconciliation Day holiday is to bring our community together and to share and recognise the contribution that all Australians make to this place. Family and Community Day, in the opposition's view, is the logical choice.

In regard to seeking to change the meaning of the Queen's Birthday long weekend, whilst I recognise that there are mixed views amongst all in our community as to whether or not Australia should remain under the monarchy, I did think that, as the survey and the community consultation that has occurred thus far described it, some see changing the Queen's Birthday holiday as republicanism by stealth.

The most inclusive and the most accepting way forward—as the report states, the Family and Community Day is perceived as a day currently with no meaning—is to change the meaning of it and actually give it a proper purpose. This would seek to achieve the outcome that Dr Bourke is hoping to achieve in recognising the significant contribution and the history and the way forward with our Indigenous Australians.

I think it is also diligent to point to the significant amount of work that still needs to be done in actually building awareness and acceptance of a change like this in the broader community. Whilst the results from the report that was tabled on Tuesday of the consultation outcomes overwhelmingly support the changes to introduce a Reconciliation Day public holiday, the scope of the consultation was, in terms of the community, quite narrow. We have only had 150 online responses, and 94 submissions were received. For a community that is nearing 400,000, that is only a very small segment of the community that has actually been consulted on and discussed this matter.

I note that Dr Bourke's motion seeks to create the holiday in 2018 but for next year, 2017, marking the 50th anniversary of the 1967 referendum and the 25th anniversary of the Mabo ruling, I think supporting and recognising those milestones in Australia's history would go some significant way to raising and increasing the profile of a Reconciliation Day holiday into the future.

The only other mention I would make is that I would imagine there will be quite a vexed discussion by many in the community as to what is the appropriate time of year to hold such a significant day of observation and recognition. Just looking at the mix of holidays generally scheduled in the territory, most of them are front-loaded into the first half of the year: New Year's Day, Australia Day, Canberra Day, the Easter weekend and also Anzac Day all falling prior to the end of April.

The Queen's Birthday is currently in June. As I have discussed, there would be strong reservations by many in the community, particularly in the opposition, that the Queen's Birthday long weekend and the Queen's Birthday public holiday should remain as it is. Family and Community Day currently is a week prior to the October Labour Day holiday, and that has at times caused many frustrations for business, having two public holidays so close together. Perhaps there is an opportunity to discuss where it should be most appropriately placed. I look forward to those discussions in the next parliament. I hope to be part of those discussions.

As I said, the opposition will be supporting Dr Bourke's motion today. We are happy with the intent and we think it is an appropriate recognition, whilst there is a lot more to be done in the process of reconciliation in our community locally and a lot more needs to be done, as I mentioned in the appropriation debate earlier this week, about

some of the shortcomings we have had in working with our Indigenous community to better their lives. We will be supporting this today, recognising the points that I have made previously.

**DR BOURKE** (Ginninderra—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children and Young People, Minister for Disability, Minister for Small Business and the Arts and Minister for Veterans and Seniors) (5.38), in reply: I thank Mr Wall and the Canberra Liberals for their support for my motion. I appreciate his comments about not creating an extra public holiday, which I was very clear about during the consultation, and also his comments about the practicalities of which day and when, and agree sincerely that further conversations are required to settle our way forward. And I look forward to our working together to bring this to fulfilment.

Question resolved in the affirmative.

### **Appropriation Bill 2016-2017**

[Cognate bill:

Appropriation (Office of the Legislative Assembly) Bill 2016-2017

Cognate papers:

Estimates 2016-2017—Select Committee report

Estimates 2016-2017—Select Committee—government response]

Debate resumed from 10 August 2016.

**MADAM DEPUTY SPEAKER:** I remind members that in debating order of the day No 1, executive business, they may also address their remarks to executive business order of the day No 2 and Assembly business orders of the day Nos 3 and 4 relating to the report of the Select Committee on Estimates 2016-2017 and the government response.

### **Detail stage**

Justice and Community Safety Directorate—Schedule 1, Part 1.14

Debate resumed from 10 August 2016

**MR RATTENBURY** (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (5.39): I rise to speak briefly tonight to the Corrective Services element in particular of the Justice and Community Safety Directorate. This year's budget contains a number of important initiatives in this space. I also want to respond to some points that were made in the course of the debate.

In respect of Corrective Services, it has been a year in which significant progress has been made at the jail in terms of putting a number of things in place. The extended accommodation has now been completed. Those new buildings have been fully commissioned and they are now occupied by detainees. This has meant that the facility at Symonston is no longer housing full-time detainees. It still continues to operate a little for weekend detention but as members will know the weekend detention is also winding up. So there is very limited use of that facility.

Similarly, through the significant savings that were made on the expansion project, I was able to put the view to cabinet, and cabinet supported this, that those spare funds be used towards the enhancement of industries. That is something that is now underway. I note the comments Mr Wall made last night. I will elaborate a little on what is happening and reflect on the points and concerns that he raised last night.

The expansion of industries will help detainees to build work skills to support their rehabilitation and reintegration back into society. I am of the view that we do need prison industries. I think it has been one of the shortcomings of the AMC since it opened. I have been very pleased that we were able to find the resources to move forward in getting prison industries going.

Certainly, we have looked to New South Wales. They have a very extensive prison industry. They, of course, have a much larger network of jails and range of security types of jails. So they have different considerations but certainly New South Wales has been very helpful in giving us advice on how to go about establishing prison industries.

The first stage in the development of industries capacity will include expansion of the existing laundry facilities, as well as construction of a bakery facility. The laundry in particular will serve two outcomes: firstly, to provide work opportunities for detainees; and, secondly, to respond to heightened demand caused by increased detainee numbers. In terms of the bakery, I noted Mr Wall's comment yesterday that these industries will only serve the prison itself. I do not actually see the limitation at the moment. We actually have very significant demand.

The laundry capacity will be fairly close to fully utilised by the requirements of the centre itself. Certainly, when it comes to the bakery facility, I am very open to selling externally but in the first instance at the moment we have around 400 detainees requiring three meals a day. It is a very significant job simply to feed all of those people. If we reach a point where we have enough capacity to start selling externally, we will do that.

I note, however, that we will need to work closely with local businesses because one of the key pieces of advice New South Wales gave to us—I think Mr Wall will be very interested in this in light of his particular support for small business—was that an issue has been raised in New South Wales about essentially relatively cheaper labour working inside the jail competing with businesses outside it who pay full award rates, which detainees are not paid. So we need to make sure that there is, to use the jargon, competitive neutrality and that there is not an unfair subsidy. I suspect that most Canberrans, and even most local businesses, would be quite happy to do that but we would need to work through a process to make sure that we were not unfairly undermining another local business.

In terms of issues of rehabilitation, these two things tie together. The Auditor-General made her findings and the government agreed with all of those findings. I share the concerns that the Auditor-General has raised. That is why I have been working on bringing in prison industries. That engagement in industries provides an opportunity for rehabilitation.

An interesting fact that members may be interested to know is that this year 45 per cent of the detainees at the AMC are sentenced to 30 days or less, or spend 30 days or less at the AMC. So in terms of making a significant rehabilitative impact on individuals, having someone with us for 30 days or less does not leave a whole lot of opportunity. By the time you go through the induction process, there is a range of factors—for example, if someone comes to the jail with a drug habit, it takes time to get through some of the withdrawal symptoms—that mean that there is probably not a whole lot that can be done in 30 days.

I certainly reject Mr Wall's comments about recidivism. It was late last night; so if I have misunderstood him, I will stand corrected. But he essentially observed that he thought the recidivism rate was even higher than the ROGS figures suggested. I find that a very odd claim. It suggests that somehow either the Productivity Commission is getting it wrong or he is insinuating that the ACT government is not providing accurate data.

I certainly reject the latter and I would not suggest that the Productivity Commission is getting it wrong. What the data from the Productivity Commission actually shows is that the ACT's recidivism rate has continued to drop over the past couple of years by one per cent, 1½ per cent, that sort of order of magnitude. But we have seen it come down from around 44 per cent a couple of years ago.

I have left the figures upstairs on my desk; so I am happy to table them later if members are interested or I will simply give them to members if they want. But they are in the ROGS report if you look at the data. They are now in the high 30s. So we have seen a steady decline over the past couple of years in the ACT's recidivism rate and I expect that trend to continue.

I think the through-care program has been a particularly important part of that. The support for detainees once they leave Corrective Services has been very successful through the through-care program, so successful that nearly 100 per cent of detainees are entering the through-care program. It is not all of them. For male sentenced detainees, it is 97 per cent, 98 per cent; for female detainees and Aboriginal and Torres Strait Islander detainees, the uptake rate has been 100 per cent across the program this year.

That is a very interesting thing to reflect on because quite a few of those people do not have ongoing parole orders or anything like that. They are simply released. They choose to remain engaged with Corrective Services. I think that is a very positive reflection on the program. You can imagine that the last thing most people, once they have served their time, want to do is hang out with people from corrections. The fact that they are choosing to remain engaged with the through-care program, I think, is a very positive reflection on that program. I think that the drop in recidivism to a significant degree reflects the success of the through-care program.

The government is currently awaiting a formal evaluation of the through-care program. That will provide more concrete and objective analysis of the point I have just made, which is sort of an anecdotal observation or my sense of what is going on. This review

will provide a more academic analysis of that. I certainly look forward to the delivery of that review because I think that will give us even stronger guidance going forward of how we might continue to deliver these things.

I conclude my remarks on Corrective Services by simply saying that I reject the assertion that the prison system is in absolute disarray, as Mr Wall suggested last night. He spoke about the escape attempt at Symonston. The cold, hard reality there was that, yes, some detainees punched a hole in some plasterboard. Far from escaping, they then had a significant brick wall in front of them, which they had not made any sort of significant impact on. In fact, I am not even sure if there was any impact on the wall at all. But if it is a near miss escape and you have still got a large brick wall to punch a hole through, I think it is somewhat of an exaggeration on Mr Wall's part.

Yes, we do have a situation where some drugs and other forms of contraband get inside the AMC, just as is the case in every other Australian jail and, frankly, any prison around the world. We continue to work very hard to exclude contraband from the jail. There has been a range of successful interceptions. There is a range of new security measures being put in place all the time to keep up with the changing technologies, with the changing techniques that people put in place to get contraband into the prison. Far from being porous, far from being something that the ACT Corrective Services team does not care about, there is a very significant security effort.

I note, of course, that the supermax jail at Goulburn—just one hour up the road—has been reported to have significant numbers of mobile phones, drugs and other issues inside that supermax jail. The most hard core prison in New South Wales with the highest levels of security measures has the same, if not worse, problems as the AMC. I think we need to be realistic about this. If Mr Wall wants to say that, I think he needs to ring up his New South Wales corrective services colleagues as well. I can give him the phone number for the New South Wales Liberal minister for prisons.

**Mr Wall:** Got it.

**MR RATTENBURY:** Good, I am glad you have got it, because you should ring him up and ask him about this. Ring him up and ask him if there is any prison in New South Wales that has no contraband. I will tell you what he will say. He will say, "Of course not," because he is an honest fellow, as best I can tell from conversations I have had with him. He is very realistic about what these situations are. He will say that it is impossible to keep contraband out of prison. That does not mean that we should not continue to strive to keep contraband out of the jail. We will continue to make interceptions and we will continue to do the best we can. But we have to be realistic about these things.

I conclude my remarks by thanking the staff of Corrective Services. I know it is not an easy job. They have done a lot of work in the past year or so. There is the expansion of the jail, the work that has gone on to build a common purpose on the needle and syringe program, the constant improvement to systems across the jail to ensure that we have the best programs in place: the best security systems, the best rehabilitative opportunities for our detainees and improved visit systems. They have been doing a lot of work in this past year.

I want to acknowledge the work that they have done in what can be a difficult environment. I encourage all in the chamber to reflect on the facts of the matter and the realities of running a jail system when making comments about how it is operating and what the circumstances are.

Proposed expenditure agreed to.

Legal Aid Commission (ACT)—Schedule 1, Part 1.15

**MR HANSON** (Molonglo—Leader of the Opposition) (5.52): I will be brief. The Legal Aid Commission does valid work in the ACT particularly supporting those who are socially or economically disadvantaged to have access to important legal support. We commend them for what they do. I note that they are always under pressure to meet the demand. I know that their services are often increasing, particularly with the focus on family and domestic violence. That has had a commensurate flowthrough to front-line services, including the Legal Aid Commission. It is an area that we support, and I commend the hardworking staff for the work that they do.

Proposed expenditure agreed to.

Public Trustee and Guardian—Schedule 1, Part 1.16

**MR HANSON** (Molonglo—Leader of the Opposition) (5.53): This has been an area of quite significant public debate with the changes that were made to the human rights framework and concerns that were raised by guardians about amalgamation of these structures. There has also been the concerning issue with regard to the fraud. This has been well litigated through the estimates process as well as in the public domain.

I am hopeful that those issues are now behind the Public Trustee but I note that there remain concerns about the new structures. There were a lot of concerns raised by those who engage with the Human Rights Commission and with the Public Trustee and guardians that the new structure has not got it right. Certainly, I indicate that if we form government, this is an area that we will look at to make sure that we have the best structures for those organisations so they are able to do their jobs, which are quite separate. Their tasks are quite different and it is important that that separation between the organisations is maintained.

That is for another day. In the interim, I know there are a lot of hardworking staff there who have gone through these changes. I indicate the opposition's support for the work that they do.

Proposed expenditure agreed to.

*It being almost 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 resumption of the debate was made an order of the day for a later hour.*

**Sitting suspended from 5.56 to 7.30 pm.**

## Superannuation Provision Account—Schedule 1, Part 1.17

**MR COE** (Ginninderra) (7.30): I believe I have already, in effect, covered this in my comments in the Treasury space as part of Chief Minister, Treasury and Economic Development Directorate. In that speech I commented on some of the issues with the discount rate as opposed to the actual return. Given I have already, in effect, spoken to it I shall not say any more.

**MR BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (7.31): The superannuation provision account was established to recognise an account for the defined benefit employer superannuation liabilities of the territory and the financial investment assets for funding these liabilities. The defined benefit employer superannuation liabilities include past and current ACT employees who are members of the Australian government's commonwealth superannuation scheme and the public sector superannuation scheme and eligible members of the Legislative Assembly defined benefits superannuation scheme.

The government maintains the financial objective of fully funding the territory's defined benefit superannuation liabilities by 2030. The annual budget appropriation to the SPA is used to extinguish the territory's employer share of employee and MLA superannuation benefits. Over the past 20 years to 30 June 2016 the superannuation provision account investment portfolio has achieved the long-term investment return objective of the consumer price index plus five per cent per annum and the funding objective remains on target. I commend this section of the budget to the Assembly.

Proposed expenditure agreed to.

## Transport Canberra and City Services Directorate—Schedule 1, Part 1.18

**MR COE** (Ginninderra) (7.33): Given that much of my comment is on the record already I will not speak for very long, I do assure members, believe it or not. The opposition has of course raised concerns during the estimates process and in this place about the merger of TAMS and capital metro. We think there are some issues in that agency particularly with regard to the seemingly excessive influence that capital metro has on the direction of that agency. But as I have already canvassed this extensively this week I do not intend to say much more.

With regard to ACTION buses, again I am very much on the record already but I would like to flag that in regard to route 182, which is, in effect, the silver line promised in the opposition's proposal earlier in the year, we welcome but wonder whether the frequency is quite there in order to call it a rapid service. The fact that there is funding it seems for only one year I think is an issue. If we want to have certainty then I think there is going to have to be a stronger commitment from the government.

I note that the government is procuring 20 new buses and also doing an electric bus trial. These are, of course, things that we welcome. We, as an opposition, announced

an electric bus trial earlier in the year as well. Again I think there were some interesting issues with regard to the procurement process for that electric bus trial as raised in estimates and also through questions on notice as part of the estimates process as well.

I think it is interesting to note, of course, the issues with regard to the number of buses and the number of drivers and whether there are going to be any issues with the timetable that is going to be rolled out in late August, later this month. I hope that we get a good transition from the current network to the new network.

I also welcome the introduction of the 254 which was promised last year. It shows that having a bus from a suburb to a final destination rather than having to transfer or interchange is certainly preferable. I think that was clearly demonstrated in the survey that was undertaken and released earlier this year where something like 70 per cent in effect said that having to do a transfer would be a hindrance to public transport usage.

With regard to roads, the opposition are committed to the Cotter Road duplication, to the Horse Park Drive duplication, to Gundaroo Drive, to the Barton Highway flyover and to Ashley Drive and we think each of these roads is a good investment. We believe that they will make a real impact and I am glad that the government has taken most of those on board as well.

There is the ongoing issue with regard to light rail. This budget shows that there is a \$375 million capital payment to be made in 2018-19 and then the availability payments start as well. We think this is a huge impost on Canberrans. We think this is not the right transport solution. It was interesting to hear last week Mr Hinder putting forward Labor's view of the cost of light rail:

You only get the \$1.78 billion figure if you add up the cost of every dollar we spend on light rail over 20 years.

That is exactly right. That is what the contract is. \$1.78 billion is the total contract and I am pleased that you confirmed it:

You only get the \$1.78 billion figure if you add up the cost of every dollar we spend on light rail over 20 years.

I am not sure why he said it was an illusion. It is pretty real and was confirmed, of course, by Mr Hinder in his remarks.

