



# Debates

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## Wednesday, 29 November 2017

**MADAM SPEAKER** (Ms Burch) 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.

### Canberra—achievements and future initiatives

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

That this Assembly:

- (1) notes the achievements of the ACT Government and the ACT community over the past year, including:
  - (a) achieving the lowest unemployment rate of any jurisdiction at 3.8 percent and creating 6700 jobs over the past 12 months;
  - (b) achieving the highest economic growth in the country of 4.6 percent;
  - (c) increasing international visits by 9 percent to a total of 221 000 visitors and being recognised by *Lonely Planet* as one of the top three cities in the world to visit;
  - (d) sourcing 30 percent of ACT’s electricity supply from renewable sources, with approximately 75 percent of this achieved through generation secured as part of the Government’s reverse auction program;
  - (e) leading a delegation to the 2017 International Astronautical Congress in Adelaide and promoting Canberra as the nation’s leader in space and spatial technologies;
  - (f) supporting Canberra’s Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning (LGBTIQ) community with the establishment of the Office of LGBTIQ Affairs; and
  - (g) achieving the highest turn out rate and the highest “Yes” vote of any jurisdiction in the Australian Marriage Law Postal Survey;
- (2) further notes that these achievements provide a strong foundation for initiatives planned for 2018, including:
  - (a) the opening of the University of Canberra Public Hospital with capacity for 140 inpatient beds and 75 day places;
  - (b) commencing construction of a Gungahlin nurse-led Walk-in Centre;
  - (c) further investment in public transport with more and better bus services and the completion of stage one of the light rail network;
  - (d) continuing to work towards the ACT Government’s target of having 100 percent electricity supplied from renewable sources by 2020;

- (e) continuing to engage with the community on project specifics surrounding the Memorandum of Understanding with the University of New South Wales Canberra regarding a possible new campus for up to 10 000 students; and
  - (f) the commencement of international flights from Qatar Airways as the ACT Government continues to work towards its goal of growing the visitor contribution to the ACT economy to \$2.5 billion by 2020; and
- (3) calls on this Assembly to, where appropriate:
- (a) promote Canberra's achievements and highlight the range of opportunities that exist for private investment; and
  - (b) inform itself of positive economic data and other indicators to avoid inadvertently and incorrectly risking investment and confidence in our city's performance.

2017 has been a great year for our city. The achievements made are a testament to the work of the community, businesses and the government. People across our city have put enormous work into the different projects that have made 2017 such a fantastic year for Canberra. Our economy remains strong and this year we have seen a fall in unemployment. 2017 has seen record growth for our city that will only continue.

Our government is investing in Canberra to ensure that we can accommodate this growth. We are building for the future, with new transport options, schools, hospitals and renewable electricity. The partnership between community organisations, government and businesses has turned Canberra into a tourist destination. Do not just take my word for it, though; iconic travel magazine *Lonely Planet* agrees.

Canberra is a progressive and welcoming city, recording the highest yes vote in the marriage equality survey of any jurisdiction. All these achievements make me immensely proud to be a representative of our wonderful city.

The ACT's economy is strong and continuing to grow. The economic management of our government has ensured this, despite continuous cuts to the public service under the federal Liberal government. We in the Labor Party know that cuts do not create jobs. From the beginning of the year until October, employment increased by 3.1 per cent. That means an extra 6,700 people are now in work. Of those jobs, 3,900 are full time whilst 2,800 of them are part time. Our unemployment rate, at 3.8 per cent, remains well below the national average of 5.4 per cent. It has continued to decline throughout the year.

The youth unemployment rate in the ACT decreased by 0.5 percentage points to 9.9 per cent in October of this year, and by 2.4 percentage points over the past 12 months. This remains below the national average of 12.1 per cent. This fantastic result has been achieved by the partnership between this government and local Canberra businesses.

In 2018-19 our government is delivering on our commitment to balance the budget. As our government knows, a balanced budget does not have to come at the expense of public services. Our government is a sound economic manager. Investment in infrastructure, funding public goods and creating jobs is economically responsible and will always be a priority of a Labor government.

Just like our economy, our city's population is continuing to grow as more and more people choose to make Canberra their home. It is expected that over the next four years our city will increase in population by 25,000 people. The Cotter-Namadgi region will see the biggest increase in population—by almost 140 per cent—with new suburbs like Riverview, Coombs and Denman Prospect.

My local area of Gungahlin will also see huge growth, with suburbs like Crace increasing in population by 19 per cent. Already Gungahlin is the second fastest growing jurisdiction in Australia, with 71,000 residents, up from 47,000 in 2011. This growth is not without its challenges.

Our infrastructure projects must be built with the future of Canberra in mind. To prepare for this growth, our government is building new schools and increasing the capacity of existing ones in our growth corridors. In the 2017 budget, on top of the \$1.2 billion spent on Canberra schools, the government invested an extra \$210 million for school upgrades. Within that, there is \$85 million to upgrade existing school infrastructure.

The capacity of schools in Gungahlin is being increased, with extra space at Harrison School, Gold Creek School, Neville Bonner Primary School and Palmerston District Primary School. New schools are being planned in north and east Gungahlin as well as in Molonglo Valley. This funding will ensure capacity in the years to come as more and more Canberrans need access to our fantastic school system.

As Canberra grows, opportunities for Canberrans grow with it. This government is investing in our city's future with new transport options, health facilities, renewable energy and research. 2017 was a big year for infrastructure in Canberra. Light rail is a fundamental shift in the way our city views public transport.

Stage 1 will reduce congestion in the northern corridor and reduce our reliance on cars. Stage 2 will bring the benefits of light rail to more Canberrans. In conjunction with light rail, our government has upgraded our existing bus network with new routes for a more cohesive transport plan. These new rapid buses announced this year will ensure a more frequent and effective bus system. Once light rail is completed, more buses will be available throughout the network. This will ensure that Canberra does not become a gridlocked city such as we see in other Australian capitals.

Canberra is already home to two world-class universities that bring students as well as investment to our city. The memorandum of understanding between the ACT government and UNSW to create an extra 10,000 places at a new campus in Reid will bring a further boost to our city. This is expected to occur over the next three years.

The current CIT campus in Reid will be updated and merge technical training with UNSW courses as the university grows, combining research and industry. This project will be enormously beneficial to Canberra and cement our place as the research capital of Australia. The expansion of UNSW will create numerous jobs across multiple industries and further diversify our economy.

On top of this, this government led a delegation to the 2017 International Astronautical Congress in Adelaide to promote Canberra as the nation's leader in space and spatial technologies. Partnership between the government, the ANU, UNSW, the CSIRO and industry leaders can further develop our current capabilities in space research. Again, investment in new technologies will grow Canberra's economy and ensure our competitiveness into the future.

Our government is expanding our healthcare system. The new University of Canberra public hospital and the recently announced funding for the Gungahlin walk-in centre will free up space in our existing healthcare system. This will mean shorter wait times for Canberrans and more options when accessing health care. As a Labor government, funding our health system will always be a top priority. All of these initiatives ensure that we are building a strong future for Canberra, with a strong economy and world-class services.

Infrastructure and industry are not the only areas of growth in Canberra. Tourism to our city is continuing to grow and will only improve in 2018. In this place we are not alone in thinking Canberra is one of the best cities in the world. Recently *Lonely Planet* recognised Canberra as one of the top three cities to visit in 2018, calling us "the coolest little capital". Canberra has a unique mix of cultural institutions, amazing food and drink options, festivals and sporting events. This attracts a wide range of visitors, with a total of 221,000 visitors coming to Canberra over the past year, almost 10 per cent of them from overseas.

In 2018 Canberra will host its first test cricket match, at Manuka Oval, and the 100-year anniversary of the signing the Armistice, at the War Memorial. On top of this, large-scale events like Floriade, Enlighten, Summernats, Groovin the Moo, Spilt Milk—which I am almost certain I saw a few of you at over the weekend—and the National Folk Festival will all bring thousands of visitors to the capital, as well as a myriad of other smaller events too numerous to list now.

Increasingly, Canberra is becoming known for its food culture as more and more establishments open. The area surrounding Canberra is home to fantastic wineries and restaurants that are a further attraction to visitors. These businesses are fantastic investments by members of our community in Canberra's future.

The upgrade to the Canberra Airport has allowed visitors from further afield easier access to our city. Tigerair and Singapore Airlines have added more choice for visitors. On top of this, Qatar Airways has recently announced that from 13 February next year it will have daily flights to Canberra. These expansions will allow our tourism industry to continue to grow and access new markets. Not only that; they will

also make it easier for Canberrans to travel, with more direct flights to more destinations.

Amongst Canberra's numerous achievements this year we also proved ourselves as a progressive and inclusive city. Whilst the Canberra community did not want to participate in the divisive marriage equality survey, Canberrans rallied in support of the LGBTIQ members of our community. Our government's support for the LGBTIQ community reflected the needs of our community. The results of the survey saw 82.4 per cent of eligible Canberrans vote, the largest participation rate in the country. For a non-compulsory vote this is a great result and shows that we have a strong civic culture. Of those Canberrans who voted, 74 per cent voted in favour of marriage equality. This was the highest yes vote of any state or territory in Australia and indicates the overwhelming support Canberrans have for fairness and equality. The celebratory party in Braddon represented the best of Canberra, an almost spontaneous celebration in the centre of our beautiful city.

2017 has been an enormous year for Canberra, and an opportunity for our city to continue to grow. More and more people are making Canberra their home. Our new status as a top tourist destination will ensure more visitors will come and further boost our economy. People all across Canberra have worked together to improve our city with passionate new ideas.

I congratulate our Labor government on helping to facilitate these achievements. Canberra is well positioned for the future. I call on all members of this place to support Canberra and the initiatives that have put our city in the strong position that we are in now. Canberra is a fantastic city and is worth celebrating.

**MR MILLIGAN** (Yerrabi) (10.11): In glancing through this motion I noticed a big gap in the self-congratulatory list—almost as big as the gap experienced by the Indigenous community. Yes, there were no wins for our territory Aboriginals and Torres Strait Islanders. This has been an ongoing issue with this government.

In a recent meeting with some of the department people, I was advised that they were moving away from the deficit language of closing the gap and wanting to move to a more forward-looking framework. But there is a sad reality for Indigenous people: changing the language is not going to make any difference; it is merely window-dressing—or, as I have heard one person describe it, “black cladding”.

It will not be until the government starts to actually make some changes to programs and processes that we will see an improvement in the outcomes for Indigenous people. I have spoken here many times of the failures. In June I spoke on the failure of this government to deliver a drug and alcohol rehab centre to meet the urgent and ongoing needs of the Indigenous community—people having to travel interstate, away from family, for the support that they desperately need.

I have spoken at length over the last few months on the failure of this government to support new initiatives in education. In August I spoke on my disappointment at not seeing any new funding in the budget for Aboriginal and Torres Strait Islander students which would address the severe deficits experienced in both NAPLAN

results and NAPLAN attendance. I mentioned at that time, and reiterate here, that the targets for Indigenous students remain the same and have remained the same for the past five years—on average 66 points behind that of their non-Indigenous peers.

As I have said previously, this government is interested not in closing the gap on underachievement for the Indigenous community but in maintaining the status quo. This is especially disappointing as there are great organisations such as the Clontarf Foundation and the Solids program who would love to be working in our schools with our Indigenous students. They are programs with a proven track record of success, and programs which have made an enormous difference in the lives of Indigenous people across Australia.

Education is such a key area for breaking the cycle of generational disadvantage. It brings about changes in health, employment, welfare and housing. Just finishing school can have a huge impact on lives. And working with Indigenous organisations steeped in Indigenous culture, with an understanding of Indigenous people, can bring about those changes.

If we want to celebrate Indigenous success, let us start not with changing the language but with changing how we work with the community. Let us start not with “ceasing negative claims” but with making a change in the ongoing negative and damaging behaviours. Let us start by not ignoring the facts. And let us start by implementing programs that work and make a difference in the lives of our Indigenous community, so that next year we can stand here and also celebrate with them.

A vision for 2018: improved health, lower numbers in incarceration, fewer children in care and, as a start, improved educational outcomes for our Indigenous students.

**MR STEEL** (Murrumbidgee) (10.15): Canberra is the city that I grew up in and it is a city to be proud of. I think the key word that we need to get used to is “city” because Canberra is growing and Canberra is increasingly becoming a place where people want to live and work. It is a progressive city, an international city, where things happen and where people want to visit. We are no longer a country town receiving the occasional visit from a school coach to parliament. We are a city that, particularly in the last decade, has begun to forge its own identity outside the 276 mostly Australian citizens who grace the parliamentary triangle for half of the year, including the 76 here today who are finally catching up with our inclusive city, which legislated for marriage equality.

The achievements of our government, even in the last year, have been quite incredible. If you had asked any Canberran 10 years ago how likely it would be for our airport to be a truly international one, you would have been met with a lot of scepticism. Perhaps that was a hangover from the Carnell days and the “Feel the power of Canberra” campaign. Yet in the last year we have seen not one but two major international airlines announce and begin flights from Canberra Airport to international destinations, hopefully with more to come. Singapore Airlines first touched down on the tarmac in September 2016 and by February 2018 Qatar Airways will begin servicing Canberra.

Madam Speaker, I guess you could say that Canberra's popularity is soaring, thanks to these international flights. Not only do they provide convenience for Canberrans hoping to enjoy a holiday but also they improve our tourism numbers and boost our economy. All we need to do is look at the figures. As the Chief Minister outlined just two weeks ago, visitors contributed \$1.9 billion to the ACT economy in the last financial year alone. By 2020 we are hoping that this figure will be \$2.5 billion per year. In terms of the number of visitors, Canberra attracted 208,000 international visitors in the year ending December 2016. This was just a few months after Singapore Airlines began to fly to our city, so we are very excited to see what is to come in terms of tourism numbers.

These new flights come not a moment too soon. Just a few weeks ago we saw Canberra gain recognition as the third best place in the world to visit, according to *Lonely Planet*. What I find interesting is that while *Lonely Planet* makes mention of our various national landmarks, it also mentions Canberra's growing trendiness. Restaurants like Akiba, cafes like Mocan and Green Grout, Barrio or indeed the entirety of Lonsdale Street and the Kingston Foreshore precinct, are mentioned as places worthy of international visitors' attention. These places, which did not even exist five or 10 years ago, are now some of the major attractions for people who visit our city.

Many people are still coming to Canberra on coach trips to see our national landmarks. People are also coming to try Canberra region wine, to visit our burgeoning cafe culture and to visit Canberra-hosted events such as Enlighten. At present the tourism industry supports 16,000 jobs in our city, and I can only see this continuing to grow as more people consider Canberra a great place to visit.

Whilst we are on the topic of growth, there is a lot that our city has achieved in this space in recent times as well. Our economy is consistently outperforming other jurisdictions. We have achieved the strongest 12-month period of growth since 2010. The difference between now and then is that in 2008 the ACT was riding high on a large expansion of the Australian public service in the wake of the federal government's stimulus package, yet we are now doing so while the federal government is cutting APS jobs to the bone, particularly in my area, in Woden. In other words, in 2010 we were growing in part because of federal government decisions. Since 2014 we have often been growing in spite of federal government decisions. Indeed, while national growth has been decreasing the ACT's growth has been moving upwards, in the opposite direction.

Our economy is growing and so is our population. The 2016 census showed that our population now well exceeds 400,000 people and we are on track to reach half a million people by 2032. The ACT was the fastest growing jurisdiction between 2011 and 2016, at 11.2 per cent. While this growth comes with challenges, as more people use our transport system, our roads and search for places to live, many Canberrans want to move into our new suburbs, into greenfields developments, and the reality is that more and more people want to live in close proximity to their workplace or to entertainment precincts.

This provides the opportunity for our town centres to densify or provide more diversity and bring on the process of regeneration. Northbourne is the testament to Canberra's change for the better, making Civic and Braddon attractive places to live, work and visit, leading to a surge in the number of people wanting to live close to the city centre. Take a trip along Northbourne Avenue, which light rail will soon be servicing: every block is seeing new and exciting developments going up to cater for our growing population.

This is not just restricted to the city. In Woden, where light rail stage 2 is coming, we have already seen the beginning of this process of regeneration. Just over the last few weeks we have seen announcements about the repurposing of the Alexander and Albemarle buildings into residential. These were long a symbol of Woden's struggle with a declining public service—particularly the federal public service—and it is great to hear the announcement that they will be adaptively re-used.

It was also pleasing to see new announcements about the proposed development of the former Tradies site, with a mixed use development called WOVA, and the Zapari Group's proposed public transport oriented development next to the Woden bus interchange, which of course will be transformed as a future terminus for light rail stage 2. There are other developments under construction as well.

They represent new investment and confidence in our city, and we are seeing that confidence across not just Woden but everywhere, in Belconnen, Gungahlin and Tuggeranong—developments that will be backed up by an integrated public transport network that will help to cater for the growth of our city and our population, as well as encouraging more people to visit our growing city and see our fantastic national attractions.

Perhaps it is quite fitting that we refer to ourselves as the nation's cool little capital, because that is what we are. I know that many opposite would like to see us go back to the old days, to a city that shuts at 5 pm, where the only traffic in Garema Place is the cars that they want to bring back, and where getting around in a car is the only viable option in this city. But I look at the city that we live in today: a city that tops the nation in key economic performance indicators, a city that is progressive and inclusive, creating a welcoming environment for all who come here, a city that is attracting hundreds of thousands of visitors per year. We live in a city that is growing, and a city that is increasingly becoming confident in its future.

I thank Mr Pettersson for bringing this motion before us. I am proud to advocate on behalf of our city and continue to speak it up. We should embrace our city and continue to make our city an even better place in which to live.

**MRS KIKKERT** (Ginninderra) (10.23): I stand today to respond to Mr Pettersson's motion. I have to admit that I have not developed the habit of speaking to such motions. In fact, after a year in this Assembly, I have grown rather accustomed to the regular appearance of motions from the Labor backbench that call on the rest of us to agree with them—despite all the evidence to the contrary—that the current

Labor-Greens government is the best government in all of Australia and quite possibly the best anywhere on the entire planet.

Mr Pettersson's motion at first appeared to be one more reiteration of this now-familiar boilerplate. Then I got to paragraph 3(b). Here is something new to me. In a jurisdiction that still claims to be democratic, and in a chamber specifically dedicated to the pursuit of rigorous debate, I have been asked to cease negative speech. This, we are told, "detracts from our city".

Note that it is not actually the things that may be wrong with our city that detract from it. No, apparently it is only the speaking about such things that is harmful. Governments inclined to totalitarianism naturally always wish that they could force their opponents to shut up, but seldom do they formally call upon others to actually do so. Today is different. Today I have been asked to surrender my voice as an elected representative of the people in my electorate of Ginninderra and instead say only positive things.

Mr Pettersson was careful to state that it is about Canberra—the place—that we should only say nice things. But, of course, what he really intends in this motion celebrating the achievements of the ACT government is that we should stop saying anything negative about the Labor-Greens government.

I guess this is the logical next step for a government that has repeatedly made it clear over the course of the past year that they do not really want to hear from anyone who might disagree with them. Those opposite have shown themselves willing to blacklist, ignore, belittle and talk over any and all who do not join them in their groupthink, where there is only one right opinion on any topic, only one right answer to any question, and certainly only one right outcome to any vote or division.

Forget about pluralism and diversity of thought. They just detract from our city and risk investment. Instead, as good members of the collective, we must willingly let problems slide if speaking about them would require making—heaven forbid!—negative claims.

Thankfully, Mr Pettersson's clumsy attempt at silencing critics includes an effective escape clause. The phrasing is unclear, and I strongly suspect that he means to indicate that all negative claims are also unsubstantiated. After all, how could it be otherwise in a jurisdiction ruled by the best government anywhere in the world, whose benevolent dominion would bring endless peace and prosperity to all, if only its critics would just shut up? But there it is.

Apparently we can still speak honestly and forthrightly about our territory as long as our claims are substantiated. So, Madam Speaker, I am happy to take this opportunity to remind Mr Pettersson and those opposite, who will no doubt support this motion, what democratic debate actually sounds like. Mr Pettersson wants us to note that the ACT has the lowest unemployment rate of any jurisdiction, at 3.8 per cent. It is a substantiated fact that in July 2008 youth unemployment in the territory was also 3.8 per cent. But by May this year it had surged to 10.5 per cent. Youth underemployment is also an issue. In a survey conducted last year by the Youth

Coalition of the ACT, 62 per cent of respondents between 18 and 21 years of age said that they wanted to pick up more work. Yet this government has admitted that it has no specific programs in place to target this problem.

Mr Pettersson also wants us to celebrate the territory's high economic growth. It is a substantiated fact that as the economy has grown so has government revenue. In fact, in the past five years rates revenue has more than doubled, from \$209 million to \$450 million, whilst conveyance revenue has increased by a third, from \$239 million to \$316 million. Has this growth in revenue seen an equivalent increase in government funding for the provision of basic services to vulnerable and needy Canberrans? No.

It is another substantiated fact that two-thirds of community service providers recently reported to ACTCOSS that their current funding levels are not enough to meet demand. Lack of adequate resourcing means that a number of providers have been forced to cut services. For example, as has been currently reported, the Conflict Resolution Service has been forced to halve its output this year, owing to funding constraints.

Lack of adequate government commitment to community services also impacts youth. It is another substantiated fact that government funding in the ACT has not kept pace with demand for youth support programs. This would include mental health supports for young people. I have personally spoken with parents who have been forced to travel to Sydney to find adequate mental health care for their child.

These are not the only issues facing the territory's young people. It is another substantiated fact that the number of Canberra children in out-of-home care has jumped by more than 30 per cent just in the past three years, a figure that Professor Morag McArthur at the Institute of Child Protection Studies has labelled "distressing". Also of concern is the fact that the ACT now has the nation's second-highest rate of Indigenous kids in care, behind only the Northern Territory.

The number of kids in out-of-home care is not the only concern within the area of child protection. It is a substantiated fact that many care and protection decisions in this territory are not reviewable on their merits, as they are in other jurisdictions. The ACT Human Rights Commissioner Helen Watchirs last month told ABC Radio that this makes such decisions difficult to defend.

Finally, I wish to note that an incident of violence in Bimberi Youth Justice Centre last year resulted in three youth workers being taken to hospital and four workers being stood down. It is a substantiated fact, Madam Speaker, that 17 months later this government still has not been able to complete its investigation into this troubling event and, as far as I know, the investigation is still ongoing. I can only imagine the distress experienced by these workers as they have spent the past year and a half being subjected to this probe, a concern also shared by CPSU.

I could go on, of course. Those of us on this side of the chamber all could. It is, after all, our job as the opposition to speak truth to the comforting fictions and half-truths that this government likes to tell about itself. Those opposite positively love to label

themselves progressive, but true progress can only occur with an accurate understanding of where weaknesses lie, otherwise those weaknesses rot and fester and eventually bring ruin down upon the innocent.

It is not speaking negatively that poses a risk to this city of ours. A far greater risk would be for Mr Pettersson to get his wish and silence the criticism that is the only engine that will ever take this territory forward. For this reason alone, I feel compelled today to stand up and speak out. I am not afraid of this government's totalitarian tendencies and I will not be supporting this motion.

**MR RATTENBURY** (Kurrajong) (10.32): I am pleased to support the motion that is on the notice paper today, as opposed to the one Mrs Kikkert just spoke to.

There are good reasons to be positive about Canberra, and Mr Pettersson has highlighted a number of those key matters. Certainly I think Canberra is a jurisdiction that is willing to embrace change, to move forward, to be a progressive city and to realise the ambitions and aspirations of many of our citizens. The matters highlighted in Mr Pettersson's motion reflect on our citizens as much as they do on this place. As someone who has lived here quite a long time, I feel that in recent years Canberra has really come out of itself, that there is a pride in this city. That has probably always been there under the surface but there is a greater confidence about it these days.

I have always felt that the centenary in 2013 unleashed a degree of overt city pride that perhaps was more guarded in years before that, given the way the rest of the country can speak about Canberra at times. Certainly there is an energy about our city these days that is a contrast to what might have been around a decade or two ago when we were a little more self-effacing in the way we thought about our city.

I am excited by the progress that Canberra is making as well because it is a reflection of what our citizens want. As a political party, we represent a range of constituents. We seek to represent their aspirations. As a social movement and as a force for change, we feel that there is a lot of progress being made in tackling issues and setting this city up for the future.

Climate change is one area that the Greens have always focused on, and Canberra is developing an outstanding reputation as a leader in action on climate change. It has been a long time getting to this point. I was reflecting recently on the history of that. It was over 20 years ago, in 1996, that my former colleague Kerrie Tucker called on the ACT government to develop a greenhouse gas reduction target specifically for the territory. The point she made then, and it remains relevant today, was that despite being a relatively small jurisdiction the ACT could have a great impact. Canberra could set a new benchmark for action on climate change, both at home and abroad. This saw the ACT set its first emissions reduction targets.

When the ACT Greens won the balance of power in 2008 we negotiated with the Labor Party and used our influence to ensure, through the parliamentary agreement, that we renewed a requirement to legislate for a greenhouse gas reduction target. That was delivered in 2010 with our scientifically based and world-leading climate targets to reduce emissions by 40 per cent by 2020.

One of the advantages of the stability in government that we have seen in recent years is the continuous effort that is being applied to those objectives and the continuous commitment to them. Through successive parliamentary agreements and legislative initiatives in this place and funded budget initiatives, Canberra is now leading the nation with progressive targets for 100 per cent renewable electricity by 2020, and we are well on track to achieve our target of reducing emissions by 40 per cent by 2020. That is something that will be achieved in the territory. It will make us one of the leading jurisdictions in the world not only in terms of doing what the scientists are telling us we should be doing but also in actually delivering it.

Mr Pettersson, in his motion, raised a number of other matters that I think are worth reflecting on. The recognition by *Lonely Planet* of Canberra as a top city in the world to visit is a great outcome for Canberra after many years, as I said earlier, of that reputation of Canberra among people outside the city and the way they talk about it. Recognition like that is perhaps telling everyone else what we all already know but it is great for the reputation of this city in terms of drawing both tourists and skilled workers. There are a group of people who are capable of working anywhere in the world. We want a city like ours to be one that is on their radar as being a great place to live, work and play, and I am pleased with that recognition from *Lonely Planet*. It is a bible for travellers, particularly Australian travellers, around the world. For Canberra to be recognised in that way is really terrific for this city's reputation.

I want to talk about transport infrastructure, which Mr Pettersson mentioned in his motion as well. We are nearing completion of the first stage of light rail, which will be an excellent transport and city development project that will run on 100 per cent renewable energy. The Greens have strongly advocated for light rail for many years. Most notably in the lead-up to the 2012 election we campaigned for funding for the first stage of light rail. We are very pleased that we were able to agree with the Labor Party to move that forward as part of the 2012 parliamentary agreement. We are now on the cusp of seeing the realisation of a city-defining project and one that will help us be a leader in sustainability and livability.

It is important to reflect on the fact that light rail is so much more than just a transport mode. I think we are going to see that in coming years. We are already seeing it in the way that areas of Northbourne Avenue are being reinvigorated. We are seeing the private sector really embracing the opportunity that is coming from the development of this major infrastructure project by the ACT government with the new Mantra hotel that has just opened on the corner of Macarthur Avenue and Northbourne. When that was announced, I guess 12 or 18 months ago, the people behind it were very explicit in saying they had chosen that site and they saw a tremendous opportunity because of the delivery of light rail. We are seeing a series of places up and down Northbourne Avenue now which will be redeveloped, repurposed over the coming years and will enliven that corridor and provide new living opportunities for people in the city. I think this is a very positive development.

There are other areas, of course, where Canberra has made significant achievements. I acknowledge that Mr Pettersson could not fit all of these in his motion, though I am sure he would have liked to. There are areas such as animal welfare. Just yesterday we

saw the initiative on greyhound racing, coming on the back of efforts to deal with issues such as banning battery hens in the ACT, and a range of other animal welfare initiatives that position the ACT as a leading jurisdiction in this space as well.

Gambling harm minimisation is an area where in this Assembly we are starting to see some real progress. We have set the lowest betting limit levels in the country, at \$2 for the casino, as well as a nation-leading requirement for a mandatory precommitment system. We need further work to be done on reducing the number of poker machines in the ACT so that we start to move towards at least the national average per capita. At the moment the ACT sits well above it. We are, if not the highest, certainly one of the highest jurisdictions in Australia in terms of the number of poker machines per capita. I am pleased that we will see progress on that matter in this Assembly. This is not just a matter of academic policy discussion; this is a matter of real impact on people. We see the harm that people experience through excessive gambling. It impacts not only on the individuals but also on their whole families and on their social circles. These are important social issues for us to be working on.

With a motion like this there are always things that we should reflect on that need further work. I think everybody in this chamber knows areas where we need to continue to seek improvement in Canberra. There are things we can do better and areas where we can innovate, and ideas will come to us in the future that we have not even thought of yet. I am very enthused by the prospect of continuing to be involved over the coming years, of embracing some of those opportunities here in Canberra.

We should celebrate our successes, but there are many areas of work in progress. I will touch on a few today. Housing affordability, as it is across the rest of the country, continues to be a challenge in this city. Whilst on some figures Canberrans are better off on average, we must never lose sight of the fact that there are those in the community who work in lower paid areas for whom the cost of housing remains a very considerable challenge. We need to be bold and innovative in this space. There is the potential to do things that have not been done before. We are prepared to do things that may be seen to be a bit unconventional. We must make further effort in the space of housing affordability.

Justice reinvestment and reducing recidivism and incarceration rates are areas that are inherently difficult to work on. But I am very encouraged by the commitment in the government to look at notions of justice reinvestment so that we can seek to, instead of being tough on crime, be smart on crime: spend our money in ways that will ensure that in the long term we seek to address the underlying causes of crime rather than simply catching people, locking them up and having to build ever bigger prisons. This is not the direction we want this city to go in. We want this city to be tackling the underlying causes, driving real social change and giving people new opportunities so that they do not find themselves continually in a cycle of involvement with the justice system.

There is much work to be done in this space. Again, it is a space in which to be bold and willing to try new things, because clearly, for those we already see in the justice system, what we have tried so far has not been enough. There is certainly scope to continue to improve what we do in that space. I am encouraged by initiatives such as

the extended through-care program which have shown reductions in the rate of repeat offending from those who have been involved in the program. Substantial reductions, real numbers that have been measured through evaluation processes, show us that this sort of investment has a payback both in economic terms and in social terms.

We have just had the report from the select committee which I chair. With four of my colleagues we have come out with a unanimous report on establishing an integrity commission in the ACT. This is an important initiative for the territory, designed to be both preventative and reactive. I made some comments on this in the Assembly the other week when we tabled the report. I think it is about having mechanisms so that when people have allegations or have concerns there is a suitable forum for them to be tested, so that the community can have confidence that if there are people doing the wrong thing there is a mechanism for that to be found out. It would also have a preventative role so that people can have confidence that there are strong signals being sent that corruption and related activities are not welcome in this city and that we have the power and the mechanisms to root it out where it may be taking place.

I conclude my remarks today by simply observing that there are many things that Canberra can be proud of. Mr Pettersson listed quite a few of them in his motion today. I welcome the opportunity to positively reflect on some of those, because they are real achievements both of this government and of our community. But I also reflect on the fact that there are many things that we must continue to strive for. There will always be areas where we must continue to work. I am very happy to be part of this place and to have the opportunity to be involved in the solutions to some of those difficult matters for which we need to find further solutions. The Greens will be supporting Mr Pettersson's motion today.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (10.44): I thank Mr Pettersson for raising these matters today. It is always instructive when listening to the diverse views of members in this place to get a sense of the perspective they bring to their roles as elected members and also, I guess, their fundamental outlook on life and on this city. Whilst it is acknowledged and understood that when one occupies the opposition benches the default starting point must be one of negativity, there are, of course, degrees of negativity. At times you would certainly think that those opposite could bring themselves to find something positive about the city of Canberra.

**Mrs Dunne:** It is not the city of Canberra; it is the people who govern it.

**MR BARR:** I rest my case, Madam Speaker. I need not do any more than acknowledge the churlish interjections of a veteran of this place who should know better.

I will make a statement that I hope no one opposite could possibly disagree with—that is, we live in one of the best cities in the world. Silence; wonderful. We are a proudly progressive city, and that upsets some people, particularly a few opposite. I acknowledge that. That we recorded the highest yes vote in the non-binding voluntary postal survey on marriage equality is a matter of great pride for all progressive Canberrans and clearly a matter of great disappointment and great hurt for

a minority of Canberrans. But when we look at the result across every city in this country, this city, Canberra, voted yes overwhelmingly; a stronger yes vote than any other city. Whilst there were pockets within Sydney, Melbourne and Brisbane that recorded a slightly higher yes vote, for cities as a whole the yes vote in Canberra was overwhelmingly the strongest yes vote in the country.

That reflects the progressive outlook of this city and it reflects that the ACT government has been correct all the way through this journey, over more than a decade now, to be pursuing the very clear position of the overwhelming majority of Canberrans on this issue. It will be a major, major breakthrough in this country when, before Christmas this year, the progressive members of the Australian parliament across multiple parties—Labor, Liberals, Nationals, Greens, independent and others represented across the House of Representatives and the Senate—vote, as they have been doing this week, overwhelmingly in favour of what the Australian people emphatically said just a few weeks ago.

Canberra's role in leading that debate in this nation has been significant and it stands as one of the most significant areas of social change this city has led in this nation in Canberra's history. It is a result people will remember for generations. I predict that over the coming decades it will be harder and harder to find anyone who freely admits that they voted no.

In what was a great week of statistical releases from the Australian Bureau of Statistics, we have also seen our city record the lowest unemployment rate in the nation, amongst the fastest growth in jobs in our city in recent times, rebounding very strongly from the Abbott government era, and, finally, in terms of economic data, the 2016-17 gross state product information, which showed that the ACT has the fastest growing economy of any of the states or territories.

It was particularly pleasing to see where this growth is coming from. Professional, scientific and technical services grew by 34 per cent in 2016-17, showing that companies in areas like defence, the space industry, cyber and ICT are thriving. But we have also seen diverse growth across the broadest range of non-public sector areas of the territory economy. We have seen full-time job growth very strong, with 6,700 new jobs created. We now have an all-time record number of Canberrans in employment. This is a significant priority for the ACT government and is something we have been focused on for an extended period of time.

I have noted in previous debates that the unemployment rate in this city is always lower when there is a Labor government. During the time this government has been in office it has been consistently lower than during the times when there has been a Liberal administration in the ACT. That is over a 30-year period and is a clear demonstration of our commitment to support jobs growth and to support secure jobs in our economy.

We are delighted, of course, with the recent announcement from *Lonely Planet* about Canberra's tourism credentials. We have just witnessed an all-time record in the history of Canberra: the most number of people, both Australians and international visitors, visiting our city. This is important because it is supporting about

16½ thousand jobs—and growing—in the tourism industry and contributing more than \$2 billion annually to Canberra’s economy. Again, that is important in the context of youth employment, as a lot of employment in the tourism and hospitality sector supports young people in our city, particularly those who are studying and who need access to some part-time work. It is fantastic to see that this industry continues to grow very strongly.

We are exporting our heads off. Growth in exports out of the ACT is faster than any other state or territory in this country and consistently above the national average throughout this decade now. Why is this important? Because it brings new money into our city and supports more jobs, more highly skilled jobs and ensures that our economy is further insulated against the decisions—often bad decisions—that are made by the commonwealth government on Capital Hill. So the more diverse our economy is and the more growth we see in sectors that are internationally exposed, the better it is for the ACT economy.

We have seen some fantastic new announcements in terms of investment in Canberra: Microsoft expanding its presence here and the University of New South Wales Canberra planning to establish a new university campus for 10,000 students in our city. To put some perspective on this, we have about 45,000 students studying in Canberra now. This is a significant boost to the territory’s single largest export-earning industry in higher education. It is part of Canberra’s economic, cultural and social growth story that we are Australia’s education capital, that we have a very significant emphasis in this city on the value of education not just for its economic outcomes but for what it does socially and culturally. The opportunities it provides citizens locally, nationally and internationally to study in Canberra are a really exciting and wonderful way for Canberra to grow more rapidly into the future.

We see tremendous opportunity in each of those export growth sectors. We see tremendous opportunity for further growth in so many areas of the territory’s economy. But, as we know, we live in more than an economy; we live in a community and a society that need to support each other. Every signal from this community—be it that we are a refugee welcome zone or that we had the highest yes vote for marriage equality—demonstrates the inclusive nature of this community and the great desire for us to take national and international leadership roles in areas that matter. Responding to climate change and ensuring that no-one is left behind in our city are priorities and will remain priorities for our government.

Are there areas for improvement? Of course there are, and we will continue to work hard to ensure that our city delivers more for its residents. But, as we reach the conclusion of the 2017 parliamentary year, it is worth acknowledging the significant legislative and practical and economic gains that we have seen. That is worth celebrating. I commend Mr Pettersson for the motion. (*Time expired.*)

**MRS DUNNE** (Ginninderra) (10.55): I thank Mr Pettersson for the motion, but I think that it goes without saying, to follow on from the comments made by Mr Rattenbury, that there are many other things that could have been put in a motion that reflects on a year’s work by a government that has been in operation for 16 years. This motion reflects the Braddon-based bubble that most of the members of the

government seem to inhabit. Some people use the epithet “a cool little capital” as a bit of a joke, but when Mr Steel uses it, it is never a joke. I think Mr Steel does not know how to joke; he is very serious about it. The main thing he says is, “We’ve got a cool little capital,” which really does exemplify the Braddon-based bubble and the way the members of this government look at this city.

I want to put it on the record that we live in a great city. We are very fortunate to live in this sort of city, and the opportunities afforded us just by being Canberrans cannot be understated. But for Mr Pettersson and the members of the government to come in here and put together a selective list of achievements does not reflect the experiences of my constituents and the people that I talk to in their daily struggles. Those experiences are curiously absent from this list.

There is a list of things the government has done in paragraph (1), but one of the things notable by its absence is that the ACT government went to the last election with a commitment for an office of mental health. Recently, in my absence in early November, the minister made a statement on his achievements in the last year in relation to mental health. The thing that is the most notable by its absence is the failure to do anything to see the formation of the much-vaunted office of mental health.

The Minister for Mental Health could not explain why there had been so little progress in relation to the office of mental health and why there has been such a poor attempt to address the chronic shortage of paediatric psychiatry services in the ACT. This was again highlighted this week by the discussion on ABC Radio led by principals of schools, particularly Ms Loretta Wholley from Merici College, talking about the crisis in adolescent mental health in the ACT.

I remind members of the case study I brought to the annual reports hearings of a Canberra parent who approached me about their child who was doing really well during primary school. But in the transition from primary school to high school the parent told me about the problems they encountered: the changes in that child’s mental health; the severity of the changes in that child’s mental health; the incapacity of the ACT system to address the needs of that child; the need for those parents to take that child interstate for extended periods of hospitalisation because the services were not available here in the ACT; and the difficulties they encountered when they brought that child back from a stint in hospital. They could not get appointments for the services they needed to continue that child’s care to the point that that child despaired at ever getting better because the mental health services promised by the government are not available for that child and that family.

That is one case, and it is repeated time and again across the ACT. The principals of ACT schools are tearing their hair out because they are, more than anyone, at the front line of this. The crisis in adolescent mental health is enough in itself for this government, this Chief Minister and this Minister for Mental Health to hang their heads in shame. My constituents—the people who live in west Belconnen who do not get to eat tofu burgers in Braddon out of street caravans and the like because they cannot afford it, the transport is not there for them and the parking when they get to

Civic is too expensive—have kids struggling at school and at home because they do not have basic mental health services.

These are the things I am concerned about. While we all have a great advantage in living in this great city, we need to remember that not everyone is as advantaged as we blessed few are and that many of our constituents are doing it tough. It could be in relation to housing affordability, mental health for themselves or their children, being able to get into hospital in a timely fashion or being able to see a doctor in an emergency room. Today we see again figures showing that we are failing to provide the sorts of services you can get across the border in half the time.

I thank Mr Pettersson for an opportunity to talk again about nurse-led walk-in centres. I refer members again to the answer to the question that I put on notice earlier this year in relation to the cost of nurse-led walk-in centres. In answer to my question the minister told the Assembly that the average cost of a presentation to a walk-in centre is \$188.19. That is an improvement, because in 2011 it was \$196. So there has been some improvement, but it is a long way north of the cost of a bulk-billed service in a clinic provided, for instance, by the National Health Co-op at \$37.

These are not just my criticisms; one of my constituents, an esteemed general practitioner, has written at length about the failure of the business model of the nurse-led walk-in centres and the fact that they are now actively in competition with general practice and that there are ads encouraging people to attend nurse-led walk-in centres instead of seeing a GP and that this will eventually undermine good primary health care in the ACT. At this stage I have to echo the concerns of my constituent, this GP, when he complains about the poor business model and the poor use of taxpayers' money at \$188.19 per visit.

So members opposite can pat themselves on the back and talk about how hip and cool they are, but my constituents in west Belconnen and in Belconnen more generally do not necessarily relish paying \$188 for somebody else to visit a nurse-led walk-in centre when they are already paying to visit a doctor or are already availing themselves of bulk-billed services. My constituents in west Belconnen and across the ACT do not think very highly of a government that promises the world in relation to mental health but has not delivered on an individual basis for some of the most vulnerable people in the ACT.

**MS CHEYNE** (Ginninderra) (11.05): It is with great pride that I rise today to speak about Canberra, my city soulmate. It has been an incredible year to represent the people of Ginninderra and this city. We have seen progress and development across every sector, and it is indeed a very exciting time to be a “Canbassador”. As someone who has long championed Canberra, not only to Canberrans but to our broader community across Australia, through my blog *In the Taratory* and my social media channels, I was stoked but not surprised to learn of the recognition that *Lonely Planet* gave us just a few weeks ago.

It is hard to believe that the year is already coming to a close, and, in case anyone needs reminding, Christmas is just around the corner. I can testify to how quickly time travels in this place, and sometimes it can be difficult to remember exactly everything

this ACT government has achieved in the first year of my first term. The list is certainly very long. Today I would like to take time to reflect on just a sample of the achievements, including and in addition to what Mr Pettersson has raised in his motion, that have come out of the hard work of this government and the Canberra community over the past 12 months.

I would like to first address Mrs Dunne's comments about the walk-in clinics. I note she quoted just one critic, not "constituents", as she wanted us to believe. You might be able to tell from my voice, Madam Assistant Speaker, that I am a little under the weather myself, and I actually presented to a walk-in clinic on Monday afternoon, at about quarter to 6, to get an assessment of what was wrong with me, whether anything needed to be done and whether it was serious enough for me to present perhaps to a GP. My experience reflects the constant praise that these clinics receive—that they are clean, that they are professional and that you are seen to quickly. I waited for no more than 15 minutes to be seen. My nurse was incredibly professional and incredibly thorough. The diagnosis for me was that I had laryngitis and all I needed was some rest, which I am getting plenty of, but not much in this chamber.

I want to talk about some of the exciting things that have happened. One of them, at the beginning of the year, for me pinpoints exactly the progress that we are making in a range of areas. I was treated to a tour of the new medical radiation science lab at UC. That lab represents the very best in medical imaging training and complements new medical radiation courses provided at the university. This new facility supports students undertaking the first medical imaging qualification available in Canberra. It is a clear example of the growing education and work opportunities in Canberra, and it complements the University of Canberra public hospital, which will be completed next year. We know that there was a further investment of \$16 million dedicated to operationalise the facility in this year's budget.

More broadly, Belconnen town centre has undergone considerable change over the past 12 months. We have seen a number of new private developments come online, or being flagged as coming online, and the population has been booming. The ACT government has responded by staying on the front foot and investing in the arts and infrastructure in the town centre to support the wellbeing and practical needs of the growing population.

This year we committed \$15 million in the budget to stage 2 of the Belconnen Arts Centre. It will add new community spaces, improve workshop spaces and bring new dance studios and an expanded exhibition space. The design of the Belco bikeway is underway and the duplication of Aikman Drive was formally completed just last week. The duplication of Aikman Drive not just assists the town centre's growth and helps with access to the University of Canberra public hospital; it is also part of the route for the new black rapid, which is connecting the Belconnen and Gungahlin town centres.

The ACT is renowned for the quality of our public education, and we have continued to invest in the future of Canberra kids. In my electorate several schools have shared in more than \$90 million in this year's budget for classroom and facility upgrades. This is on top of the \$20 million over a number of years that has been invested in

Belconnen high to modernise their campus. All of that is to say nothing of the playground, road and infrastructure upgrades that have happened around the electorate through the whole year, as well as the continuous maintenance efforts that have kept our electorate looking beautiful. I am proud of everything this government has achieved in my electorate this year and I am conscious that the same efforts have been replicated across every electorate in our city.

Not only is our government showing great vision in supporting the growth and development of Canberra but we have shown true leadership in standing up for vulnerable and minority groups in our community, especially over the course of this past year. It is well known that we have stood up for the LGBTIQ community during an incredibly punishing period. While the federal Liberal Party threw the LGBTIQ community under a bus and then pretended it was all about democratic process, we used our buses to send a message of acceptance and celebration. Our rainbow buses travelled around the city, sending a clear message that people in our community belong, no matter their sex or sexual orientation. The number of people who tell me how excited they get when they see a rainbow bus is testament to that. We have funded the office for LGBTIQ affairs to support LGBTIQ people and we have provided \$500,000 in funding to A Gender Agenda.

I stood in front of ABS House with a few dozen other Canberrans on 15 November when the announcement of the survey result was made. While we were outside, there was a real symbolism to the moment. As strangers we stood, united, crowded around a mobile phone, watching the results with arms around each other. The elation and the united feeling of that moment will be etched in my memory forever. The Canberra result in particular is something I will always be proud of, and so many members in this place and throughout this community worked hard for that. My laptop, I am happy to say, again wears my rainbow CBR sticker in this place with pride, no longer hidden away.

Madam Assistant Speaker, we have stood up for women. We have embraced International Women's Day, supporting and promoting a range of events around this city. As you know, we are currently in the middle of 16 days of activism, strongly saying we never accept gendered violence. We have supported a woman's right to make her own reproductive health choices, reiterating our support for the decriminalisation of abortion which occurred, thanks to Wayne Berry, 15 years ago. We also announced recently that we are looking into ways to make it more accessible so that there is true choice available for women.

Sadly, it is now 120 days since the Leader of the Opposition conceded that his party has no policy position on women's reproductive health. We are still waiting for any sign whatsoever that they might have actually thought about this and come up with a position, since it deeply impacts the lives of more than half the population. We have heard nothing. The Canberra Liberals continue to lecture us about how representative of the ACT community they are and how they stand up for all Canberrans. I fail to see, and I challenge them to explain, how this is the case when they do not have a policy for more than 50 per cent of the population. Mrs Kikkert talks about weaknesses in policy and the rot they create. I think she should turn a mirror on her own party's weaknesses because this is a glaring one.

We have criminalised drink and food spiking in the ACT, a crime which disproportionately targets women, particularly young women. We have also stood up for workers in Canberra. When the federal government announced that they would be cutting the pay of the casual workforce, which represents some of the most vulnerable in our community, we loudly protested the changes in support of our workers.

When the federal government—two illegitimate members, I might add—announced their ill-conceived plan to decentralise the public service, we stood up for Canberra as our nation’s capital and the home of the Australian public service. We recognise that a strong public service workforce in Canberra is a linchpin to our economy and that any attempt to force a relocation is tantamount to asking many in our community to choose between their jobs and their home.

I have been vocal on this and I will not shut up. The ACT government and I, as a former federal public servant, recognising that federal public servants have their hands tied, their voices silenced and cannot speak for themselves, have made strong submissions to the inquiry on this. While the final decision on these issues may be out of our hands, it does not mean that we should not be standing up for our constituents, in spite of what the opposition leader might have had us believe throughout the year.

Our achievements in supporting the growth and development of Canberra have been considerable. Our boom in tourism, transport, city infrastructure and suburban development speak of a prosperous and thriving city. Investment in education, health and community welfare speak to the safe and compassionate city that nurtures the all-round wellbeing of our community. Perhaps the achievement I am most proud of, a willingness to consistently stand up for the most vulnerable in our community, speaks of an empathetic city with integrity and an open mind (*Time expired*).

**MS STEPHEN-SMITH** (Kurrajong—Minister for Community Services and Social Inclusion, Minister for Disability, Children and Youth, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Multicultural Affairs and Minister for Workplace Safety and Industrial Relations) (11.15): I thank Mr Pettersson for bringing this motion forward today and providing us with an opportunity to speak about the achievements of the past year and the exciting initiatives that will be delivered over the next 12 months by the ACT government.

I do intend to speak to the motion, particularly in the area of higher education and research. As the Chief Minister has said, however, those opposite have taken the opportunity to reiterate a range of concerns, including in a number of my own portfolios. While this is not the focus of my speech today, I must record my ongoing disappointment at the complete inability of the opposition to recognise any of the ACT’s achievements that would enable them to make contributions that were perhaps a little more balanced and credible.

As the Chief Minister has said, we can always do better. We know that, and we work very hard to deliver on that. But when your youth justice strategy wins a national award for crime prevention and those opposite are unable to acknowledge any level of positive achievement—indeed, they just look annoyed whenever you mention that the

ACT has received national recognition—you just have to wonder where their real interests lie. I do not expect bouquets, and I am sure my colleagues on these benches do not either. But I cannot help wishing that members opposite were capable of demonstrating some interest in the success of our public sector agencies and their community partners.

Mr Milligan talked about the interests and outcomes of Aboriginal and Torres Strait Islander people. I do not have time to respond in detail, but I note that I will be delivering a ministerial statement tomorrow that will address some of the issues Mr Milligan raised. As always, I welcome his interest in the wellbeing of Aboriginal and Torres Strait Islander Canberrans, but, again, it would be nice if he could recognise that the community does have incredible strengths, and that is what we want to celebrate and build on.

On something more closely related to the topic I actually rise to speak on, I would also quickly take the opportunity to refute Mrs Kikkert's absurd claim that the ACT government has said that it has no programs to support young people into employment. It is quite the opposite, in fact. Mrs Kikkert has received a response to a question on notice on this matter that runs to a number of pages.

Education is a key part of that, Madam Assistant Speaker, from schools to CIT, our outstanding public universities and the Australian Catholic University, which provides fantastic education and training in a number of areas that support our social services. And of course, research in my own portfolio of child protection is a critical part of our evidence-based policy development.

While Canberra may lack the ivy covered sandstone universities seen in older cities in Australia, our higher education sector punches well above its weight for a city our size. Mr Pettersson's motion mentions the MOU with the University of New South Wales regarding a possible new campus in Reid. UNSW is, of course, a university with an established presence in the ACT already. In May I had the privilege of touring UNSW Canberra and talking with them about their cybersecurity and space science initiatives, among other things.

In this city, as in so many others, space science and a strong higher education sector are inextricably linked. The unmatched expertise of our universities underpinned the delegation to the 2017 International Astronautical Congress in Adelaide, which is also highlighted in Mr Pettersson's motion. Members who have not worked in this space—excuse the pun—may not realise what a big deal the IAC is, but it really is the premier international event in the space industry. The fact that Canberra was able to send a delegation of such depth and strength is a real testament to the capability of our city.

While I was at UNSW Canberra I had the chance to see a small and rather fragile looking contraption that I was told would be heading into space shortly. This week I was thrilled to see on Twitter that the *Buccaneer* cube is now in space, all because of the incredible work being done right here in Canberra. Thanks to the work of this government, Canberra is better placed than any other state or territory to be the centre of Australia's burgeoning space industry. And we are not slowing down. Just this week the first national space mission design facility was opened at UNSW Canberra

by the Chief Minister. Canberra now has nation-leading capability for the design, assembly and testing of spacecraft and components.

As someone who has spent many years looking at innovation policy, and as the local member, I am looking forward to progress being made on the MOU with UNSW. A new campus of 10,000 students will confirm our status as Australia's new education capital. UNSW Canberra at Reid would also create local jobs and be another beacon attracting the nation's brightest minds to our city.

This is a fundamental part of our plan to grow our economy. The territory's economy is diversifying. It is happening right now and it is happening thanks to this government and this Chief Minister. Education, research and innovation are critical to that strategy, and our existing universities have also been leading the way. Our modern universities, set in gardens of gum trees, have a proud history. It is this government's mission to build on this, to strengthen and grow our higher education sector into the future, in partnership with our universities. As our city grows and evolves, it is clear that a strong higher education sector is central to our diverse economy.

As members probably know, the ANU was established in 1946 and has become Australia's highest ranked university on a number of international measures. Its reputation for high-profile alumni and groundbreaking research is peerless in Australia. Canberrans should be proud of the fact that the ANU is ranked first in Australia and in the top 20 globally. According to the university, this means it ranks in the top 0.1 per cent of some 26,000 universities around the world. Australia does not really have the tradition seen in the US and the UK where people leave their home town or state to study elsewhere, but there is one exception to this rule, and that is the ANU, our national university.

In addition to courses like law, economics and medicine, the ANU has always been concerned with Australia's place in the world, and in particular Australia in Asia. Today the ANU is still the only place in Australia you can study a diverse range of Asian languages at a tertiary level. This puts Canberra at the very heart of the opportunities on offer from the Asian century. The ANU is also the only university to have a display at the National Museum of Australia, a recognition of the important role this institution plays not only in Canberra life but across the country.

In April the University of Canberra was named one of the world's top 100 young universities and in the top 30 for generation Y universities, those founded between 1986 and 2000. I was very pleased a few weeks ago to be part of the judging panel for the UC's pitch for funds competition, where academics and researchers try to convince investors to fund their work. Similar to *Shark Tank* on television, its competitors have to convince the panel why they think their ideas are worth backing, and they have 90 seconds to do so. This year's winners ranged from a project re-examining NAPLAN systems for regional and remote Australia to breath strength training in intensive care units, but there were many worthy projects being discussed at that event and the decision-making was incredibly difficult for the panel. It was quite the experience to sit back and take in the incredible talent we have right here in our city's higher education institutions.

Earlier this year I was also at UC for the launch of the Mill House social enterprise accelerator. Mill House aims to grow a high quality pipeline of investible social ventures in the ACT and region for corporate and individual social impact investors. As with starting any business, there is an element of risk in social entrepreneurship. What Mill House offers is an intensive form of education and mentorship. It works with people to improve their business idea to minimise the risk for investors in the future. Mill House is also collaborating to deliver Aboriginal and Torres Strait Islander business support, including in partnership with our local ACT Australian of the Year nominee, Dion Devow. I commend him for the incredible work that he has done on Indigenous business development in the ACT.

Mr Pettersson's motion also mentions the upcoming opening of the University of Canberra public hospital. I want to touch on an aspect of this in relation to research at the University of Canberra. UCPH is bringing together expertise that will enable the University of Canberra to grow its research capability in areas where it already has strengths in the health system, another string to the University of Canberra's ever-growing bow of research capabilities and strength. I commend the motion moved by Mr Pettersson that celebrates Canberra's success, as we all should in this place.

**MR PETTERSSON** (Yerrabi) (11.25), in reply: I want to thank all members for their contributions today, both positive and negative. I find it very telling that those opposite cannot acknowledge any positive developments in our city this year. It is incredible: not a single thing. It must be a strange life being unable to acknowledge any achievement or positive from those that you may disagree with.

*Mr Gentleman interjecting—*

**MR PETTERSSON:** It is a different kind of bubble. Thank you, Mick.

I want to thank my colleagues who similarly share my excitement for the year to come. This year has been an incredible year, and I have no doubt that next year will be even better. Some of the text in the motion, 3(b), was mentioned in the debate. I would like to read that just for clarification, to make sure that everyone is talking about the same thing. It says:

... calls on this Assembly to, where appropriate ... inform itself of positive economic data and other indicators to avoid inadvertently and incorrectly risking investment and confidence in our city's performance.

I think that is pretty important. But more important than that is this particular point: the Canberra Liberals could not acknowledge a single achievement this year. I find that strange, because if you listen to them outside of this chamber they like to talk about all of the things that they do.