**Ms Lawder:** The mathematics!

**MR COE:** Indeed. That is right. I will also touch on the issue of waste and recycling. It is very interesting that the government have come out and made their commitment to a trial of green waste bins. It was somewhat of a shock I think to Minister Corbell and maybe to others when the government made this announcement one weekend. It is certainly a massive change in direction for the government and it will be interesting to see whether the government does in fact make a promise to extend this to other parts of Canberra because I know that a real issue for many people is why this would

be trialled in just one part of Canberra and why it is Weston Creek and Kambah. Why not Weston Creek and Wanniasa? Why not Weston Creek and Oxley? For some reason they have chosen Kambah which is no real coincidence in terms of—

**Mr Gentleman:** The biggest suburb.

**MR COE:** What was that?

**Mr Gentleman:** The largest suburb in the Southern Hemisphere.

**MR COE:** It is indeed. It is a question of whether it should be gazetted as Kambah east and Kambah west, the other side of Drakeford Drive, but that is a debate for another day perhaps, Mr Gentleman.

In conclusion there are many things that I could say. I am conscious of the time and how much more there is to get through this evening. With that said I will leave my remarks there.

**MS LAWDER (Brindabella) (7.39):** Whilst I love talking about light rail because it is so deeply unpopular in Tuggeranong I actually would like to make a few comments tonight about city services or TAMS. It is deeply unpopular in Tuggeranong. It is a great topic for us in Tuggeranong.

At the outset I would like to thank Ms Fitzharris and before her Mr Rattenbury. When I write on behalf of my constituents they respond quite well. Directorate officials go out and fix things that I raise with them. I would like to express appreciation, my own as well as that of my constituents, for the assistance that they provide.

Over the past year or so I have written about things including some drains that need fixing, hard rubbish pick-up, footpath repairs, lack of footpaths, playground upgrades in Chisholm, Gowrie, Richardson, Gordon, Wanniasa and Calwell, potholes, road noise, road resurfacing, tree removal, tree trimming, graffiti removal, tree root damage to footpaths, noise walls, street lights, lake seating and general seating at parks and playgrounds, additional bins around the lake and recreation areas, upgrading toilet facilities, abandoned trolleys and litter, additional recycling bins for unit blocks, maintenance of fire hydrants, street sweeping, repair and replacement of signage, lighting around the lake, debris in underpasses and desire lines and whether there is a possibility of footpaths.

I would like to give one example about desire lines. I had written to the minister in June or July on behalf of someone who had made a footpath request and I did get a good response from the minister:

Roads ACT has undertaken an inspection and assessed the proposed footpath for both safety and compliance. The assessment found that the shortcut away from the existing path traverses through an area designed to be inundated during storm events that exceed height system capacity, ie, it is subject to flooding. In addition, the grade of the shortcut is such that it is not possible to provide a compliant path on it for disabled users.

For the reasons outlined above the installation of the footpath along the desire line is not considered to be safe.

When I passed this information on to the constituent who raised it with me they came back to me saying thank you for the correspondence but they had some comments on the reasons provided including:

What makes this proposal for a footpath different to many other pathways and roads around Canberra which are only designed to accept certain flood events, ie, 1 in 10, 1 in 25, et cetera? It should be pointed out to the Minister that some 100 metres north of the proposed pathway the existing pathway through the Coyne Street underpass would also be subject to similar flooding if the capacity of the pipe system is exceeded. Using the Minister's logic, this underpass pathway is unsafe because it floods. If this is the case, then it needs to be closed until remedial work is undertaken.

On disability noncompliance my constituent said:

Walking the proposed route from north of Coyne Street south towards the Mpowerdome, the gradient of the proposed pathway into the stormwater channel is no worse than that of some other sections of pathway in the underpass area. If the pathway exiting the channel were constructed along the desire line it is possible it may not be compliant because it would exit the channel at a right angle, ie, straight up the slope. However, if it were realigned so it went across the slope, I would contend that it would be compliant for disabled users as well as being more comfortable for able users.

In conclusion—

my constituent continues—

I get the sense that this matter has not been looked at seriously by the responsible officials, and the response is simply a fob-off. The cynic in me says that this close to the election the response would have been different if this matter was not in Tuggeranong. There would be concrete being laid now.

I use that example because that echoes comments made to me by constituents at my mobile offices and my doorknocking around Tuggeranong. Residents are perplexed, they are disappointed, indeed they are angry. The phrase they most often use to me is that they feel they are neglected. Tuggeranong is neglected and they are being punished by this government. They are being neglected and punished and they are not happy about it. They do not understand why, when they pay the same rates as anyone else, they are subject to lack of work being done in their areas.

Some suburbs, as you well know, Madam Deputy Speaker—and I am not going to talk further on it tonight—are deeply aggrieved about the ongoing odour issues in Tuggeranong. Apparently the odour is coming from the tip although that is yet to be confirmed definitely by the minister. I repeat: residents in Tuggeranong tell me they are perplexed, they are disappointed and they are angry about the neglect of their area.

**MS FITZHARRIS** (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport Canberra and City Services and Assistant Minister for Health) (7.45): I welcome the opportunity this evening to speak about the importance of the Transport Canberra and City Services portfolio for the development, growth and maintenance of our wonderful city, to remind members of Transport Canberra and City Services' priorities and to reconfirm the ACT government's commitment, through this budget, to successfully continue to deliver quality city services to the people of Canberra.

The ACT government is committed to delivering the great local services our growing Canberra population needs and making it easier for us to move around our city. The 2016-17 budget supports transport reform to improve commuter options whilst also offering record funding for city services to ensure the look of our city will continue to match the pride we feel in it.

The newly formed Transport Canberra and City Services Directorate wants Canberra to remain the world's most livable city by providing connected services for the people of Canberra. From 1 July this year this new directorate has a renewed focus, heralding a chance to offer more innovative service delivery with the experience of the customer firmly in the front of the mind of everyone delivering the services.

The work of the directorate influences not only the everyday lives of the residents of Canberra but also those who travel into Canberra from across our region. Whether you are catching a bus, having a barbecue at the local park, taking out the rubbish or taking the dog for a walk, Transport Canberra and City Services touches our lives through these essential services and local facilities every day. This budget will see the ACT government continuing to deliver the services that Canberrans rely on. This includes our libraries, waste and recycling services, mowing in our suburbs, graffiti removal, infrastructure maintenance, the amenity of our local shops and playground equipment and many more.

Through this budget we have committed to improving public transport outcomes and delivering a vision for public transport that is convenient, efficient, affordable, reliable and, more importantly, integrated. What it means is moving people around our city more quickly and more comfortably. This includes the development and delivery of Transport Canberra's light rail, now in the construction phase and on track to commence operations in late 2018. The first sod was turned last month and work is progressing well on the depot at Mitchell.

The budget also supports the building, planning and maintenance of many of the government's infrastructure assets such as roads, bridges, cycling and walking paths and our streetlight network. The work of the Capital Linen Service, ACT NoWaste, the Yarralumla Nursery and the ACT Public Cemeteries Authority also demonstrates the range of responsibilities and services TCCS oversees across our city every day. I have been proud to have responsibility for a truly unique and diverse range of services delivered by one directorate over the past six months, and I am very proud of the hard work all staff do every day to keep our city running.

Madam Deputy Speaker, the way we move around Canberra is changing. As our city grows, we need to ensure that it continues to be the most livable city in the world. This means planning for Canberra's long-term future transport needs now. An integrated public transport system is vital to ensure that the Canberra community has a frequent and reliable means of getting around: getting to work and getting home again in the evening, to study, to school drop-offs, to child care pick-up and drop-offs and going out on the weekend.

On top of the light rail development, this budget also provides a \$70 million investment in better public transport with more buses, new bus services and better walking and cycling paths. Matched with a focus on offering a more fulfilling customer experience, I am confident that our various transport budget initiatives over the next four years will make daily travel around Canberra more convenient, more affordable and more reliable.

The newly introduced Transport Canberra city loop, as I mentioned earlier today, is a terrific demonstration of this government's intent to better service our community through innovative public transport choices. The city loop has been designed to provide high frequency transport across the CBD in an effort to reduce traffic congestion and activate links between key parts of the city such as the Canberra Centre, the ANU, New Acton and Braddon. The city loop, which is a free service to commuters, provides a service at least every 15 minutes from 7 am to 7 pm, Monday to Friday.

Many people have spoken to me about this service. I have travelled it a number of times myself. People have mentioned to me that this a route that you could walk in a lunch time. Interestingly, the highest patronage times on this service are very clearly in the lunch hour and also between five and six in the evening as people end their work day. I would note that transport systems matter to everyone. They matter to different people in different ways. They matter to men and women differently. I have noted that this service has been criticised mostly by men, who have not often contemplated trying to walk two kilometres in their lunch hour—that is the length from Braddon to New Acton—in high heels, Madam Deputy Speaker. That is just a comment on public transport appealing to the needs of people. Your own needs may not necessarily reflect the needs of everybody else who wants to use our public transport system.

Within the budget we will also see our government commencing a 12-month trial to assess the capability of electric buses in Canberra. We expect this to commence in early 2017, and \$900,000 has been allocated for this very exciting trial. There is also \$10 million for 20 new buses as part of our ongoing fleet replacement program. There is \$1.5 million—Madam Deputy Speaker, I know you spoke in great support of this before it was announced and subsequently since—for a new park and ride facility in Wanniasa to really open up the blue rapid service for many more people in Canberra's south. There is \$3 million to begin the process of procuring an integrated ticketing system that makes it easier than ever before to use public transport and to switch easily between modes: light rail and buses, park and rides, bike and rides and potentially many more services.

This is also a great budget for roads—for roads maintenance and construction—because, while public transport use should be encouraged, we also understand that some people need to drive and that, of course, buses travel across our road network. There is a need to ensure that our roads are safe, functional and can service our community properly, which is why we are therefore investing more than an additional \$116 million into building a greater road network that Canberra needs whilst also maintaining the city's existing neighbourhood streets. This investment will see vital infrastructure built, including the duplication of Ashley Drive in Tuggeranong, Horse Park Drive in Gungahlin, Cotter Road in Woden and Aikman Drive in Belconnen.

These all support the government's objectives of increasing active travel. Each of these road projects also includes funding for cycling and walking infrastructure such as shared paths and on-road cycle lanes in many locations, including the Woden town centre. I was pleased this year to have, for the first time, our active travel network included. The costings are in the budget papers for the active travel components of major road duplications.

In addition to record investment in road infrastructure and our bus network, this budget also sees work commence on stage 1 of the light rail network. As the new minister responsible for this major infrastructure project, I look forward to ensuring that this great project is delivered. I would like to acknowledge the incredible work of Minister Corbell, who has done a remarkable job advocating for this project for many years, for seeing its potential and bringing it to reality, transforming this project from an election promise to the shovel-ready project that is being delivered in our city today.

The first stage of light rail will provide Canberrans and visitors with more choices to move around our city and will enhance the livability and opportunity available to residents of our city. It will also build the foundations to help redevelop our urban spaces, increase our social and economic participation and revitalise our main gateway to the city. This is not just a facelift for Northbourne Avenue. It will transform our city's gateway into the grand boulevard it was always meant to be. The 2016-17 budget supports the integration of light rail into Canberra's public transport system. Construction is underway with operations to commence in late 2018.

Madam Deputy Speaker, as you know, the great news is that light rail is affordable. This budget will continue to deliver our AAA credit rating jurisdiction, and we will only start paying for light rail in the same year that we return the budget to surplus. For every \$1 we spend on light rail, we will spend \$24 on education and \$33 on health.

In addition to the commitment to improve our transport links across the city, the ACT government continues to deliver services that will ensure that our beautiful city retains its unique character. This budget includes \$14.2 million in new funding over the next four years for more mowing, more weeding and more cleaning of our city's suburbs. We will continue to support the management of our local shopping centres, with \$1 million going towards more cleaning, which is already underway across each of our shopping centres. We are investing nearly \$1.5 million for further improvements at our shops, including new paving, landscaping and better street furniture. We will be undertaking shopping centre upgrades at the Tuggeranong town centre, the Charnwood shops, Kambah village and Spence shops.

We are also taking steps to deliver new services when our community calls for them. This is why we made a decision in this year's budget to fund the rollout of green bins for garden waste to households that want them. This is a pilot, not a trial. It will be rolled out first to residents in Kambah and Weston Creek because there are a certain number of households there that support the first stage of a city-wide rollout of green waste bins for our city.

As a garden city with tree-lined streets that we all love, the government acknowledges that Canberrans have been proactive in managing their own green waste for many years, but many have asked for a green waste bin to help make their job a little easier. We are listening to our community, which is why we will deliver a green bins scheme offering households the choice to opt in to the service to complement the normal waste and recycling services on offer. The government is listening to what Canberrans want and that is why we are investing more money into better city services to enhance Canberra's reputation as the world's most livable city.

This budget recognises the importance of better transport and world-class city services to ensure that Canberra continues to be the most livable city in the world. We recognise the contribution Canberrans make through their rates and they expect great services and infrastructure as a result. The investments made in this budget demonstrate our ongoing commitment to building the infrastructure and delivering the services people want. This is a budget for a very positive and progressive time in Canberra's history.

We are building an integrated city-wide transport network, funding better roads, delivering essential services and investing in new programs. Work has started this year on the first stage of the city-wide light rail project which will form part of Canberra's integrated public transport network and, very importantly, reduce congestion on our roads and prevent us from having to build more and more roads into the future. Our suburbs from Forde to Theodore will see the benefits of even more mowing, weeding, playground improvements and local shop upgrades.

Madam Deputy Speaker, I will finish by giving particular thanks to all the staff across the directorate. As the new minister, I certainly recognise that this has been a year of significant change for many of them. I have had the enormous pleasure of meeting many of them and, as you would know, have been dealing directly with the senior executive leadership team in the directorate. They have been responsive and very professional in all their dealings. Perhaps more joyfully, I have enjoyed getting out as often as I can to sites that TCCS operate across our city every day—from the resource recovery centre at Mugga to the Belconnen depot early in the morning for bacon and egg rolls, which were delicious. It has been great to speak with the people in the directorate. They understand our city perhaps like no other group of people in Canberra. I have also visited libraries, Domestic Animal Services—every day they deal with people across our city, often people in distress—our road building crews and staff across the city. They do an incredible job. I have had the opportunity to visit the cemeteries—I have not yet had the opportunity to visit the Capital Linen Service, but I certainly hope to—and the Yarralumla Nursery, which has enormous heritage value and value to the Canberra community as a whole.

In relation to my in-tray of representations from people across the city and members of this Assembly, I particularly thank all of those who have input into the representations that come in and get addressed and which are then written up in the form of a letter which I send back to people, including many members of this place. I think Ms Lawder may be hot on the heels of Ms Porter in representing the views of her constituents through very frequent and regular letter writing. I can say that every request is taken seriously, every request is dealt with by experts and every request is looked at.

I am very proud to have had the opportunity over the past six months to work with people in the directorate. I know how committed they are. As I have said to them on many occasions previously, their ideas are valued and their work is valued. They have many great ideas because every day of the week, every day of the year, they see our city in a light that no-one else sees it. I look forward to continuing to work with them and seeing those ideas become a reality. I commend this budget to the Assembly.

Proposed expenditure agreed to.

Total appropriated to territory entities agreed to.

Treasurer's Advance—Schedule 1, Part 1.19

**MR COE** (Ginninderra) (8.02): The appropriation allows for about \$47 million or so to be set aside for the Treasurer's advance under the appropriation. I would just like to flag, as I think is customary for the shadow Treasurer, a warning to the Treasurer about this appropriation. It is, of course, not a honey pot that can be drawn upon on demand. It is, in effect, a provision for very serious events that require an additional allocation of funds. Under the Financial Management Act 1996, it is quite clear that the Treasurer must be satisfied that there is an immediate requirement for any payment made under the advance and that the payment is not provided for or is insufficiently provided for by an appropriation because there was erroneous omission or understatement in the appropriation, or the payment was unforeseen until after the last day when it was practical to provide it for the relevant appropriation bill before the bill was introduced into the Assembly. Of course, it would be interesting to know what criteria the Treasurer and his directorate apply when considering a payment that needs to be used. I would also remind the Treasurer of the importance of transparency in government and that it is absolutely essential that this provision is used very rarely and, when it is used, we think there is merit in better reporting of such use.

**MR BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (8.04): Section 18 of the FMA provides the Treasurer with the authority to authorise appropriation if there is an urgent or unforeseen need for expenditure during a fiscal year. The Treasurer's advance must not exceed one per cent of the total amount appropriated by all appropriation acts for that year. In 2015-16 a total of \$40.575 million was expended against the \$47.4 million. In 2016-17 an amount of \$47.6 million, representing one per cent of the total of appropriations, has been included in the appropriations bill. I commend the Treasurer's advance to the Assembly.

Proposed expenditure agreed to.

Total appropriations agreed to.

Clauses 1 to 10, by leave, taken together and agreed to.

Title agreed to.

Question put:

That the bill be agreed to.

The Assembly voted—

Ayes 8

Noes 7

Mr Barr  
Dr Bourke  
Ms Burch  
Mr Corbell

Ms Fitzharris  
Mr Gentleman  
Mr Hinder  
Mr Rattenbury

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson

Mrs Jones  
Ms Lawder  
Mr Wall

Question so resolved in the affirmative.

Bill agreed to.

## **Appropriation (Office of the Legislative Assembly) Bill 2016-2017**

Debate resumed from 7 June 2016, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MR HANSON** (Molonglo—Leader of the Opposition) (8.09): I would like to say that the opposition has been very impressed with the work that has been done within the Legislative Assembly over the past term. I think that it has been an interesting period in that the Office of the Legislative Assembly has had to manage the current business whilst also preparing for the future and it has been, I think, relatively seamless. The debates, the committees, the business of this place have been incrementally improved, I think, throughout this term. What we have seen is a reconditioning of the building. We have seen some of the staff move. We have seen significant changes to upstairs and an increase in capacity for ministerial suites and the additional capacity for other members throughout the building. I commend Madam Speaker for her role in that as well as all of the staff that have ably assisted her led ably by Mr Tom Duncan, the Clerk.

I would also like to make note of the work done by the committees during this period. I think that it is on the record that I had concerns about the two-Labor, two-Liberal structure, and I still retain those concerns. I do not think that that is ideal but what I

would say from what I have seen is that both the select committees and the standing committees have adapted to that as best they could and that we have had some good results for the Assembly.

There are certainly some significant appropriations for OLA and its responsibilities and moving forward to the expanded Assembly that starts in literally a matter of weeks. Again, well done to the staff for everything that they have done and I look forward to seeing the fruits of all your labour when we return here, hopefully all of us or most of us at least, in October or November.

**MRS DUNNE** (Ginninderra) (8.12): The Appropriation (Office of the Legislative Assembly) Bill 2016-17 is, I consider, a bit of misnomer because it does not adequately describe the scope or purpose of the bill. It does not just appropriate money for the Office of the Legislative Assembly. It provides funding also for two officers of the Legislative Assembly who are directly funded out of the budget, the Auditor-General and the ACT Electoral Commission. The distinction between the Office of the Legislative Assembly and officers of the Legislative Assembly is an important one that is often easily overlooked. So I suggest that beginning in 2017 the appropriation bill be renamed to the slightly more awkward but certainly more accurate Appropriation (Office of the Legislative Assembly and Officers of the Legislative Assembly) Bill.

Now to matters of greater substance, I thank cabinet, in particular the Treasurer and Treasury officials, for their engagement in the development of this appropriation. It has been a constructive process that has been conducted professionally and with regard to the budget protocols that have been in place between the Assembly and the executive. I also thank the budget committee of cabinet for the opportunity to attend and advocate for the Assembly budget proposals for 2016-17.

However, while the process has been a good one we know from the Treasurer's statement of reasons provided to the Assembly that neither OLA nor the Auditor-General received the funding that was sought. Following my consultations with the relevant officers and the Standing Committee on Administration and Procedure I sought funding for the Audit Office to enable additional performance audits to be undertaken.

I also sought funding to increase OLA's administrative and advisory capacity for the next and enlarged Assembly. In my view it is unlikely that the funding included in this bill will be adequate to address the operations an enlarged Assembly might expect of OLA in the medium term. The next Assembly brings a 46 per cent increase in the number of members and staff. That, juxtaposed with the funding this bill provides, creates a risk as to the quality, timeliness and overall adequacy of OLA's service delivery and advisory functions.

In his statement to the Assembly the Treasurer observed:

The Government ... considers that, while the size of the Assembly will increase, this will lead to a better allocation of workload across members, and will not, of itself, increase the amount or complexity of work being undertaken either by the Assembly or the Office of the Legislative Assembly.

We will have to wait and see who is right.

It will not surprise me if the Speaker of the next Assembly in the next budget round needs to address resourcing and capacity issues that likely will require additional funding. Indeed, it is possible that, depending on the decisions taken by the Ninth Assembly about sitting hours, the operation of committees and so forth, there may need to be budget supplementation before the end of the financial year. Of course, OLA will cut its cloth to match the available funding but the prospect of additional complexity and workload pressures, and I think OLA will encounter both, will necessitate another look at the arguments that were advanced in support of extra funding sought during this budget round.

I appreciate that the government of the day will always have many competing priorities. I also appreciate that the role of executive government is to give those priorities their due ranking and associated funding. It is the role of this place to approve or reject them. However, members well know that OLA and the two officers of the Legislative Assembly in receipt of specific appropriations sit outside that remit. Institutionally, strategically and operationally they are separate from executive government.

The Assembly has legislated the independence of OLA and the officers of the Legislative Assembly. As such they are firmly within the ambit of the legislative branch of government in this territory. This statutory arrangement is consistent with building the capacity and strength of the Assembly so that it is able to exercise appropriate checks and balances on the executive. That is what we are here for. It is consistent with the commonwealth's Latimer House principles on the three branches of government adopted by this Assembly in 2008.

Now, eight years on, I was encouraged by the results of OLA's recent survey of members of the current and the Seventh Assembly in relation to their understanding and appreciation of Latimer House principles. Thirty-three per cent of members responded. Of those, 75 per cent agreed that the Latimer House principles were either very important or somewhat important. Eighty-five per cent agreed or strongly agreed with the proposition that parliamentary procedures should provide adequate mechanisms to enforce the accountability of the executive to the parliament.

Respondents also overwhelmingly supported the proposition that the Assembly should play a large role in the development of its own budget, with 87 per cent of members responding. These views came from members both executive and non-executive from across the political spectrum.

I would like to start a serious reform conversation about how to build on the steps we have already taken to strengthen the Assembly's independence by giving the institution a greater say in its funding.

The self-government act establishes some constraints on the executive's financial initiative but this does not preclude the Assembly developing a political and institutional consensus, a convention perhaps, allowing it to play a more authentic,

more inclusive and more determinative decision-making role in these matters. These would need to be broad agreements as to how this might operate and some means to test the manner in which funding claims were advanced and accepted. For instance, I see the value in developing a once per term review process by independent experts with financial management and parliamentary experience to evaluate the funding requirements of this Assembly.

This process could result in a report to the administration and procedure committee on reasonable baseline funding, indexing parameters and any particular strategic funding matters that need to be addressed such as capital expenditure requirements. Such a process could be used to strike a balance between the two elements. On the one hand there would be a need for the parliament to be able to perform its functions effectively and without undue executive interference. On the other there would be the competing need for efficient and cost-effective administrative arrangements. The committee and the Speaker could then determine the recommended appropriation which the executive would be obliged, with the broad political support of the committee, to accept.

Such a process would still enable input from across the political spectrum including from the government but it also would facilitate a parliamentary process rather than a cabinet process as the deliberative mechanism. This type of arrangement is not too dissimilar from that which already operates in the New Zealand parliament. There a committee is responsible for recommending the funding vote to be included in the appropriation for officers of parliament. A convention operates whereby the recommended amount is included in the appropriation bill by the government without amendment.

A former Clerk of the New Zealand House of Representatives and author of *Parliamentary Practice in New Zealand*, David McGee CNZM, QC, notes there has been one occasion where the amount for an officer of the parliament included in an appropriation bill differed from that recommended by the house. In that case the Officers of the Parliament Committee, which was responsible for the recommended appropriation, advised the Prime Minister and the Minister of Finance, as Mr McGee states:

The Ministers assured the committee that this had occurred as the result of an administrative error and that there was no intention to infringe the rights of the House.

It is this deference on the part of the executive to the parliament on matters relating to appropriations for the parliament that I would like to see embodied in the practices of this Assembly.

The steps we have taken so far with the development of budget protocols have been positive. Indeed they are well regarded by other jurisdictions around Australia and across the commonwealth. I look forward to these continuing and being expanded to include officers of the Legislative Assembly.

While I accept that there will always be some hesitation or even resistance where prevailing orthodoxies are challenged I see a real opportunity to innovate in this area. It can be done in a way that preserves the strengths of the system of responsible government and respects the pre-eminent role of the parliament as the master of its own destiny. I ask members to think seriously about this as a means of strengthening our key democratic institution in the ACT.

In conclusion let me say briefly that I am proud to confirm that the building works to accommodate an enlarged Assembly are complete and they are completed in advance of the planned timetable and under budget. Not only have the accommodation requirements been met but we have also seen a significant improvement in the amenity of an ageing building, making it a much more pleasant place to work. I congratulate all the people involved in planning, building and overseeing what I regard as a project that has been exemplary in its execution.

After the Assembly rises tonight for the last time the chamber will close and become the next phase of the reimagining of this building. The central table will be removed and a new one put in its place. I look forward to seeing the interplay of the Chief Minister and Deputy Chief Minister facing off against the Leader and Deputy Leader of the Opposition at such close quarters. It will make for a very new and very interesting dynamic in the chamber as we move into a new and exciting chapter in self-government.

I thank the Chief Minister and Treasurer and officials for their cooperation as far as it went in relation to the Legislative Assembly's budget. On behalf of the officers of the Legislative Assembly I also thank them for their cooperation and assistance. I look forward to a fruitful conversation about the best way to ensure the independence of the Assembly and the officers of the Legislative Assembly and having an evolving and collaborative discussion about our future funding.

**MR BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (8.23), in reply: I thank members for their contribution. I am pleased to be able to endorse this appropriation. I take on board the comments made by the Speaker. We certainly did have a robust consideration of all the proposals that were put forward by the Speaker for this appropriation. We supported most of them but not all of them. We look at the various proposals that come before the budget cabinet. I am sure each of my ministerial colleagues would feel that they also had a range of very worthy budget initiatives that were unable to be funded this year.

I will make a couple of observations in response to what Madam Speaker has said. It is all well and good to come in here and give high-minded speeches about collaboration and cooperation and how everyone should get to set their own budgets but when you are the Treasurer and you are on the receiving end of the tirade of abuse that comes particularly from those opposite about the spending of public money or the raising of public money it is just a little rich to be told that if we all hold hands in a circle we may be able to find a way through. Maybe we would. Maybe we might. But I am certain that regardless of the political persuasion of the occupant of the office of

Treasurer in the Australian Capital Territory every budget round there will be, through the community consultation and through their ministerial colleagues and through the Office of the Legislative Assembly and everyone else who wants to have input into the budget, as there normally is, about 10 times as many spending requests as there is available revenue.

When it comes to the question of how you might go about raising revenue and you ask that question there are normally 10 times as many reasons and arguments that come forward about how, in fact, we should have no revenue collected at all because every bit of government revenue collection is a massive impost on people's cost of living. We cannot continue in a fantasy that all taxes are evil and that all spending is bad except for that which we spend on ourselves in this place, as important as this democratic institution is.

I take on board the spirit of what Madam Speaker has put forward but I will not accept a sour grapes lecture tonight on a few budget appropriations not being supported when the majority were. There will always be another budget round. But having sat through three days of budget debate now and had a tirade of abuse about revenue raising we do need to think deeply about whether spending money on ourselves is the number one priority at this point in time.

**MRS DUNNE** (Ginninderra): Madam Deputy Speaker, under standing order 47 I would like to speak again to address a misconception in the speech.

**MADAM DEPUTY SPEAKER:** Please proceed.

**MRS DUNNE:** Thank you. I think that the Chief Minister misunderstood the move from the discussion about the specific appropriation in this bill to a more general discussion about how we might in future determine the quantum of the appropriation for the Legislative Assembly. What he described as the high-minded discussion was designed to be just that. It was not a reflection on the failure of the government, the executive, to provide all the moneys that were asked for by the Office of the Legislative Assembly and the Office of the Auditor-General. I had moved on from that to a more esoteric discussion. Yes it is esoteric but this was a genuine attempt to start a conversation about whether there is a better way in the future of doing this. I think that the Chief Minister and Treasurer has failed at the first hurdle by saying, "We cannot possibly do this because everyone always has to lose out on something."

There were two parts to the speech. There was one about the appropriation bill and there was one about a future approach to appropriation. I hope that the Chief Minister now understands that there was a segue, which he may not have heard; but this is a genuine discussion which I will continue, irrespective of where I sit beyond the election, about the future way we appropriate for the legislature and the integrity bodies that support the legislature.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Estimates 2016-2017—Select Committee Report—government response**

Debate resumed from 2 August 2016, on motion by **Mr Barr**:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Election Commitments Costing Amendment Bill 2016**

Debate resumed.

That this bill be agreed to in principle.

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

## **Adjournment**

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

That the Assembly do now adjourn.

## **Valedictory**

**MR BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (8.30): I rise briefly in the adjournment debate tonight, this being the final sitting of this Assembly, to thank my Labor colleagues and Minister Rattenbury for being part of the government in this parliamentary term.

I thank you all for your hard work, for your dedication to the people of Canberra, to your respective electorates and for all of the extra hours that you have put in in recent times, particularly as there has been a very ambitious cabinet agenda. We have established three cabinet subcommittees focusing on the government's policy priorities and ministers have worked exceptionally hard.

I would like to acknowledge and welcome Mr Hinder to our parliamentary team. It has been a very brief time in the Assembly but I am sure following October that your career in this place will continue at a great pace.

To those opposite, it has not always been a pleasure working with you but at times we have been able to reach across the political divide. Actually, more often than not we do agree in this place. Most pieces of legislation pass unanimously but the areas where we disagree, we disagree with passion. I do not understand your political philosophy at times but I respect that you hold your political views very deeply and that you are prepared to participate in the political process and that is a good thing.

I wish you well in the election campaign up to a certain point—up to a certain point. As the Leader of the Opposition and I exchanged in the corridor this week, we will have a robust and passionate debate about the future of this city but we have each other's mobile numbers in case anything goes badly wrong. We can make that phone call to say, "Hang on, things have got a little bit out of hand." And I think that is as it should be and I certainly appreciate that that dialogue can occur.

I would like to thank everyone who assists in making this place function effectively. To all of the Assembly staff, thank you for all that you do for us, most of the time making it look like we know exactly what is going on in the legislative process. So to all of the Assembly staff, thank you very much.

To my office, it is a great pleasure to work with such a team of dedicated staffers. I am blessed, I believe, to have the best office in the Assembly but every other member will of course contest that and will take the opportunity, I am sure, in their remarks tonight to acknowledge their team. But we are only able to do what we do with the support of our staff and of our families and friends.

It is undoubtedly a very challenging role, public life, but it is, as we all know, incredibly rewarding. There is something about this city and this parliament: our closeness to our constituents, the ability to see good public policy enacted quickly, and to demonstrate national and international leadership in so many areas. And that has been a really important part of the past four years in this place in particular.

I look forward to that continuing and I certainly hope that the campaign that lies ahead of us—the election process, the festival of democracy—will see passionate people elected to this place, people who have ideas for the future of this city. I hope that a majority of them are on the progressive side of politics but it is important in an expanded Assembly where there will be a lot of new members that those of us who have the experience in this place can continue to play a leadership role for the city.

It is going to be very important for Canberra. We are at a significant crossroads in terms of our city's future. I agree with the Leader of the Opposition on that. It is a case of one direction or the other. It is very clear in this election and that is again a good thing. We certainly will not hear commentary about the 2016 ACT election that there was not really a choice—that it was Tweedledum and Tweedledee. It will be, very different. I look forward to that. It is a good thing for the city.

Thank you to all who have contributed to public debate in this Assembly in the past four years. I look forward to seeing you; I imagine that most people will be back, given there are going to be eight extra members. You would be doing pretty badly not to get re-elected as an incumbent this time.

**MR HANSON** (Molonglo—Leader of the Opposition) (8.35): I would like to thank Mr Barr for some of his comments. He has certainly thrown down the gauntlet for all of us but I would hope that the majority of us get back, shall we say. I would agree with Mr Barr as well that this can be a tough job at times. I commend all of you for putting yourselves forward. As Mr Barr said, we do not always agree but it does take

some gumption to put yourself out there. Some of us do lose a bit of skin as a result from time to time. I am not looking at you particularly, Mr Gentleman. But that is as it should be. A democracy should be like that. We should be tested. We should be held to account. That is what makes a strong democracy.

I would like to thank the people of Molonglo who will be changing their electorates. I thank in particular all of the people whom I have represented but, as Leader of the Opposition, I thank all of the people of Canberra whom we all are here to represent and work hard for. I believe that, regardless of our differences, we all work hard in this place and we all do put the people of Canberra at the very heart of what we do.

It has been a very successful four years for the opposition, Madam Deputy Speaker. The commentary, I think, has been that that is the case. I commend my team very strongly for the work that they have done. Opposition is tough. I appreciate that government is probably tough too. We will get a chance to taste that soon.

What I would say is that there are three things that we have done well. We have held this government to account, and you will be thankful to hear I will not regurgitate all the issues for you. We have engaged constructively in the policy debate and, again, I will not go through all of the issues. We have heard them a lot and we will hear them over the next few weeks. But no-one can accuse this opposition of not having a position and, in fact, of not setting the debate on a range of policy issues.

What is often forgotten is that we work very hard for our constituents. What I would say is that all of us have done that. I was just reflecting with Ms Lawder about the number of representations various members have made.

I thank Alistair Coe, who has brought an enormous amount of support to me in the leadership. I think that when I reflect in many ways on what has been the strength of the Liberal team, the partnership that you and I have shared is the number one thing in my view. It is what in many ways has held this team together and made us what we are, with the support of all the other members—Julia, Steve, Nicole, Vicki, Andrew and Val, who is keeping the southern border secure for us, and a couple of members who have left. It would be great if you could pass on to Brendan, who is now working for you, my regards—if he is still in the country.

**Mr Barr:** Yes, he says he has got a new lease on life.

**MR HANSON:** Good, no doubt he has—all the way to Paris. And to Zed Seselja who was a member here. Obviously, he was our leader before I took over. It is great to see that he is now a minister in the federal government.

I thank all of our public servants, of course, who work so hard across all the portfolios, and the Assembly staff. I note particularly the attendants who always seem to want to have a joke and good on them. I would like to spend a little time thanking my own staff, some of whom have come down tonight. I start with my chief of staff Ian Hagan.

**Mrs Dunne:** You just need to make sure you name them all.

**MR HANSON:** I will name them all. I had better not forget any. I will tell a quick anecdote. Tonight the staff asked that we get together unprompted so that they could give Ian a bottle of whiskey to say what a good boss he has been as the chief of staff. They did not give me one, I note, but they gave Ian one.