If you ask Mr Hanson, he is very proud of his work legislating on intimate photo abuse. He is very proud of that, and he worked hard for it. But it is very interesting that none of his colleagues would talk about it. None of his colleagues would mention it. I have a suspicion that maybe those opposite do not like to talk about Mr Hanson.

Maybe Mr Coe is out there trying to quash whatever Mr Hanson does. But the Canberra Liberals do do things, whether it be in committee, in this chamber or out in the community. The Canberra Liberals should have things to be proud of. I have listed one, and it is one that I think was very important. I hope that next year when we come back to this chamber the Canberra Liberals will be able to talk about what they have done this year.

Question resolved in the affirmative.

## **Domestic Animals (Dangerous Dogs) Legislation Amendment Bill 2017**

Debate resumed from 1 November 2017, on motion by **Mr Coe**:

That this bill be agreed to in principle.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (11.27): I am pleased today to present the ACT government's response to the Domestic Animals (Dangerous Dogs) Legislation Amendment Bill 2017 tabled by the opposition on 1 November 2017. I would first like to acknowledge and thank the late Steve Doszpot, whose commitment to improving dangerous dog laws has made a substantial contribution to this debate, and I again send my sincere condolences to his family and all members on his recent passing.

I met with Mr Doszpot in recent months to discuss his concerns. He remained fully committed to making a difference for the community in this area, as I do. The government is supporting the majority of the bill put forward on behalf of Mr Doszpot and is proposing additional amendments to strengthen it. I thank Steve for his passion, initiative and openness in discussions around the management of dangerous dogs.

Madam Speaker, I will talk to procedure briefly and I hope that my office and officials are listening. I understand that there are some ongoing discussions with the opposition about the amendments proposed by them and by the government. I propose at the end of the in-principle stage to adjourn debate until we have more certainty on the procedure. When we finish the in-principle stage we will have more clarity in the chamber about the later debate. I am hoping that all those involved in those very intense discussions can hear this and that we can get through this stage and move to the detail stage after an adjournment of the debate.

Community concern about dog attacks highlights that we do need to do more to manage dangerous dogs in the ACT and to ensure that our community behaves responsibly when it comes to pet ownership. This is something that I have been talking about now for some time. Certainly it was important that we develop an animal welfare and management strategy as well as do further work to strengthen legislation in this area.

In my discussions with the late Mr Doszpot, I committed to him that we would hear him out. I have also met with a number of members of our community who have been

the victim of dog attacks both recently and in the past. We think that the proposals we have put forward today considerably strengthen our ability to manage dangerous dogs but also, importantly, build on the other initiatives that the government has taken this year, in particular regarding the animal welfare management strategy and broader education and awareness raising in our community.

The principles that underpin the further amendments that the government is proposing are to support a fundamental public safety test in our legislation to make it very clear that in our legislation the fundamental test is public safety, that we have the right legislation to deal with dangerous dogs not only when they have attacked but before they have attacked and, indeed, to introduce and strengthen the ability for domestic animal services in particular to act on a number of different categories, including menacing dogs, aggressive dogs and harassing dogs.

Also, importantly, the amendments provide the authority to manage dogs and destroy dogs even before they have attacked. These are very powerful provisions in the legislation, underpinned by the principle of ensuring public safety. Our society is changing and community expectation about what is acceptable civic conduct in our community is evolving rapidly. A key example is community attitudes to responsible pet ownership. People are less tolerant of irresponsibly managed dogs and increasingly unwilling to put up with the impacts to their safety and amenity. We must respond to this change. The ACT government supports stronger laws to protect the public from dangerous dogs and supports the measures put forward in the opposition's bill, but we need to go even further in strengthening our laws.

As a territory, we need to be tougher on irresponsible dog owners and have a clear and strong compliance and enforcement framework that facilitates domestic animal services working with the community to achieve good public safety and animal welfare outcomes. We also need to take a holistic approach to dealing not only with dogs that are declared dangerous but also with dogs that exhibit early warning signs of dangerous behaviour. This is why the government is proposing a comprehensive suite of additional amendments. We want to give the community confidence that the ACT is taking strong action in how we deal with inappropriate behaviours of dogs and their owners.

The ACT government's commitment to action is not limited to these significant legislation changes. I recently announced additional resources for domestic animal services to further enable them to effectively administer and implement the law. This strengthening of capacity will enable domestic animal services to take a more proactive approach, ensuring that all dog owners behave in a responsible way and are held accountable for a failure to manage their dog appropriately.

The Australian Bureau of Statistics estimates that there may be as many domestic animals as people in Australia. Dogs are the most popular choice of pet for Canberrans, with an estimated 60,000 dogs residing in the territory. Canberra's significant network of open space and community facilities means that Canberra is a great place to keep a dog.

In 2014 Canberra was rated the most pet-friendly city in Australia by Pet Positives. Keeping a dog also provides many health and social benefits and is an important part of the Australian lifestyle. We are all aware that dogs, regardless of their breed, can be unpredictable and have the capacity to be aggressive and dangerous if they are not managed appropriately and responsibly. There is certainly a role for dog owners in ensuring that their pets are managed appropriately.

The ACT government amendments will bring about immediate improvements to the regulatory framework for dangerous and potentially dangerous dogs while ensuring better animal welfare outcomes and recognising the benefits that responsible dog ownership can bring.

There are two key features of the proposed new framework: firstly, the introduction of three new classes of dog attacks with proportionate powers to respond and act by the registrar for domestic animals. This is consistent with the opposition's bill and will give the registrar the power to act quickly to euthanase a dog by reducing lengthy appeal rights in the most extreme circumstances—for example, where a dog has killed a person or is aggressive and unsafe to deal with. This also supports better animal welfare outcomes by reducing the period of time that a dog, which is clearly a dangerous dog and which has no prospect of being released, is impounded before being euthanased.

Secondly, the new framework will result in a three-tier system for managing dogs. This will include the introduction of a dog control order as an intermediate action to dealing with dogs that are not dangerous but show early warning signs or have caused a minor injury. This brings Canberra into line with best practice around the world. Domestic animal services will be able to issue a nuisance notice, a control order or a dangerous dog licence in dealing with a range of dog incidents. These measures will be supported by increased compliance and enforcement powers and greater penalties for irresponsible dog owners.

The government amendments will also introduce a general public safety consideration in how the registrar for domestic animal services exercises discretion in dealing with dogs that could be dangerous. For example, the registrar must consider the safety of the public in deciding whether or not to release a dangerous dog under conditions. There will also be greater responsibilities and penalties on holders of a dangerous dog licence so that the owners of the dog understand and take seriously their responsibilities.

Ownership bans and ownership cancellations will be introduced for irresponsible owners or owners in breach of the act or animal welfare laws. This is a proactive approach to preventing people who are unable to demonstrate responsible dog management, care or control from owning or continuing to own a dog. It has the benefit of not only intervening early to prevent a dog from being in an environment that is likely to contribute to it being dangerous but also preventing dog abuse and neglect.

Conversely, a new offence is being introduced to address situations where dogs are provoked to attack. This recognises that there is also an onus on members of our community to behave appropriately around dogs. It further provides domestic animal services with the ability to take action against a person who wilfully and negligently provokes a dog to attack.

Where a dog attack occurs, new obligations will be placed on the owner or carer of the dog responsible for the attack. They must self-report a serious attack against another person or animal and must remain at the scene of the attack to exchange details with victims. This replicates measures recently introduced in South Australia. It is intended to ensure that an owner or carer responds appropriately after an attack and assists in an investigation. This will also give victims some comfort that the attack can be appropriately followed up and investigated. Research around the world, including in jurisdictions that have been able to reduce the incidence of dog attacks, shows that simply dealing with dangerous dogs does not address the dog attack problem. There needs to be a precautionary and escalating approach where early poor behaviour of dogs and owners is also managed.

Increased investigation and enforcement powers for domestic animal services to seize and act on a range of dog behaviours, ranging from nuisance dogs to harassing and dangerous dogs, particularly where they pose a threat to public safety, feature strongly in the government's amendments. This will give authorised officers a greater ability to swiftly and appropriately act and respond to community complaints. Where owners are clearly negligent or irresponsible, the registrar for domestic animal services will now have the discretion to cancel ownership and, where there is no unacceptable public safety risk, re-home a dog. The new framework will also be supported by greater enforcement powers and increased restrictions around illegal breeding and desexing.

In taking a holistic approach to the dangerous dog problem, New South Wales has identified that a critical influence on the behaviour of dogs in domestic settings is the actions of pet owners, including factors such as responsible breeding. Non-desexed dogs were found to be nine times more likely to be involved in a dog attack in South Australia and twice as likely in New South Wales. Therefore, greater enforcement powers around existing compulsory desexing laws is likely to have a direct and positive impact in preventing dog attacks in the ACT.

Further measures will also be put in place in 2018, including continuing the comprehensive education and awareness campaign, recognising that education and awareness is a critical factor and should work hand in hand with legislative measures; an independent review into the administration of the Domestic Animals Act 2000 and the regulatory environment; working with key stakeholders to develop partnerships, consider innovative solutions and identify further improvements that can be made; and continuing to implement the ACT animal welfare and management strategy released in September this year.

Consistent with the opposition's bill, the government is not proposing to implement breed-specific legislation for managing dangerous dogs. While this breed-specific

legislation is used in some Australian jurisdictions, there is a strong body of evidence that breed-specific legislation is not the most effective means to reduce the risk of a dog attack. The Australian Veterinary Association found that it was not the dog's breed that determines risk. Rather, the key risk factors that influence whether or not a dog will cause a serious bite injury include the dog's behaviour and size, the number of dogs involved and the vulnerability of the person bitten. A United States study of 256 dog bite related fatalities stated:

Undue emphasis on breed has contributed to a lack of appreciation of the ownership and husbandry factors that more directly impact dogs ... what is striking is the consistency with which experts agree that dog bites cannot be adequately understood by examining single factors in isolation.

Instead of focusing on a single breed, the study found that all the circumstances surrounding dog bite incidents should be considered. This is what the government's amendments reflect.

A recent parliamentary inquiry in Victoria into breed-specific legislation found that when breed-specific legislation is introduced agencies are required to allocate resources to this instead of enforcing licensing, breeding and control laws and responding proactively to target owners of any dog that poses a risk to the community. This again emphasises the importance of focusing on a range of circumstances that go to the heart of dog attacks, as reflected in the government's amendments.

The opposition's bill and government amendments have been carefully considered to ensure that they are consistent with the government's best-practice approach to animal welfare and management as outlined in the animal welfare and management strategy; based on credible and well-supported evidence and international best-practice approaches; compatible with other legislation and policies; targeted at underlying preventative actions as well as how we respond to attack incidents; and fair, equitable and appropriate for not only those who have suffered dog attacks but also for the vast majority of responsible pet owners.

Any breed of dog can attack and, while there are many different contributing factors such as not desexing a dog and the treatment of the dog by an owner, ensuring the appropriate responsibility of pet owners is a key step in ensuring that dogs can live safely amongst their neighbours, side by side with their owners and in harmony with the ACT community. This is why I am introducing government amendments today and why we are supporting the majority of the opposition's bill. I commend the government amendments to the Assembly.

**MS LE COUTEUR** (Murrumbidgee) (11.42): I want to thank Mr Coe and of course the late Mr Doszpot for bringing forward this bill for discussion today. The recent tragic events in Watson are a stark reminder that legislation around public safety needs to be reviewed at appropriate times to ensure that it is performing as well as it can. The Coe-Doszpot amendment bill provides an opportunity to review the operation of the dangerous dog legislation, the Domestic Animals Act, and I am very pleased that the government have also taken advantage of the opportunity, as evidenced by their circulated amendments.

The ACT Greens firmly believe in having robust protections for the community, for people and for animals as well. It is critical that when we consider any new policy we consider the impact on the vulnerable—the victims, the neighbours and the people with mental health issues—as well as thinking of the impact on those who cannot speak for themselves, the voiceless animals themselves. Sometimes their welfare is lost in these sorts of discussions. The Greens believe we have responsibilities for all sentient beings.

Mr Coe's office has explained to me that the Canberra Liberals' amendments are designed to deliver a certainty of direction for the domestic animals registrar and domestic animal services when they are confronted with a complaint regarding a dog attack. As we heard from Mr Coe in his opening speech, the substance of his amendments is in sections 53A to 53C, which create a hierarchy of potential consequences for a range of poor or dangerous dog behaviour on a spectrum of harassment, injury, serious injury and death. The consequences for these behaviours range from the termination of the dog, the imposition of a control order and the designation of the dog as dangerous, to the subsequent financial and practical consequences of this designation.

The government's potential amendments broaden the scope of the review of the act and introduce a number of new and useful changes that will improve the operation of the act. With some of these I think the government are at a considerable advantage because they are the people who oversee the operation of the act on a daily basis. In saying that they have proposed some amendments which will be useful, I am not trying to make this a criticism of the Liberal Party. Because the government are running this area on a day-to-day basis, there are some issues that they have been able to take into account in a more practical way than the Liberal Party have in their bill. I want to make it clear that I am not seeing this as a failing of the Liberals' bill.

The government's amendments introduce, among other things, a public safety consideration and increased consideration of the behaviour of the dog owner as well as the behaviour of the animal. These are welcome additions. We worked with the government earlier this year on the animal welfare and management strategy and welcome Minister Fitzharris's recent announcement of eight more domestic rangers for the directorate.

As with so many things, it is simply not good enough just to have good legislation. The best legislation in the world will not make any difference unless it is properly enforced. We have had this commentary and debate already regarding many different areas, but this is one area where it is clear that parts of the existing legislation are simply not being enforced. It is very important that, as well as passing good legislation today, the government allocates sufficient resources to ensure that it is properly implemented.

While the amended act will do different things in different situations, the one thing we can be sure of is that it will increase the number of dogs seized each year by animal rangers. The bill requires the registrar to investigate a written complaint and to seize and impound the dog in question for the duration of the complaint. Ms Fitzharris

mentioned in her remarks that the government is looking to streamline the appeals period so that we do not have dogs which have clearly been declared dangerous being stuck for a very long period in a small cage, potentially in a very injurious situation. We certainly do not want to see that happen. We need to consider the dogs' welfare, as well as the welfare of the community as a whole.

The government also intends to amend the act to provide more powers for rangers to seize puppies that have been illegally bred without a breeding licence. This could further increase the number of dogs being seized and held. The obvious concern is whether or not domestic animal services has the resources or processes in place to adequately manage the likely influx of impounded dogs.

Members may also be aware that neither RSPCA nor DAS volunteers are allowed to walk a designated dangerous dog; only trained and qualified staff are able to do so. In some instances I understand that it may require more than one member of staff. If this bill creates an influx of designated dogs being impounded then there will need to be a commensurate increase in the workforce resources to manage these dogs. It will surprise no-one that the life of an impounded dog is far from ideal. If they are not managed properly, walked regularly and socialised, they could well come out of the experience in a worse, less sociable condition than when they came in.

I understand that the government has committed to the construction of 25 new kennels at the Symonston facility, and I welcome this increase in resources. I understand that the government is of the opinion that the new changes resulting from the amendments which are likely to be passed today can be managed in the short run within existing resources. However, I am concerned that in the long run this will almost certainly require additional resources so that the animals that have been impounded can be managed in a humane way.

If the compulsory investigations are not done fast enough, the new kennels will fill up anyway and the territory will have a real situation on our hands. Both the Liberal bill and the government amendments will lead to an increase in seized and impounded dogs. This needs to be seriously monitored to make sure that we do not create a new problem with inhumane treatment of impounded dogs while we are trying to address another problem. I am not trying to downplay the current problem, but we need to look at all sides of it.

The government amendments indicate that a seized dog must be impounded until the completion of an investigation. Amendment 13F allows the registrar to extend that period indefinitely. As I said, this is a risk to animal welfare outcomes, and the long-term impounding of dogs must be monitored and resisted by both DAS and the registrar.

I note that the new amendments introduce the possibility of home detention for a dog in certain circumstances. This is a useful addition, but I believe it needs to be accompanied by a notice to the complainant or the victim that this is happening, if that person is living in the immediate vicinity of the home-detained dog. I would have thought that the government or the Liberals could have introduced requirements to

communicate regarding the release of a seized dog in one of the many amendments, and I am disappointed that neither party did that.

Prevention and enforcement are just as important as the black letter of the law. I call on both sides of the Assembly to support efforts to prevent dog attacks, whether it is through more accessible animal behaviour classes, better dog parks or additional staff for the directorate to investigate complaints. The Greens support this bill in principle, and I anticipate supporting all of the government's amendments when they are moved. These amendments improve the bill both in a technical, legal way and in strengthening community protections. We look forward to discussing the amendments in the detail stage.

**MR COE** (Yerrabi—Leader of the Opposition) (11.51), in reply: In January this year, after a series of reports of vicious dog attacks in our city, my late colleague Steve Doszpot asked Canberrans to contact him about their experiences with dangerous dogs. Many Canberrans took up Steve's offer. They told him not only of dog attacks but of the often inadequate response by the ACT government when they reported these attacks. Both the law and the administration were inadequate.

The public consultation by Steve in particular and the Canberra Liberals as a team, including on the have your say website, was very productive. Other evidence began to emerge about the scale of the problem. When questioned in this place, the minister revealed that 155 people in 2016—that is three per week—were hospitalised as a result of dog attacks. This was up from 100 in 2012.

On 29 March Mr Doszpot spoke in the Assembly on the problem of dangerous dog attacks. In particular he called on the Labor-Greens government to review the law that allows dogs that have viciously attacked people or other dogs to be returned to their owners. Minister Fitzharris, supported by the Labor Party and the Greens, watered down Mr Doszpot's motion and said that there was an element of alarmism in Mr Doszpot's motion. She preferred to focus on her draft animal welfare and management strategy that was released on the same day. Six months later, on 21 September, the minister presented the animal welfare and management strategy and a ministerial statement on the management of dogs. These documents showed no appreciation of the problem or how to address it.

According to the minister there were "only" 389 reports of incidents involving a dog in 2016-17. Processes and procedures for dealing with these incidents were "working efficiently and effectively". She concluded that "it is not possible to create a set of criteria for dealing with dangerous dogs". The amendments promised by the government have not materialised. Expecting such a response, or lack of one, we, the Liberals, had already started drafting our own legislation. Of course, we do not have a department or directorate to assist with this. We do so with our limited staff resources in our offices.

The need for action was sadly demonstrated on 25 October, when a Canberra woman was killed by her own dog in her own home. The dog had been returned to her after it had viciously attacked another person in August. The person, as reported, went to hospital and required over 40 stitches. The dog apparently had also been injured in the

attack and it was taken to the vet, treated at taxpayers' expense and then returned to the owner. This same dog, two months later, killed a person. So a dog that the authorities had knowingly taken to a vet, having caused 42 stitches to a person, was patched up and returned to a person. It is pretty outrageous that you have a situation where the government know that there is a dangerous dog and they then return it to the owner.

At present the laws make impounding and destroying dogs almost impossible. The default is that dangerous dogs are returned rather than dangerous dogs being destroyed. The amendments put forward by the Canberra Liberals change this. The heart of our bill is in sections 53A to 53C, which address the spectrum of harassment, injury, serious injury and death of a person, as well as a serious injury or death of an animal.

In our proposed legislation a dog must be seized and impounded during an investigation into complaints of injury, serious injury or death of a person. In cases where it is found that a dog has attacked, causing serious injury or the death of a person, the registrar must destroy the dog. On lower levels of injury to a person, the registrar may destroy the dog or, if not, must declare the dog to be dangerous and issue a control order to the dog's keeper. A dangerous dog licence will require the payment of a significant annual fee. Control orders, including secure fencing that must be inspected by the registrar, would also be a feature of the legislation.

Comparable direction is given to the registrar for handling complaints about dog attacks causing a serious injury or death of an animal. In every case the registrar must investigate complaints and must give written notice of decisions to the complainant. The keeper of the dog, and the neighbours, must also get information.

Throughout our amendments the response to harassment, injury, serious injury and death is necessary and proportionate to the severity of the attack and the threat to the community. The people in our community who have contacted us desperately want action. They are tired of the failure of the present system and the inaction of the government in response to their concerns and complaints.

In the end the government has finally shown some understanding of the problem and has seen that we are not being alarmist and that there is a problem. While we on this side of the chamber are glad to see the government finally taking this issue seriously, we also note that the government still does not clearly see the heart of the problem with dangerous dogs in Canberra. We have seen repeatedly the disastrous results of that discretion being exercised. Unfortunately, there is still more discretion in the amendments being put forward by Ms Fitzharris. Dangerous dogs that attack people and other dogs have often not been seized or held. If they have been they are often returned to their owners quickly.

Victims are often kept in the dark about the decisions that are being taken. We heard Ms Le Couteur just then say that there were meant to be more staff at the pound to appropriately manage these dangerous dogs because they need trained keepers to manage them, and they might need one or two trained keepers to take them for a walk. Quite frankly, if a dangerous dog requires one or two trained keepers, that dog is not

safe to be in suburbia. We support many of the government's amendments, but we do not support those amendments where the government seeks to replace our approach of giving clear direction to officials in what they must do. The government's approach leaves, I believe, the heart of the problem, and that is too much discretion.

Whilst Ms Le Couteur is right in saying that enforcement needs to be matched by legislation, the other way around, discretion is also one of the key problems. We want to back up the public servants who are making calls on this. We do not want to put them in a tough situation where they have to use too much discretion. We would much rather the legislation make it very clear that no discretion is required when there is a dangerous dog that has caused serious injury or has killed a person, or has caused serious injury or death to another animal. Unfortunately, what we are seeing today is a watering down of this fact.

Further to this, the government yesterday tabled about 50 pages of amendments, of which about half were unrelated to dangerous dogs. They used this as an opportunity to put through a raft of other amendments. Whilst those amendments are not necessarily all bad, it is not best practice to put through 25 pages of amendments that are not related to dangerous dogs simply because they had an opportunity at 11.55 am yesterday to do so. If they have substantive amendments to the dog legislation, they should not simply use this as an opportunity to ram them through. It is not best practice.

Finally, I would like to thank the staff and the community members who have contributed to the development of this bill. There are many people in our community that have told their stories, and these stories are heartbreaking. Pets such as cats and dogs are very much a part of families, and when people see their cat or their dog mauled, sometimes mauled to death, in front of their eyes, it is pretty heartbreaking; in actual fact it can lead to PTSD as well. I thank them for telling their story. I thank Neil, Ausilia and David for the work they have done in getting to this point, with the government still kicking and screaming. I hope that following today we will at least have some steps in the right direction, albeit not as far as we think we need to go.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

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

Proposed new clauses 3A to 3W.

**MS FITZHARRIS** (Yerrabi—Minister for Health, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (12.02): I move amendment No 1 circulated in my name [*see schedule 1 at page 5322*], which inserts new clauses 3A to 3W, and table a supplementary explanatory statement to the government's amendments. We will now get into the detail stage. Although I referenced the intent behind the government's amendments in response to the

opposition leader's comments, I wish to make a number of other general comments that are also put forward in the supplementary explanatory statement.

I note somewhat a rewriting of a history. I have said on multiple occasions throughout this year that I am keen to work with the opposition on amendments. That is exactly what I have done. At the same time, I indicated on a number of occasions that we are also working on our own amendments. These amendments are presented here today. I note that numerous briefings were offered to the opposition. Of course, the time frames are tight. I understand that and appreciate the cooperation of all members and a number of staff in this building and indeed in the directorate over this period.

With reference to Mr Coe's point that it is not best practice to propose a number of amendments and his view that they are irrelevant to dangerous dogs, I think that Mr Coe has really missed the point on dangerous dogs, as I explained in my speech earlier. The amendments that we have put forward, which in Mr Coe's view have nothing to do with dangerous dogs, have everything to do with dangerous dogs. As I have been saying all year, we do not want to get to the point of investigating attacks; we want to prevent attacks. In order to prevent attacks we need to strengthen our legislation around the illegal breeding of dogs; we need to strengthen our legislation around desexing dogs. Far from being irrelevant, as Mr Coe just stated, they are exactly the sorts of amendments we need to have in order to address this very complex issue.

I too have spoken to members of our community who have been the victims of these attacks, who have lost pets in some of the most distressing circumstances. As the responsible minister, however, I am also aware of the vast variety of incidents in our city. I have also received correspondence from owners of dogs, some very aggressive about the fact that their dog did nothing wrong, some very distressed about the behaviour of their dog but also deeply distressed about the prospect of losing that dog. In many cases those owners take the decision to have their dog euthanased. Over 100 dogs a year are euthanased in these sorts of circumstances. There is a wide variety of experience here. I respect the experience of victims. I have heard from them directly and loud and clear. That is exactly why there are so many amendments: because this is a very complex issue. I fundamentally reject Mr Coe's assertion that a number of these amendments that the government is putting forward have nothing to do with dangerous dogs. They have everything to do with dangerous dogs.

I also point out, as I did earlier, that underpinning this legislation, and in particular the amendments the government has made to further strengthen what the opposition has put forward, is the fundamental principle of public safety. In the instances of death of an animal or serious injury to or death of a person, all elements of seizing a dog, declaring that dog dangerous or euthanasing that dog are in keeping with the opposition's amendments.

However, legislation simply must allow for some level of discretion. In instances where a person is killed or seriously injured, there will be no discretion. But what the opposition is proposing is potentially a team of rangers, almost as big as our entire police force, to be out there seizing dogs at every instance. I have said publicly on many occasions, "If you are out in public with your dog, no matter how much you

trust your own dog's behaviour, please keep your dog on a leash." If, as Mr Coe thinks we should, we have rangers in every park and playground seizing every dog, with no discretion provided to officials, no discretion whatsoever, we will have as many rangers as we need police officers.

This is about making sure that we prevent and respond to serious incidents where a dog bites or attacks. But there are also instances when dogs are playing in public spaces or in their own homes—someone is throwing a ball, a person and a dog go for the ball at the same time, the dog gets there sooner and accidentally bites their owner, their owner needs stitches and their owner goes to the hospital. What the opposition are saying is that the owner of that dog then needs to pay a \$750 fine and that dog will be declared dangerous.

We are responding extremely strongly, but we simply cannot have a situation where there is no discretion in law and every dog is seized, every dog that kills another animal. This is a difficult one. What the opposition want to do is declare any dog that causes injury or the death of another animal to be declared dangerous and therefore impose a \$750 licence fee on their owner. So this could be of a myna bird or a lizard. It is very difficult in law, I think, to make a distinction between dogs and any other animal, and that is why we have not gone to that extent.

That is why our amendments fundamentally strengthen the laws. They simply do not water anything down. In fact, the opposite is true. They significantly strengthen the laws and the ability to enforce laws, and significantly strengthen the ability for the government to seize dogs and declare dogs dangerous. There are three categories now as well. Also, importantly, we are introducing an amendment which the opposition did not have in their bill, which is the power to destroy a dog even if there has not been an attack. I agree with Mr Coe that if there is a dog at our domestic animal services kennels that cannot be walked because it is simply too dangerous to control, it is the right thing to do and it is the humane thing to do to euthanase that dog. We have these amendments in this bill.

I want the community to be very clear that these are some of the strongest amendments that the government could put into this place. They are based on evidence gathered nationally and internationally about what works. We simply cannot have a situation where there is absolutely no discretion in law, where family pets are seized right throughout the territory. I know that a number of people have presented to emergency departments. In some instances that has happened in their own family home. The opposition want any dog that bites anyone in any circumstance seized. The definitions of "injury" and "serious injury" and "must" and "may" are where the difference is. In any instance where we say, "Give power to the registrar to do it but do not force the registrar to do it," they want us to force the registrar to do it.

We are not very far apart. But fundamentally Mr Coe has misrepresented the history of this. I have enormous regard for Mr Doszpot and the work of his staff in particular in bringing this forward, and I sought to always work cooperatively with them. We have some very strong amendments here and I look forward to debating them further.

**MR COE** (Yerrabi—Leader of the Opposition) (12.12): Firstly, I will go to a couple of points that the minister raised. Initially she said that the government has been working on these amendments for some time, which begs the question why we saw them at 11.55 yesterday. If they have been working on this for months, how it is that the 50 pages were dumped on the opposition just yesterday?