They said some very kind words about what he has done. I certainly share that sentiment. When you are the chief of staff you have responsibility across the whole corridor for all the staff. I am sure that all the staff in every office would have similar sentiments. Hopefully there are more bottles of whiskey to come.

Neil Hermes is the bloke on the far left. I think what I would say is that for Neil no job is too big, no job is too small. Whatever it is, he does it; he gets on with it. Can I keep going? Is that all right, Madam Deputy Speaker?

**MADAM DEPUTY SPEAKER:** You always do, Mr Hanson.

**MR HANSON:** I do. It is fair to say that you and I have had our disagreements but well played, Madam Deputy Speaker. You played that well. No job is too big, no job is too small, and he does them all to perfection. James Browne, I thank you for your diligence dealing with all of that Attorney-General's legislation. We do not have a department and when you are in opposition you do it all and when you are the shadow attorney-general there is a lot of it. James, for all the work that you have done on that and for your diligence, well done.

Joe Prevedello is the media adviser not just for me but for all of the MLAs. Can you imagine? You have to keep eight MLAs and all the media happy. That is almost an impossible task but Joe somehow seems to manage that. He managed to make it so that we have spoken with one voice for the whole term. That is a very difficult thing to do. Well done!

It is great to have Emily Hicks back as well. She was with my office. She went up to work on the hill. She got Zed elected and now she has come back hopefully to help me do the same. Katy Lankutts is probably leaving at the end of this term to have a baby. I wish her and her partner, Tom, all the very best for their future. I know she is very excited about what the future holds, and it is great.

Jodie Bingley is hiding up the back. Jodie is a mother of five. She recently had her husband go off to Afghanistan, and she is working for the Leader of the Opposition. That is not an easy thing to juggle. I think the way you did that is admirable. There is no way I would be able to do that. There are not many people who would. But to be able to juggle five kids, not to miss a beat at work while your husband is deployed to Afghanistan, is an extraordinary feat.

Last but not least I thank my PA and part-time babysitter Jess. She is always on time with excellent work, always diligent, always efficient, never misses a beat. I am sure that we will both enjoy a little bit of a break without her saying, "We need to do diary." That is an inside joke that, as MLAs would I am sure know, our PAs say: "You need to do diary." Yes, it is my fault when it is not done.

To all my staff, once again, thank you and thank you too to all the staff along the corridor who support all of the MLAs so well. I am sure that is the case on the other side as well. To all of the members, all of the staff here, I wish you all the very best and I look forward to seeing you after the election in November.

**MS LAWDER** (Brindabella) (8.44): Thank you, Madam Deputy Speaker.

**Mrs Dunne**: Is it going to be a song?

**MS LAWDER**: No poems this year.

**Mrs Dunne**: It is not Christmas.

**MS LAWDER**: It is not Christmas, that is right. It is a Christmas present. I want to reflect briefly on my past three years or so here in this Assembly. I take some pride in the fact that I was the only MLA appointed during the Centenary of Canberra, the only centenary MLA.

Something that very much sticks in my mind during my time in this place was the PAC inquiry into the Mr Fluffy legislation. I think it demonstrated that it was one of those issues that was above politics. There was a bipartisan approach to the inquiry. It was done in quite a quick manner. It was flexible; it was nimble; it was evidence-based; it was thorough; and it was compassionate. The effects, the ongoing legacy, of the Mr Fluffy saga, if you like, will reverberate throughout our community for many years to come.

I would like to thank very much the staff of the Assembly who have given me a lot of assistance over my time here: the attendants, Hansard, the technical staff, the library. I do not mean to leave anyone out but I want to thank everyone generally. The committee staff have also been enormously helpful to me in my role on committees.

I thank my colleagues on this side of the chamber who are always good for a few laughs here or there. I appreciate their support and their mentoring of me when I came in to fill the casual vacancy back in 2013, and my colleagues across the chamber as well.

I would like to thank my own staff currently, Nikkie, Lucinda, Chloe and Alex who provide enormous support to me and help to keep me on track. And I thank my past staff, two of whom have gone on to work for senators. I am not sure whether that is a good thing or a bad thing but I wish them all the best. I thank my volunteers, who are out there on weekends and on weekdays letter-boxing and helping me out. I cannot overstate the importance of and my appreciation for what you do for me.

I value very much my friends with whom it is very important to take a bit of time out and have that bit of a normal life where you are not having to talk politics and talk to a constituent or a stakeholder all the time. You need to try to maintain some of that normal life.

Next on my list, of course, is my family, especially my immediate family but my wider family as well, some of whom live interstate. I thank my husband Peter, our children and their partners and our 12 lovely grandchildren, three of whom I think were born during my time in this Assembly to take me up to the number 12. I love them very much and appreciate their support in what can be sometimes unreasonable hours as an MLA. Finally, I thank very much the people of Brindabella for their faith in me. I hope that I have served you well and faithfully in my time here.

I would like to finish with a little personal story. It is something that I found really heart warming. I think it was Tuesday of last week. It was a sitting day and I left the chamber to go upstairs to grab a cup of tea. I had a speech to make that afternoon and had a TV interview at lunchtime. I was trying to get a whole lot of things ready.

When I went into my office, one of my staff said to me, “You need to ring this lady.” I will call her Rosemary. She is one of my constituents. I said, “What is it about?” They said, “I do not know but she is really upset. She is an elderly lady. She really wants to talk to you.”

I rang Rosemary back and she told me a story. I had helped Rosemary once before with a street mowing issue. She is in her 80s, as is her husband. She lives in Gowrie. She was telling me how she and her husband had both been very sick with the flu. He had gone to hospital. She cried for days because they had been married for 60 years; they are never apart; she was so upset; and there was no food in the house. They were supposed to go to the doctor on Tuesday morning but because it was raining they did not want to leave the house. He was still a bit sick and she does not drive. They were a bit depressed. They did not know where to go; so she thought she would ring me.

My instant reaction was, “What?” but then almost immediately followed by, “How lovely that of all the people she could ring in Canberra she chose me to call.” And that is what I hope the people that I have had interaction with in the electorate of Brindabella feel about me. Thank you.

**MR DOSZPOT** (Molonglo) (8.49): I cannot believe how quickly this year has gone. As usual, there are many people to thank and acknowledge for their valued contributions during 2016 and, indeed, the past four years. Starting with my own staff: senior advisor Sue White, who has been a much appreciated and valuable contributor to me and my office over the past five years—however, she does need to brush up on her football tipping skills! My thanks also to Claire Medway and Bradley Clarke for their support and contribution. I would like to thank all three of them for their hard work and initiative, which has seen our office cope with a rapidly increasing workload from our constituents.

Like Nicole, I have also reflected on the past eight years that I have been in the Assembly. I came into this Assembly in 2008 as a member for Brindabella and was re-elected in 2012 in Molonglo. I hope to come back after this election as member for Kurrajong. And then maybe—who knows?—there are Ginninderra and Yerrabi still waiting for me. I look forward to doing the rounds of some of the other electorates, so just be very careful.

To all of my Liberal colleagues—Jeremy Hanson, Vicki Dunne, Alistair Coe, Andrew Wall, Giulia Jones, Nicole Lawder and Val Jeffery—2016 has been a very interesting year to date, and the next 2½ months promise to be even more exciting. We are all looking forward to an excellent election campaign and to 15 October.

Once again, I would like to thank my colleagues and many of their staff, who once again supported our annual charity fundraiser which this year was for Bosom Buddies ACT, which again attracted over 400 guests. In May 2017 we will be holding our 10<sup>th</sup> charity fundraiser. We will be announcing the nominated charity for 2017 in a few weeks time. That is just a little bit of advance warning. It would be great to see some colleagues from the future opposition come along as well and join us in our dealings with the various charities.

Jeremy Hanson has already thanked all of the staff from the leader's office. I also thank Ian, Joe, Neil, Jess, James and Jodie for the support they have given all of us. As Chair of the Standing Committee on Justice and Community Safety and the JACS scrutiny committee, I have already thanked all MLA members as well as all the staff from the Office of the ACT Assembly that supported these committees. I thank them once again.

Thanks also to the chamber staff: Clerk Tom Duncan, deputy Max Kiermaier and all of their staff. I thank the attendants: Michele Sidonio, Rod Campbell, Peter Edwards, Paul Oliver, Oscar Zamora, Panduka Senanayake, Brian Allan, Denis Axelby, David Chavez and Sonia Hemmings.

Rick Hart and Ray Blundell did so much for this Assembly and all of us individually and are now enjoying their retirement. I know Ray has caught quite a few big ones, or so he tells us, and Rick still keeps coming back. I wish them well in their retirement.

My thanks also go to those in Hansard, Val Szychowska and her team, to the library, Jan Bordoni and colleagues; and to Ian Duckworth, Emma Talbot and Rachel, and David Skinner. Thanks again to all of you for the support you have given us. And to Neal Baudinette, who did such a great job with the education programs and debates he conducted for ACT schools. I really appreciated Neal's support for the Assembly overall and us individually. Neal has also retired. Mr Barr, there are so many retirees. I am not quite sure if you are thinking about that at this stage? Neal has done a great job, and we wish him well in his retirement.

Finally, to all of our parliamentary colleagues in government and on the crossbench government: we wish you all well. Without any malice, we hope you have at least 15 years in opposition to keep us focused in government.

Finally, to my family—Maureen, Adam, Amy, Nettie, Ed, Isabella, Noah, Kasia, Andrew and Harry—thank you for your support, love and understanding.

**MRS DUNNE** (Ginninderra) (8.54): I begin by thanking the people of Ginninderra who have done me the honour of asking me to serve them again. I look forward to serving a reduced electorate of Ginninderra in the next term. I know that Mr Coe is a

bit regretful that I get to keep Ginninderra because he is a sterling and standout member for the electorate of Ginninderra. He did a great deal of work and his work is much appreciated.

I thank my family, without whom I cannot do this job. They are my strength and also my sounding board and they give me my sense of sanity. I also thank the Liberal Party—the lay party, the people who volunteer; those who go out and letterbox and stand at shopping centres in rain and hail. Actually, I do not go out in rain and hail, but sometimes it is pretty cold. I pay tribute to all those people who have helped me over the past year or so, those who have put 150,000 items in letterboxes across my electorate and who will be continuing to help me in the next little while.

To my colleagues in the party room: you could not ask for a better party room. We have had an extraordinary run of good will, good spirit and unity. Even though there are things that we do not all agree on, and it is true that the Liberal Party is a broad church, under the successive leadership of Zed Seselja and Jeremy Hanson we have been a pretty schmick team, and it shows everywhere. It shows not just amongst the MLAs; it shows through the great strength of our staff.

I thank my personal staff that I have had over this term: George, Tio, the indomitable and irreplaceable Clinton, Chris, Maria and Keith—a stalwart of the Liberal Party—and the people who volunteer in my office as well. They are there to make me look good, and with such class people it is pretty easy to look good.

To my colleagues on the other side of the chamber, to paraphrase the words of the Chief Minister: I wish you well, but not too much success in the next little while. To Simon Corbell, thank you for your words this morning. They were very inspiring. I congratulate you on having the opportunity to go at a time of your own choosing. I think it is a besetting failure of politicians that we do not always go at a time of our own choosing. That is something that I aspire to do as well.

In the Assembly I have been the Speaker, and this was an unlooked for privilege. It has been a privilege to be Speaker of this place. As you know, I am a bit of a nerd. The role of the parliament is very important to me, and it always has been. I thank the Clerk and the staff of the Assembly for the work that they put into upholding the ethos of what a good parliament should be. We have much to be proud of. I recently reflected at the Presiding Officers and Clerks Conference about the implementation of Latimer House principles and how I think that we are now a standout parliament. We have achieved very much and we have a lot to be proud of.

I pay particular tribute to Neal Baudinette, who has retired. He was an exemplary education officer. It was nice to see him last night as a guest of the Assembly. And Rick Hart, who has been our maintenance man extraordinaire. You just have to say, “Rick, I have got this problem,” and it is fixed.

I pay particular tribute to Ian Duckworth and Celeste Italiano for their extraordinary and exemplary work on the building upgrade over the past couple of years, and to David Skinner, who I think is the intellectual powerhouse of this Assembly. He is a bigger nerd than I am when it comes to things like Latimer House. I thank him for the

work that he has done to assist me and Clinton in particular as we have grown into the role of being responsible for officers of the parliament. It was a great idea. The theory was great, but the execution was not necessarily perfect. We have muddled along and I think we are getting it together now.

Becoming Speaker, as I said, was an unlooked for honour. As it so happened, it has brought with it close association with the Commonwealth Parliamentary Organisation. It is an organisation I have always been very keen on but, over the past three years, as well as giving Kirsten Lawson lots of copy, it has given me some incredible insights into how valuable an organisation it is and how it can make a considerable contribution. It can make a bigger contribution than it has in the past. I pay tribute to the chairperson of the Commonwealth Parliamentary Association, the Hon Dr Shirin Chaudhury, for the work that she has done in trying to instil a new culture into the Commonwealth Parliamentary Association, ably aided by the Secretary-General, Mr Akbar Khan. I place on record my appreciation to Dr Chaudhury for the honour that she bestowed upon me recently in inviting me to fill a casual vacancy on the coordinating committee by making me the acting treasurer of the Commonwealth Parliamentary Association. I hope that I will have the opportunity to fully participate in that as the year goes on.

As we come to the end of this Assembly I think there is much that we can be proud of as legislators, as opposed to politicians. We have a fine working parliament with a fine working constitution. We have set ourselves up to serve the people of the ACT quite well. I know that self-government was never really very popular but, despite its detractors, I think the institutions that we are developing are robust and will serve the people of the ACT well into the future.

As we reflect at the end of the Assembly, I would like to wish members well in the election. I am an advocate of the Hare-Clark system. It is another nerdy thing. It is a brutal system. We have seen in this place a big turnover in members. Often you see that the make-up of membership does not change in number terms but the personnel do change. It is a very difficult system, and the people of the ACT have learned to use it well. I hope that they will be kind to those of us who wish to come back. I look forward to what the Assembly might look like with a big fat table in the middle and 25 members in this place.

**MRS JONES** (Molonglo) (9.03): I thank the OLA and security staff of this building, especially those who have passed me tissues or lollies at various times during the term. I thank the staff who have supported the JACS committee, in particular Dr Brian Lloyd, and the scrutiny of bills committee, Max, Stephen Argument and Peter Bayne. Mr Peter Bayne is retiring and I acknowledge the great knowledge that he has brought to that role. We have really leaned on him. I thank those involved in the education committee and, in particular, Andrew Snedden.

To my colleagues: we have had our amazing days and we have had our more stressful days. As the woman who had a baby in this term, I have had some stressful days. I am sure sometimes I have been easier to get along with than others. I am sure we have all agreed on many things and I am sure I have disagreed with each one of you as well. I do not apologise for that. That is about being alive, isn't it?

I especially want to thank my key staff. I thank Danielle. Danielle is brilliant and capable and my right-hand woman. She is always full of guidance and advice, which is invaluable to me, even as I had the baby and came back to work with him. I am very grateful to her for her positive outlook, which keeps me positive at times.

I started in this place with a young staffer called Peter Hosking, who I am sure we are all going to get to know more over the campaign. I believe he is a go-getter and has great ideas about what we can do better in this city. I thank Liam Devlin, who covered all matters of communications and community issues, local shopping centre visits and other engagements with me for a couple of years. I also thank Amber Gale, who made my social media profile somewhat more professional than it had been before. Both of them have gone on to other jobs. I wish them both well, especially Amber up in Sydney with her partner and her baby.

I thank Nathan and Jill, who are currently in my office—Nathan for his reliability and Jill for her great legal skills; reading and advising me on bills. And I thank Zoe, who is creating such great things for me in my office now. I also thank Greg and Tom for assisting me with electoral engagement and for their energy and stamina in this important work.

I want to mention the staff of the leader's office—Jodie, Joe, Emily, Neil, Ian, Jess, Katy, James: all the leader's staff—who have helped us out so often. We are much stronger for a great leader's team. I also thank the staff of all other offices who have been assisting me in this, my first term in the Assembly.

We start out with L plates on in this place and we rely very heavily on those around us with a bit more expertise to explain to us how to do things. Maybe we could have a better training system for MLAs one day, because there is so much to learn and it is wonderful how we have been able to help each other. It has been a privilege for me to mentor various young people in my term here and to have them visit me and accompany me to see what I do. It has been a real privilege to help the 10 or so young people whom I have mentored. It also has been a great privilege to have return-to-work mums and refugee work placements in my office, who were posted. I thank my staff for being so flexible in having them in. It makes a lot of difference to people to have access to the workforce to see what it is like and to have a reference at the end of it.

I am proud to say that my team have achieved many things. This team has had around 700 reps to ministers. In particular, in my favourite area of representation—Territory and Municipal Services, now Transport and City Services—we wrote 465 reps, 100 of them to Minister Fitzharris and over 364 to Minister Rattenbury. I am sure they got sick of writing, "Dear Mrs Jones," crossed out, with "Giulia" on the top. But I can tell you there are plenty of people in the electorate raising issues, according to the responses that we got.

I thank both of those ministers for their diligence and for taking seriously the issues raised by the opposition. I am sure you realise we get some kudos for it in the electorate. It really has been a great thing that you have taken us seriously and solved

many of the problems that we have brought, which have really been disturbing people on a daily basis. I am not a great fan of the city to the lake concept. I am much more a fan of the front door to the bus stop or the front door to the local shop or the front door to school. I think those things need to be taken very seriously, and I thank both ministers for that.

I am really proud that after more than 11 years, when I first breastfed a baby in this place while doing a little bit of part-time work for Zed Seselja, we have finally been able to achieve a lock on the breastfeeding room door. It is, in a way, a sad thing that it took so long because I did ask for one back in the day and was told that it was a safety hazard. I am really glad we have got over that concern now, given that we have locks on the doors in the toilets. I am really pleased to see that we have a baby change table in the public area of this building so that when we have functions with mums here they can change their babies. I would still like to see a breastfeeding area that is private in our public area. I am sure at some stage we will manage it.

I think the story of this term is Mr Jeffery's. It goes to show that it is always worth having your name on the ticket. I like to tell young people that and encourage them in their candidacy. Even if the first time round it does not work, you never know, we might go through everyone on the ticket.

I thank my husband, Bernard, for always backing me up. Bernard is a major in the Army and has a very busy job, but he always goes and collects the kids from school. He gets home early and more often than not cooks dinner for my family. I am sure my kids will appreciate him more and more as they grow up. Bernard always wanted to back me up in my aspirations in life, and I am very fortunate to have found a man like that.

My kids—Felix, Leo, Nicolina, Ambrose and baby Maximus—I love you all. Maximus was the first baby to be breastfed in the Assembly. Hopefully other members' babies will join him in the club. I thank Granny Crystal as well for all the love she gives to us back at home. My kids, unfortunately, know far too much about politics and my political opinions. I apologise in advance to any Labor candidates who are campaigning at the local shops, because at least Leo likes to tell them what he really thinks, which is not healthy for a nine-year-old, but anyhow. He is very good at blowing up balloons. He would probably blow up anybody's balloons, to be honest.

I thank the Liberal Party for all that you do to keep us here. We MLAs here stand on the shoulders of the giants who have come before us in our political party who, despite our underdog status in the ACT, have worked tirelessly over many years to make our party strong.

To the voters of Molonglo, I thank you for your trust. I hope that I have done you well and that I have given you my all this term. I look forward to taking the G-mobile out again, my delivery van, according to Mr Barr—hopefully delivering government. We will see you on the hustings.

**MR COE** (Ginninderra) (9.10): As unaccustomed as I am to speak in the adjournment debate, I rise this evening to say a few names!

**Mr Barr:** Is there a part of the phone book you have not read out yet?

**MR COE:** It is funny, because I had a joke that I had finished up with the Canberra phone book and I am now into Queanbeyan. It is quite convenient that they keep talking about Googong and trying to track people back from Googong and Tralee, because I am going through that phone book as well.

It has been a pleasure and an honour to represent Ginninderra for the past eight years. It was a pretty tough baptism of fire in the preselection in that election campaign—seven weeks from preselection to election day. It was hard and fast. But it has been a real pleasure and a real honour to have represented Ginninderra. It is tough to leave that electorate. I think the numbers are that we are losing 20 suburbs, keeping eight in the village of Hall and gaining another dozen. It is certainly going to be a tough battle, but I am very grateful for all the support that I have received in that journey.

With regard to the Assembly, there are many people to thank. I particularly want to thank the Hansard staff for forever following me up for names and the spelling of them. I thank the library; the committee office; chamber support; facilities; and the education office, particularly Neal, who really did a great job. He did a tremendous service to the people of Canberra through promoting this place. To the government: we have certainly enjoyed the combat, but we have also enjoyed the humanity as well. As we have discussed before—indeed, we were speaking about it privately earlier—it is nice when you can have a battle in here but you can walk up the stairwell and talk about Geelong beating Hawthorn or whatever the case may be.

Minister Corbell, you really have been a lion of this place. I think there are two Labor members who I will forever remember and hold in high regard. One is you and the other is Mr Stanhope. I think Canberra will remember you very fondly for the contribution that you have made to this place. It has been a very mixed legacy that you have in terms of so many different portfolio areas—and some pretty challenging areas. It has been no secret that we have had our fair share of disagreements along the way, but we have always admired the way in which you fought that fight.

I also want to acknowledge Mary Porter. She was a great ambassador for this place. She did a wonderful job for politicians, as I think I said on her final day in this place. I wish her and Ian all the very best as they continue their retirement up north.

I also mention Val. It really is a fantastic story. He has been fighting to get into this place for so long and just when he in effect turned off the fight he got elected. It is a great story. It really is a great story.

To my colleagues, it has been a pleasurable term—as much as it can be in opposition. Jeremy, you have done a sterling job as the leader of our party, and I think we are well placed to take it to the electorate in October. To be fair, perhaps there has not been an easier time to be a Liberal and campaigning than it is right now. We have a great story to tell, and I know we are getting a good response as we are out and about—

**Ms Lawder:** There has never been a more exciting time.

**MR COE:** And a more exciting time as well.

I also want to acknowledge the staff of the directorates and the staff of the ministers. They are always very accommodating with regard to briefings and with information requests. It is noticed, and we really are very grateful for all the responses to the letters and the questions on notice. It really does make a difference. There are very few tools available to the opposition. We cannot call directorates. We cannot call the subject matter experts that the government has access to. We do need to heavily rely upon correspondence, through questions on notice, freedom of information requests, et cetera. When those are delivered efficiently, it is very much appreciated.

I also want to specifically mention the Select Committee on Amendments to the Electoral Act. It was an interesting process. It is curious sometimes how decisions are made. It is a bit like a university assignment: it does not matter what happens; there is always the night before. Unfortunately, sometimes that is the way it happens here in this place. And sometimes it is not even the night before; sometimes it is five minutes before. But that select committee was a very important committee, and I think going to five fives is going to set up the ACT very well.

With regard to staff, I want to acknowledge Joe and Ian in particular from the leader's office. Joe, you have done a wonderful job. I do not know how you do it. You are texting and calling people at 5.30 in the morning pretty much every single day and then you are handling media requests at night. It is quite an extraordinary feat and we really are grateful. And Ian, your very constant, very consistent and measured approach has kept things very calm in the corridor and has meant that we have been able to have a very strategic and very measured approach to how we go about our business here.

I thank the staff in my office, in particular Ruth and Ben. They are both lawyers, but they have both become subject matter experts in all sorts of things that they probably never expected to. They are absolutely faultless in their dedication and their commitment to what they do, and I am very grateful from both a professional point of view and also a personal point of view. I also thank Kate, who has been with my office for about a year or so, who has been a wonderful influence. She has tremendous experience from previous roles that she has had, and I very much value that. Danielle is off on maternity leave at the moment and has a lovely baby, Evelyn. I am very grateful for what she contributed to the office and I very much wish them very well.

I want to touch on the party. In particular I thank the members of the management committee and the branches, but I also thank Arthur, John, the past president, Peter Collins, and Tio Faulkner for what they have done for the party.

Finally, with regard to my family, it has been an interesting journey in these past four years. Soon after the 2012 election I was engaged; then I got married and now have two children. It has been a significant change of circumstances for me this time round compared to 2012. I am certainly feeling that in terms of my level of tiredness, but it has been a real blessing and a real honour to have Yasmin, Angus and Annabel in my life.

One way or another, as I mentioned to Andrew in the chamber one day, the opposition will be getting closer to government even if it is through that central table just there. We are very confident of taking that extra step over the central table and restoring a Liberal government, which has been absent for 15 years.

In conclusion, I wish everybody all the best for the campaign. I also want to wish all the best to the Raiders and the Cats.

**MR WALL** (Brindabella) (9.20): I must say that it has been an absolute pleasure and honour, a privilege and a steep learning curve coming into this place after the 2012 election, particularly coming from the world of small business. As I entered this place in 2012 after the last election—looking at who I was elected alongside, in particular on this side of the chamber, when you think you are the third candidate, which was a feat that had never been done by the Liberals in a five-member electorate, and I had the leader and the deputy leader in front of me—I thought, “What prospects are there for re-election?” But how things change in politics. It is the last man standing.

More seriously, it has been an absolute delight working in this place with those opposite and fighting to get a better deal for Canberra, particularly Tuggeranong. It is not often in opposition that you can point to things and say, “I have made a change.” But every weekend I get to take my daughter to Calwell to swimming lessons at the swim school down there, which I feel largely would not be there if it was not for the work I did in raising the issue and bringing it into this place. Likewise, I was standing shoulder to shoulder with the residents of Uriarra, who still no longer have a solar farm across the road from their homes. Working with the mothers of young children with autism or global developmental delay in making sure that they got a better deal as we transitioned across into the NDIS also is one of those moments that is a very rare opportunity where you can work with such a large part of the community and try to have such an impact on not just the futures of these parents but also the futures of their children.

None of this, though, would have been possible without the great support of the staff in my office, most particularly Kate Davis, who has been there since January in 2013. She has been on the whole journey with me through this term and, hopefully, with a bit of luck, we can continue the journey next time round.

I also thank Paula, who came on midway through the term and has been an absolute driving force, telling me when I am wrong, telling me when I am right and telling me when she does not agree. I would especially like to pay special mention to Paula, who has risen to the challenge in the last few weeks, as I have taken on the whip’s role for this side of the chamber, in her diligence in negotiating with the other side on pairs and making sure that the chamber roster is going and everyone is down here on time and doing their bit. That is very much appreciated.

Julie, who has been a recent addition to my office, has certainly brought a creative spark, and that has been very, very much appreciated. And James has been one of the tireless workers, getting the electorate and constituent work done in the office.

On the family side, as all of us would understand, we cannot do this job on our own. As my wife would often attest to, she knows what it is like to be a political widow, spending many nights alone at home with our now almost three-year-old. It has very much been a learning curve for us as to what normal is in our household, being elected as just the two of us and going now into the second election with an additional member of the family, who brings so much delight and so much excitement to our day. Obviously, the support that my parents give me and Christine in helping look after Sophia on the nights that we do need to go out together or when she is tied up at work as well makes it all that much easier.

To those of you on the opposite side, it has been a delight in getting to know some of you as we have worked through the last—

**Mr Barr:** Others are less delightful?

**MR WALL:** I will leave that for you to decide. Some of you I probably have not got to know quite as well. Simon, I wish you all the best. You mentioned in your speech earlier today that this is where you started your career. I have spent part of my career staring opposite at you and thinking that you are a really good performer in this place. You have carried out your work very diligently, very professionally, and you are always across your brief. That provides a good role model not just for those on the opposite side but also for those on this side as to what we can all aspire to do in our time in this place. I wish you all the best in your future.

I look forward to seeing all of you out in the trenches between now and October, and hopefully we get to see the reverse image of this room come late October.

**MR RATTENBURY** (Molonglo) (9.24): A lifetime ago—it is burned freshly in my brain—I remember the moment in late October 2012 when the Electoral Commissioner announced that the ACT Assembly had resulted in eight Labor, eight Liberal and one Green. As one of my friends said to me, “Good luck with that.”

I would like to take this opportunity to reflect on what has been an extremely interesting Assembly for me and for the ACT Greens. It has been the first time the ACT has had a two-party government and the first time the Greens have taken on a ministerial role. Whilst we have had an independent in cabinet before, actually making two parties come together and work, each with their own clear platforms, has been something that we have had to work at.

I think we have made history in being the only Labor-Greens government that has actually gone a whole term without breaking up, and that is a good thing. In that context, I would like to particularly offer my thanks to both of the chief ministers that I have worked with: Katy Gallagher, who left for the Senate, and now Andrew Barr. An arrangement like this does require a degree of goodwill and a determination to make it work, to work through the times when the disagreements are there and there are different priorities or the various tensions that arise. I have really appreciated the ability to have that relationship with both of the chief ministers, to be determined to get on and do the things we need to do and put some of those other things aside.

I would also like to acknowledge those that I have been in cabinet with—Simon, Mick, Yvette, Chris, Meegan and Joy. It was a very interesting journey coming into this role. I know that the first time I walked into the cabinet room there was a bit of a sense of “Who’s the random guy that has just walked into our cabinet room?” But we got over that, and we have gone okay ever since then, on the whole.

I think the public service were a bit shocked as well. You can just imagine the conversation down at Roads ACT when they went, “Yes, we have just appointed a Greens minister as the guy in charge of TAMS.” The poor old Roads ACT crew, I think, did not quite know what was coming for them. But we survived that as well, and actually we got along just fine.

When you look back at a moment like this, there are all sorts of actual achievements during the term to reflect on. As I think Mr Hanson said earlier, we will all make those points in the coming weeks—our legacy of the past four years. For me, it has been defined through the parliamentary agreement and the partnership we have had, dealing with things like climate change, homelessness and transport.

But the ones that always catch me by surprise are the things that you do not quite expect to make progress on, and there have been a few of those this term. We are getting to the point where we are now to move ahead on a medical cannabis scheme and where we actually made a significant change to the police pursuit policy. And finally, after 15 or so years and seven attempts, the Greens’ bill to ban battery hen farming in the ACT passed, much to Mr Hanson’s chagrin.

To my colleagues across the chamber, as I touched on earlier, you really have struggled to come to terms with that whole “crossbench minister” thing. It has been a shame that we have not been able to work on more stuff together. I did enjoy today, where we finally sat down and did a bill together. It reminded me of the first time I was in this place, from 2008 to 2012. I think that defining idea that once you become part of government you are part of the enemy: I disagree with that, and I think it has been a wasted opportunity. Nonetheless, we will continue to have that argument, no doubt. I do wish you well in the coming weeks, and I am sure we will have many a good tussle over the remaining period up until 15 October.

I would like particularly to thank the directorates I have worked with over this Assembly period. Through various reshuffles, I have seen my share of the ACT government, particularly Territory and Municipal Services; the Community Services Directorate; Justice and Community Safety; Economic Development; and the Chief Minister’s directorate, with transport reform. And, finally, I became the Minister for Education.

I particularly acknowledge the directors-general. I think they play a fascinating role in the ACT government. I have really enjoyed working with each of them. They are very experienced people, very talented. I would particularly like to acknowledge Gary Byles, Natalie Howson, Kathy Leigh, Alison Playford, David Dawes, Gary Rake, Karl Alderson, Diane Joseph and David Price. Each of them has taught me something, and I hope that from me they have taken some different perspectives on things as well. I think we have formed some strong partnerships in getting things done on behalf of the people of the ACT.

In that vein, I would also like to thank the DLOs who came to work in the minister's office. Being a DLO must be a strange role. You are sort of embedded in a minister's office, doing all the things that go on but at the same time working for the department. I would particularly like to acknowledge Josh, Sarah, Erin, Megan, Chris, Karen, Adele Megan again, Guenivere, Ian, Kate and Annaliese.

To the Assembly staff, I have not seen you as much this term as when I was Speaker, but I always appreciate you there and appreciate your wonderful professionalism in supporting this place.

I finish by particularly thanking my team. I know Mr Hanson thinks there were too many of them, but when you have to fulfil a ministerial role, be a deciding vote on every issue that comes to this place and have an opinion on everything the media wants to ring you up about, and the other two parties in this place split that workload across up to eight people, it is a unique challenge and one that I could not have survived without my extraordinary team. They have worked hard. They work with passion. They have worked with creativity. It has been a lot of fun as well working with them all. I owe an enormous debt of thanks to the current team of Indra, Matt, Jarrah, Rob, Ali, Laura, Helen, Logan and Leigh, and those who have been here for parts of the term: Tom, who made a special guest appearance today just for the occasion, Larry, Maiy, Sophie and Kirsten.

I want to thank the party for giving me the chance to be here and for being a strong support. Being the sole Greens member of the place, I have used the party as a real sounding board along the way. They have been there, and they have been forthright and supportive. I have appreciated that a lot.

I want to thank the electorate of Molonglo. It now becomes something else. I lose a whole section in my electorate and am now standing for Kurrajong. It has been a great pleasure to be a member for Molonglo.

I should mention Louise especially, because she actually volunteered to join this bandwagon once I was already on it. She knew what she was in for and she still came on board. I feel very lucky for that.

I wish all of my colleagues well: Simon as he heads off to a new career path, a new whatever life holds next, and the rest of you as you go through the election process. We will see how we all go.

**MS FITZHARRIS** (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport Canberra and City Services and Assistant Minister for Health) (9.31): I am also pleased to rise this evening. To start, I would also like to thank the people of the electorate of Molonglo. I have not gotten to know many of them, but I have gotten to know some of them extremely well, particularly those people who live in Gungahlin. When I was elected early last year, I decided to place a particular focus on the people of Gungahlin, who had felt that they perhaps had not had a voice in here specifically for the needs of that community as it grows so quickly.

I would like to acknowledge the work that I have done with many people from the Gungahlin community over the last 18 months—from those people who are regular visitors to my regular mobile offices; Renee and Louise; Betty, who I hope very much is feeling much better today; Olivia, who has advocated very hard for footpaths; the people in community associations and sporting organisations across Gungahlin; the Pymys at the Forde Community Association; and Dave from Crace Community Association, who has very bravely put up his hand to run as an independent in Yerrabi. I wish him all the best. If there is going to be an independent elected to this place, I hope it is someone like Dave Pollard. I would also like to in particular thank the community of Franklin and Franklin Early Childhood School, who worked very diligently and very thoughtfully during a difficult period for that community late last year around some development around the school, led in particular by the president of the P&C at the time, Amy Thomas.

I would also like to thank two families whom I have mentioned on many occasions in this place, the Wills family and the Anthoney family. It was an enormous privilege for me to turn their stories of enormous tragedy in their families into something that a member of parliament could take through and see a funding commitment delivered on for the first ever paediatric palliative care nurse in this city, in memory particularly of their two children, Benny Wills and Dainere Anthoney. I wish all the very best both to Jarrett Anthoney and to the quite indomitable Mark Scarborough from My Gungahlin, who are both running in the city to surf this weekend in honour of Dainere Anthoney and to raise funds for her trust.