If it is so broad, if all these things are so important, it is not fair that we have changes to breeding licences come about with no consultation with dog groups, no consultation with cat groups. This amendment was put forward at 11.55 yesterday. I doubt there is anybody in Canberra who knows about these changes in breeding licences.

I accept that these do have a tangential connection to dangerous dogs. But at the heart of Mr Doszpot's bill is dangerous dogs. The very problem of the government not consulting and not taking action has now been flipped 180 degrees: they are now taking action without doing any consultation whatsoever with regard to breeding licences. If they had just stuck to the core issue of dangerous dogs, it would be a much fairer debate happening right now.

We need to change the culture in Canberra. Part of that change will come if we have some tough laws. If dogs start to be seized, if dogs start to finally be destroyed because they are dangerous and they have killed other animals, then perhaps we will not see people flippantly letting their dogs off the leash. Perhaps we will not have situations where dangerous dogs are out in our suburbs. We have a situation at the moment where people think they can get away with it, but we have to change that. A cultural change is not going to come about by the minister saying people should use a lead. Cultural change is going to come by tough laws and enforcement.

The minister also said that you could not differentiate between dogs and other animals. This whole legislation talks about dogs. A dog is obviously a defined term, because this whole document refers to dogs. Dogs and cats can pretty easily be defined.

Where we have got a particular problem is with Labor's proposed section 7(2)(b)(iii) in clause 3G. It says that the registrar may refuse to register the dog if "the registrar reasonably believes that the applicant has failed, or is unable, to exercise responsible dog management, care or control".

We have got the same discretion we have now. The registrar pretty much already has this discretion but they are not using it, so that is why we have to change it to a "must". That is why that should be a must. The registrar must not register a dog if they believe that the applicant has failed or is unable to exercise responsible dog management, care or control. Why would we have a situation where we would allow the registrar to register such a dog? I do not understand. But that is what the minister is explicitly moving in her amendments today. All this talk that we have got these new tough laws as a result of the amendments being put forward by Ms Fitzharris is a bit of a furphy. We need to replace these "mays" with "musts". Instead, the opposite is happening with the minister.

In accordance with standing order 133, I ask that the question be divided.

*Ordered that that the question be divided.*

Proposed clauses 3A to 3F agreed to.

Proposed new clause 3G.

Question put:

That proposed new clause 3G be agreed to.

The Assembly voted—

Ayes 13

Noes 10

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

Question resolved in the affirmative.

Proposed new clause 3G agreed to.

Proposed new clauses 3H to 3W agreed to.

Clause 4.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (12.22): I move amendment No 2 circulated in my name [*see schedule 1 at page 5325*].

**MR COE** (Yerrabi—Leader of the Opposition) (12.22): The government is seeking to amend a clause in our bill which sets out an additional definition of a dangerous dog. The new definition will include a dog that has attacked and caused injury to a person or serious injury to an animal. This definition is a threshold definition that also captures serious injury to and death of a person or animal.

There have been a number of high profile cases where dogs who have caused injury, serious injury or death of people or animals have not been declared dangerous. The registrar has refused to declare demonstrably dangerous dogs as dangerous by relying on broad discretionary powers.

I believe that the bill as we have put it forward is reasonable. It is reasonable that dogs who have inflicted injury to a person such as bites that require stitches are recognised as dangerous. It is reasonable that a dog who inflicts serious injury on other animals is dangerous. If a dog is injuring people or seriously injures animals, it is dangerous. This is necessary. I believe that the bill as submitted should be supported.

**MS LE COUTEUR** (Murrumbidgee) (12.23): The bill introduces a requirement for the registrar to designate a dog as dangerous if the dog has attacked and caused injury to a person or serious injury to an animal. While I appreciate the difficult balancing act the legislation must perform in not being too general or too specific, I have concerns, as this amendment does not land quite where it wants to.

I am talking here specifically about the Liberal amendment to the bill, just to reduce the level of current confusion. I am concerned that the Liberals' bill is problematic. In particular, I am not sure that a dog that causes serious injury to a wild rabbit on a farm represents the equivalent community danger to a dog who hunts and kills livestock on the same farm. Conversely, a dog who kills a rat or a mouse may not really be a dangerous dog.

I support that the government is amending this section to increase the discretion for the registrar in the designation of a dangerous dog. I do support this. I think we possibly could have made some more amendments to separate more a guard dog and a dangerous dog; they are both potentially dangerous, but the guard dog is, hopefully, well trained.

I note the comments of the opposition a while ago that the Greens should have made more amendments and that they have problems with resources. I point out that there are 11 members of the Liberal Party and two Greens.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 13

Noes 10

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

Question resolved in the affirmative.

Amendment agreed to.

Clause 4, as amended, agreed to.

Proposed new clauses 4A and 4B.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (12.29): I move amendment No 3 circulated in my name which inserts new clauses 4A and 4B [*see schedule 1 at page 5326*].

Amendment agreed to.

Proposed new clauses 4A and 4B agreed to.

Clause 5.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (12.29): I move amendment No 4 circulated in my name [*see schedule 1 at page 5326*].

**MR COE** (Yerrabi—Leader of the Opposition) (12.29): What the government is proposing here is to give the government discretion to waive an application fee for a licence to keep a dangerous dog under certain circumstances. The clause as in our bill introduces an increased application fee for a dangerous dog licence. The licence fee will either be up to 10 times the application fee for the registration of the dog or \$750, whichever is higher. The licence fee is justified by the significant public cost of responding to dangerous dog attacks or monitoring dangerous dogs. It is not unreasonable that the extra expense of monitoring these dogs and responding to incidents is passed on to owners or is captured through fees.

The Canberra Liberals have seen discretionary powers exploited in the past, and they, in effect, dilute the intention of legislation. The opposition believes that it is important that minimum requirements are clearly prescribed in legislation such as this, to avoid the problems we have had with discretion in the past. Again, putting more discretion in this legislation, we think, is very problematic.

**MS LE COUTEUR** (Murrumbidgee) (12.31): I want to talk about the \$750 registration annual renewal fee that I think was originally proposed. I support the change to penalty units; it just makes more sense. The fee is a considerable increase, but we have to consider the cost to the community to manage dangerous dogs. I have raised the question of cost recovery with both the government and the Canberra Liberals. I think it is fair to say that nobody seems to know how much it costs the territory to manage a dangerous dog. The proposed amendments to this bill will certainly increase the cost, but I think it is appropriate that the broader community are not subsidising an individual person's choice to keep a dangerous dog.

I do appreciate that the proposed larger registration fee is not likely to be a significant proportion of the overall costs of keeping a dangerous dog, considering that fencing, cages and training will be required. I understand from Mr Coe's office that the increased fee was not intended to apply to guard dogs, and I understand that the government's amendment makes that clear.

Amendment agreed to.

Clause 5, as amended, agreed to.

Proposed new clauses 5A to 5H.

**MS FITZHARRIS** (Yerrabi—Minister for Health, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (12.33): I move amendment No 5 circulated in my name, which inserts new clauses 5A to 5H [*see schedule 1 at page 5326*]. Madam Speaker, to clarify, this clause sets out grounds when the registrar must refuse to approve an application for a dangerous dog licence and also when the registrar may refuse an application. The registrar has discretion where the registrar reasonably believes there is an unacceptable risk to the safety of the public or other animals or if the applicant has failed or is unable to exercise responsible dog management, care or control.

It is important to note that, in a number of these instances, where there are new sections inserted by the government's amendments in particular, it has often been the case that there has been no power, so inserting a power for the registrar where they may act on something is indeed strengthening what is already there. I think the opposition is interpreting that entirely as providing discretion; it is in fact giving that power in the first place. These clauses go to that point.

**MR COE** (Yerrabi—Leader of the Opposition) (12.34): It is important to note that the registrar already has very broad powers to deal with just about all of this anyway. But to have a situation, as outlined in this amendment, where the registrar may refuse to approve the issue of a licence if the registrar reasonably believes there would be an unacceptable risk to the safety of the public or other animals if the licence was issued or the applicant has failed or is unable to exercise responsible dog management, care or control—why would you say “may”? I just do not understand why in some circumstances you would allow the issue of a licence where there would be an unacceptable risk to the safety of the public or other animals if the licence was issued. Why is that not “must”? I would welcome the minister responding to explain why, in 5B, that is not “must”?

**MS FITZHARRIS** (Yerrabi—Minister for Health, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (12.35): I do not believe there is any difference in intent. What currently exists is no power to do this. What the legislation is doing is empowering the registrar by giving them the power, through the use of the term “may”. So it is now empowering what was not previously there. As I said earlier, if every instance in this bill where “may” becomes “must”, which I think is what the opposition is saying—

**Mr Coe:** No, we are not saying that.

**MS FITZHARRIS:** In most instances, and this is where we have disagreement, including on things previously debated. We have proposed strengthening under 3G, where we have introduced new powers that were not in the opposition's bill which say “may”. They oppose them because they want them to say “must”. We have gone from

nothing to empowering the registrar, but the opposition want to force the registrar in every instance. That is the difference. In every instance we will have rangers roaming the streets—every instance—around every corner, at every playground. We are focusing here on preventing serious attack, but when you say “must”, when you have “must” throughout the legislation—

**Mr Hanson:** We’re dealing with this clause. Explain it for this clause.

**MS FITZHARRIS:** Yes, but it is the same issue that we have had for previous ones and we are going to have for subsequent ones.

**MR COE** (Yerrabi—Leader of the Opposition) (12.38): It is worth noting that the registrar currently has a lot of discretion. If we are going to put in these clauses, it is to deal with the problems of discretion. I am flabbergasted that the minister thinks that it is reasonable, where there is an unacceptable risk to the safety of the public or other animals, that that could still be registered, a licence could still be granted. I just cannot imagine any circumstances where the government has determined that there is an unacceptable risk, yet it is going to allow the licence to go ahead. It is just outrageous. This is the very problem that our legislation tried to deal with, and the government just seems to be dodging this core issue.

**MADAM SPEAKER:** The question is that new clauses 5A to 5H be agreed to.

**MR COE** (Yerrabi—Leader of the Opposition) (12.39): Under standing order 133, I ask that the question be divided to deal with 5A and 5B to 5H separately.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (12.39): Madam Speaker, I am happy to agree to that if I have another opportunity to clarify an important point.

*Ordered that that the question be divided.*

Proposed new clause 5A agreed to.

Proposed new clauses 5B to 5H agreed to.

*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 12.40 to 2.30 pm.**

## **Questions without notice**

### **Animals—dangerous dogs**

**MR COE:** My question is to the Minister for Transport and City Services. I refer to a dog attack in Watson in August in which a person went to hospital and received over 40 stitches. During this attack the dog was injured and taken to a vet. The

ACT government paid the vet to treat the dog for its injuries and then return the dog to its owner. In October this same dog attacked its owner, killing her and injuring another person before being shot by police. Why did the government return this dangerous dog to its owner in August?

**MS FITZHARRIS:** I thank Mr Coe for his question and note, of course, the terrible incident that occurred in October. It is also my understanding that Mr Coe was briefed on that event; he was also briefed on the fact that, on advice from authorities, this is a matter that is subject to a coronial investigation and that the prior incident is linked to Mrs Klemke's death in October. He was subsequently reminded that these matters are subject to a coronial investigation. I am not in a position to answer those questions because of that, and I am disappointed that Mr Coe would seek to raise these matters in this way on this day, simply, I think, for political gain, when he has been told on a number of occasions that these are subject to a coronial—

*Opposition members interjecting—*

**MS FITZHARRIS:** Mr Coe has a couple of the facts, but he by no means has all of the facts; neither do I. Those facts will be gathered in the course of the coronial investigation. I caution Mr Coe on seeking to make political gain out of such a tragic event when he has a small fraction of the facts, and he has been reminded—and I remind him here again today.

**MADAM SPEAKER:** Before you go to your supplementary, Mr Coe, I will refer you to the standing orders and continuing resolution on sub justice:

For the purposes of this resolution matters before a Coroner's court shall be treated as matters within paragraph (1) (a)...

I ask you to be very mindful.

**MR COE:** On the point of order first, if I may, Madam Speaker, the attack that was referred to the coroner was in October, and we are talking about events two months earlier. Whilst the minister may claim that the event two months earlier is before the coroner, I do not know how she would know that. We in the opposition certainly do not know what issues are before the coroner with regard to the death of that person.

With regard to my supplementary, minister, why did your office take numerous questions on notice during that briefing, yet still not get back to my office some five weeks later?

**MS FITZHARRIS:** On the point of order, it is my understanding that as part of the investigation into the incident, the police investigation is considering the prior event, and that has been referred to the coroner. I note that a number of those questions that were taken on notice could not be answered for the same reason. That is why—

**Mr Coe:** A number? All of them?

**MS FITZHARRIS:** I would not consider them questions on notice. They were questions—

**Mr Coe:** They were taken on notice formally.

**MS FITZHARRIS:** I will follow up, again, those questions, since you have raised them today, Mr Coe, in a press statement.

**Mr Coe:** We clarified each one at the end of the meeting, so you were taking on notice X, Y and Z.

**MS FITZHARRIS:** I do not have—

**MADAM SPEAKER:** Mr Coe, can you please resume your seat. Please stop the clock. Mr Coe, I refer you to continuing resolution 10 on these matters. You may put questions to the minister about her actions, but be very mindful that matters that are before the coroner—

**Mr Coe:** We do not know what they are. Nobody does.

**MADAM SPEAKER:** I have just asked that we all be mindful of that when we proceed in questions, with this question and if there are others from the opposition on this matter.

**MRS DUNNE:** Minister, in relation to the matters that happened earlier this year, not the issues related to the death of the lady, were there any control orders imposed or others actions taken in relation to the dog attack in question?

**MS FITZHARRIS:** Not a control order; there were a range of actions undertaken as a result of that prior incident. I will take the precise question on notice. I assume—

**Mr Coe:** How can you answer this question and not the first two?

**MS FITZHARRIS:** In that case, then, I will take the question on notice and see what elements of the opposition's questions I can provide answers to.

**MADAM SPEAKER:** Questions without notice?

**Mrs Jones:** No, I have a question of clarification on the way that the question was handled; some advice from you, if you do not mind? Under what authority does a minister warn a member of the opposition in the answer to their question?

**MADAM SPEAKER:** I think under continuing resolution—

*Members interjecting—*

**MADAM SPEAKER:** If I may, under this continuing resolution—it is page 107 in the standing orders—all of us have to be very mindful of any matters before the court.

If the minister is just referring members, alerting them, to the limitations of the questions and matters that can be discussed, that is not a warning. That is clarification.

### **Marriage equality**

**MR STEEL:** My question is to the Chief Minister. Chief Minister, what do the recent results of the Australian marriage law postal survey mean for Canberra?

**MR BARR:** I thank Mr Steel for the question. They obviously have profound implications. Perhaps the best way to describe just how profound, the most eloquent I have read in recent days, has been from the federal Attorney-General, Senator Brandis, who said:

Profoundly important though the acceptance of same-sex marriage may be as a social change, its symbolic significance is even greater still. With the passage of this bill, we will demolish the last significant bastion of legal discrimination against people on the grounds of their sexuality. At last, Australia will no longer be insulting gay people by saying, "Different rules apply to you."

The passage just a few minutes ago through the Australian Senate of Senator Dean Smith's bill, 43 votes to 12, signals a very important further step in this long journey to equality.

The ACT has led this national campaign for over more than a decade now. We were delighted that the response to the marriage law postal survey saw the highest level of participation of any state or territory here in Canberra, with 82.4 per cent of our fellow citizens participating and the strongest level of support for marriage equality, with three in four Canberrans voting "yes" to change the law: over 175,000 eligible Canberrans, an absolutely overwhelming and, may I say, reaffirming figure for LGBTIQ Canberrans. Analysis of the results show that this is a matter strongly supported by an overwhelming number of Canberrans. (*Time expired.*)

**MR STEEL:** Chief Minister, what are the next steps the territory can take to assist in achieving marriage equality for all Canberrans?

**MR BARR:** This has been a long and difficult road, despite the overwhelming support we have seen in the survey results where, regardless of gender and across all demographics from people aged 18 to over 85, the yes vote was resounding here in the ACT. This government has a longstanding history over two decades of actively supporting marriage equality and legal equality for LGBTI Canberrans. We will not waiver from that stance. We will continue to show the community our very strong support for them and that they are not alone.

It was very pleasing in anticipation of the overwhelming yes vote that one of the most iconic Canberra things—a roundabout—could be coloured rainbow to complement our rainbow buses and our rainbow flags. While these may not seem like much, they mean the world to LGBTIQ Canberrans, to their families and to their friends. They demonstrate that this government supports them and that they are not alone. For those who are offended by those colours in that particular order, get a life.

**MS CHEYNE:** Chief Minister, how will the government continue to support Canberra's LGBTIQ community moving forward?

**MR BARR:** Earlier this month I attended the ACT LGBTIQ ministerial advisory council's inclusive Canberra think tank. The forum that was held here in the Assembly provided a way to consult with the community on what being Australia's most LGBTI inclusive city means to them and how we can ensure that no members of the LGBTIQ community are left behind. We will continue to work closely with the ministerial advisory council and other key community groups, including the AIDS Action Council and A Gender Agenda through the newly established office for LGBTIQ affairs to achieve these goals. These include promoting inclusive events, progressing legislative and administrative reforms and ensuring that ACT government services are appropriately targeted for the LGBTI community.

We will continue to increase the visibility and participation of LGBTIQ people across all areas of life in Canberra. We will make sure that LGBTIQ Canberrans feel safe on public transport, at work and as part of our community. This includes making sure that Canberra schools continue to be safe schools.

### **Government—land acquisition arrangements**

**MS LE COUTEUR:** My question is to the Treasurer, and it relates to his approval of the LDA's purchase of Winslade, a very large farm between Mount Stromlo and the Murrumbidgee River at Cotter. Treasurer, given the Auditor-General's ongoing inquiry into this sort of land purchase, and given the estimates committee's damning commentary on this sort of land purchase, what due diligence did you do to make sure it was a safe purchase?

**MR BARR:** The Land Development Agency undertook a business case. It provided that to treasury for assessment. Treasury made a recommendation to support the purchase. I agreed with that recommendation. Noting that the ACT government will need to acquire land, either for environmental offsets or for new residential development over the coming decades, that particular recommendation from the LDA and approved through a treasury business case process was, I believe, an appropriate form of scrutiny and assessment.

**MS LE COUTEUR:** The planning committee was told by a government official that it was "a strategic acquisition for the future growth potential of Canberra". When will you be consulting the community about building suburbs all the way to Cotter?

**MR BARR:** As Ms Le Couteur would be aware, acquisition of that land does not mean that it will necessarily be suburban development. It could in fact be an environmental offset against other development elsewhere in the territory. As Ms Le Couteur would also be very well aware, that practice has been adopted by the territory over a significant period of time in order to support new suburban development in other areas, where areas of high conservation value have been protected as part of an environmental offset process required under national law as well as territory law. So strategic acquisition of land for environmental offset

purposes is an equally reasonable approach for the Land Development Agency and indeed for the ACT government in the context of the broader development of the territory over decades into the future. I think that this is an important point to stress. This may not be required for some time but it is appropriate for the ACT government to have the capability to set land aside as an environmental offset.

**MR COE:** Minister, was a new lease issued or was the old lease transferred? What purpose did the business case include? Was it an offset or a residential development?

**MR BARR:** I will take the detail of that on notice but I understand that the flexibility that was required in relation to that particular land would allow for both purposes.

### **Hospitals—emergency waiting times**

**MRS DUNNE:** My question is to the Minister for Health and Wellbeing. I refer to the AIHW data of 2016-17, which shows that the median waiting time in ACT emergency departments was 30 minutes, the equal worst in the country, along with the Northern Territory. This compares with a national median waiting time of 19 minutes and a median waiting time in New South Wales of 14 minutes. Minister, why did the ACT have the equal worst waiting time in the country for 2016-17?

**MS FITZHARRIS:** I thank Mrs Dunne for the question and note, indeed, that the median waiting time is 30 minutes. What I also note is that over the past five years the ACT has made the greatest gains on all indicators of emergency department access and waiting times. From 2012-13 the median waiting time has come down from 44 minutes to 30 minutes. That is nearly a 50 per cent reduction in waiting time.

I can also assure the Assembly that ACT Health, and both emergency departments, continue to work very hard on making sure that that median waiting time comes down. It is one measure, and it is an important measure, but I can also guarantee the Canberra community that when they do present, and when all of those people in our region present, to our two emergency departments, they receive excellent, high quality care. I know many members in this place on all sides have, for themselves, their families and friends, also been privy to the very high quality of care we have in our emergency departments.

**MRS DUNNE:** Minister, why did the emergency departments at both ACT hospitals perform poorly on emergency department timeliness when compared to peer hospitals?

**MS FITZHARRIS:** I think I answered most of those questions in my previous answer, but I will reiterate that we certainly need to continue to make some improvements but that we have made significant improvements. We have made greater improvements than any other jurisdiction over the past five years, and we will continue to do that.

**MRS JONES:** Over the past three months, by how much did the median waiting times for ACT emergency departments decline?

**MS FITZHARRIS:** I will have to take that question on notice, considering that, obviously, the past three months is the busiest time in any hospital emergency department. I will take the question on notice.

### **Hospitals—emergency waiting times**

**MRS JONES:** My question is to the Minister for Health and Wellbeing. Minister, the table on emergency department waiting times in the ACT Health annual report for 2016-17, page 85, shows that the emergency departments at both Canberra Hospital and Calvary did not reach their overall timeliness target for all presentations in four out of the five triage categories. The only timeliness target met was category 5, non-urgent patients. Minister, why did ACT emergency departments not meet their timeliness targets in 2016-17, despite the hard work of all the staff?

**MS FITZHARRIS:** It is the case that we continue to make enormous strides in meeting those targets. We have set them high in recognition of the national benchmarks for emergency department performance. We do have some work to do. That work is continuing as our city grows, as we continue to make more investments in our emergency departments.

I note from the figures that we have made significant expansion in the emergency department at Canberra Hospital. In respect of the staffing of all of those new beds and access to new beds and new units within the Canberra Hospital emergency department, the staff fully came on line with those in July. So expect to see further improvements in the subsequent financial year.

**MRS JONES:** Minister, when was the last time the ACT public hospitals met all their timeliness targets?

**MS FITZHARRIS:** A snapshot in time is fairly impossible to give. What the AIHW report gives to us is a good sense of not only where we are tracking on our own data but how we compare across the country. I note again that in the AIHW report we have seen the ACT make the most significant gains in all aspects of emergency department care, including the proportion of presentations seen on time, the median waiting time and, in particular, the 90th percentile waiting time, which is the time within which 90 per cent of all patients start clinical care.

**MRS DUNNE:** Minister, can you guarantee that the performance data in the annual report referred to by Mrs Jones is accurate?

**MS FITZHARRIS:** There is reference to the system-wide data review that is currently underway and will be completed in March 2018. I tabled yesterday corrigenda to ACT Health annual reports for the past year and the prior year. All ACT Health data is coming, as it should, with the caveat that there is a system-wide health data review underway. It will be completed in March 2018. If we need to make subsequent amendments following the completion of that review, we will.

### **Access Canberra—Braddon street party**

**MS CHEYNE:** My question is to the Minister for Regulatory Services. Minister, how did Access Canberra's efficient service help facilitate the fabulous results party in Braddon after the marriage equality survey results were announced?

**MR RAMSAY:** I thank Ms Cheyne for the question. It was a great time of celebration. The coming together of the street party in Braddon to celebrate those survey results is testimony to the reason that Access Canberra was set up. The events and business coordination team exists to help you get your event and your liquor licensing ideas over the line. They work with organisers to ensure they get all relevant approvals and provide suggestions on the best way to make this happen.

In this case, the team worked with four specific businesses, in addition to the event organiser, to ensure that relevant approvals were in place. Temporary traffic management plans, variations to liquor permits and applications to close and use a road were all processed in a timely manner thanks to the efforts of the team. They also engaged with other agencies such as ACT Policing, Transport Canberra and City Services and the Emergency Services Agency to ensure that all public safety issues were identified and addressed.

This service is not about finding shortcuts or merely waving through applications. The service is there to ensure that people or groups who are organising events or engaging with the liquor permit system have the information that they need, and this is possible because Access Canberra looks at the events in a holistic way and with a coordinated response.

It is through this coordinated response that we are better able to serve the people of Canberra, to ensure that they remain safe and also to ensure that they get out and have a good time and that innovative and exciting ideas come to fruition.

**MS CHEYNE:** Can the minister advise how Access Canberra aided in ensuring the safety of revellers through the process of road closures at the event?

**MR RAMSAY:** I thank Ms Cheyne for the supplementary question. That fateful Wednesday was, indeed, a big day and naturally people wanted to come together and celebrate that we are inclusive society, both here in Canberra and across Australia. Access Canberra's events team provided information to the event organisers to ensure that all necessary approvals were sought and approved to allow the hundreds and possibly thousands of people who were celebrating to do so safely. This included coordinating the road closures, ensuring appropriate traffic management plans were created by relevant professionals and that approvals to both close and use a public road were processed and approved. Advice was given about how to obtain relevant public liability insurance and to ensure that the street was cleaned and ready to use again after the closure.

This team is filled with experts in all manner of issues relating to event planning and can help anyone put on something as big as a celebratory street party simply and

easily. They are there to ensure that innovative ideas for events can get over the line and are run in a way that is safe so that people can enjoy themselves and even party in the streets.

**MS ORR:** Can the minister advise how Access Canberra was able to extend the liquor licence so that Canberrans could celebrate by dancing in the streets?

**MR RAMSAY:** I thank Ms Orr for the supplementary question. Access Canberra are here to make it easier and simpler, and they are there to help. They worked with the event organisers and with Hopscotch, as the licensee, to extend the liquor licence onto the street in a safe and responsible way. Because Australia showed, through the survey results, that it wanted a change to the legislation around marriage to allow marriage equality and decrease the level of legislated discrimination in this country, we worked with the licensee to ensure that all reasonable controls and safety measures were put in place to allow those who were wanting to be dancin' and singin' and movin' to the groovin' to do so out into the street.

The team worked with the licensee to ensure that drinks served were not in glass bottles or containers so that there would not be a risk of glass being dropped and broken, meaning that those who cannot control their feet remained safe and that the street could be returned to its regular function after the party quickly and easily.

The event and business coordination team make it simpler to put on events of all sizes. I encourage all those who are looking to put on an event in a public space to reach out to the friendly staff at Access Canberra; otherwise, if there are any issues with your event going ahead, can I please say: don't blame it on the boogie.

*Members interjecting—*

**MADAM SPEAKER:** I commend you for finishing that question amid the somewhat distracting noise.

### **Environment—green waste bin service**

**MS LAWDER:** My question is to the Minister for Transport and City Services. On 17 November around 1,000 Tuggeranong residents who signed up for the green bin service received an email update titled, "Green waste bins are coming to Tuggeranong". The email publicly listed all recipient email addresses, a blatant privacy breach. Minister, how did this happen? Will there be an investigation into this breach?

**MS FITZHARRIS:** I thank Ms Lawder for the question and I note that there was an inadvertent breach. That was immediately detected by the directorate. It did breach residents' privacy as email addresses were inadvertently placed in the incorrect field. All affected residents have been notified of this breach, received a written apology and have been provided with further information should they wish to progress this breach further.

TCCS immediately self-reported the incident to the Office of the Australian Information Commissioner and following investigation found the fault to be as a result of human error. Quality assurance processes have since been established to ensure that this does not recur.

**MS LAWDER:** Minister, what are those processes that the government has put in place to make sure this does not happen again?

**MS FITZHARRIS:** I will take the specifics of the question on notice.

**MR PARTON:** Minister, can you absolutely guarantee that this will not happen again, and will the government make a public apology to Tuggeranong residents who received this email?

**MS FITZHARRIS:** I can certainly make an apology on behalf of the government; and the incident was certainly followed up immediately after the incident was brought to the directorate's attention. TCCS will put the procedures in place. What I cannot guarantee is an incident of human error. What I can guarantee is that processes and procedures will be put in place to ensure that, as much as humanly possible, this does not happen again.