I would like to thank very much my colleagues for welcoming me into this place, into the Labor caucus. As Simon said earlier today, the Labor Party is a party where everyone has a voice. That is true, and that is very dear to me. As I said when I was first elected, we are greater than the sum of our parts. We bring so much diversity to our caucus. Our fabulous candidates who are out there campaigning very hard for their communities and for the Labor Party will also do that. I thank very much the Chief Minister and the Deputy Chief Minister for their leadership.

In particular, Simon, you have been a presence in the Labor Party since I joined over a decade ago. On the day that we spoke and you told me you had decided not to run again, I gasped and said, “What will we do without you?” I never really appreciated your enormous skills and expertise until I came into this place—and your mastery of this chamber, your mastery of your portfolio areas, your calmness and temperament. I have learned so much from you. It is a privilege for me to have particularly taken on a project which I know is very dear to your heart. You encouraged me to see the long game and that is incredibly good advice. I will have valued enormously the 18 months we have spent in this place together and I wish you all the very best.

I would like to also thank the staff in the directorates with which I have worked. I acknowledged earlier that I know that it has been a time of change for the staff in now Transport Canberra and City Services. There is enormous opportunity in this directorate to achieve so much across the city. The leadership in each of the directorates has been very responsive. People have given me great advice. They show incredible leadership throughout their own organisations. I often reflect upon the fact

that I think I may well be one of the very few people to have been elected to this place who has spent a considerable amount of time as a public servant. It is curious in this city, given how many people work in the public service, how many seek and have been elected to this place. Certainly an Assembly filled with public servants is not ideal, but having been a public servant—having written ministerials, having been involved in developing policy, having been involved in all the work that public servants do every day across this city—I hope that I have expressed to them how much I value the work that they do, the advice and the expertise that they show in everything that comes up to me each day.

Finally, I would like to thank my staff. There were my staff when I had the privilege of being a backbencher, working on committees—which I valued extremely highly; it is a very important part of what we do as parliamentarians to have worked on a range of different committees and to have had the opportunity to actually work with the opposition on many committees. It really is one of those experiences that give you the richness of this democratic institution. The work that the committees do is important. It will be more important in an enlarged Assembly, and it will achieve even more as the Assembly as a whole will achieve even more, giving better representation to the people of Canberra.

I thank the staff who started with me: Michael, who helped me establish my office; Monique, Claire and Charlotte; James and Terry, who also worked with me in my early days; and the two interns that I had, Freya and Amaris Bailey, whom it was a privilege to have in my office briefly last year. Then, in the transition to the ministerial office, there were Bernard, Marc and, more recently, Richard and Phillippe. I thank the Michaels for helping me out in brief periods as well; they have been, without doubt, extraordinary to me. We have been on quite a ride over the past six months in particular. It has been an enormous privilege. We have done some incredibly good work. We have all learnt and we all understand deeply how much of a privilege it is to serve in this capacity.

Finally, I would like to thank my family very much, from my parents, who keep me sane on the end of the phone from across the ditch, to my sister and her family and my friends who have collectively tried to keep us sane and give us something else to talk about when we briefly get a chance to socialise, which is less and less and is probably not on the cards over the next couple of months. In particular, I mention our three kids, Al, Esther and Eva, who, I think—a bit like Giulia's kids and other kids in this place—know a lot more about politics. Simon said earlier that this place soaks into you. After just 18 months, I cannot imagine 20 years of it soaking into you, but somehow it soaks into our children as well. Coming from a family with a very rich political history, as long as they are engaged, curious and interested in this world and want to make a contribution to our community, I think we will have done well as parents.

A particular note to my husband, Pierre—who, I think, has seen the best and the very worst of politics—who made an enormous sacrifice this year for me and for my career. I thank him. I know that things will look brighter in the next couple of months and I want to acknowledge him. I hope only that over the next couple of months he can learn to broaden his repertoire in the kitchen. I think this is the one and only opportunity he may get for it, but I thank him from the bottom of my heart.

*11 August 2016*

*Legislative Assembly for the ACT*

Question resolved in the affirmative.

**The Assembly adjourned at 9.41 pm until a date and time to be fixed.**

## Schedules of amendments

### Schedule 1

#### Freedom of Information Bill 2016

##### Amendment moved by Mr Rattenbury

1

##### Clause 2

Page 2, line 4—

*omit clause 2, substitute*

2

##### **Commencement**

This Act commences on 1 July 2017.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

2

##### **Schedule 1, clauses 1.4 and 1.5**

Page 76, line 9—

*omit clauses 1.4 and 1.5, substitute*

1.4

##### **Cabinet information**

(1) Information—

- (a) that has been submitted, or that a Minister proposes to submit, to Cabinet for its consideration and that was brought into existence for that purpose; or
- (b) that is an official record of Cabinet; or
- (c) that is a copy of, or part of, or contains an extract from, information mentioned in paragraph (a) or (b); or
- (d) the disclosure of which would reveal any deliberation of Cabinet (other than through the official publication of a Cabinet decision).

(2) Subsection (1) does not apply to purely factual information that—

- (a) is mentioned in subsection (1) (a); or
- (b) is mentioned in subsection (1) (b) or (c) and is a copy of, or part of, or contains an extract from, a document mentioned in subsection (1) (a);

unless the disclosure of the information would involve the disclosure of a deliberation or decision of Cabinet and the fact of the deliberation or decision has not been officially published.

(3) In this section:

**Cabinet** includes a Cabinet committee or subcommittee.

3

##### **Schedule 1, clause 1.17**

Page 79, line 10—

*[oppose the clause]*

4

Schedule 1, clause 1.18

Page 80, line 2—

[oppose the clause]

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## Schedule 2

### Freedom of Information Bill 2016

#### Amendments moved by the Attorney-General

1

Clause 2

Page 2, line 4—

*omit clause 2, substitute*

2

#### **Commencement**

This Act commences on 1 July 2018.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

2

Clause 12

Page 5, line 24—

[oppose the clause]

3

Proposed new clause 12A

Page 5, line 27—

*insert*

#### **12A Relationship with Health Records (Privacy and Access) Act 1997**

This Act does not apply to information in a health record under the *Health Records (Privacy and Access) Act 1997*.

4

Clause 13 (3)

Page 6, line 14—

*omit clause 13 (3), substitute*

- (3) If a release restraint determination is made under the *Territory Records Act 2002*, section 31G (2) (b) (Release delayed or denied) in relation to a record, this Act applies to the record while the determination is in force.

5

Clause 13 (4), definition of *principal officer*

Page 6, line 22—

*omit*

6

Clause 17 (2) (d)

Page 9, line 27—

*omit*

7

Clause 17 (2) (e)  
Page 10, line 1—

*omit*

8

Part 3  
Page 11, line 1—

*omit*

9

Clause 23 (1), definition of *open access information*, paragraph (d)  
Page 13, line 15—

*omit*

10

Clause 23 (1), definition of *open access information*, paragraph (h)  
Page 13, line 25—

*omit*

11

Clause 23 (1), definition of *open access information*, paragraph (j) and examples and note  
Page 14, line 1—

*omit*

12

Clause 23 (1), definition of *open access information*, paragraph (k)  
Page 14, line 14—

*omit*

3 or more years

*substitute*

5 or more years

13

Clause 23 (1), definition of *open access information*, paragraph (m) and note  
Page 14, line 21—

*omit*

14

Clause 23 (1), definition of *open access information*, paragraph (a) (iv)  
Page 15, line 6—

*omit*

15

Clause 23 (2), definition of *policy document*  
Page 15, line 17—

*omit the definition, substitute*

*policy document—*

(a) includes any of the following:

(i) a document containing interpretations, rules, guidelines, statements of policy, practices or precedents;

(ii) a document containing a statement about how an Act or administrative scheme is to be administered;

- (iii) a document describing the procedures to be followed in investigating a contravention or possible contravention of an Act or administrative scheme;
  - (iv) another document of a similar kind used to assist the agency to exercise its functions; but
- (b) does not include a draft of a document mentioned in paragraph (a).

**16**

**Clause 24 (2) (d)**

**Page 17, line 6—**

*omit*

to the ombudsman

**17**

**Clause 24 (3)**

**Page 17, line 13—**

*omit*

**18**

**Clause 28 (2) (f) and (g)**

**Page 19, line 9—**

*omit*

**19**

**Clause 28 (3) (a)**

**Page 19, line 20—**

*omit*

to the ombudsman

**20**

**Clause 32 (1) (b)**

**Page 22, line 15—**

*omit*

, section 41 or section 42

*substitute*

or section 41

**21**

**Clause 33**

**Page 22, line 20—**

*[oppose the clause]*

**22**

**Proposed new clause 34 (1A)**

**Page 23, line 5—**

*insert*

- (1A) The respondent is not required to search for the information from a backup system (but may if appropriate).

**23**

**Clause 39 (1)**

**Page 27, line 4—**

*omit*

or section 42

**24**

**Clause 39 (1) (c)**

**Page 27, line 10—**

*omit*

**25**

**Clause 39 (3) and (4)**

**Page 27, line 14—**

*omit*

**26**

**Clause 40 (2)**

**Page 28, line 3—**

*omit*

15 working days

*substitute*

20 working days

**27**

**Clause 42**

**Page 28, line 19—**

*[oppose the clause]*

**28**

**Clause 47 (1) (c)**

**Page 33, line 20—**

*omit*

**29**

**Clause 57 (4) (b)**

**Page 40, line 2—**

*omit*

, section 41 or section 42

*substitute*

or section 41

**30**

**Clause 58 (4) (b) (ii)**

**Page 41, line 4—**

*omit*

, section 41 or section 42

*substitute*

or section 41

**31**

**Clause 60**

**Page 42, line 25—**

*[oppose the clause]*

**32**

**Part 7**

**Page 45, line 1—**

*omit*

33

Part 8

Page 48, line 1—

*omit part 8, substitute*

## Part 8 Notification and review of decisions

### 70 Definitions—pt 8

In this part:

*internally reviewable decision* means a decision mentioned in schedule 3, column 3, decided by an agency, under a provision of this Act mentioned in column 2 in relation to the decision.

*internal reviewer*—see section 73.

*reviewable decision* means—

- (a) an internal reviewer's decision in relation to an internally reviewable decision; or
- (b) a decision mentioned in schedule 3, column 3, decided by a Minister, under a provision of this Act mentioned in column 2 in relation to the decision.

### 71 Internal review notices

If an agency makes an internally reviewable decision, the agency must give an internal review notice only to each entity mentioned in schedule 3, column 4 in relation to the decision.

*Note 1* **Internal review notice**—see the *ACT Civil and Administrative Tribunal Act 2008*, s 67B (1).

*Note 2* The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

### 72 Applications for internal review

- (1) An entity mentioned in schedule 3, column 4 in relation to an internally reviewable decision may apply to the agency for internal review of the decision.
- (2) The application must be made within 28 days after the day the notice of decision is given to the entity.
- (3) The application must be in writing and must set out the grounds on which internal review of the decision is sought.

*Note* If a form is approved under s 108 for an application, the form must be used.

- (4) If the application is made in accordance with this section, the making of the application automatically stays the operation of the decision until the application is finally dealt with.

### 73 Internal reviewer

The agency must arrange for a person who did not make the internally reviewable decision (the *internal reviewer*) to review the decision.

### 74 Review by internal reviewer

- (1) The internal reviewer for an internally reviewable decision must review the decision within 28 days (the *28-day period*) after the day the agency receives the application for review of the internally reviewable decision.

- (2) The internal reviewer must—
  - (a) confirm the decision; or
  - (b) vary the decision; or
  - (c) set aside the decision and substitute the reviewer’s own decision.
- (3) If the decision is not varied or set aside within the 28-day period, the decision is taken to have been confirmed by the internal reviewer.

#### **75 Reviewable decision notice**

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 3, column 4 in relation to the decision.

*Note* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

#### **76 Applications for review**

An entity mentioned in schedule 3, column 4 in relation to a reviewable decision may apply to the ACAT for review of the decision.

*Note* If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

#### **77 ACAT may make recommendation that costs be available in certain cases**

- (1) This section applies if—
  - (a) a person applies to the ACAT under section 76 for review of a reviewable decision; and
  - (b) the person is successful, or substantially successful, in the application.
- (2) The ACAT may, in its discretion, recommend to the Minister that the costs of the applicant in relation to the proceeding be paid by the Territory.
- (3) Without limiting the matters to which the ACAT may consider in deciding whether to make a recommendation under subsection (2), the ACAT may consider—
  - (a) whether payment of the costs or any part of the costs would cause financial hardship to the applicant; and
  - (b) whether the decision of the ACAT on review will be of benefit to the public generally; and
  - (c) whether the decision of the ACAT on review will be of commercial benefit to the person making the application; and
  - (d) the reasonableness of the decision reviewed by the ACAT.
- (4) The Minister may, under a recommendation of the ACAT under subsection (2), authorise the payment of costs to an applicant.

#### **34**

#### **Proposed new clauses 94A and 94B**

**Page 62, line 1—**

*insert*

#### **94A Guidelines for Act**

- (1) The Minister may make guidelines for this Act.
- (2) The guidelines may make provision for 1 or more of the following:
  - (a) the release of government information in response to an informal request;

- (b) the application of the public interest test set out in section 17;
  - (c) how, for section 25, open access information is kept accurate, up-to-date and complete;
  - (d) circumstances in which, for section 107 (2) (Fee waiver), information may be of special benefit to the public generally;
  - (e) anything else consistent with the objects of this Act.
- (3) A guideline is a notifiable instrument.

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

#### **94B Complaints to ombudsman**

- (1) A person may complain to the ombudsman about an agency's or a Minister's action, or failure to take action, in relation to any of the agency's or Minister's functions under this Act.
- (2) Without limiting subsection (1), a complaint may be about—
  - (a) the adequacy of an agency's or Minister's response to an access application; or
  - (b) for an agency that has published a publication undertaking—the agency's failure to comply with the undertaking or with section 29 (2).
- (3) Nothing in this Act is intended to limit the ombudsman's powers under the *Ombudsman Act 1989*.

**35**

**Clause 95 (2) (c)**

**Page 62, line 11—**

*omit*

**36**

**Clause 95 (3)**

**Page 62, line 13—**

*omit*

**37**

**Clause 96 (1)**

**Page 62, line 21—**

*omit*

The principal officer of an agency

*substitute*

An agency

**38**

**Clause 96 (3) (b)**

**Page 64, line 1—**

*omit*

**39**

**Clause 96 (3) (c)**

**Page 64, line 3—**

*omit*

section 84

*substitute*

section 76

**40**

**Clause 103 (2), definition of *official*, paragraph (b)**  
**Page 68, line 27—**

*omit*

**41**

**Clause 103 (2), definition of *official*, paragraph (c)**  
**Page 69, line 1—**

*omit*

**42**

**Clause 104 (5)**  
**Page 69, line 18—**

*omit*

**43**

**Clause 105 (1) (c)**  
**Page 70, line 7—**

*omit*

ombudsman review

*substitute*

internal review

**44**

**Clause 107 (2) (b), note**  
**Page 71, line 3—**

*omit the note, substitute*

*Note* The Minister may make guidelines about circumstances in which information may be of special benefit to the public generally (see s 94A).

**45**

**Clause 107 (2) (e)**  
**Page 71, line 10—**

*omit*

**46**

**Clause 109 (2)**  
**Page 72, line 17—**

*omit*

**47**

**Clause 110 (3)**  
**Page 72, line 25—**

*omit*

**48**

**Proposed new clause 201A**  
**Page 74, line 13—**

*insert*

**201A Transitional regulations**

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of this Act.
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.

- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act or another territory law.

49

**Schedule 1, proposed new clause 1.1A**

Page 75, line 28—

*insert*

**1.1A Information subject to legal professional privilege**

Information that would be privileged from production or admission into evidence in a legal proceeding on the ground of legal professional privilege.

50

**Schedule 1, proposed new clause 1.1B**

Page 75, line 28—

*insert*

**1.1B Information obtained in confidence**

Information the disclosure of which would found an action for breach of confidence.

51

**Schedule 1, proposed new clauses 1.1C and 1.1D**

Page 75, line 28—

*insert*

**1.1C Information disclosure of which is prohibited under law**

- (1) Information that is confidential under the *Adoption Act 1993*, section 60 other than information disclosed to a person to whom the information relates.
- (2) Information that is protected information under the *Children and Young People Act 2008*, section 844, other than information disclosed to a person to whom it relates.
- (3) Information that is protected information under the *Crimes (Child Sex Offenders) Act 2005*, section 133A.
- (4) Information that is protected information under the *Crimes (Restorative Justice) Act 2004*, section 64.
- (5) Information that is protected information under the *Housing Assistance Act 2007*, section 28 other than information disclosed to a person to whom the information relates.
- (6) Any other information the disclosure of which is prohibited by a secrecy provision of a law.
- (7) In this section:
 

***secrecy provision***—a provision of a law is a ***secrecy provision*** if it—

  - (a) applies to information obtained in the exercise of a function under the law; and
  - (b) prohibits people mentioned in the provision from disclosing the information, whether the prohibition is absolute or subject to stated exceptions or qualifications.

**1.1D Sensitive information**

Information the disclosure of which would involve the unreasonable disclosure of sensitive information about any individual (including a deceased person).