### **Roads—traffic management**

**MRS KIKKERT:** My question is to the Minister for Transport and City Services. Minister, you said in the annual reports hearing that you had not yet seen the Tillyard Drive traffic management study conducted by AECOM that was completed in mid-August this year but that you expected to see the results of the study sometime last week, and that these results would include “the assessment and sort of the high-level potential options but not the full solution”. Minister, do you have the study now? If so, why has it taken more than three months for you to finally see a study that was completed in August?

**MS FITZHARRIS:** No, I have not. I thank Mrs Kikkert for the reminder. I will follow up on that study. I know that a lot of work has been underway within TCCS to understand the recommendations of the study and to consider their next steps.

**MRS KIKKERT:** Minister, when exactly will you finally see the results of the study, and what exactly has delayed your receipt of it?

**MS FITZHARRIS:** I will take the question on notice and endeavour to get a reply to Mrs Kikkert as soon as possible.

**MRS DUNNE:** Minister, why do the results of the study, by your own admission, not include the full solution when AECOM has already been paid to provide “the final scheme for improvement”? And when will the public know the full solution?

**MS FITZHARRIS:** I will take the question on notice.

**Education—electronic learning devices**

**MS ORR:** My question is to the Minister for Education and Early Childhood Development: can you update the Assembly on delivery of the government's commitment to provide an electronic learning device to all ACT public secondary school students?

**MS BERRY:** I thank Ms Orr for the question. I am very happy to provide an update to the Assembly on the rollout of devices in ACT public schools. At last year's election ACT Labor made a commitment to give every public high school and college student access to a device in order to undertake their studies. This government is delivering on that commitment and, in fact, is ahead of schedule.

From term 1 2018, every year 7 to 11 student will receive an Acer Chromebook Spin 11, to be specific. This will make the ACT the first state or territory to provide a device to every school in the public system. The tender process for the program concluded at the end of October, and Datacom Systems Australia was selected to provide the devices. Education staff are currently trialling the rollout to ensure that the process is as smooth as it can be at the start of next year.

This program will also ensure that Canberra public secondary students will have up-to-date devices as they move through their schooling by providing new devices to new students when they start school. Chromebooks are coming to our schools ahead of time, and they are enabling all students to take advantage of technology-enabled learning.

**MS ORR:** Minister, how will these devices support students towards great learning outcomes at school?

**MS BERRY:** Giving every student a Chromebook will ensure that students have access to the textbooks of today. The rollout seeks to bridge the equity gap by giving every secondary student a Chromebook for learning. Every secondary student in Canberra public schools will have the same device irrespective of family or financial circumstances. Our students expect to be able to learn anywhere, at any time and stay connected through wi-fi available at schools, libraries and across the city.

There are significant advantages to rolling out a single device as the standard across all classes. One is that teachers will not need to be experts in every platform or be spending valuable time troubleshooting multiple devices. It will give our teachers and school leaders the chance to assess how best to utilise them in the classroom and look at ways that this can be delivered through the curriculum that can be assisted by the technology.

The full potential of these devices is yet to be realised as we open our learning spaces to this universal device. The provision of Chromebooks will provide support to every student and ensure that technology is not a barrier when it comes to public education in the ACT.

**MR WALL:** Minister, do you hold any concern about the use of electronic devices in a classroom setting?

**MS BERRY:** Of course, technology is already being used in our classrooms as we speak, across all our schools. Gone are the days of interacting with computers in a separate computer lab or the library. Computers and technology are central to nearly every school subject and are required for most assignments now in our school system.

Schools have a policy, and the Education Directorate has a policy, on the appropriate use of technology within our schools. It is important that schools, students and parents are very clear on the understanding of the use of these devices within our school system. That information has been sent out—

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

**MADAM SPEAKER:** Minister, resume your seat. A point of order.

**Mr Wall:** The point of order is on relevance. The question was very specific, as to whether the minister held any concern about the use of devices in a classroom setting, not about their application in the broader educational space.

**MADAM SPEAKER:** I do not believe there is a point of order. The minister has referred to them already existing, so they are there, and also some of the frameworks around protection and use, which would go to that point. Minister, did you have anything further to add? Thank you.

### **ACTION buses—school service**

**MR WALL:** My question is to the Minister for Transport and City Services. Minister, recent changes to the ACT bus timetable have impacted route 455, a school service that operates from Alfred Deakin High School to the Woden interchange. The changed timetable will result in route 455 not arriving at the school until 20 minutes after the school day has finished, leaving students unsupervised while they wait for this service. Minister, what consultation was undertaken with the Education Directorate and the affected school community prior to the release of the new ACT bus timetable?

**MS FITZHARRIS:** I thank Mr Wall for the question and note that there has been some more recent correspondence with the school. My understanding—I do not have the detail in front of me—is that there is a set period of time that school buses will service a school community after the final bell and that the changes in October are well and truly within that agreed time.

There will be ongoing consultation with the school. There will be ongoing discussions between Transport Canberra, the Education Directorate, individual schools and, indeed, independent schools across the territory. We will also open up early in 2018 more detailed consultation on the 2018 network to integrate with the new light rail service.

**MR WALL:** Minister, how many other bus services operating from schools have been affected by the timetable changes?

**MS FITZHARRIS:** I will take the specifics of the question on notice, but it was the case that a number of school services changed. There was substantial information provided to schools. Of those that I am aware of that have raised some concerns, it is only those under route 455.

**MS LEE:** Minister, what are you doing to rectify the problems of non-supervision caused by timetable changes that affect students?

**MS FITZHARRIS:** As I noted in my earlier answer, there is a period of time agreed where school bus services will service any school after the final bell, and the new route 455 is within the already-agreed period regarding when the school bus will arrive after the last bell.

### **Justice—suspended sentences**

**MR HANSON:** My question is to the Attorney-General. Attorney, the Victims of Crime Commissioner recently published a report on suspended sentences in the ACT. The report said that the ACT was the only jurisdiction where there is not a presumption that the original term of imprisonment would be imposed due to a breach, and that offenders who did breach their conditions often were not sent to jail. It stated:

... if suspended sentences are rarely activated upon breach, this makes a farce of the suspended sentence option ...

After the Law Reform Advisory Council raised these concerns in 2010, your government promised to consult on this issue, but those discussions never occurred. Attorney-General, why did those discussions not occur?

**MR RAMSAY:** I thank the member for his question. I am advised that a range of consultations occurred in 2011 and that, as part of that, a broad range of opinions was expressed across the stakeholders in relation to suspended sentences. In relation to the letter that has been sent through from the Victims of Crime Commissioner, as I have mentioned publicly already, I have instructed the directorate to engage in public consultation in relation to that. I note that the view of the Victims of Crime Commissioner is not the only view on this and that there have already been alternative views expressed, which is why we are engaging in consultation at this stage.

**MR HANSON:** Is it true that almost three-quarters of all breaches do not result in the original sentence being imposed?

**MR RAMSAY:** I will take the details of that on notice.

**MRS JONES:** Attorney, why have you stated that you will not receive the results of these consultations until the end of next year, given that they were called for as early as 2010?

**MR RAMSAY:** Actually, what I said publicly was that I expect the results of the consultation, which I have directed to commence, by the middle of next year. I received the advice from the Victims of Crime Commissioner in late November and I have already asked the director to commence consultations.

### **Aboriginals and Torres Strait Islanders—police apprehensions**

**MR MILLIGAN:** My question is to the Minister for Police and Emergency Services. Minister, the *Canberra Times* recently revealed that the number of Indigenous apprehensions by police were increasing, whilst the numbers of non-Indigenous apprehensions over a similar period were falling. Questions have been raised about unconscious bias or systemic racism. Minister, what is the directorate doing to address these issues?

**MR GENTLEMAN:** I thank Mr Milligan for his question. It is of course the case that Indigenous people are over-represented in our criminal justice system. It is something that the whole of government is looking at, not just ACT Policing but across all of our government agencies that deal with our Indigenous population.

ACT Policing have internal workings that ensure that they deal with Indigenous people appropriately. They have a specific regime to look at Indigenous offenders, and at whether or not they can use diversionary opportunities with those offenders. We have policies right across our justice and community safety portfolio to look at assisting Indigenous people who could go into the criminal justice system.

**MR MILLIGAN:** Minister, how many staff in ACT Policing have attended cultural awareness training specific to dealing with Aboriginals and Torres Strait Islanders?

**MR GENTLEMAN:** I do not have the actual numbers in front of me but I am happy to take that on notice and come back with the numbers of staff that have attended that training. We try to get as many as we can through the training.

**MRS JONES:** Minister, is such training compulsory for all ACT Policing and what is contained in the training?

**MR GENTLEMAN:** I do not have the details of the training in front of me, but I am happy to come back to the chamber with those details. It is important to note that it is ACT Policing's policy for their officers to take part in that training.

### **Multicultural affairs—multicultural advisory council**

**MR PETTERSSON:** My question is to the Minister for Multicultural Affairs. Minister, how is the government progressing on its commitment to establish a multicultural advisory council?

**MS STEPHEN-SMITH:** I thank Mr Pettersson for his question. The ACT Multicultural Advisory Council has been established to provide a platform for Canberra's culturally and linguistically diverse communities to raise issues with the

government and to work even more closely with the ACT government in delivering our commitments to the community, including under the multicultural framework 2015-20.

The ACT, as you probably know, Madam Speaker, is currently home to more than 400,000 people of whom more than half have at least one parent born overseas and almost a quarter live in a household where a non-English language is spoken at home. Multiculturalism is an important, indeed integral, element of our vibrant community life.

Forty-one applications were received for the 15 positions on the council, which include 10 community members appointed in a personal capacity and five representatives from multicultural organisations. I would like to sincerely thank everyone who put up their hand to represent the community on this important new body. It was very difficult to choose only 10 community members from such a strong field of candidates.

Members were selected to ensure that the overall council reflects a diversity of cultural backgrounds, interests, age, gender and life experience. Following a call for expressions of interest from the community members of the council, I appointed Ms Antonia Kaucz as chair of the council, with Dr Kirk Zwangobani serving as the deputy chair.

I have no doubt that the council will work collaboratively with key stakeholders to achieve the best outcomes for our city's culturally diverse community and I look forward to attending its first meeting on 7 December.

**MR PETTERSSON:** Minister, how will the council help to progress the government's commitment to hold a multicultural summit?

**MS STEPHEN-SMITH:** I thank Mr Pettersson for the supplementary. It is always a pleasure to highlight how the government is delivering on its commitments under the parliamentary agreement.

The government's intention is that a multicultural summit will build on the ongoing commitment of the ACT government to celebrate our cultural diversity and strengthen social cohesion across our community. Planning for the summit in the second half of 2018 will be one of the Multicultural Advisory Council's key areas of work in its first six to 12 months. When the council meets on 7 December, a key agenda item will be the formulation of its work plan for 2018, and the summit will be one of the items discussed as part of that work.

Earlier this year, the ACT government undertook extensive community engagement and consultation leading up to the highly successful ACT housing summit, attended by key stakeholders from across the sector, all contributing ideas and initiatives to improve outcomes for Canberrans facing housing stress, including members of the multicultural community.

Just as the Affordable Housing Advisory Group played a key role in the community consultations leading up to and at the housing summit, I envisage that the Multicultural Advisory Council will play an invaluable role in supporting broad community consultation to identify key issues facing Canberrans from culturally and linguistically diverse backgrounds in the lead-up to the multicultural summit. There will also be various opportunities early next year for community members, in addition to council members, to contribute to planning for the multicultural summit, and I would welcome their contributions.

Our Canberra community is a culturally and linguistically diverse community, as I have said, and it is important that perspectives reflecting a breadth of backgrounds, faiths and languages are captured in the lead-up to the summit. I look forward to updating the Assembly on plans moving forward to prepare for the multicultural summit over the coming months.

**MS CODY:** Minister, how will the council contribute to the government's commitments in the multicultural framework?

**MS STEPHEN-SMITH:** I thank Ms Cody for her supplementary question. In the answer to my last question, I indicated that the Multicultural Advisory Council would be guided by a work plan. Part of that work plan relates to the multicultural summit, as I said, and part relates to the ACT multicultural framework. The council will have a lot of work to do. The ACT multicultural framework 2015-20 sets out the ACT government's continued commitment to valuing, strengthening and protecting our vibrant multicultural community.

I previously reported on progress under the ACT multicultural framework 2015-20 to the Assembly in September and flagged that the council would assist with its implementation in future years. Actions and outcomes under the framework are designed to achieve three key objectives in relation to Canberra's multicultural communities. They are: accessible and responsive services; citizenship, participation and cohesion; and capitalising on the benefits of cultural diversity.

The ACT Multicultural Advisory Council will promote these objectives through oversight of the current framework action plan and assisting in formulating a new action plan beyond the 2017-18 time frame of the current three-year plan. Members of the council will draw on the outcomes of the summit and their own experience and knowledge to contribute to the new action plan. I look forward to working with them in doing this work, guided, of course, by them and their expertise. The work will ensure that we continue to provide opportunities for all to participate and contribute to the multicultural way of life we all enjoy in this capital city.

### **Suburban Land Agency—valuations**

**MR PARTON:** My question is to the Minister for Housing and Suburban Development. I refer to contract 28241, which is for the panel of commercial and residential agents of the ACT. Minister, how common is it for officers of the Suburban Land Agency to seek advice from the panel of commercial and residential agents without proceeding with a formal valuation of the relevant block of land?

**Ms Berry:** May I seek clarification on the question? Is the member asking regarding the current Suburban Land Agency, or the Land Development Agency?

**MADAM SPEAKER:** Mr Parton, do you want to repeat your question or provide that clarity?

**Mr Parton:** It is the current Suburban Land Agency.

**MS BERRY:** I will take the question on notice.

**MR PARTON:** What safeguards are in place to stop the Suburban Land Agency from putting undue reliance on informal valuations, as happened with the LDA?

**MS BERRY:** As has been said publicly on a number of occasions in this place, the transparency required of the Suburban Land Agency has been made very clear. There are quarterly reports made to the Assembly on purchases. There has already been one report in this Assembly on a purchase that had been commenced by the former LDA and completed by the Suburban Land Agency. I have already responded to questions during committee hearings about work that is continuing with the board and with the chair of the board on how we could better engage the community in the work of the Suburban Land Agency and board.

The transparency required of the Suburban Land Agency has been made very clear in this place a number of times publicly. My letter that I read out during committee hearings makes clear my expectations of the Suburban Land Agency and the board, and that work will continue.

**MR COE:** Minister, what safeguards are in place to ensure that the Suburban Land Agency spreads work around amongst panel members, and are you happy with the composition of the panel?

**MS BERRY:** The advice I have on the panel is that it is appropriate, but I will continue to work with the board to ensure that it is appropriate and as transparent as possible and that the work of the agency and the board is as clear and as transparent as it possibly can be for the Canberra community.

### **Land Development Agency—processes**

**MS LEE:** My question is to the Minister for Urban Renewal. Minister, in a *Canberra Times* article of 23 November 2017—

**MADAM SPEAKER:** We had this matter yesterday. I think you are referring to suburban development.

**MS LEE:** I double-checked. I know that we had this issue yesterday, so I double-checked the parliamentary website. It says “Minister for Urban Renewal”, so that is why I went back to it.

**Mr Barr:** You need to look at the administrative orders, not the parliamentary website. There is not a minister for urban renewal.

**MS LEE:** Thank you, Chief Minister, for that. Whom do I address it to?

**Mr Barr:** It depends what the question is.

**Mrs Dunne:** Suburban development.

**MS LEE:** Suburban development? Okay; the minister for suburban development. In the *Canberra Times* article dated 23 November 2017, the ACT Solicitor-General said the Land Development Agency's deals to buy land at Glebe Park and West Basin were untidy and that the negotiations were not optimal. He also stated that he had made clear his concerns about the LDA interpretation of a direction about purchases of land to the board. Minister, when did the ACT Solicitor-General provide this advice to the LDA board and why was it ignored?

**MADAM SPEAKER:** Are you responding, Chief Minister?

**MR BARR:** Thank you, yes; given the confusion over ministerial responsibilities from the questioner, I will take this. Given that the issues have been extensively canvassed in the Auditor-General's report and the government response, I would refer the member to those documents.

**MS LEE:** Chief Minister, to what extent did the LDA's untidy decision-making processes in Glebe Park and West Basin lead to an outcome that was not optimal for ACT ratepayers, and what was the outcome?

**MR BARR:** That is obviously a matter of some subjective conjecture, Madam Speaker. I think it is asking for an expression of opinion from me, which is not in accordance with the standing orders.

**MR COE:** Chief Minister, were you or the Attorney-General advised of the concerns of the ACT Solicitor-General about the LDA's interpretation of the ministerial direction regarding land acquisitions?

**MR BARR:** I will check the record with the Attorney-General and his office. It would have been at that time, too; so I will need to go back and check the record on that.

### **Health—preventative health strategy**

**MS CODY:** My question is to the Minister for Health and Wellbeing. Minister, can you provide an outline to the Assembly on the recent preventative health launch?

**MS FITZHARRIS:** I thank Ms Cody for the question. I am very pleased to update the Assembly. On 6 November I had the pleasure of outlining a new approach to preventative health here with stakeholders at the National Arboretum. I did so before Canberra's many stakeholders in this field, representing the breadth of this

community. This demonstrated how pervasive this issue of preventative health is to our community and how important it is to our community.

Guests from local businesses, educational institutions, and peak industry and community bodies gathered together to listen and to share their thoughts about how we, as a community, can keep our city healthy and do more to prevent and manage chronic disease. As I said on the day, we can and must do more.

While Canberra is Australia's healthiest city on many measures, with low smoking rates and a high life expectancy, many more people are living with chronic health conditions such as heart disease, lung disease, type 2 diabetes and some cancers, which are largely considered preventable.

With consultation to commence early next year, and a strategy to be published shortly thereafter, I was pleased to make three early announcements to get the ball rolling. First, the \$2.7 million health promotion grants program opened on 20 November for initiatives that aim to improve the health of the ACT population.

Secondly, the government will provide the University of Canberra with \$150,000 to develop a concept for a living lab for healthy and active living, together with other institutions, government agencies, businesses and the community, into a full business plan for consideration by potential funding partners. Thirdly, we were delighted to have Petr Adamek, CEO of the CBR Innovation Network and his team who will kickstart a discussion on innovation and healthy and active living in December. Petr spoke at the event. I look forward to CBRIN's bright ideas coming forward next month.

**MS CODY:** Minister, how will the government's approach to preventative health enable the ACT to be Australia's healthiest city?

**MS FITZHARRIS:** In outlining the government's new approach to preventive health, I highlighted the following as key concerns of the strategy as it develops. We need to address health risk factors and better understand how Canberrans can make good healthy choices, helping them to make simple changes to lead a more healthy and active life.

As part of this, we will build a strong, broad-based research capability in preventive health which is able to inform policy and practice in the ACT. We will harness innovation to commercialise research in preventive health and grow and diversify business opportunities in the sector. And we must use our healthy and active living commitment as a way to attract people to live in our city as well as it being a drawcard for visitors who want to experience a city strongly committed to the health and wellbeing of its citizens.

When we get this right, there will be personal and community benefits for people being healthy and active, including longer and better quality of life and reducing inequality linked to poor health outcomes; economic benefits from business having a healthy and reliable workforce as well as the potential development of preventive health related businesses and opportunities, including the export of services;

environmental benefits from a reduction in car use and the associated impact on the natural environment; reputational benefit for Canberra being a destination of choice for tourists and residents because of its commitment to healthy and active living; and increased investment in research development and extension into healthy and active living, focusing on innovative ways to translate research into tangible outcomes for everyone in our community.

**MR STEEL:** Minister, what can we expect to see arising from the preventative health strategy?

**MS FITZHARRIS:** I am very much looking forward to broader consultation with the community on a preventative health strategy. It will build on significant and highly successful work, particularly done over the past five years, underpinned to a large extent by a range of policies, in particular the towards zero growth policy, which really demonstrated a step change in how we approach preventative health, particularly related to a number of key risk factors which we know contribute to the burden of chronic disease in our community.

We are very proud of programs like it's your move, the ride or walk to school program, the fresh tastes program, the establishment of the Active Travel Office, and significant investment in walking and cycling infrastructure and in walking and cycling programs. I look forward to launching a new strategy which builds upon this work. I expect that the preventative health strategy will combine these traditional approaches with a new holistic approach to the health and wellbeing of all Canberrans.

When we ask the community, "What does it mean to be healthy?" they tell us it means being connected, it means being included and it means understanding how they can live healthy lives. I anticipate that the preventative health strategy will continue to target the key risk factors: obesity, smoking, risky drinking and drug use, and lack of physical activity. I also expect that it will respond to community views and ambitions on what it means to be healthy and will provide a road map for the ways in which Canberrans can engage with one another and facilitate the interconnectedness that Canberrans value for their health and wellbeing.

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

### **Supplementary answer to question without notice Land Development Agency—processes**

**MR BARR:** I will resolve some confusion in relation to the administrative orders and who has responsibility for which areas. The line of questions that have been directed at the Minister for Urban Renewal largely have not related to the Minister for Urban Renewal's responsibilities under the administrative orders. Obviously there have been changes to those orders that split responsibilities relating to the Suburban Land Agency between the Deputy Chief Minister and Minister Gentleman. But the line of questions that have been asked in the last few days would be more appropriately directed to me, principally through my responsibilities as the Treasurer but also given that the line of questions relate to my time as the portfolio minister in relation to those matters. If that provides clarity to the chamber I will take those questions—

**Mrs Dunne:** So you can't ask?

**MR BARR:** No, you can ask questions of whoever you want, but the executive can determine who answers them. I am providing clarity for members in relation to the responsibilities. It is best to look at the administrative orders rather than parliamentary websites in relation to the detail of who has responsibility for each area. There is a column in the administrative orders that outlines who has portfolio responsibilities and the items and matters for which they have responsibility.

**Mr Coe:** Madam Speaker, I wonder if the Chief Minister would like to take this opportunity to apologise to members of the opposition whom he belittled by saying that there was no Minister for Urban Renewal when, quite frankly, there is.

**MADAM SPEAKER:** Chief Minister, I think you are going to stand on your statement just then.

**MR BARR:** Indeed.

**MADAM SPEAKER:** Are there further matters arising from question time that the executive would like to deal with?

**Mr Coe:** You said there was no Minister for Urban Renewal.

**MR BARR:** For God's sake. I apologise, Madam Speaker, so that the Leader of the Opposition can get on with his day.

**Mr Rattenbury:** You're a pack of glass jaws.

**Mrs Dunne:** On a point of order, Madam Speaker, I ask the Chief Minister to withdraw his unparliamentary language.

**MADAM SPEAKER:** What was unparliamentary?

**Mrs Dunne:** "For God's sake."

**Mr Barr:** I withdraw, Madam Speaker.

**Mr Hanson:** On a point of order, Madam Speaker, Mr Rattenbury was interjecting in a most unparliamentary way and was calling the opposition a pack of glass jaws. I am notably sensitive, Madam Speaker, and I ask that the minister withdraw.

**MADAM SPEAKER:** Whilst I did not hear it because of the noise at the front of the chamber, Mr Rattenbury, would you care to withdraw if you believe your language was unparliamentary.

**Mr Rattenbury:** I do not believe it is an unparliamentary term, Madam Speaker.

**MADAM SPEAKER:** Did you use the language "glass jaws"?

**Mr Rattenbury:** I did, Madam Speaker.

**MADAM SPEAKER:** So that we can get through private members' day—we have got a busy afternoon ahead—I ask that you be gracious enough to withdraw.

**Mr Rattenbury:** For the benefit of my sensitive colleagues, I withdraw.

## **Questions without notice**

### **Statement by Speaker**

**MADAM SPEAKER:** Members, yesterday at the conclusion of question time I was asked by Mr Wall for guidance as to standing order 118(c). Standing order 118(c) was adopted in March 2012 at a time when ministers had 10 minutes to answer questions. With the advent of 25 members, we now have a question time procedure that is markedly different to the one adopted in 2012, with ministers having a total of six minutes to answer.

While some may consider it still possible for ministers to give an answer that may be considered to be in the form of a ministerial statement, it is my view that the advent of six-minute answers instead of 10 minutes makes the ability to make a ministerial statement very much more limited.

I note that the answer Mr Hanson sought to make a statement on was in response to a question asked by Ms Cheyne, who sought an update on Taskforce Nemesis. I believe Mr Gentleman was answering that question directly and not making a ministerial statement. However, I will continue to consider claims of a ministerial statement on a case-by-case basis, noting the views I have expressed above.

I remind members that next year the Standing Committee on Administration and Procedure will be undertaking a comprehensive review of standing orders and the committee will be writing to all MLAs. If members believe a standing order could be further clarified or, indeed, removed, I encourage them to make a submission.

**Mr Wall:** A point of order, Madam Speaker, on your guidance and advice. You stated that you believe Ms Cheyne's question was being answered by the minister. The *Hansard* account of Ms Cheyne's question was:

Minister, can you update the Assembly on Taskforce Nemesis?"

The answer to that question would be either, "Yes, I can," or "No, I cannot." Any further explanation would be interpreted as a ministerial statement.

**MADAM SPEAKER:** There is no point of order. My ruling was that the response was in order and in no way was a ministerial statement.

**Mr Wall:** Again on that, Madam Speaker, 8.50 of the companion to the standing orders says that a ministerial statement is a statement by a minister "concerning matters of administration or policy for which they are responsible". Given that the

question was, “Can the minister update the Assembly,” anything beyond yes or no as to whether he could is a matter of administration of that policy.

**MADAM SPEAKER:** There is no point of order. Mr Wall, if you get yes/no answers now throughout all question times in 2018 I hope you do not object.

## **Domestic Animals (Dangerous Dogs) Legislation Amendment Bill 2017**

### **Detail stage**

Debate resumed.

Clause 6.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (3.38): I move amendment No 6 circulated in my name [*see schedule 1 at page 5328*]. In the interests of time, I will be brief. This clause substitutes section 32(2) and gives the registrar discretion as to whether to renew a special licence if the registrar reasonably believes there is an unacceptable risk to the safety of the public or other animals, or if the holder has failed or is unable to exercise responsible dog management, care or control.

The clause requires the registrar to refuse to renew a licence if the licence holder is disqualified from keeping a dog or any other animal as per existing section 138A of this act. The fee must be at least 10 times the application fee for registration of a dog and can be waived by the registrar in certain circumstances, which mirror the circumstances where the fee for granting a licence can be waived.

**MR COE** (Yerrabi—Leader of the Opposition) (3.39): For very similar reasons, the opposition has concerns with this. The amendment put forward by the government again allows for the registrar to put dogs back on the street, which can pose an unacceptable safety risk.

Amendment agreed to.

Clause 6, as amended, agreed to.

Proposed new clauses 6A to 6N.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (3.40): I move amendment No 7 circulated in my name, which inserts new clauses 6A to 6N [*see schedule 1 at page 5329*]. These clauses retain the ability for a court to order a dog to be destroyed or take other appropriate action where a dog attacks a person or animal, causing serious injury. This clause does not limit the ability for the registrar to take action in relation to an attacking or harassing dog as provided for elsewhere in this bill.

These clauses also remove the complete defence for a keeper where their dog attacks but they were not, at the time of the offence, the carer for the dog. This means that a keeper can still be guilty of an offence if their dog is in the care of someone else and attacks a person or animal, causing serious injury, where they have not taken reasonable steps to ensure that the carer could exercise responsible dog management, care or control. A number of examples are given to assist in interpreting this section. For example, the keeper does have to ensure that the carer is physically able to control the dog. This clause omits section 50(6), consistent with part of clause 7, and moves this definition of serious injury to a different location in the act.

**MR COE** (Yerrabi—Leader of the Opposition) (3.41): Madam Speaker, the opposition has got no problem with the vast majority of these clauses; there are about 15 or so as part of 6A through to 6N. However, we do have some issues with 6C. Once again we have that word “may”—“may” cancel a special licence if the registrar reasonably believes that there would be an unacceptable risk to the safety of the public. Why you would give any discretion in this is beyond me.

Amendment agreed to.