52

Schedule 1, clause 1.2

Page 76, line 1

*[oppose the clause]*

53

Schedule 1, clauses 1.4 and 1.5

Page 76, line 9—

*omit clauses 1.4 and 1.5, substitute***1.4 Cabinet information**

- (1) Information that came into existence less than 10 years after its relevant date if—
  - (a) it was brought into existence for the consideration of Cabinet; or
  - (b) its disclosure would reveal any consideration of Cabinet or would otherwise prejudice the confidentiality of Cabinet considerations or operations; or
  - (c) it was brought into existence in the course of the budgetary process.
- (2) Subsection (1) does not apply to information officially published by decision of Cabinet.
- (3) Without limiting subsection (1), it is taken to include the following:
  - (a) Cabinet submissions;
  - (b) Cabinet briefing notes;
  - (c) Cabinet agendas;
  - (d) notes of discussions in Cabinet;
  - (e) Cabinet minutes;
  - (f) Cabinet decisions;
  - (g) a draft of a document mentioned in any of paragraphs (a) to (f).
- (4) A report of factual or statistical information attached to a document mentioned in subsection (3) is information under subsection (1) only if—
  - (a) its disclosure would have an effect mentioned in subsection (1) (b); or
  - (b) it was brought into existence for the consideration of Cabinet or for the budgetary process.
- (5) In this section:

***Cabinet*** includes a Cabinet committee or subcommittee.***consideration*** includes—

- (a) discussion, deliberation, noting (with or without discussion) or decision; and
- (b) consideration for any purpose including, for example, for information or to make a decision.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

***draft*** includes a preliminary or working draft.***relevant date***, for information, means—

- (a) for information considered by Cabinet—the date the information was most recently considered by Cabinet; or
- (b) for other information—the date the information was brought into existence.

54

**Schedule 1, clause 1.6****Page 76, line 21—***[oppose the clause]*

55

**Schedule 1, clause 1.7****Page 76, line 25—***[oppose the clause]*

56

**Schedule 1, clause 1.8****Page 77, line 1—***[oppose the clause]*

57

**Schedule 1, clause 1.14****Page 78, line 22—***[oppose the clause]*

58

**Schedule 1, clause 1.15****Page 79, line 1—***[oppose the clause]*

59

**Schedule 1, clause 1.16 (a)****Page 79, line 7—***omit*

60

**Schedule 1, proposed new clause 1.16A****Page 79, line 9—***insert***1.16A National, Territory or State security information**

- (1) Information the disclosure of which would, or could reasonably be expected to damage the security of the Commonwealth, the Territory or a State.
- (2) For subsection (1), the security of the Commonwealth includes—
  - (a) matters relating to detecting, preventing or suppressing activities, whether within or outside Australia, that are subversive of, or hostile to, the interests of the Commonwealth or a country allied or associated with the Commonwealth; and
  - (b) the security of a communications system or cryptographic system of the Commonwealth or another country used for—
    - (i) the defence of the Commonwealth or a country allied or associated with the Commonwealth; or
    - (ii) the conduct of the international relations of the Commonwealth.
- (3) For subsection (1), the security of the Territory or State includes matters relating to detecting, preventing or suppressing activities within or outside the Territory or State, that are subversive of, or hostile to, the interests of the Territory or a State.

61

Schedule 1, clause 1.19

Page 80, line 6—

*omit clause 1.19, substitute***1.19 Law enforcement or public safety information**

- (1) Information the disclosure of which would, or could reasonably be expected to—
  - (a) prejudice the investigation of a contravention or possible contravention of the law in a particular case; or
  - (b) identify the existence or identity of a confidential source of information in relation to the enforcement or administration of the law; or
  - (c) endanger a person's life or physical safety; or
  - (d) result in a person being subject to a serious act of harassment or intimidation; or
  - (e) prejudice a person's fair trial or the impartial adjudication of a matter before a court or tribunal; or
  - (f) prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law; or
  - (g) prejudice the maintenance or enforcement of a lawful method or procedure for protecting public safety; or
  - (h) endanger the security of a building, structure or vehicle; or
  - (i) prejudice a system or procedure for the protection of people, property or the environment; or
  - (j) facilitate a person's escape from lawful custody; or
  - (k) prejudice the wellbeing of a cultural or natural resource or the habitat of animals or plants.
- (2) Information given in the course of an investigation of a contravention or possible contravention of the law if the information was given under compulsion under an Act that abrogated the privilege against self-incrimination.
- (3) Information obtained, used or prepared for an investigation by an entity prescribed by regulation in the exercise of a function prescribed by regulation.
- (4) However this section does not apply to—
  - (a) information revealing that the scope of a law enforcement investigation has exceeded the limits imposed by law; or
  - (b) information containing a general outline of the structure of a program adopted by an agency for dealing with a contravention or possible contravention of the law; or
  - (c) a report on the degree of success achieved in a program adopted by an agency for dealing with a contravention or possible contravention of the law; or
  - (d) a report prepared in the course of a routine law enforcement inspection or investigation by an agency whose functions include that of enforcing the law (other than the criminal law or the law relating to corruption); or
  - (e) a report on a law enforcement investigation that has already been disclosed to the entity the subject of the investigation.
- (5) In this section:  
*law* includes law of the Commonwealth, a State or a foreign country.

62

Schedule 4, part 4.1

page 87, line 3—

*omit*

63

Schedule 4, part 4.2

Amendment 4.4

Proposed new section 848 (2), note, 1st dot point

Page 88, line 19—

*omit everything after*

(government information)

64

Schedule 4, part 4.19

Amendment 4.29

Page 95, line 6—

*omit amendment 4.29, substitute*

**[4.29] Section 5 (3) (b)**

*substitute*

- (b) investigating a complaint made under—
  - (i) the Freedom of Information Act 2016, section 94B; or
  - (ii) the Public Interest Disclosure Act 2012, section 34 (1).

65

Schedule 4, part 4.26

Amendment 4.40

Proposed new section 28 (2)

Page 100, line 23—

*omit proposed new section 28 (2), substitute*

- (2) The director may make the declaration only if—
  - (a) the disclosure of the record would, or could reasonably be expected to—
    - (i) endanger the life or physical safety of a person; or
    - (ii) prejudice law enforcement; or
    - (iii) unreasonably disclose information about any person (including a deceased person); or
    - (iv) be a contempt of court or the Legislative Assembly; or
  - (a) the record is subject to legal professional privilege.

66

Dictionary, definition of *decision-maker*

Page 104, line 21—

*omit*

67

Dictionary, definition of *information officer*

Page 105, line 1

*omit*

68

**Dictionary, proposed new definitions**

**Page 105, line 2—**

*insert*

*internally reviewable decision*, for part 8 (Notification and review of decisions)—see section 70.

*internal review notice*—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

*internal reviewer*, for part 8 (Notification and review of decisions)—see section 70.

69

**Dictionary, definition of *ombudsman review***

**Page 105, line 3—**

*omit*

70

**Dictionary, definition of *personal information*, proposed new paragraph (aa)**

**Page 105, line 10—**

*insert*

(aa) does not include sensitive information about the individual; and

71

**Dictionary, definition of *principal officer***

**Page 105, line 18—**

*omit*

72

**Dictionary, proposed new definition of *sensitive information***

**Page 106, line 21—**

*insert*

*sensitive information*—see the *Information Privacy Act 2014*, section 14.

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## **Answers to questions**

### **ACTION bus service—WiFi trial (Question No 771)**

**Mr Coe** asked the Minister for Transport and City Services, upon notice, on 9 June 2016:

- (1) What is the current status of the trial of WiFi on ACTION buses.
- (2) Can you provide a preliminary report on the progress of the trial given that the trial has been in operation for over six months.
- (3) When will the outcome of the trial be evaluated.
- (4) What areas of Canberra have been serviced by the five ACTION buses which have been equipped with WiFi for the purposes of the trial.
- (5) Does the Government propose to roll out WiFi to more buses on the ACTION network; if so, how many additional buses will be equipped with WiFi.
- (6) Will buses servicing the City Loop service be equipped with WiFi.
- (7) What funds have been allocated in the 2016-17 Budget for WiFi on ACTION buses.

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

- (1) The CBRfree ACTION bus trial started in late December 2015 and will run for 12 months.
  - (2) The preliminary finding is that CBRfree is accessed by around 5.7 per cent of ACTION passengers and this usage rate is not significantly impacted by geographic location or time of day. The usage rate is similar to that found in other jurisdictions that offer free public WiFi. Technically the service is working well with few reported difficulties.
  - (3) The outcomes of the trial will be evaluated at the end of the trial and will be presented to Government in early 2017.
  - (4) As part of the ACTION operational fleet the five buses taking part in the WiFi trial perform different routes day to day that cover all areas of Canberra.
  - (5) The possibility of installing CBRfree on additional buses is being evaluated.
  - (6) No, the City Loop buses will not have WiFi on board.
  - (7) No funds have been budgeted for the further installation of WiFi on ACTION buses in 2016-17.
-

**Manuka Oval—development proposal  
(Question No 773)**

**Mr Doszpot** asked the Chief Minister, upon notice, on 4 August 2016:

- (1) When will the Government release the detailed plan for Manuka Oval redevelopment that GWS/Grocon has submitted to Invest Canberra.
- (2) Will Invest Canberra consult with the Canberra community on the proposal as allowed for in the Guidelines of Unsolicited Proposals.
- (3) What assurances can the Canberra community have that the former School of Music buildings and other heritage listed areas in the Manuka precinct will be protected and how will that protection be assured.
- (4) When will you reply to correspondence on the Manuka Oval redevelopment sent to you from resident groups in June and July of this year.

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

- (1) The GWS Giants undertook its own public consultation of its proposal for the redevelopment of Manuka Oval and surrounding precinct in February and April of this year. This included detailed diagrams and drawings of the proposed development. Government will not be publicly releasing any material that has been submitted commercial-in-confidence beyond that which has already been presented and endorsed by GWS Giants for public release.
- (2) Following government's announcement on 5 August 2016 that the proposal put to the Investment Proposal Guidelines process by GWS Giants will not be supported, the government will not be undertaking consultation activities on this proposal.
- (3) Within the immediate vicinity of the Manuka Oval there are 12 heritage registered places and one place nominated for registration, subject to the provisions of the *Heritage Act 2004*. Any proposed development within these areas would require consultation with the ACT Heritage Council in accordance with the provisions of the *Heritage Act 2004*. Any proposed works would need to be consistent with the existing registration documents and any Heritage Guidelines and/or Conservation Management Plans for each place.
- (4) The Kingston and Barton Residents Group wrote to me in July 2016 with regard to development activity across all of Manuka, Kingston and Barton. Minister for Planning and Land Management Mick Gentleman MLA responded to the correspondence on 24 August 2016.

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**Manuka Oval—development proposal  
(Question No 774)**

**Mr Doszpot** asked the Chief Minister, upon notice, on 4 August 2016:

- (1) Will you develop a new Manuka oval master plan that more accurately reflects the current developments for the area.

- (2) Did the Kingston Barton Residents Group write to you about this proposal last month; if so, do you intend to reply to their correspondence or meet with them before the election.
- (3) What involvement does the Canberra Services Club have in any consideration of changes to Manuka Oval and have you consulted with them on their future location or do you intend to do so before the election.

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

1. Yes.
2. Yes. In his portfolio capacity, the Minister for Planning and Land Management emailed his response on 25 August 2016.
3. The Canberra Services Club is in regular contact with officers from the Land Development Agency. Changes to the Manuka Oval precinct will be guided by community engagement, including with the Club.

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**Land—block 24, city  
(Question No 776)**

**Mr Coe** asked the Chief Minister, upon notice, on 11 August 2016:

- (1) In relation to the block of land adjacent to Glebe Park (City Block 24, Section 65) and the valuations dated August 2014 and May 2015, what is the the reason the higher of the two valuations was accepted.
- (2) Why was a third valuation not sought, given the large variance in the first two valuations referred to in part 1.
- (3) Why was a valuation based on residential development accepted despite the fact that the Government has stated that the site would not be used for such a purpose.
- (4) Why did the Government not pursue a compulsory acquisition through the Lands Acquisition Act 1994.
- (5) What are the details of the stated delegation allowing for the acquisition.
- (6) Had the former leaseholder complied with their previous investment requirements.
- (7) What was the date that the Minister or his office was first informed of the intention to purchase the block and the date the Minister or his office was advised that the purchase had been made.
- (8) What rights or options do Aquis have on the block.
- (9) What were the meeting dates where Aquis and the ACT Government or their representatives discussed development potential on this block.

- (10) What is the current policy document which is being used to determine when the Land Acquisition Policy Framework applies and when business as usual acquisitions can be made.
- (11) What policy document was in place at the time of the acquisition used to determine when the Land Acquisition Policy Framework applies and when business as usual acquisitions can be made.
- (12) What dates did the Land Development Agency (LDA) Board approve the policies listed in parts (10) and (11).
- (13) What is the evidence to support that the LDA can purchase land separate to the Land Acquisition Policy Framework.
- (14) What are the plans or concept design for the stormwater infrastructure.
- (15) What is the intended date to start construction of the stormwater infrastructure.
- (16) Can the Chief Minister provide the original City to the Lake Project Plan and the date it was approved by the LDA Board.
- (17) Can the Chief Minister provide the original or revised City to the Lake Project Plan which included City Block 24, Section 65 and the date it was approved by the LDA Board.
- (18) Was a probity adviser used in conjunction to purchase of the acquisition.
- (19) Were there any conflicts of interest perceived or real by staff or Board members relating to the acquisition that were declared or undeclared.
- (20) What date was the LDA Board presented with the two valuations for the block.
- (21) When did the Chief Financial Officer sign off on the purchase.
- (22) Can the Chief Minister provide information detailing the alignment of the purchase with ACT Planning Strategy or any other relevant Government strategic spatial planning documents.

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

The substance of, and answers to, these questions were considered by the Legislative Assembly during debate on a motion moved by Mr Coe on 10 August 2016.

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### **Schools—security fencing (Question No 778)**

**Mr Coe** asked the Minister for Education, upon notice, on 11 August 2016:

- (1) Can the Minister list the public schools in the ACT that currently have security fencing.
- (2) How many public schools in the ACT do not have security fencing.

- (3) Is security fencing included in the specifications for new public schools in the ACT.
- (4) Did the Government decide not to fund the security fence programme in the 2016-17 school capital upgrades program; if so, why.
- (5) Does the Government propose to allocate funding for the security fence programme in the financial years from 2017-18.
- (6) Does the lack of appropriate fencing for our schools pose a significant risk to students, as well as to school premises and property.

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

- (1) There are currently 74 school sites that have either a full or partial security fence. Refer **Attachment A**.
- (2) There are currently 17 school sites that do not have security fencing. Refer **Attachment A**.
- (3) Given the significant capital investment in new schools, the planning and design for a new school includes the installation of a perimeter security fence.
- (4) The focus on the 2016-17 capital upgrades program (CUP) is the creation of additional learning spaces and improvements to learning areas in schools. The specific security fence program was not included in the 2016-17 CUP. The Directorate has prioritised additional learning spaces and improvements to learning areas. Individual school fencing needs continue to be addressed on a case by case basis and as funds are prioritised.
- (5) The 2017-18 budget process has not commenced.
- (6) No.