Proposed new clauses 6A to 6N agreed to.

Clause 7.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (3.42): I move amendment No 8 circulated in my name [*see schedule 1 at page 5332*]. I spoke to this in my previous comments.

**MR COE** (Yerrabi—Leader of the Opposition) (3.43): The opposition will be supporting this.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (3.43): I move amendment No 9 circulated in my name [*see schedule 1 at page 5333*]. These clauses retain the ability for a court to order a dog to be destroyed or take other appropriate action where a dangerous dog attacks or harasses another person or animal. These clauses do not limit the ability of the registrar to take action in relation to an attacking or harassing dog as provided for elsewhere in this bill. These clauses omit section 50A(6), consistent with part of clause 7, and move the definition of “serious injury” to a different location in the act.

**MR COE** (Yerrabi—Leader of the Opposition) (3.44): With regard to 8E, where the government seeks to omit clause 9, we believe that it is reasonable that such costs should be borne by the complainant rather than by the taxpayer. If the minister could provide any clarity as to whether that is elsewhere in the legislation, that would be useful.

**MADAM SPEAKER:** I will let you think on that, Ms Fitzharris.

**MS LE COUTEUR** (Murrumbidgee) (3.45): Both the Liberals' bill and the government's amendments to it include fees and penalties for failing to meet stringent conditions imposed on keepers of dangerous dogs. The government amendments increase the discretion for the registrar to either not register a dog or cancel a registration in appropriate circumstances, and there are penalty units for allowing animal nuisance. However, I note that that, as I understand it, the registrar is no longer required to investigate animal nuisance complaints, which seems to run contrary to the thrust of the other amendments.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (3.45): Clause 8E removes the requirement for a complainant to pay the costs of impounding a dog if the court finds the complaint to be frivolous or vexatious.

**MS LE COUTEUR** (Murrumbidgee) (3.46): Sorry; I just realised that there were two bits to this. I would like to talk about the Coe-Doszpot amendments which propose various defences that allow a registrar to not destroy a dog, including that the attack injury occurred as a result of victims trespassing in an area where the dog was rightfully held. I am concerned that this trespass clause is sufficient reason not to destroy a dangerous dog. While trespassing is illegal, it should not be fatal. Members may be aware of a long history of common law regarding mantraps, which were originally intended to prevent landowners laying traps for poachers. It created over the centuries a reasonable expectation that people should not create dangerous situations for others, even on private land.

I have raised this matter with both the Coe office and the minister's office; however, I am not quite sure that this is a point that has been adequately made. I have been told about requirements for notices at all entrances, but I am not sure how this is all enforced. I would assume that the government's amendments to sections 50(3)(b) and (c) introduce enough discretion for the registrar to consider public safety in her determinations as a sufficient solution to this issue.

Also on this amendment 9, because it is a large amendment, this bill and the amendments are likely to increase the numbers of declared dangerous dogs and increase the cost of conditions for keeping a dangerous dog. I appreciate the valuable role that control areas can play in managing risky dogs and increasing public safety. I am not certain that the designation of dangerous dog status needs to be for the life of the dog. The control orders require owners to participate in behaviour training for dogs that have harassed and have the potential to cause injury. This training is obviously designed to improve the dog's behaviour and potentially one day produce a

no longer dangerous dog. I would like to see a rehabilitation path off the dangerous dog list included.

I welcome the government amendment introducing section 53D, revocation of control orders. This could provide an additional incentive order for owners to adhere to control orders, to take training responsibilities seriously and to look forward to the light at the end of the tunnel, which is in part, of course, not paying \$750 for dangerous dog registration renewal every 12 months. I think that a road back could really help owners to work with their dogs to no longer be dangerous.

*Ordered that the question be divided.*

Clause 8 and proposed new clauses 8A to 8D agreed to.

Proposed new clause 8E agreed to.

Clause 8, as amended, agreed to.

Clause 9.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (3.50): I move amendment No 1 on the pink sheet circulated in my name [*see schedule 2 at page 5350*]. These additional amendments which the government has put forward today are in response to some clarification that I understand the opposition requested in discussions with the government. The new amendments in amendment No 1 are around the definition under section 53A(4) and (5), where words have been inserted that the registrar may make guidelines about how the registrar investigates complaints, and that those guidelines will be a notifiable instrument.

In addition, under 53B, there is a new amendment to section (3), which states:

However, subsection (2) does not apply if, and only if, the registrar is reasonably satisfied the dog is not likely to be a danger to the public or another animal.

That is clarifying the previous amendments by the government. In general, Madam Speaker, these clauses create a number of new sections resulting in new responses to classes of dog attacks, with appropriate powers to act by the registrar, and also introduce a control order. This clause enables a person to make a written complaint about an attack by a dog, or a harassing, aggressive or menacing dog, and gives the registrar the power to investigate the complaint. The registrar must investigate a complaint about an attack that has caused the death of, or serious injury to, a person.

The clause relating to a class 1 attack requires the registrar to take action if reasonably satisfied, by a complaint or otherwise, that a dog attacked and caused the death or serious injury of a person, or the death of an animal. In this case, the registrar must destroy the dog, unless the dog is not likely to be a danger to the public or another animal and certain considerations have been taken into account. If the registrar decides not to destroy the dog under this section, the registrar can declare the dog a

dangerous dog and impose a dangerous dog licence or issue a control order for the dog. Appeal time frames are seven days if the registrar decides to destroy the dog for this kind of attack.

Under class 2 attacks, the clause requires the registrar to take action if reasonably satisfied, by a complaint or otherwise, that a dog attacked and caused an injury, other than a serious injury, to a person, or serious injury to an animal. The registrar can destroy the dog, declare the dog a dangerous dog and impose a dangerous dog licence, issue a control order for the dog or release and/or take no action in relation to the dog. The registrar must consider the safety of the public in deciding whether or not to destroy the dog.

In relation to a class 3 attack, the clause requires the registrar to take action if reasonably satisfied, by a complaint or otherwise, that a dog harassed a person or animal or is aggressive or menacing to an extent that the dog may endanger the safety of the public. The registrar can declare the dog a dangerous dog and impose a dangerous dog licence, or issue a control order to the dog's keeper. This clause gives the registrar the discretion to investigate a matter irrespective of whether there is a complaint.

These clauses also give the registrar the power to revoke a control order only on certain grounds and make it an offence for a person to fail to comply with a control order. Failing to comply with a control order attracts a maximum penalty of 50 penalty units, and this is considered reasonable and proportionate to the offence.

**MADAM SPEAKER:** The question is that clause 9, amendment No 1 on the pink sheet, be agreed to.

**Mr Coe:** Firstly, on a point of clarification, does the minister need to seek leave to have these amendments put forward? Twenty-four hours notice was not given.

**MADAM SPEAKER:** Mr Coe, as I understand it, the pink sheet amendment is amending her earlier amendment 10. Leave was not strictly granted. I would hope that, in the spirit of moving through, we allow this pink sheet to be debated.

**Mrs Jones:** We need to seek leave.

**MADAM SPEAKER:** If it is simply a matter of leave, I do not believe that leave was necessary. But if that would satisfy you to allow us to progress the debate, I think we should just proceed.

**Mr Coe:** In terms of this process, given that this pink sheet was not distributed before midday yesterday, I do not know how leave could not be required.

**Ms Fitzharris:** Madam Speaker, can I seek leave in hindsight?

**MADAM SPEAKER:** No. I sought advice from the Clerk, and the advice was that we believe it is in order. If it is the will of the chamber to seek leave—

**Mrs Jones:** How can you seek leave? Sorry. Is seeking leave after the fact even possible?

**MADAM SPEAKER:** It is similar to if you sought to make an amendment to your amendment: it would be brought into the chamber; therefore, you would not have seen it before 12 o'clock and leave would not be granted. Leave is not necessary. In the spirit of working through this very complicated piece of legislation, we are now referring to clause 9.

**Mr Hanson:** On the ruling, Madam Speaker, can I just ask that you find some clarity on that. A Machiavellian approach to that would be to come into this place with a very simple amendment and then, on the floor, turn it into something completely different by amending it. You would then circumvent the standing order as it stands. We are not particularly friends of that standing order, but if we are going to basically say that you do not need to seek leave for amendments moved through this process, it leaves this Assembly and chamber open to somewhat vexatious or unintended amendments being made. You either seek leave or you do not seek leave. We are not indicating that we would not, but we do need to follow the standing orders; otherwise you can see the consequences and where that could lead.

**MADAM SPEAKER:** I am going to come back with a formal response to that and not make that now. We will now progress, if we may, please. Again, I go back to the question. The question is referring to clause number 9, as in amendment No 1 on the pink sheet.

**MR COE** (Yerrabi—Leader of the Opposition) (3.58): It is undesirable to be dealing with an amendment to this legislation that we received a couple of hours ago, when we are not given the opportunity to actually express our opinion on that process. This change is quite a significant part of the difference in approach between the government and the opposition.

The fundamental difference between the bill and the government's proposed amendments is that the government includes wide discretionary powers for the registrar. Under Labor's amendment, under proposed section 53B(3)—this is on the pink sheet—there is discretion if the registrar is satisfied that the dog is not likely to be a danger to the public or another animal.

This means that a dog can kill a person and, rather than proposed section 53B(2) applying, which states that the registrar must destroy the dog, there is this discretion built in once again. This is the very thing we are trying to avoid—that there is discretion in proposed new section 53B(3). I note that subsection (4) has some qualifications, but I still think it is problematic, especially for the death of a person.

I can understand that for the death of an animal there may be an argument to be made. I can understand that. But for the death of a person, I really think that there should not be any two ways about it. A dog should be destroyed. I just do not think it is right that we have 53B(3) applying to 53B(1)(i), the death of a person.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.00): I note that this appears to be the subject of the differences between the government and the opposition. But I point out to the opposition that in their own legislation the dog must be destroyed, except in certain instances. So there is discretion within the opposition's original bill. I read from the opposition's bill:

... the registrar may decide not to destroy the dog under subsection (3) if satisfied—

- (a) the person or animal provoked the dog; or
- (b) the person or animal was attacked because the dog came to the aid of a person or animal the dog could be expected to protect; or
- (c) if the attack was on premises occupied by the keeper of the dog—the person was on the premises without lawful excuse.

The opposition's bill has instances where the dog must not be destroyed. What the government's amendments have sought to do is mirror that, clarify the legislation, but also provide, underpinning all of this, the fundamental test of public safety, which the opposition's original bill did not have. Indeed, the fundamental test of public safety is in around 30 clauses in our amendments. If the opposition is going to say that this must be the case in every circumstance, that is not what was originally proposed in their bill. I wanted to put that on the record and make that clear. We share a common intent here. There is some level of minor discretion but only in exceptional circumstances in the opposition's bill and in the government amendments. Where we think the government's amendments further strengthen this clause is to have an underpinning public safety test, which the opposition's original bill did not have.

Amendment agreed to.

Clause 9, as amended, agreed to.

Proposed new clauses 9A to 9F.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.02): I move amendment No 11 circulated in my name, which inserts new clauses 9A to 9F [*see schedule 1 at page 5334*].

**MR COE** (Yerrabi—Leader of the Opposition) (4.03): We have some concerns about proposed new clause 9B, with regard to discretionary powers, and also about proposed new clause 9E, which relates to sections 56(f) and (g). This is with regard to the removal of seizure powers in the amendment. Whilst section 56(f) is somewhat replicated under proposed clause 9F by a reference to control orders, the power to seize dogs under section 70(4), if conditions are breached after a seized dog is returned to an owner, is no longer clear. The Canberra Liberals think that seizure powers should extend to section 134, where a person refuses to provide details to an authorised person. We think that there are issues with this particular clause.

Proposed new clauses 9A to 9F agreed to.

Clause 9—reconsideration.

**MADAM SPEAKER:** I go back to that earlier matter. I have spoken to the Clerk and I ask Ms Fitzharris, although it is retrospective, untidy and unfortunate, to seek leave to move the amendment on the pink sheet.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.04): I seek leave to move amendment No 1 on the pink sheet circulated in my name.

Leave granted.

**MS FITZHARRIS:** I move amendment No 1 on the pink sheet circulated in my name [*see schedule 2 at page 5350*].

**MADAM SPEAKER:** Thank you, and thank you for your patience, Mr Coe and Mr Hanson.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.04): I move amendment No 12 circulated in my name [*see schedule 1 at page 5335*]. This clause requires an authorised person to seize a dog if there is a complaint that a dog attacked and caused the death of, or serious injury to, a person. An authorised person has discretion to seize a dog that is the subject of other less serious complaints. If a dog is seized, the authorised person must impound the dog or, if satisfied that the dog can be kept securely and safely on the premises, order a home impoundment of the dog. A home impoundment can be with conditions. A person commits an offence with a maximum of 50 penalty units if they do not comply with the home impoundment and this is considered reasonable and proportionate.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clause 11 agreed to.

Clause 12.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.06): I move amendment No 13 circulated in my name, which opposes clause 12 [*see schedule 1 at page 5335*]. This clause retains existing section 57(a) as it is important to keep the current requirement that a dangerous dog must be seized where a keeper has contravened a dangerous dog licence and the authorised person reasonably believes, having regard to the safety of the public, that the contravention justifies the seizure.

**MR COE** (Yerrabi—Leader of the Opposition) (4.06): The opposition believes that the bill as tabled should stand and that we should not be, in effect, omitting this. The government are seeking, through their opposition to this clause, to rely on the discretionary powers of the registrar under section 57(a)(ii). There is no grey area here. We believe that if the keeper has contravened a condition of the dangerous dog licence as a question of fact, the dog should be seized.

Amendment agreed to.

Clause 12 negatived.

Proposed new clause 12A.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.08): I move amendment No 14 circulated in my name, which inserts new clause 12A [*see schedule 1 at page 5336*]. This clause gives the registrar the ability to seize a dog if the keeper has not complied with a multiple dog licence.

**MR COE** (Yerrabi—Leader of the Opposition) (4.08): The opposition will be supporting this amendment.

Amendment agreed to.

Proposed new clause 12A agreed to.

Clause 13.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.08): I move amendment No 15 circulated in my name [*see schedule 1 at page 5336*]. This clause substitutes sections 59 and 60 to require an authorised person to seize a dog if the person reasonably suspects the dog attacked a person and the attack caused the death of, or serious injury to, a person. An authorised person may seize a dog if the person suspects the dog attacked and caused a non-serious injury to a person, a serious injury to an animal, harassed a person or animal or is aggressive or menacing.

This clause also gives an authorised person the ability to impound a seized dog and make reasonable inquiries of the keeper's identity, if not known, and give written notice to the keeper. Notice can be by phone. This clause also gives an officer the discretion for a home impoundment. For example, where a dog is seized because the dog is not registered, the dog can be impounded at home under express direction that the dog is kept on the premises and is not allowed off the premises. The keeper has 24 hours to register the dog. It is an offence not to comply with a home impoundment direction, with a maximum penalty of 50 penalty units. This is considered reasonable and proportionate to the offence.

**MR COE** (Yerrabi—Leader of the Opposition) (4.09): We support the amendment.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clauses 14 and 15, by leave, taken together and agreed to.

Proposed new clauses 15A to 15N.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.10): I move amendment No 16 circulated in my name, which inserts new clauses 15A to 15N [*see schedule 1 at page 5337*]. In the interests of time I will leave the explanatory statement on this matter to speak for itself.

Amendment agreed to.

Proposed new clauses 15A to 15N agreed to.

Clause 16.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.11): I move amendment No 17 circulated in my name [*see schedule 1 at page 5339*].

Amendment agreed to.

Clause 16, as amended, agreed to.

Proposed new clauses 16A to 16ZS.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.11): I move amendment No 18 circulated in my name, which inserts new clauses 16A to 16ZS [*see schedule 1 at page 5340*].

There are a range of amendments. These are again outlined in the explanatory statement, but I draw attention to proposed new clause 16G. Destroying dogs for public safety concerns is an important preventive measure which has not currently been in legislation in the ACT. This clause gives the registrar the power to decide to destroy a dog if there is an unacceptable risk to the safety of the public or other animals and the dog cannot reasonably be rehoused, retrained or otherwise rehabilitated so that the dog is no longer an unacceptable risk to the safety of the public or other animals. The registrar must notify the dog's keeper in writing and the dog's keeper has seven days to apply for a review of the decision.

This is considered to be a new class of responding to a situation where there are clearly exceptional circumstances in relation to a dog's behaviour that may not have been a specific dog attack. This is a very significant preventive measure in the government's amendments.

**MS LE COUTEUR** (Murrumbidgee) (4.12): The government amendments tighten up the conditions under which a person commits an offence of breeding dogs or cats without a licence. These amendments extend to potentially limiting the number of litters that an individual animal may breed. They allow for the cancellation of a breeding licence on animal welfare grounds and they limit the duration of a breeding licence to two years rather than the existing unlimited period. As people would know, the ACT Greens have had a long history of working to improve the conditions of breeding animals, and I welcome these additional measures.

**MR COE** (Yerrabi—Leader of the Opposition) (4.13): We have issues with proposed new clause 16K and also 16O. Once again we have explicit reference to “unacceptable risk”, yet somehow they could be acceptable, even though they are deemed unacceptable. The same applies to 16O.

You would think the registrar “must” cancel a breeding licence if there were an unacceptable risk to the safety of the public, yet, no; not according to 16O. They “may” cancel it. I do not know what the term “unacceptable risk” actually means in this context, because that is actually acceptable if it is “may”. I just do not understand why it is not bumped up into (1)(a) and why it remains in (1)(b) in 16O.

I might also speak to proposed new clause 16Z. This is similar, regarding changing “must” to “may”. Under Labor's amendment, the registrar could feasibly ignore or refuse to investigate a significant number of complaints. The government have committed to having additional rangers, so there is no reason why they should investigate fewer complaints than they currently do. It is an example of some of the issues that we have had with the legislation as a whole.

Amendment agreed to.

Proposed new clauses 16A to 16ZS agreed to.

Clause 17 agreed to.

Proposed new clauses 17A to 17E.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.15): I move amendment No 19 circulated in my name, which inserts new clauses 17A to 17E [*see schedule 1 at page 5349*]. This clause inserts a unique identification number for a microchip into sections 5 and 6, as tag registration is no longer required under this act and microchip will be the only form of required registration.

Amendment agreed to.

Proposed new clauses 17A to 17E agreed to.

Clause 18.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.16): I move amendment No 20 circulated in my name [*see schedule 1 at page 5350*]. This amends the table of items in schedule 1 in relation to reviewable decisions.

**MS LE COUTEUR** (Murrumbidgee) (4.16): The Greens support this on the grounds that the amendments to the Domestic Animals Act may increase the number of dogs destroyed or issued with control orders. We will have to wait and see, obviously, over the course of the operations how significant this increase is. It may not be particularly large, but, given that destroying a dog or issuing a control order are both serious sanctions, it is right that both are appealable by the keeper of the dog, through appropriate channels.

Amendment agreed to.

Clause 18, as amended, agreed to.

Title agreed to.

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

**MR COE** (Yerrabi—Leader of the Opposition) (4.18), by leave: I think the passage of this legislation is a good step forward for the ACT. Whilst there are obviously many points of disagreement with the government, it is substantially a good bill that has been put forward today. I once again thank Mr Doszpot and his staff, and also David and Ausilia in my office, for the work that they have done.

I also want to apologise if I was incorrect in saying that there were broad powers with regard to the registration or licensing. I thought there were legislative, administrative or executive powers that could cover that, but if I am wrong, as I said, I am sorry.

Mr Doszpot, I am sure, would be relieved to see the passage of this legislation. The test will be in the enforcement and in making sure that where we have removed discretion that is actually carried out properly and, where there is discretion, a common-sense approach is applied by the registrar and by other officers, including rangers. I thank members for the passage of this legislation, which is imminent.

**MR HANSON** (Murrumbidgee) (4.19), by leave: I want to thank Mr Coe for bringing this legislation forward on behalf of the late Mr Doszpot and the opposition. It is difficult to legislate from opposition. I am sure that, if Steve is looking down on us today, he would be very proud of your fight on every clause. It was tenacious and certainly in the spirit of Steve Doszpot. Although a number of the amendments are disappointing, it is still an important win. I thank all members of the Assembly for engaging in this debate in such a constructive manner.

The issue of dangerous dogs is well and truly on the table. I sincerely hope now that the government takes this legislation forward and that it makes the real difference to community safety that Steve Doszpot thought that it would. I see nodding from officials in the gallery. I commend this legislation to the Assembly.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.20), by leave: I would like to reiterate my thanks, first and foremost, to the late Steve Doszpot, of course. I know that it is something we had many discussions about. As has been reflected on over the past month or so, it is a real tribute to his tenacity and passion. When he got his teeth into something, you had to work with him. I enjoyed doing that on a number of things in this Assembly but particularly on this.

It has been a long debate. I thank everyone for their input and their discussion. I certainly appreciate that it was done quickly within the chamber. It was our intention to have this legislation passed this year. It is something that I committed to and something that I wanted to make sure that we achieved. I think we have.

Where there have been some perceived differences between us and the opposition, I hope that over time they will see that within this legislation that has now been passed there are some 30 clauses throughout the amendments that prioritise community safety. The onus has fundamentally shifted. The community has very clearly told the government and the Assembly that this is an important issue, one that we have all worked hard to raise awareness of. We think that there will be a step change in culture, in the legislation, of course, and indeed in the enforcement. It is not just in the additional rangers but in a fundamental shift in our approach.

I would like to make particular mention of all of those people in the chamber who worked daily on this issue. I refer to the range of input that I have received from the community, as well as from those people who are on the front line doing extremely difficult work, 24 hours a day, 7 days a week, 365 days a year, responding to the huge variety of incidents. I took it on myself; it is my responsibility to understand that broad range.

I acknowledge all the victims who have come forward and spoken to the opposition and to the government. I hope they can feel that there has been significant change as a result of their advocacy and their experiences.

I would like to close by thanking very much my office and the staff within TCCS on the ground every day, those that have worked extremely hard over the last couple of months, earlier on with the animal welfare and management strategy, and most recently on this significant new piece of legislation. They have put in an extraordinary effort and done a lot of work, and I think we have some excellent new legislation.

Bill, as amended, agreed to.

## **Crimes (Criminal Organisation Control) Bill 2017**

Debate resumed from 1 November 2017, on motion by **Mr Hanson**:

That this bill be agreed to in principle.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (4.24): The ACT government has very carefully considered the Crimes (Criminal Organisation Control) Bill and will not be supporting it today. Today's debate is fundamentally about our policy approach to criminal laws. This government's view is that simply changing the law cannot ever be itself an effective response to crime.

Our work as legislators in this space needs to be guided by two real-world significant impacts. Firstly, our laws must be compliant with human rights. Laws that are incompatible with human rights have very real consequences for the whole community and degrade our ability to participate in society with dignity and as equals. The second thing to consider is that our laws must be effective to achieve their aims, and this is vital when it comes to the criminal law. The statute book is not the appropriate place to make a statement. Police, prosecutors, defence lawyers and judges rely on it for their work. Every piece of legislation we pass needs to be assessed for its practical impact on the prosecution of crimes.

At the outset I thank Mr Hanson and his office, in particular Ian Hagan, for providing me with a thorough brief on this legislation. It is very clear that through the exposure draft process Mr Hanson took human rights seriously. It has been refreshing to engage with a member of the Canberra Liberals who understands that human rights are not just words on a page that should be repealed; they actually embody core principles of our role in society. We now hopefully have all three parties in this Assembly working to deliver legislation within a human rights framework and acknowledging the importance of human rights in our legal system.

I also commend Mr Hanson for engaging with the Human Rights Commission and for taking human rights into account in drafting this legislation. I would certainly welcome that approach from every member of the opposition in drafting legislation.

On the issue of human rights compatibility, some context about our framework is valuable. The government and the Human Rights Commission can scrutinise and can offer a certification that legislation is human rights compliant, but the courts will decide independently if there is a legal challenge. The basic model underlying Mr Hanson's bill—that of criminal organisation control legislation—has been reviewed extensively in other jurisdictions. At its core it is a piece of legislation that is highly likely to be challenged because it imposes restrictions on the freedoms of people who have not necessarily ever been convicted of a crime.

But, apart from legal compliance with human rights, there is a more fundamental issue with criminal organisation control laws. It is essential in considering any new legislation to ask the question, "Will it work?" The New South Wales Ombudsman reviewed the New South Wales version of this law in November 2016 and found that "the act does not provide police with a viable mechanism to tackle criminal organisations and is unlikely to ever be able to be used effectively".

The report further noted that all jurisdictions except for the ACT and Tasmania have some form of criminal organisation control law but that none has been able to use it effectively. The Ombudsman made one recommendation about the legislation that was the model for Mr Hanson's bill—that is, that the law be repealed. Further, the Ombudsman found that "no police force in Australia has been able to successfully utilise the legislation"—that is, even in a jurisdiction without a Human Rights Act the law that Mr Hanson has proposed is not effective.

I note that Mr Hanson has expressed the view that these laws are a useful deterrent in the absence of anti-consorting legislation. However, there is every reason to believe that this bill will be ineffective in the ACT and, while commendable, the human rights protections that Mr Hanson has included will likely make the bill even more difficult to use.

If you look at the New South Wales Ombudsman's report, what police say makes these laws difficult to use is the standards of what must be proven in court to designate a group as criminal. Those standards are very high. Part 4.4 of that report contains the details, and in that section the Ombudsman identifies a long list of standards of proof that made the legislation, in the view of New South Wales police, not worth working with. Mr Hanson's bill shares these features of the New South Wales legislation, with even tighter standards and controls to account for human rights concerns. Again, while I commend the attention to human rights, they only reinforce concerns about the effectiveness of the law.

The government is strongly committed to responding to crime. We recognise that it requires much more than just passing laws. Resourcing for police, an understanding of the investigative challenges they face, and a focus on depriving criminal gangs of the income that motivates their behaviour are all critical. We will keep working with police, prosecutors and the legal profession to deliver effective reforms that are comprehensive and focus on outcomes.

This government has recently delivered a suite of measures to directly respond to concerns about organised crime. As part of this package we have strengthened our laws which deal with shootings to provide a stronger penalty for the shooting of buildings, irrespective of whether the shooter knows a person is inside, and we have enhanced police powers to establish a crime scene and preserve evidence.

This new power is particularly relevant to situations where criminal gangs might take efforts to destroy evidence even when they are victims of crime. These new laws have built on a strong existing framework. This government strengthened the non-association and place restrictions legislation by adding more offences that are commonly associated with organised crime, including serious firearm offences.

A NAPRO is a sentencing option for courts to help support rehabilitation and to prevent further commission of offences by requiring that a person stay away from specified places and specified people. The application to organised crime is clear and, unlike criminal organisation control laws, NAPROs are used successfully around Australia, including here in the ACT.

In addition to law reform, we have provided resources to Taskforce Nemesis specifically to target organised crime in the territory. Their work is showing great results. Through joint law enforcement and prosecution efforts the territory seized a significant quantity of criminal assets and cash. In 2016-17 tainted interests in six residential properties were forfeited to the territory, with a total value of \$1.1 million. Some \$720,000 in cash, vehicles and other property were also forfeited. A further \$1.8 million of real estate, cash, vehicles and other property were restrained.

The criminal cases put together by Taskforce Nemesis and the assets seized by the DPP show that our approach is effective and that we can take strong action against crime in a human rights jurisdiction. It is important to remember that a key part of having a safe community is having a community whose rights are protected along with their physical safety. That is why it is essential that the criminal laws we consider meet two fundamental criteria: they are compatible with human rights and they are effective to achieve their purpose.

Again I commend Mr Hanson and the Canberra Liberals' efforts to prioritise human rights in their criminal law proposals, and I will continue to welcome their engagement on that basis. However, the evidence is clear on this bill that it will not be effective. On that basis the government cannot support this bill.

**MR RATTENBURY** (Kurrajong) (4.32): The Greens have looked very closely at this legislation and have formed a view that on balance we do not believe these laws will be effective. Instead, we believe the recent measures developed by the government to combat outlaw bicycle gangs, or OMCG, activity will be more effective and are a better basis to proceed on in seeking to tackle the challenging issue of criminal gangs.

The bill Mr Hanson has brought forward seeks to introduce a criminal organisation control regime in the ACT based on existing legislation in New South Wales. I note,

however, that there are differences between what Mr Hanson is proposing in the ACT and the existing laws in New South Wales. Under the bill the Chief Police Officer can apply to the Supreme Court to have an organisation declared a criminal organisation. If this application is successful the Chief Police Officer can then apply to the Supreme Court to have control orders issued on members of the declared organisation.

A person subject to a control order would be committing an offence if that person associated with another controlled member of the organisation. The bill lists a range of exceptions, including allowing family members to associate and allowing controlled members to associate in the course of lawful occupation and training or education.

The bill also seeks to adopt the New South Wales model for the Supreme Court to make a determination about whether information is criminal intelligence. It also appoints a criminal intelligence monitor to assist the court in making that determination. The bill seeks to provide the recognition and enforcement in the ACT of comparable declarations and orders made in other states and territories in relation to criminal organisations.

The Greens will not be supporting this bill because we simply do not think this will be effective in combating OMCG activity. This was a view put by the Chief Police Officer in an interview on ABC Radio on 8 November in which said she saw some challenges with Mr Hanson's bill, including that practically these laws could be quite difficult to implement. She further said that similar laws in Victoria had been unworkable and New South Wales has had its own challenge with its laws.

Further undermining the effectiveness of the bill are the extensive exceptions for controlled members of declared organisations regarding whom they can associate with. Due to these broad exceptions, including allowing family members to associate and allowing association during employment or education, it seems likely that controlled members will still be able to plan a criminal activity together. As has been seen in New South Wales, the police are then unlikely to commit resources to doing the necessary paperwork and going through a court process when they believe that will have little impact on disrupting OMCG activity.

The New South Wales Ombudsman has also been highly critical of the effectiveness of that jurisdiction's criminal organisation control regime, on which Mr Hanson's bill is based. In November 2016 the New South Wales Ombudsman published its report into the review of the criminal control organisations legislation. Whilst I acknowledge that there are differences between the New South Wales law and Mr Hanson's bill, many of the findings of the New South Wales Ombudsman are relevant to today's debate.

The Ombudsman's report ultimately recommended that the criminal organisation laws be repealed. The Ombudsman found that the laws were ineffective and not a good use of police resources. The following passage from the Ombudsman's report demonstrates the significant problem with these laws:

Despite the concerted efforts of a dedicated unit within the Gangs Squad of the NSW Police Force, which spent over three years preparing applications in preparation for declarations under the 2012 Act, no application has yet been brought to Court. As a result, no organisation has been declared to be a criminal organisation under the scheme. The NSW Police Force advised us that work on these applications ceased in 2015, and that it does not intend to resource such work in the future.

The Ombudsman found that the procedural requirements for the criminal organisations control regime were onerous, resource intensive and involved difficulties that ultimately prevented police making an application to the court. It was found that police in other states and territories have experienced similar difficulties in successfully implementing comparable legislation. At the time of publication of the report, no declarations had been made in relation to any organisations.

The Greens believe the recent measures taken by the government will be more effective in targeting OMCG-related activity. These measures have been welcomed by ACT Policing, and the Greens are supportive of them. Yesterday the Assembly passed the Crimes (Police Powers and Firearms Offence) Amendment Bill 2017, which creates a new offence to capture drive-by shootings. This new offence will better target situations where a person shoots at a building, including homes and businesses. As we noted yesterday, previously it has been difficult to prove an offence where shootings have been aimed at empty buildings. This new offence will capture OMCG activity where drive-by shootings are often done to intimidate members of rival gangs.

The bill passed yesterday has also given police new power to secure a crime scene, as we discussed, and this will enable police to better gather evidence and prevent it from being destroyed or removed from a crime scene. The ability to preserve evidence is fundamental for police to be able to conduct investigations. I believe this new power is a practical measure which will assist police to investigate and disrupt OMCG activity in Canberra.

The government's bill was developed in consultation with ACT Policing and in response to specific incidents where police identified gaps in their ability to investigate and disrupt OMCG activity. Yesterday's bill, along with the resources the government has given ACT Policing through Taskforce Nemesis, will be effective in combating OMCG activity.

I also have concerns about the broadness of the definition of an "organisation" and how long a declaration is in place for. The definition is so broad in this bill that it will almost inevitably apply to a variety of unincorporated associations and loose groupings of people. The bill does not effectively introduce a scheme whereby members of an organisation are given proper notice before their organisation is declared a criminal organisation. As a result of that declaration, those individuals can be subject to intrusive control orders being brought against them in the Supreme Court. Having such a broad definition will make it very difficult for police to effectively use these laws.

Under the bill, when an organisation is declared a criminal organisation that declaration remains in force for five years, unless that declaration is removed or revoked. This follows the model adopted in New South Wales. In 2015 New South Wales extended the length of the durations of declarations in its criminal control organisations regime from three years to five years. The New South Wales Legislation Review Committee made the following comments about extending the duration of the declaration of five years:

The proposal to extend the duration of a declaration from three to five years, with its attendant effects that control orders are placed on individuals who may have neither been charged nor convicted of any serious indictable crime, may be considered a breach of the presumption of innocence, and pre-judicial punishment.

I believe these comments equally apply to the bill we are considering today. In summary, the Greens do not believe the bill will have the effect that Mr Hanson intends. The experience of New South Wales and the comments of the Chief Police Officer demonstrate that criminal organisation control regimes have not been effective in other jurisdictions and therefore are unlikely to be effective in the ACT.

I acknowledge the considerable work Mr Hanson has done on this bill and the adjustments he has made to the legislation in response to feedback from the ACT Human Rights Commissioner. The result is that we now have a bill that is human rights compliant but unlikely to be effective. That conclusion highlights the fundamental issues regarding laws that seek to target people based on association issues. To prepare a bill that is human rights compliant requires so many safeguards that it raises doubts about the efficacy of the legislation. To draft a bill that seeks the outcomes Mr Hanson intends seems destined to so severely impinge on personal freedoms and community expectations that the Greens would be unlikely to accept it. For me, this evident conflict reinforces the position the Greens have adopted for some time now: that we are unwilling to support legislation that criminalises people for whom they associate with and that, instead, we should target the offending behaviour. This is important to keep in mind when considering legislation which targets OMCG activity.

In that vein, the Greens believe that the measures the government is taking, including the bill passed yesterday, are much more targeted and will be more effective at disrupting OMCG activity in Canberra whilst finding a suitable balance when it comes to civil liberties, which are such an important part of the conversation when we are talking about criminal legislation. For the reasons I have outlined today, the Greens will be unable to support Mr Hanson's bill.

**MR GENTLEMAN** (Brindabella—Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal) (4.42): The ACT government, together with ACT Policing, continues to develop practical, legislative and operational measures to address the activities of criminal gangs in the ACT. A key priority for this government is disrupting and dismantling organised criminal groups. The

ACT community is rightly concerned about developments among criminal gangs in the ACT. We are working closely with ACT Policing to make sure it has the resources and tools to effectively deal with the risks presented to community safety by this behaviour.

The government has a number of concerns about the practical implications of this bill. This bill does not adequately enable ACT Policing to effectively combat the activities of organised criminal groups in the ACT. The ACT needs law reform proposals which actually address serious and organised crime. We need to focus on the specific tools and resources ACT Policing requires to do its job. These approaches should be targeted at and criminalise activities, not associations. That is what this bill purports to do.

The bill allows the Supreme Court to make an interim control order relating to a member of a declared criminal organisation. An interim control order restricts the association of two or more people. It remains in force until whichever of the following happens first: the end of 72 hours after it takes effect, a final control order is made, or the application for a final control order is withdrawn or dismissed.

An interim order must be made in the absence of the person subject to the order. However, the order takes effect when it is served on that person. In practice, the person will not know about an application against them until the court has already made the order and it is in force. An interim order must be in place for the court to make a final control order against a person. A final control order restricts a person from association with another controlled member of a criminal organisation for a period of up to three years. A court hearing to decide whether to grant a final order must occur within 72 hours of the interim order being served on the person.

Practically, it will be difficult for the Supreme Court to list a matter to be heard within 72 hours of the person subject to the interim order being served. It will also be challenging for ACT Policing to prepare for a hearing for a final order in this very short time. As the person who is subject to the interim order is not aware of that order until it takes effect, in practice a person will have less than 72 hours to seek legal advice and prepare for the hearing of the final order. This is a substantial flaw of the bill. The bill creates a significant imposition on a person's ability to seek adequate legal advice and reduces the opportunity for natural justice.

The bill also includes a range of provisions relating to a criminal intelligence monitor. The criminal intelligence monitor is given various responsibilities by the bill, including to cross-examine a witness at a hearing to decide whether information is criminal intelligence information; to present questions to the Chief Police Officer to answer in a criminal intelligence application hearing; to represent the interests of each respondent in a hearing to decide a criminal intelligence application; and to make submissions to the court about the appropriateness and validity of a criminal intelligence application. Without a criminal intelligence monitor, part 5 of the bill is unworkable. However, the bill does not compel the executive to appoint a criminal intelligence monitor. It provides guidance to the executive on what may be included in any regulations made relating to part 5 of the bill. But if a criminal intelligence

monitor is not appointed, applications for criminal intelligence information made under part 5 of the bill will be unworkable.

The bill proposes to establish three new criminal offences, including an offence against a controlled member who associates with another controlled member. These offences are punishable by up to five years imprisonment. However, the bill also provides that these offences do not apply if the controlled member associated with another controlled member under any of the following circumstances: because the other controlled member is a close family member; in the course of a lawful occupation, business or profession; in the course of prescribed training or education in which the defendant and the other controlled member were enrolled in good faith; at a prescribed rehabilitation, counselling or therapy session; when in lawful custody or complying with a court order; and in circumstances prescribed by regulation.

However, ACT Policing has advised that a significant proportion of criminal gang members in the ACT have familial or employment relationships with each other. If these offences are available in the ACT, control orders will not limit the association of many criminal gang members and will not effectively criminalise the association of two people. But a decision not to include these defences would criminalise the association of two people who are not associating to commit a criminal offence. The government does not support that approach.

The bill is modelled on the New South Wales Crimes (Criminal Organisations Control) Act 2012. In November 2016, as we have heard, the New South Wales Ombudsman published its review of police use of powers under the Crimes (Criminal Organisations Control) Act 2012. The review concludes that the New South Wales police found the criminal organisation control scheme too cumbersome and resource intensive to use.

The review recommends that the laws be repealed, as they do not provide police with a viable mechanism to tackle criminal organisations and are unlikely to ever be used effectively. The review found that by focusing on an organisation the laws potentially criminalise associations between people who have never been convicted of criminal offences; the laws may unfairly restrict people from participating in lawful and skilled employment, removing their ability to earn a lawful income; and since the laws commenced in 2012 the New South Wales Police Force has not filed any applications to declare organisations, due to evidentiary requirements.

The New South Wales Police Force highlighted operational challenges in the preparation of applications for criminal organisation declaration. The practical impact of the high standard of evidence required is that police need to prepare extensive documentation to verify the reliability and accuracy of each piece of information they intend to rely on in their application. The New South Wales Police Force reported difficulty in preparing evidence of serious criminal activities that have occurred in the past, evidence that members of the organisation were involved in these serious criminal activities, evidence of members associating in order to participate in criminal activity, and evidence that particular individuals are members of an organisation. The New South Wales Police Force has advised that in 2015 it ceased work on any applications it was preparing to seek a criminal organisation declaration and that it

does not intend to resource such work in the future. The Ombudsman's review highlights an example of the impracticality of the criminal organisational laws.

The bill allows the Supreme Court to make a control order where it is satisfied by acceptable cogent evidence that is of sufficient weight to justify the making of an order. Based on the advice of the New South Wales Police Force and the New South Wales Ombudsman, it appears that it will be too difficult for ACT Policing to prepare evidence of this nature. The New South Wales Ombudsman considered the operation of criminal organisation control schemes in all jurisdictions across Australia. The Ombudsman found that no state or territory police force has been able to successfully use their criminal organisation control legislation to have any organisations declared as criminal organisations.

In 2012 the Queensland police force filed an application to declare the Finks motorcycle club a criminal organisation. During proceedings, nearly all of the members of the Finks patched over to the Mongols, making the application process more complex for the Queensland police force. The Queensland police force did not continue with the application, which it discontinued in 2014.

To address this, the bill states that a declared organisation is taken to include any organisation into which the members substantially restructure themselves, with or without dissolving the organisation named in the declaration. However, if the Queensland example were to occur here in the ACT, the declaration made by the court would only remain valid if enough members patched over to the new organisation. The members who patched over would have to form a significant group in their new criminal gang in terms of their numbers or their capacity to influence the organisation. ACT police would have to take a new approach to the application, taking into account all of the information available about the old criminal gang, the history prior to members patching over and the make-up of the criminal gang now that members have patched over. Substantial police resources may have been invested to prepare an application which cannot be filed because members patched over, making the information in the application irrelevant.

I understand that there are some differences between the bill and the New South Wales criminal organisations control scheme. However, importantly, the New South Wales Ombudsman found that the experience of police forces across Australia does not suggest that the operational difficulties presented by the New South Wales model or any other comparable legislation could be easily remedied by making amendments to the model. There is no evidence that a criminal organisation control scheme will combat serious and organised crime in the ACT. In fact, the evidence demonstrates that such a scheme is unworkable and provides too many practical barriers for the court and police.

Combating serious and organised crime requires a holistic approach supported by a range of measures. The government works closely with ACT Policing to develop practical and legislative responses which are effective in addressing serious and organised crime activity. The government is taking action. We are not being reactive or irrational or spreading fear; instead, we are being measured and implementing sustainable and evidence-based law reform to deal with one of our biggest challenges.

The government passed further reforms this week to add to the suite of laws already available to police. The government worked closely with ACT Policing to develop these measures. I thank the Chief Police Officer and ACT Policing for continuing to engage with the government to develop reforms which are effective and compliant with the ACT human rights framework.

In 2014 ACT Policing established Taskforce Nemesis. Nemesis is a team within ACT Policing dedicated to investigating criminal activity in the ACT. With the suite of laws already available to ACT Policing, Taskforce Nemesis has been responsible for initiating 86 prosecutions against criminal gang members, for a total of 262 criminal offences. Taskforce Nemesis has monitored all runs that have been conducted in the ACT by criminal gangs since its inception and continues to closely monitor local and interstate members. During November 2017 a number of search warrants were conducted in relation to OMCG members and associates. Results from the search warrants include the seizure of multiple firearms, including two automatic rifles, a pump action shotgun and two sawn-off shotguns and the seizure of a large quantity of various ammunition for those firearms. Nemesis is progressing investigations into a number of targeted incidents and investigating any links to criminal gangs.

The government continues to support Taskforce Nemesis to increase its investigation capability by ensuring that it is adequately resourced. The commonwealth government is also supportive of Taskforce Nemesis, embedding a member of the national anti-gang squad within ACT Policing to better support links between the ACT and other states and territories. This nationally concerted effort has seen positive results Australia wide. Since the establishment of the anti-gang squad, over 1,000 offenders have been arrested across Australia. Taskforce Nemesis has contributed to this achievement, and I commend ACT Policing for its dedication to keeping Canberra safe.

It is evident that ACT Policing continues to deliver outstanding results with the suite of laws available to address serious and organised criminal activity in the ACT. The government will continue to support its efforts to combat criminal groups. This includes the delivery of measured and appropriate reforms in tranches, as required. Due to the inherent issues with the bill that I have explained, and the lack of evidence that criminal organisation laws will be effective in the ACT, I cannot support the passage of this bill.

**MR HANSON** (Murrumbidgee) (4.56), in reply: At the outset I express my genuine disappointment about the response of the Labor Party and the Greens today. As you would know, Madam Assistant Speaker, this has been an issue that has been front and centre since 2009. At that time Nathan Rees, the Premier of New South Wales, introduced new laws and said he was going to drive the bikies out of New South Wales. When I said we would become an oasis for bokie activity, those opposite, the Labor Party and the Greens, scoffed. As you know, Madam Assistant Speaker, they were wrong. What we have seen—

**Ms Cheyne:** It's Madam Deputy Speaker to you.

**MR HANSON:** Madam Deputy Speaker; my apologies.

**Ms Cheyne:** You looked up, Madam Deputy Speaker; I thought I would help.

**MADAM DEPUTY SPEAKER:** I am not so picky about these things. People often make that mistake.

**MR HANSON:** Thanks for the usual interjection. The principal issue is that we have created a vacuum, and into that vacuum we are seeing bikies come—outlaw motorcycle gangs. As the evidence has shown, through firebombings, shootings, intimidation, increased activity, the increase from one gang to three gangs, runs by motorcycle gangs—and we have seen them recently in this town—the sad reality is that the absence of laws in this jurisdiction is the cause, in the main, of the increased activity that we are seeing. That is based on the advice of the experts, including the Chief Police Officer—not just the current but the previous one—and the Australian Federal Police Association.

The fact that the absence of these laws is the cause of the problem, the fact that we have a significant problem, is not a matter of dispute. It is acknowledged. Indeed, it was acknowledged by the Labor Party in 2015-16, when they realised that this needed to be addressed and they drafted and circulated an exposure draft for anti-consorting laws. They were shot down internally and they have left us with a vacuum of laws that has led to an ever-increasing explosion of violence in our suburbs.

It is clear to me today that there is no form of laws of this sort—which we need to address the bokie problem that we have—that will be acceptable to Labor Party members or Greens party members. If you introduce laws of some sort, they will say, “We have problems with the human rights.” If you address those issues, they will say, “They’re not effective because they’re not tough enough.” No matter what you do, they are going to shift the goalposts. There is an underlying objection that the Labor Party and the Greens party have to these laws. No matter what we do, they are going to squib it, and that is without doubt. It is quite clear from the language that we have heard today that they are just looking for excuses.

I will go to a couple of the points that have been raised. Mr Gentleman does not like these laws because there is an interim order of 72 hours and he thinks that is not long enough. So the man who has always been on about human rights concerns is now saying, “The interim orders: we want them to be longer.” I have already spoken to Mr Ramsay, the Attorney-General, and said we would be open to an amendment on that specific issue. I do not care if it is longer. If the advice from the government and the police is, “We want longer than 72 hours,” that is great. Let us move an amendment.

Now they are saying—and Mr Rattenbury joined in on this one—that our law, as we have tabled it, says that if you have a close family relationship you will be excluded from the laws. They are saying, “That’s not tough enough. We want to stop families associating; we want to stop families consorting. Your laws are not tough enough, Mr Hanson.” As I have said to Mr Ramsay and Mr Rattenbury, that is fine; if that is

the advice from the government, if that is what it is now, we will accept that amendment. But do we see that amendment here today? No. They are using that as their excuse to not support this legislation because it does not go far enough, because it is not tough enough, while for the last nine years they have been arguing that those sorts of laws are too tough. Which one is it?

If it is not tough enough for you, if it does include exemptions for families, if it does have interim orders that are too short for you, where is your amendment? As I said to Mr Ramsay and as I said to Mr Rattenbury, what we could do today is agree to this in principle; if you want a longer time to move your amendments, we will then deal with them. But, no; they did not want to take that approach. We know that what will happen is that people will keep coming here to the ACT because we do not have these laws. We have seen any number of headlines, any number of pieces of advice, that confirm that, to the extent that outlaw motorcycle gangs have sought legal advice and have basically said that we are a soft touch.

With respect to the two objections about effectiveness and human rights, whichever way we move, they will use whichever argument suits them on the day. Mr Rattenbury has previously said in *Hansard*:

... it is recognised that few rights are absolute, and in accordance with established international human rights norms, reasonable limits may be placed on the right to freedom of expression and related rights with the aim of ... competing interests.

That is a competing interest, isn't it—the rights of outlaw motorcycle gangs, violent criminals, or the rights of our community? Today we know which side the government and the Greens are going to come down on. We worked very hard on these laws, as members opposite indeed have acknowledged. The Human Rights Commissioner has said, “We are happy that the legislation satisfies human rights,” and said further, in regard to this legislation, “It is definitely better than others. We looked mainly at New South Wales and Victoria. The Victorian one is actually, on my understanding, incompatible. With all of the adjustments, we are satisfied that it is better than other jurisdictions.”

This mob opposite now are not interested in human rights. They are saying, “It's not effective enough. We want family to be included. The interim orders are not going to be long enough.” They have changed their tune, and they have only done it as an excuse not to support this legislation today. That is entirely evident.

In terms of effectiveness—and I have gone to this in part—it is quite clear that these laws would be effective. The situation in New South Wales is different, because, as members would be aware, the police in New South Wales have two suites of tools that they can use. They have broad-based anti-consorting laws that they have used 8,500 times. They are easy for the police to use. The laws they also have, the criminal organisations control laws, are harder to use. I acknowledge that they are harder to use. But that does not mean they are bad, and it does not mean they are ineffective. In New South Wales they have not used them because they have these other laws that make it a lot easier. But, as the Human Rights Commissioner has noted, it is very likely that

they would be used here, in the absence of the easier, lower threshold laws that could be used by ACT Policing.

Mr Ramsay was in this place yesterday, along with Mr Rattenbury, arguing for laws—as was Mr Gentleman—that the Law Society and the Bar Association have today put out a press release damning because they think they go too far. They are happy to extend those laws, but it seems that these are laws that they will not go near. The contradiction and the hypocrisy are just extraordinary. In debating that legislation, Mr Ramsay said:

The government will continue to use every available method to let serious organised crime gangs know that our community does not tolerate their criminal behaviour.

That is simply not true. What is very clear is that Mr Ramsay will not use every available method. He will use every available method, perhaps, other than any form of anti-consorting laws. It would be useful if, in the future, when Mr Ramsay makes such bold statements, he says, “Other than the sorts of effective laws that have worked in New South Wales and other jurisdictions that are driving bikies here to the ACT; other than that, we will do stuff.” That might be a more accurate reflection of what this government will do.

I am disappointed because this was a genuine attempt to legislate. I acknowledge that it is not the full suite of legislation. I am personally comfortable with the other laws introduced in New South Wales, the broader based laws, because they are effectively targeting crime gangs. But I understood that there was no way we were going to get that form of laws past the Labor Party and the Greens, so we brought in here today laws that have addressed every single element of human rights compliance, and we still cannot get them through, because this mob, no matter what we do, will not accept these sorts of laws.

I note that the Queensland Attorney-General, a Labor Attorney-General, has asked that these laws be nationally consistent and presented at COAG. I hope that is the case, and I hope that COAG saves us from the ineptitude of the current Labor-Greens government here in the ACT. As I outlined in my tabling speech, if we do not pass these laws, if we do not take this issue seriously, as I have warned since 2009, and as has been the reality, we are going to see more violence unfold in our suburbs. There will be more firebombings, there will be more shootings and there will be terror in places like Kambah, in Tuggeranong and in Weston Creek, as we have seen. If we are back here in this place talking about further violent issues—and, let us hope, not a serious injury or a death—and if we are back here with the need to bring in yet more laws that engage with human rights, as has been identified by the Law Society and the Bar Association, it is on your heads.

I am disappointed. This means we will see further violent crime in our suburbs. We are not giving the police all the tools that they need. We have made an attempt to get this done today. I will continue to argue for laws that are consistent with New South Wales so that we do not continue to see this problem. I urge members opposite to look at this issue, come back into this place and, if COAG put it on the table—which

I hope they do—to not squib it, to not run away next time, and to put the human rights and the interests of our community above those of violent outlaw criminals.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 9		Noes 12	
Mr Coe	Ms Lee	Ms Burch	Ms Orr
Mrs Dunne	Mr Milligan	Ms Cheyne	Mr Pettersson
Mr Hanson	Mr Wall	Ms Cody	Mr Ramsay
Mrs Jones		Ms Fitzharris	Mr Rattenbury
Mrs Kikkert		Mr Gentleman	Mr Steel
Ms Lawder		Ms Le Couteur	Ms Stephen-Smith

Question resolved in the negative.

## Marriage equality law reform

**MR STEEL** (Murrumbidgee) (5.14): I move:

That this Assembly:

- (1) calls on the Commonwealth of Australia, and the Commonwealth Parliament to:
  - (a) respect the democratically constituted Legislative Assembly for the Australian Capital Territory and through it the self-determination of the people of the Australian Capital Territory to determine our own laws;
  - (b) respect the Legislative Assembly for the Australian Capital Territory's right to make laws for the peace, order and good government of ACT residents; and
  - (c) commit to maintain national protections against discrimination that support, rather than undermine, State and Territory protections against discrimination;
- (2) commends the ACT Government for its submission to the Senate Select Committee on the Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill, which highlighted the strong protections against discrimination in place in the ACT, and emphasised the ACT's support for marriage equality law reform as a process of removing barriers for the participation of Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning people within their communities; and
- (3) calls on ACT Legislative Assembly party leaders and the Speaker to sign a joint letter to the Prime Minister, Opposition Leader, the Speaker of the House of Representatives and the President of the Senate, communicating the wish of the Assembly in this motion and:

- (a) affirming the ACT Government's position in its submission to the Senate Select Committee on the Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill; and
- (b) calling on the Commonwealth Parliament to take no steps that would undermine the ACT's anti-discrimination framework.

Canberra is a proudly progressive city, and this month the ACT sent the clearest possible message, in voting yes, that we stood against discrimination in our laws. We recorded the highest yes vote for marriage equality in the country, at 74 per cent, a result people will remember for generations. I said in the Assembly before the postal vote closed that if we won we must take a moment to celebrate, and Canberra celebrated en masse with a seemingly spontaneous party that filled Braddon with people, love, and a bit of Cher. It was an incredible moment. It again placed Canberra on the national stage, a city recognised for inclusion, where major decisions happen not just on the hill or in the Assembly but in our streets as well. I take this opportunity to thank, for their huge contribution, the volunteers from all walks of life who came together to campaign against discrimination in our city, doorknocking, on the phone and at shopping centre stalls, and to thank the people who voted yes, people from all walks of life who stood up and said that all Australians should have the same dignity and status under law as everyone else.

It was very pleasing today to see the marriage bill pass the Senate: a historic moment. It is a great day for LGBTIQ Canberrans and Australians and their families. It is a time to reflect on ACT Labor's proud history of removing discrimination and extending equality. Removing discrimination on gender, race, physical abilities, religion and sexual identity: those are our values. We have had a democratically elected Labor government in the ACT for going on 17 years and five elections, a government with a proud history of removing discrimination and extending equality in our laws. We are not in the business of adding to discrimination, and we will stand against attempts to impose discrimination and undermine our other fundamental values, our democratic values.

Today we again stand up for our values, our human rights, our democracy, and our city, because it is very concerning that, immediately after we have had an expensive national exercise overwhelmingly supporting the removal of discrimination in our federal marriage laws, conservatives in the federal parliament want to use this as an excuse to put in place new discrimination. Yet this is the debate that we have been having over the past week. After the divisive and hurtful survey, where people had their relationships open to debate and judgement, there is now a debate opening up new forms of judgment and discrimination against them.

We have heard the suggestion that, under Senator Paterson's now withdrawn bill, a person or an entity that holds a relevant marriage belief may, despite any law, refuse to do an act including providing goods and services—refuse to provide cakes for gay weddings or transport to weddings. That is contrary to our current Discrimination Act protections in the ACT. We had a good bill in the federal parliament, moved by Senator Dean Smith and supported in the Senate today, that should be supported

immediately in the lower house without amendments, without delays and complications. Yet what we have seen in the Senate over the past week is that amendments have been moved, supported by those who are seeking to delay, derail, and pervert the will of the people, amendments that seek to implement the discriminatory provisions of the Paterson bill, which was withdrawn, creating a class of civil celebrants who are excused from applying the law and who can refuse to marry people on the basis of a mere conscientious objection.

As our government said in our submission to the Senate select committee on the exposure draft of the bill, there is no rational basis for creating a right for marriage celebrants, who are not ministers of religion, to discriminate. It is one thing to have a right to hold a belief but quite another thing to be held exempt from laws that apply universally to all people. These amendments that have been proposed also seek to carve out lawful discrimination and radically widen the definitions of bodies established for religious purposes that can take advantage of the discrimination. Make no mistake: these so-called religious protections are code for discriminating against LGBTIQ people in the ACT.