**Attachment A**

School Network	School	Fence Status
Belconnen	Belconnen High School	Full Fence - Front and Sides
Belconnen	Canberra High School	Full Fence - Front and Sides
Belconnen	Charnwood - Dunlop Primary School	Full Fence - Front and Sides
Belconnen	Evatt Primary School	Full Fence - Front and Sides
Belconnen	Florey Primary School	Full Fence - Front and Sides
Belconnen	Fraser Primary School	Full Fence - Front and Sides
Belconnen	Jervis Bay Primary School	Full Fence - Front and Sides
Belconnen	Kingsford Smith School	Full Fence - Front and Sides
Belconnen	UC Lake Ginninderra College	Full Fence - Front and Sides
Belconnen	Latham Primary School	Full Fence - Front and Sides
Belconnen	Macgregor Primary School	Full Fence - Front and Sides
Belconnen	Macquarie Primary School	Full Fence - Front and Sides
Belconnen	Maribyrnong Primary School	Full Fence - Front and Sides
Belconnen	Melba Copland College	Full Fence - Front and Sides
Belconnen	Melba Copland Secondary School	Full Fence - Front and Sides
Belconnen	Mt Rogers Primary School	Full Fence - Front and Sides
Belconnen	Southern Cross Early Childhood School	Full Fence - Front and Sides

North/Gungahlin	Amaroo School	Full Fence - Front and Sides
North/Gungahlin	Black Mountain School	Full Fence - Front and Sides
North/Gungahlin	Neville Bonner Primary School	Full Fence - Front and Sides
North/Gungahlin	Cranleigh School	Full Fence - Front and Sides
North/Gungahlin	Franklin Early Childhood School	Full Fence - Front and Sides
North/Gungahlin	Gold Creek School - Senior Site	Full Fence - Front and Sides
North/Gungahlin	Gungahlin College	Full Fence - Front and Sides
North/Gungahlin	Harrison School	Full Fence - Front and Sides
North/Gungahlin	Lyneham High School	Full Fence - Front and Sides
North/Gungahlin	Lyneham Primary School	Full Fence - Front and Sides
North/Gungahlin	Ngunnawal Primary School	Full Fence - Front and Sides
North/Gungahlin	O'Connor Co-operative School	Full Fence - Front and Sides
North/Gungahlin	Palmerston District Primary School	Full Fence - Front and Sides
South Weston	Arawang Primary School	Full Fence - Front and Sides
South Weston	Canberra College	Full Fence - Front and Sides
South Weston	Chapman Primary School	Full Fence - Front and Sides
South Weston	Charles Weston School Coombs	Full Fence - Front and Sides
South Weston	Duffy Primary School	Full Fence - Front and Sides
South Weston	Hughes Primary School	Full Fence - Front and Sides
South Weston	Lyons Early Childhood School	Full Fence - Front and Sides
South Weston	Malkara School	Full Fence - Front and Sides
South Weston	Mawson Primary School	Full Fence - Front and Sides
South Weston	Melrose High School	Full Fence - Front and Sides
South Weston	Narrabundah Early Childhood School	Full Fence - Front and Sides
South Weston	Stromlo High School	Full Fence - Front and Sides
South Weston	Telopea Park School	Full Fence - Front and Sides
South Weston	Torrens Primary School	Full Fence - Front and Sides
Tuggeranong	Bonython Primary School	Full Fence - Front and Sides
Tuggeranong	Calwell High School	Full Fence - Front and Sides
Tuggeranong	Calwell Primary School	Full Fence - Front and Sides
Tuggeranong	Charles Conder Primary School	Full Fence - Front and Sides
Tuggeranong	Chisholm Primary School	Full Fence - Front and Sides
Tuggeranong	Erindale College	Full Fence - Front and Sides
Tuggeranong	Gilmore Primary School	Full Fence - Front and Sides
Tuggeranong	Gordon Primary School	Full Fence - Front and Sides
Tuggeranong	Gowrie Primary School	Full Fence - Front and Sides
Tuggeranong	Isabella Plains Early Childhood School	Full Fence - Front and Sides
Tuggeranong	Lanyon High School	Full Fence - Front and Sides
Tuggeranong	Monash Primary School	Full Fence - Front and Sides
Tuggeranong	Namadgi School	Full Fence - Front and Sides
Tuggeranong	Richardson Primary School	Full Fence - Front and Sides
Tuggeranong	Taylor Primary School	Full Fence - Front and Sides
Tuggeranong	Theodore Primary School	Full Fence - Front and Sides
Tuggeranong	Wanniassa High School	Full Fence - Front and Sides
Tuggeranong	Wanniassa Primary School	Full Fence - Front and Sides
North/Gungahlin	Campbell Primary School	Partial Fencing
North/Gungahlin	Gold Creek School - Junior Site	Partial Fencing
North/Gungahlin	North Ainslie Primary School	Partial Fencing
South Weston	Narrabundah College	Partial Fencing
South Weston	Red Hill Primary School	Partial Fencing
South Weston	Woden School	Partial Fencing
South Weston	Yarralumla Primary School	Partial Fencing
Tuggeranong	Chisholm High School	Partial Fencing
Tuggeranong	Fadden Primary School	Partial Fencing
Tuggeranong	Lake Tuggeranong College	Partial Fencing
Tuggeranong	Wanniassa Hills Primary School	Partial Fencing

North/Gungahlin	Turner Primary School	Partial Child Safety Fence
Belconnen	Aranda Primary School	No
Belconnen	Giralang Primary School	No
Belconnen	Hawker College	No
Belconnen	Hawker Primary School	No
Belconnen	Kaleen Primary School	No
Belconnen	Miles Franklin Primary School	No
Belconnen	UC Kaleen High School	No
Belconnen	Weetangera Primary School	No
North/Gungahlin	Ainslie School	No
North/Gungahlin	Campbell High School	No
North/Gungahlin	Dickson College	No
North/Gungahlin	Majura Primary School	No
South Weston	Alfred Deakin High School	No
South Weston	Curtin Primary School	No
South Weston	Farrer Primary School	No
South Weston	Forrest Primary School	No
South Weston	Garran Primary School	No

### **Economy—mining boom (Question No 786)**

**Mr Coe** asked the Treasurer, upon notice, on 11 August 2016:

- (1) Did Budget Paper 3, p 40 state that the ACT will also be affected by the flow-on effects of the challenges facing the Australian economy, such as the downturn in commodity prices; if so, to what extent, in dollar terms, has the ACT economy benefitted from the mining boom, for instance, what has been the increase in Goods and Services Tax revenues and Commonwealth Grants as a result of the mining boom.
- (2) What has been the total fiscal and economic benefits of the mining boom to the ACT.
- (3) Was the end of the mining boom foreseeable.

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

(1)

Yes. Budget Paper 3, p40 states:

*"...the ACT will also be affected by the flow-on effects of the challenges facing the Australian economy, such as the downturn in commodity prices."*

This question appears to be a hypothetical modelling question which would require significant resources to complete. As per the Companion to the Standing Orders, Chapter 12, paragraph 12.28:

*"12.28 Occasionally Ministers will reply to a question on notice or part of a question on notice by indicating that they are not prepared to allow the use of the resources required to obtain the information requested. This usually occurs when a question requests very detailed statistical information. The standing orders place no obligation on a Minister to answer a question<sup>1</sup>."*

On this basis, I am not prepared to allocate the significant resources required to undertake the complex modelling required to answer this question.

(2)

This question appears to be a hypothetical modelling question which would require significant resources to complete. As per the Companion to the Standing Orders, Chapter 12, paragraph 12.28:

*“12.28 Occasionally Ministers will reply to a question on notice or part of a question on notice by indicating that they are not prepared to allow the use of the resources required to obtain the information requested. This usually occurs when a question requests very detailed statistical information. The standing orders place no obligation on a Minister to answer a question<sup>2</sup>.”*

On this basis, I am not prepared to allocate the significant resources required to undertake the complex modelling required to answer this question.

(3)

Yes, the end of the mining boom was foreseeable and remarked upon by many commentators well in advance of its occurrence. ACT Budget Papers as early as the 2013-14 Budget also contain such observations (for example, 2013 14 Budget Paper 3, page 5).

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<sup>1</sup>The Assembly may, of course, order a Minister to provide such information.

<sup>2</sup>The Assembly may, of course, order a Minister to provide such information.

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## **Taxation—reforms (Question No 788)**

**Mr Coe** asked the Treasurer, upon notice, on 11 August 2016:

- (1) In relation to the Government’s tax mix switch away from transactions taxes and towards land tax, (a) how has the Government’s tax mix switch impacted on its ability to achieve its fiscal strategy, in particular, in 2015-16, 2016-17 and over the forward estimates, how does the evolution of the tax mix switch affect the Headline Net Operating Balance and (b) in relation to part (a), what has been the effect of the tax mix switch on Goods and Services Tax revenues allocated to the ACT based on the formula used by the Commonwealth Grants Commission.
- (2) Did the Treasury (a) undertake any modelling of the distributional and inter-generational impacts of the tax mix switch and (b) estimate the efficiency impacts of the tax mix switch; if so, did the Treasury compare the (presumably) positive efficiency impacts against the (presumably) negative distributional and inter-generational impacts; if so, did the Treasury compare the (presumably) positive efficiency impacts against the (presumably) negative distributional and inter-generational impacts.
- (3) In relation to the distributional and inter-generational impacts, has the tax mix switch been fair.

- (4) Did the Treasury consider the option of improving the productivity of government spending versus improved tax efficiency and did the Treasury consider and quantify the possibility that tax reform may encourage excessive spending, increasing the tax burden and offsetting any efficiency gains from a tax mix switch

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

(1)

- a) The Government's tax reforms are revenue neutral, with revenue raised from increases in general rates used to fund the abolition of conveyance duty and insurance duty. As a result, tax reform will have a negligible impact on the Headline Net Operating Balance.

As noted in the 2016-17 Budget, the government remains on track to return the budget to balance from 2017-18, with surpluses forecast from 2018-19 onwards. This is forecast to be achieved as the tax reform program continues.

- b) The tax policy followed by an individual State or Territory does not directly influence its GST relativity.

The Commonwealth Grants Commission (CGC) makes its assessments of States' needs and capacities based on drivers which are, as far as possible, free of State policy influence.

The CGC's approach to assessment of revenue raising capacity is to take into account what all States do, and average the outcomes, regardless of whether all States are imposing a particular tax, phasing out a tax or introducing a new tax.

- (2) Treasury undertook a range of modelling as part of the ACT Taxation Review. The 5 year reform plan *A fairer, simpler and more efficient taxation system* published in June 2012 includes distributional analysis of the tax reform impacts, as well as the impact on households. It also includes estimates of the efficiency gains from replacing conveyance and insurance duties with general rates.
- (3) The phased implementation of the tax reform program, including the phase in over a 20 year period and the concessions available, will ensure the reforms are fair.
- (4) As noted in question (1), the tax reform program is revenue neutral and hence will not encourage additional spending.

## **Land—sales (Question No 791)**

**Mr Coe** asked the Treasurer, upon notice, on 11 August 2016:

- (1) In relation to property in the ACT, for (a) commercial and (b) residential properties, what is the number of transactions and value of stamp duty due to be collected for the 2016-17 Budget, being 2016-17 to 2019-20, for sales in the range of (i) \$0 to \$100,000, (ii) \$100,000 to \$200,000, (iii) \$200,000 to \$300,000, (iv) \$300,000 to \$400,000, (v) \$400,000 to \$500,000, (vi) \$500,000 to \$600,000, (vii) \$600,000 to \$700,000, (viii) \$700,000 to \$800,000 (ix) \$800,000 to \$900,000, (x) \$900,000 to

\$1,000,000, (xi) \$1,000,000 to \$1,100,000, (xii) \$1,100,000 to \$1,200,000, (xiii) \$1,200,000 to \$1,300,000, (xiv) \$1,300,000 to \$1,400,000, (xv) \$1,400,000 to \$1,500,000, (xvi) \$1,500,000 to \$1,600,000, (xvii) \$1,600,000 to \$1,700,000, (xviii) \$1,700,000 to \$1,800,000, (xix) \$1,800,000 to \$1,900,000, (xx) \$1,900,000 to \$2,000,000, (xxi) \$2m to \$3m, (xxii) \$3m to \$4m, (xxiii) \$4m to \$5m, (xxiv) \$5m to \$10m and (xxv) more than \$10m.

- (2) For each threshold in the Conveyance Duty Thresholds and Rates, what is the number of average sale price, number of transactions, and value of stamp duty for or the 2016-17 Budget, being 2016-17 to 2019-20.

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

- (1) Refer to the answer provided to Select Committee on Estimates 2016-17, QON No. E16-78.
- (2) See above.

## Questions without notice taken on notice

### Government—published expenditure

**Mr Barr** (*in reply to a question by Mr Coe and a supplementary question by Mr Wall on Tuesday, 2 August 2016*):

The ACT Government created Westside as an urban play space where the community can come together, celebrate and enjoy Lake Burley Griffin. City living is an integral component of the broader City to the Lake project, and with an additional 15,000 people living in central Canberra, urban play spaces will become an important part of that living experience. Westside provides an opportunity to trial different approaches to urban play spaces to determine what will succeed in attracting people to our city - to play and to live.

Consistent with the vision of City to the Lake, Westside:

- Revitalises West Basin as a vibrant urban space for the community to enjoy.
- Draws visitors to West Basin and positions the area as a new urban precinct where the community can eat, shop and socialise.
- Supports local businesses and artists.
- Showcases innovative and sustainable design.

ACT Property Group became the managers of the site in September 2015. Since this time a total of \$503,245 has been spent on community events, activation programs, land maintenance and planning and design. Rental revenue received for the site totalled \$102, 578.

These activations include major events like the Art Not Apart Festival (2015 and 2016) and National Capital Rally (2015 and 2016), which each attracted in excess of 10,000 people. Westside has also been successful at attracting regular visitors to West Basin. Approximately 1500 people attend the Sunday markets/events at Westside.

The LDA's notifiable invoices for June 2016 are now on the notifiable invoices register and were published on the register on 4 August 2016.

### **Trade unions—royal commission**

**Mr Barr** (*in reply to a supplementary question by Mr Wall on Thursday, 4 August 2016*):

The Royal Commission referred allegations of misconduct against a CFMEU official relating to an ACT WorkSafe Inspector's evidence about an incident at a worksite where that he felt pressured by CFMEU officials to issue a Prohibition Notice.

The evidence received from the Royal Commission was referred to the ACT Director of Public Prosecutions. Based on the Director of Public Prosecutions' advice, no further compliance action will be taken on that matter.

The Royal Commission also referred matters in relation to community contribution declarations under the Gambling and Racing Control Act and the Gaming Machine Act 2004.

This matter has been referred to ACT Police and I am advised that an assessment of the matter is underway.

The Government is committed to ensuring any allegations referred by the Royal Commission are properly and fully investigated. Under the circumstances, it would be inappropriate to speculate on a timeframe for finalising the outstanding investigations.

### **Land—block 24, city**

**Mr Barr** (*in reply to a supplementary question by Mr Coe on Thursday, 4 August 2016*): The principal study on Coranderrk Pond was undertaken as part of a consultancy on the feasibility of Parkes Way, which was commissioned in December 2013. That study formally identified the need to relocate Coranderrk Pond and recommended investigation of Block 24 Section 65 City as a replacement wetland.

### **Land—block 24, city**

**Mr Barr** (*in reply to a supplementary question by Mr Doszpot on Wednesday, 3 August 2016*):

Aquis Entertainment presented its proposal to the ACT Government under Stage 1 of the Investment Proposal Guidelines (IPG) process on 27 August 2015. Part of this presentation made reference to Block 24 Section 65 being within the footprint of the precinct surrounding the casino.

The ACT Government received an unsolicited bid from Aquis Entertainment for the redevelopment of Canberra Casino. The unsolicited proposal is not specifically for this block. The block is referenced as being within the footprint of the precinct surrounding the casino.

**Seniors—rates impact**

**Mr Barr** (*in reply to a supplementary question by Mr Coe on Thursday, 4 August 2016*):

The total number of rates deferments as at 5 August 2016 was 186.

Prior to 1 July 2012:

- Hardship rates deferments: 22
- Pensioner rates deferments: 87

Post 1 July 2012:

- Hardship rates deferments: 18
- Pensioner rates deferments: 56
- Aged rates deferments: 3

**Alexander Maconochie Centre—fires**

**Mr Rattenbury** (*in reply to a question and a supplementary question by Mr Wall on Thursday, 4 August 2016*): In your first question you asked how many incidents of fire occurred inside the AMC over the past 24 months and how these fires were graded in terms of severity. I am advised that in 2014-15 there were seven fires all of which were classified as minor. Additionally, in 2015-16 there were ten fires of which nine were minor and one was major. Of the 17 fires in this two year period, four were fires external to buildings.

The major fire was lit in Women's Remand Unit 1 on 23 September 2015. A female detainee set alight some bedding, furniture, and clothing with a cigarette lighter. I am advised that flames in that fire reached approximately 1.5 metres, and the fire was extinguished with efforts by ACT Corrections Officers and ACT Fire & Rescue. The unit was evacuated until it was safe for all female detainees to return.

In a supplementary question you asked about damage incurred at the AMC as a result of fire. In most instances, there was only minor damage such as the scorching of external ground coverings such as wood chips, or damage to bedding or clothing. In two instances there was more significant damage to carpet floor coverings and smoke damage to surfaces, such as a perspex television cover which required cleaning.

**Alexander Maconochie Centre—fires**

**Mr Rattenbury** (*in reply to supplementary questions by Mr Doszpot on Thursday, 4 August 2016*): In your first question you asked me about the number of staff or prisoners who were affected by fire at the AMC, and whether anyone required medical attention as a result. I am advised that following fire incidents, staff and detainees who may have been involved in an incident of this nature are assessed by a health professional and treatment provided as necessary. Following a fire on 2 December 2014 a Custodial Officer was assessed and sent to The Canberra Hospital due to smoke inhalation. He was subsequently discharged and sent home for the remainder of that day.

You asked a further question regarding how fires occur at the AMC given that lighters, accelerants and matches are all classified as contraband and prohibited items. While I offered a response during the sitting, I also gave a commitment to provide further information about how fires are started.

I can confirm my statement that detainees have been very creative in creating sources of flame, including by stripping of electrical wires or placing tin foil connected to live wires into kettles. Additionally, in spite of efforts by Custodial Officers to prevent their entry, contraband cigarette lighters have been regularly found within the AMC. Fires at the AMC have been started by both cigarette lighters and detainee created sources of flame.

Importantly in relation to cigarette lighters, on 2 June 2016 a General Manager's Instruction (GMI) was issued to allow detainees to possess cigarette lighters and thus better manage the risk of ignition sources in the AMC.

As you would be aware, detainees can buy and use tobacco throughout the AMC, and have access to limited ignition points in external areas to light cigarettes. However, efforts by detainees to create lasting sources of flames from flammable materials resulted in an increased fire risk, which is better managed by allowing cigarette lighters within the centre. This change also supports the management of contraband policy and procedures in a more effective way as Custodial Officers can now concentrate efforts on other prohibited items that present a greater threat to the security and good order of the AMC. Such items include illicit drugs and paraphernalia, weapons, and mobile phones. Undue pressure placed by detainees on visitors to attempt to introduce lighters as contraband will also be eliminated. It also reduces the need for detainees to try and create uncontrolled sources of flame.

The risk of fire at the AMC is managed by the vigilant supervision of detainees. Since the GMI was issued there has not been a fire lit at the AMC.

### **Government—land development policies**

**Mr Barr** (*in reply to a supplementary question by Mr Coe on Tuesday, 2 August 2016*): The Government has acquired two businesses in West Basin - Mr Spokes Bike Hire and Lake Burley Griffin Boat Hire. These businesses were acquired by the Land Development Agency in accordance with its functions under the *Planning and Development Act 2007*.