I am pleased that these amendments were voted down in the Senate this week by the Labor Party, and other moderates in the Senate, and I am very pleased that the bill passed without amendment. But we really do not know what amendments will be moved by MPs when the bill goes down to the lower house, and we should be rightly concerned that these amendments could significantly undermine the ACT's current discrimination laws—or, indeed, following the review of religious protections which has been foreshadowed by the commonwealth government. The half-baked amendments that we have seen on the proposed bill substantially roll back long-established federal protections from discrimination contained in the commonwealth's Sex Discrimination Act. In doing so, the laws proposed in these amendments would cover the field, thereby excluding the operation of all state and territory anti-discrimination laws in the area.

Many of the amendments being proposed are being propped up by the external affairs power of the Australian Constitution, through very broad links to international treaties, so that they can be used to effectively overrule state and territory laws. So if there are amendments to impose discrimination and our Discrimination Act is incapable of concurrent operation with the bill, the federal bill would effectively trump our Discrimination Act.

We know that if these amendments are passed to the marriage bill, as Dr Anja Hilkmeyer from the University of Tasmania points out, Australia will be the only country in the world to effectively wind back laws prohibiting sexual orientation discrimination after legislating to protect them. That is why this Assembly has to send a strong message, as this debate continues on the same-sex marriage bill in the House of Representatives, to respect our ACT discrimination laws. These amendments that have been proposed have not been subject to scrutiny, they are without justification and their interaction with state and territory anti-discrimination law has not been thoroughly examined. Moreover, these attempts to introduce new forms of discrimination undermine self-government here in the ACT.

We have a longstanding Discrimination Act. It has been subject to some 45 amendments since it was established in 1991, and it has evolved over time, including the amendments our government made to provide additional protection from discrimination on the grounds of sexuality in 2003. Senator David Fawcett, who was one of the sponsors of some of the amendments we have seen in the Senate, said in the debate on the marriage bill on Monday that the ACT probably has the most robust anti-discrimination act on religious protections. We do have a robust Discrimination Act in place, and it is because ACT legislators in this place have passed ACT legislation, not unrepresentative Victorians, Tasmanians and South Australians on the hill who seek to impose their views and their discrimination on us in the last minute of a debate.

The ACT Discrimination Act 1991 includes an extensive range of protections for a variety of different members of the LGBTI community. It is the most comprehensive piece of anti-discrimination legislation in the entire country. The act defines direct discrimination as being when a person treats another person unfavourably because the other person has a protected attribute, which includes a person's sexuality. Another protected attribute is a person's religious conviction. It is against territory law to discriminate in employment, educational services, accommodation services, the provision of goods and services and club membership on a variety of grounds, including sexuality, intersexuality and gender identity. We do not need further exemptions to water down our Discrimination Act in the ACT. The ACT already provides exceptions for religious bodies, for religious workers and for religious educational institutions.

The protections in the Discrimination Act have led the nation. Had we had to wait for the commonwealth to catch up to Canberrans' views and this place, we would perhaps not have had those protections until 2013, when comprehensive national laws were first passed under the commonwealth sex discrimination amendment act in 2013. It would be wrong for the federal parliament to attempt to assume responsibility for even part of the discrimination law under the guise of amendments to the commonwealth Marriage Act rushed through the parliament.

Why should the ACT Legislative Assembly cede the protections we have put in place and our ability to legislate against discrimination in a way that reflects our progressive and inclusive city? We have robust discrimination laws with religious exemptions. The ACT had the highest yes vote of any state and territory, and changing our discrimination laws is fundamentally at odds with the will of the people, who voted to reduce discrimination, not extend it.

Our Prime Minister has tried to deal with his deeply conservative party, launching a separate review into religious freedom laws in Australia, which will report back to government in March. It is led by former father of the house and Attorney-General Philip Ruddock and by Father Frank Brennan. However, this has done nothing to stop the conservatives from trying to impose discrimination through amendments to the same-sex marriage bill.

In either case, it is critical that we affirm the ACT government's position in our submission to the Senate select committee on the exposure draft of the bill, which recognised that the ACT has strong protections against discrimination already in place, and emphasised the ACT's support for marriage equality law reform as a process of removing barriers to the participation of LGBTIQ people within their communities, not adding discrimination.

This week we have seen historic steps taken in the Senate. Those who will be remembered for the marriage equality reforms that we have seen are those who have fought against discrimination in the law for so many years: Jon Stanhope, Katy Gallagher, Simon Corbell, Andrew Barr, Senator Penny Wong, opposition leader Bill Shorten, Dean Smith, Bob Brown and others.

The Prime Minister is not one of those people. He did not campaign actively for marriage equality. But he must now show leadership to actively oppose any attempts to impose discrimination and to undermine the rights of Canberrans, and so must the federal parliament in the remaining debate, and on the future of discrimination law following the review that the commonwealth government is putting in place.

All leaders of this place must take this opportunity to make it clear to the federal parliament that no step should be undertaken that would undermine the ACT's anti-discrimination framework, so that all Canberrans have the same dignity and status under law as everyone else.

**MR COE** (Yerrabi—Leader of the Opposition) (5.26): The opposition is not surprised that we have this motion before the Assembly today. This is very similar to numerous other motions that we have debated in this place before. It is, of course, a commonwealth issue, which is why, funnily enough, here in the Assembly we are calling on the commonwealth parliament to do something. Usually we would move motions that are within our purview, within our responsibility and within our control, but here is a member of the Assembly asking for the ACT Assembly to request that the commonwealth parliament do something. I would have a bit more respect for this motion if it called on MPs or senators rather than the parliament as whole. But that is a nuance.

The issue itself is a federal issue. Whilst I appreciate that this is of utmost importance to numerous members here, it is still a commonwealth issue. The postal survey has been and gone. There was a phenomenal turnout for that postal survey. Despite the criticism many people had of that process, it turned out to have an extraordinary participation rate, with some 80 per cent of Australians choosing to participate. The result that has come in is beyond doubt, both here in the territory and nationally. I do not think anybody could argue that there is not a will amongst the majority of Australians to go ahead with this legislation. There are still many millions of Australians that do not agree with the voted course of action, and there are tens of thousands of people in Canberra that do not agree with the outcome. However, it is going to happen and I think the vast majority of Australians accept that.

From a personal point of view, I still want to make sure that appropriate religious freedoms and safeguards are in place so that nobody is compelled to do something that does not engage their conscience. I note that we have the Human Rights Act here, and there are other safeguards in place. I very much hope that the commonwealth parliament takes all this into account with the deliberations that are taking place at the moment. From what I gather, much of this motion is somewhat superseded by events on the hill. All the same, I respect the outcome that the Australian people have delivered to the Australian government, and I think it was a worthwhile exercise.

We on this side will continue to concentrate on things within the responsibility of the ACT Assembly: issues such as rates, dangerous dogs, consorting laws, making sure that the budget is under control, making sure that the prison system is working effectively, making sure that we get better standards in our schools, trying to put pressure on the government to reduce emergency department waiting times, making sure that there is appropriate recognition of the shortcomings in the Indigenous policy settings, and looking at care and protection issues, housing affordability issues and land release issues. There are so many problems in the territory that are worthy of this Assembly's attention. I very much hope that all members of the Assembly will be able to turn their minds to those important issues as well.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (5.30): I thank Mr Steel for raising these matters today as they remain very pertinent in the context of the deliberations up until a few hours ago of both chambers and still may ultimately require the deliberation again of the Senate on any particular amendments that might emerge from the House of Representatives in relation to the marriage equality bill next week.

I think it is important to acknowledge the issues that Mr Steel has raised in this motion because they are significant and they do pertain to the responsibilities of this place. I want to highlight the ACT government's submission to the Senate select committee. We made it very clear that in the framing of these laws they should not encroach on or undermine protections afforded under current commonwealth or territory anti-discrimination law.

It is worth noting that, in spite of all that has transpired in the national debate over the last several months, there are still members of the commonwealth parliament who, like those searching for the Loch Ness monster, the yeti, the Tasmanian tiger, the bunyip or whatever, are still in search of the homophobic florist, baker, taxi driver or service provider in the wedding industry. There are still people out there, elected to our Australian parliament, who believe that there should be some fundamental right for florists and bakers to not participate in the making of floral arrangements and the baking of cakes for celebrations. It is extraordinary that many months into this debate we are still, it would seem, having to debate those issues.

That is why it is very important that the Assembly focus on the protection of the territory's anti-discrimination laws. That is why Mr Steel should be commended for bringing this important motion forward today, because it highlights the fact that we

should not and must not accept any underhand efforts by politicians in the other chambers in this city who seek to use the marriage law changes to provide a licence to entrench and extend discrimination against groups of Australians.

As a community and as a representative Assembly, we are here to make decisions about a range of important rights and protections for Canberrans. We enact laws in this place to prevent discrimination. We make decisions about criminal sentences and rights to a fair trial. We elect members to make those decisions on behalf of the people of the ACT. This Assembly is capable of tackling complex issues and not shying away from them.

In fact, I would argue that, through our strong and rigorous committee system and through the very nature of the electoral system that elects members to this place, we see the widest diversity of views. Maybe the Australian Senate goes close at times, but we in this chamber have the widest diversity of views perhaps of any parliament in this country. We have both hardline conservative Liberals—we have quite a few of them, actually, on that side—and the occasional progressive Liberal, and I will acknowledge one who is in the chamber now: Mr Hanson. Then across the spectrum of those on the progressive side of politics we have the full range of views as well. So this chamber is very representative of the broad range of views in this city. It is roughly in proportion, obviously, to the views of the community, as they elect quite a broad range of people, representing different political parties, with different backgrounds and different outlooks on various issues.

It has been demonstrated time and again that this Assembly has the capability, and has had the track record over a long time now, to tackle complex and important issues. After nearly 30 years of self-government I think the time has come for the commonwealth parliament to respect the maturity of this jurisdiction and the right of this territory to make its own laws. It is pertinent in the context of discrimination legislation and, in light of the decisions of the Victorian parliament over the last few weeks, it is going to become increasingly pertinent in the context of voluntary assisted dying legislation. I have said on the public record, and I repeat here today, that it is now absurd that the Andrews bill that was passed by the commonwealth parliament restricts territories and only territories from considering euthanasia laws, when an Australian state, Victoria, has now passed such laws. It is absurd.

So the broader issues contained within Mr Steel's motion, particularly around respecting the democratically constituted Legislative Assembly for the Australian Capital Territory and, through the Assembly, the self-determination of the people of the Australian Capital Territory, must be honoured in all fields. The time will come, and I am pleased to see that a number of federal members and senators from across the political divide, not just in the Labor or Greens parties, recognise the absurdity of some of the existing laws at the commonwealth level that prevent the ACT from considering euthanasia. That, however, is a debate that we will have more fully tomorrow and into the future.

For today I want to commend Mr Steel for bringing this motion forward. I note the importance of continued advocacy, particularly in the next few weeks but also extending into 2018, with the Ruddock-chaired committee looking at various religious

exemptions and religious protections. We who have a very sharp focus on the importance of the separation of church and state and the rights of all citizens in a secular liberal democracy need to be vigilant in the coming weeks and months, because it is clear from the public statements of a small section of the Australian parliament that there will be attempts to wind back hard-won anti-discrimination laws in this country. That is a matter of concern and something we need to pay close attention to in the coming weeks and months.

I look forward to the support of members in this place for respect for this democratically constituted Assembly. I hope that all members who stand for election and who are elected to this place respect that fundamental principle. It seems pretty straightforward in the context of anyone wanting to run for this place that you would indeed respect that.

**Mrs Jones:** I do not think there is any evidence to the contrary.

**MR BARR:** People are free to put other views, Mrs Jones. I am not suggesting that that is not the case. What I am saying is that we should respect this place as the democratic institution for this territory. We are not always going to have outcomes in this place that we agree with as individual members but—

**Mrs Jones:** I do not think anyone disagrees.

**MR BARR:** Well, you were interjecting on me making that point. Today it is important to acknowledge the issues that Mr Steel has raised, because they are highly relevant to the debates that will occur in the federal parliament next week and certainly in early 2018 relating to the deliberations of and possible recommendations emerging from the committee that former federal Attorney-General Philip Ruddock is chairing for the Prime Minister. I commend Mr Steel's motion to the Assembly.

**MS LE COUTEUR** (Murrumbidgee) (5.40): I thank Mr Steel for bringing this important issue to the Assembly. The motion is very timely. It comes as one house of the Australian parliament has just passed the marriage equality bill, and hopefully the other will early next week. It comes at a time when the Australian parliament is considering important questions about discrimination in our country. The Australian public has just voted on the voluntary survey on marriage equality and expressed its strong support for legislation to legalise same-sex marriage.

Australians endorsed the removal of a fundamental area of discrimination that persists in our country: the prohibition that prevents same-sex couples from marrying. This prohibition denies same-sex couples the rights enjoyed by different-sex couples. It denies them the chance to express their love through marriage. It discriminates by denying basic equality. The public has overwhelmingly and triumphantly called for this discriminatory law to be overturned. The ACT had the highest yes vote in the country. This is a fantastic result.

Unfortunately, perhaps inevitably, this was not enough to deter certain opponents of marriage equality. A variety of conservative coalition members have been pushing for the same-sex marriage legislation to continue to permit discrimination against

same-sex couples in a variety of situations. Most notably for us as ACT residents, Senator Zed Seselja, one of our senators, is now included amongst this group of same-sex marriage opponents who are now seeking to undermine genuine marriage equality laws, desperate to water them down in any way possible.

I invite people who are thinking that way to undertake the thought test which has been suggested to me. Take out the words “gay couple”, “same-sex couple” or whatever you wish to have and substitute, say, “disabled”, “black” or whatever word you might use to describe a subset of human beings, and think, “Would I be happy with that sort of discrimination? Is that what I would like?” Should cake bakers be allowed to say, “I don’t like disabled people, so they can’t get any cakes”? We would not stand for it for one minute—absolutely we would not. There is no other class of human beings that we would even consider legalising discrimination against.

The Australian public has already had to endure the needless and costly non-binding postal survey, which in itself was a tool being used to bow to political pressure by the far right. It was a disrespectful and costly exercise that will have repercussions, largely negative repercussions, for years to come. The damage that the LGBTIQ community has experienced, the harassment, the discrimination and the ostracising that they have experienced will, I fear, have long-term deleterious effects.

It was bad enough that Australian people of all persuasions were asked to cast their views about the equality of a minority of our citizens in this country; it is even worse that the very people on the hill who oppose the legislation of equal marriage are still seeking to undermine this process. The Australian people have spoken. They need to respect that. To now attempt to introduce clauses which legitimise discrimination against this group by not only religious celebrants but also civil celebrants and commercial businesses is belligerent and offensive to the Australian public.

All along, the cry for religious freedom by “no” campaigners was a way of diverting people from the real issue at hand: the issue that two people who love each other, regardless of their gender, can have the same opportunity to publicly acknowledge their love for each other in the form of marriage, an issue that was overwhelmingly supported by Australians and by Canberrans, as was demonstrated by our 74 per cent vote.

I support this motion because, despite the fact that the ACT is a human rights jurisdiction with a Human Rights Act and a strong anti-discrimination regime, and despite the fact that ACT residents overwhelmingly voted in favour of marriage equality, we now face a situation where the federal government might entrench discriminatory practices and impose them on our population. There is a section of the federal parliamentarians, and I fear that our own Liberal senator is part of this, who would like to do this. This is unacceptable.

I am also mindful of the situation of the Andrews bill, where the federal government intervened to stop the Northern Territory from implementing groundbreaking legislation on assisted dying, despite the clear wishes of the people of the Northern Territory and their government at the time. I agree with the comments Mr Barr has made on this subject. It is of course a situation that is very relevant to the ACT and

one about which I am strongly advocating for progressive change, to enable the ACT to have the same rights as other states and for the citizens of Canberra to have the same rights as all others.

I had the privilege yesterday of being part of a press conference, with the Greens, for federal leader Richard Di Natale to talk about his intention to reintroduce the bill which was co-sponsored with Senator Gallagher in the last federal parliament, to see whether, hopefully, with the passage of the Victorian legislation there has been a change of heart of enough federal parliamentarians to recognise that the people of the ACT should have the same rights as other Australians. Legislation was passed this morning to allow voluntary assisted dying. This means that Victorians living with terminal illnesses will have access to the compassion and dignity they deserve as their life comes to an end. Because of the Andrews bill, this is a right that has been denied to the people of the ACT.

The Greens of course support the anti-discrimination regime that currently operates in the ACT. It is a regime that sees the ACT leading the nation, just as we do in many other progressive policy areas. Amendments that we supported last year were an Australian first, ensuring that discrimination laws now protect against discrimination on the basis of a person's accommodation status, employment status, status as a victim of domestic or family violence, sexuality, or status as an intersex person or a person who has a record of their sex being altered.

These leading anti-discrimination laws reflect the strong position held by the ACT government, the ACT Greens and the broader ACT community. We support an inclusive society. We support human rights and equality. We do not support discrimination based on a person's personal status, such as their sexuality or gender identity. The Greens join the call to oppose any federal move that might interfere with the laws protecting ACT residents against unreasonable forms of discrimination.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (5.48): I rise to support this motion. I thank and commend Mr Steel for bringing it forward today. In August this year I expressed my view on the question of marriage equality, that the Australian public has been in favour of marriage equality for at least the past five years. At that time I said that I hoped the postal survey would reflect the same stance. The postal vote for marriage equality proved that Australians overwhelmingly believe in marriage equality. Now that those who were clinging to political or legal support for their desire to discriminate against the LGBTIQ community have neither of those avenues, some are attempting a new tactic: repackaging their views as expressions of religious freedom.

At its core, this motion calls on everyone in this Assembly to resist any attempt by the commonwealth to make marriage equality a bargain, a bargain where, in exchange for removing one kind of discrimination, we are called on to legalise it in another form. A new label for bias and discrimination against people on the basis of their sexuality or gender does not change what it is. We should measure proposals that purport to be about freedom by their impact. Excluding people from our homes, from our

community spaces and from any aspect of public life because of who they love is flat out wrong, and the Labor government will not accept it.

We believe that all people are entitled to respect, dignity and the full protection of the law and we will work to eliminate discrimination in all its forms. That is not to minimise the importance of religious freedoms, but it is important to recognise that our religious practices operate in a social context. Let us look at some alternative examples of the principles that have been proposed recently. There are some expressions of faith which maintain that it is inappropriate for females to have positions of authority over males in their institutions. Obviously, we have not legislated that this cannot occur within those congregations or denominations; nor do we have any intention of allowing caterers to refuse to supply goods to a company on the basis that their CEO is a woman.

There are some expressions of faith which maintain that it is inappropriate for previously divorced people to marry. Again, obviously we have not legislated that this cannot occur within those denominations. I am also fully aware that religious celebrants regularly exercise their rights under the Marriage Act to refuse to conduct these ceremonies. But we do not have any intention of allowing people to refuse to supply goods to couples who are celebrating a second marriage, following a divorce. Canberrans reject a vision of religious freedom that endorses discrimination and exclusion.

What this motion also calls to our attention is the importance of self-government. Self-government allows the voters of Canberra to decide that this will continue to be the most inclusive, fair city in Australia. It is never acceptable for the commonwealth politicians to try to undermine our core values in Canberra in order to appease people who believe that discrimination is okay in their electorates. An important feature of the ACT's anti-discrimination framework and debates about competing views of rights is that we have a Human Rights Act. The commonwealth shadow Attorney-General, Mark Dreyfus QC, recently outlined the problem very neatly for jurisdictions that do not have a human rights act. He stated:

Saying that you want to provide an exemption from that existing anti-discrimination law for bakers is making a naked attempt to roll back protections that have been there for years for the LGBTI community.

On the question of whether it is actually an issue of religious freedom, he continued:

... we're are in an arm wrestle without reference to any external framework because there is no human rights act but there are already exemptions for religious bodies in a range of ways.

The ACT has a legal framework now that embodies its values and that makes clear that these national calls for anti-discrimination reform are, in fact, cause to diminish our policies of inclusion and equality. The postal survey result and the introduction of legislation to achieve marriage equality, when the ACT has been denied that opportunity so many times in the past, should be times for celebration, with our nation, and Canberra most of all, voting overwhelmingly to end discrimination.

In discussing the issue of voluntary assisted dying, in October, it was clear that some members of our Assembly may not be entirely convinced that Canberra's laws should necessarily reflect Canberra's values. But this is an opportunity for all in this chamber to endorse the principle of self-government. So I call on all members of the Assembly to join the government in endorsing the view that our community should remain inclusive and, whatever the legal mechanism, there is no support for winding back our strong anti-discrimination laws.

Eighty-two per cent of Canberrans participated in the postal survey. Seventy-four per cent of the people who responded endorsed marriage equality. Anyone who joined in the Braddon Street party that day will be left in no doubt that Canberra voted to show its support for equality and to promote inclusion. This motion will vocally and enthusiastically communicate Canberra's support for inclusion to the federal parliament as it works to make marriage equality a reality. I commend the motion to the Assembly.

**MR STEEL** (Murrumbidgee) (5.54), in reply: This chamber is well within its rights to stand up against any ill-considered attempts at amendments that seek to water down our ACT Discrimination Act. In the process of writing my speech on this motion yesterday I broke for dinner. At the local takeaway I picked up the *Canberra CityNews*. I found a great article from former MLA Michael Moore, who really has echoed my views on this issue very eloquently. I thought I would read out some of it for members. His article is titled, "Time for Zed to stand up to end discrimination." Mr Moore says:

... Zed Seselja is part of the team of ultra-conservatives who are undermining the recent vote and undermining the democratic stance taken against discrimination.

He goes on to say:

This is a rear-guard action. No amount of pretence about increased protections for religious freedom will be able to hide their attempt to discriminate against people who are different from themselves.

Their actions are about increasing discrimination when voters made their intention very clear that discrimination, even on the issue of marriage, is simply unacceptable.

I particularly want to note Mr Moore's comment that:

Canberrans can also be proud of the leadership taken by our local ACT government and the majority of Assembly members.

Senator Seselja needs to stand up against discrimination and so do the Canberra Liberals, and particularly his mentee, Mr Coe. Mr Moore concluded his article by stating:

Senator Seselja may well disagree with the outcome of the vote. But there is a higher-order issue that he should now recognise—the majority outcome is clear and he should be taking all actions appropriate to see that the intent of ending discrimination is delivered.

I could not agree more with Mr Moore. We have had an overwhelming level of support in our progressive city to remove discrimination, not impose new discrimination. What we have seen today is the vote taken in the Senate at the third reading stage on the marriage equality bill. Unfortunately, what we have seen is our ACT Liberal senator Zed Seselja abstain from the vote. In contrast, through this motion today I am asking all members—not just the majority of members but all members—to stand up and show leadership against discrimination and any ill-considered attempts of interference in our robust anti-discrimination framework.

Question resolved in the affirmative.

## **Alexander Maconochie Centre**

**MRS JONES** (Murrumbidgee) (5.58): I move:

That this Assembly:

(1) notes:

- (a) the Minister for Corrections has been responsible for the Alexander Maconochie Centre for five years;
- (b) that, after five years, the Minister has not taken effective action to prevent deaths, bashings and escapes of inmates of the Alexander Maconochie Centre;
- (c) the following took place inside the Alexander Maconochie Centre in 2017:
  - (i) one inmate died while in custody, with the initial toxicology report showing a mixture of methamphetamine, buprenorphine and other drugs in the inmate's system;
  - (ii) two indigenous brothers were bashed so severely that they were hospitalised, and the inmates' mother found out of their bashings via a friend on Facebook and not ACT Corrective Services;
  - (iii) 59 percent of male inmates and 69 percent of women inmates were unemployed and not engaged in any formal work or study arrangements as at 28 August 2017; and
  - (iv) 45 women were detained while the Alexander Maconochie Centre only had 29 dedicated beds for women, resulting in the repurposing of the management unit, which deprived prison officers of a facility for strict supervision of certain inmates;
- (d) the follow events took place involving inmates of the Alexander Maconochie Centre in 2017:
  - (i) an inmate escaped custody after being admitted to The Canberra Hospital and was not found until three days later in Boorowa, NSW; and

- (ii) within three weeks, another inmate escaped custody after being admitted to The Canberra Hospital and was not found until 12 days later in Campbell, ACT;
  - (e) *The Canberra Times*, in November 2017, reported that an “anomaly” had been identified in the AMC Detainee Trust Fund and that KPMG had undertaken a forensic investigation into the matter; and
  - (f) that the Minister has taken effective action to address the lack of accommodation for women detainees, by moving them to an existing facility within the Alexander Maconochie Centre and thereby allowing the management unit to be used for its proper purpose; and
- (2) calls on the Government to:
- (a) conduct a full review of the policies and procedures pertaining to the transportation, accommodation and supervision of inmates who are receiving healthcare outside of the Alexander Maconochie Centre;
  - (b) report back to the Assembly on the results and recommendations of the review by the first sitting in 2018;
  - (c) develop a daily routine and comprehensive employment and education strategy to achieve full employment;
  - (d) advise the Assembly by the first sitting in 2018 of the total cost to taxpayers of the search, apprehension and litigation of the two inmates who escaped The Canberra Hospital; and
  - (e) advise the Assembly of the trust accounting policy at the Alexander Maconochie Centre, and what policies or procedures have changed since the identification and investigation of the “anomaly”.

Recently the Minister for Corrections rose in this place and talked about his actions and achievements during the first year of this term of government. Of course, that included his view on how things have unfolded. There was not much mention of problems inside the AMC, the Alexander Maconochie Centre, the same problems which have continued to occur under this minister’s watch and develop over the five years. The minister has been responsible for the AMC for over five years now, and yet we have seen deaths, bashings, significant illicit drug smuggling, escapes and overcrowding. They have been the prominent features of the past year, from my work in uncovering some of this.

In February I moved a motion calling on the government to address a disparity between male and female detainees. This came about when I discovered there were more women in the AMC than dedicated women’s beds and fewer employment opportunities for women detainees than for male detainees. At that point in time the AMC was able to accommodate the widely reported 45 women, but with only 29 dedicated women’s beds. I will go a bit more into that shortly.

In May there was the tragic death of Mr Mark O'Connor, whose toxicology report revealed a combination of methamphetamine and buprenorphine in his system. How there was methamphetamine in this man's system we will hopefully find out once there is a report from the coroner. The facility clearly was not secure for him, for one reason or another. In June, during estimates hearings, it was confirmed that the AMC, in fact, held over 40 women at one time and up to 45.

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

**MRS JONES:** In July Jonathon Hogan escaped from custody after being admitted to the Canberra Hospital for treatment. He was found three days later in regional New South Wales. Just three weeks later, in August, Aaron Jones escaped from custody while receiving treatment at the Canberra Hospital. He was not captured by police until, after 12 days of hard work, he was found in Campbell. Also in August was the bashing of two Indigenous brothers, a bashing so severe that they were hospitalised. What makes this worse is that the mother of the two Indigenous brothers found out via a friend and not via ACT Corrective Services.

In the same month I moved another motion in this place that the accommodation crisis in the women's cell of the prison still had not been addressed. Two months earlier it had been confirmed that the AMC held the 45 women and we only have a dedicated facility for 29. At that point no action had been taken. My motion called for swift and effective action and answers.

In September it was revealed by the *Canberra Times*, after FOI requests, that Patrick McCurley and Jacob MacDonald, who escaped custody in September 2016, had a seven-hour head start. The report revealed the pair escaped at 11.13 pm on 2 September but guards did not realise they were missing until around 4.30 am on 3 September. ACT Policing was only alerted to the escape two hours later, at 6.20 am.

In October, eight months after my first motion and two months after my second motion calling for action on the lack of accommodation for women, the minister took action. The minister announced that women will be relocated to one of the new cell block facilities on the men's side of the prison, with a capacity for 57. This move will be taking place shortly, and I acknowledge the work the minister has done to come up with what seems to be a genuine solution. I am glad we were able to bring some light to this matter, and I thank the minister for coming up with this solution.

To cap off a tumultuous year in the AMC, earlier this month the *Canberra Times* reported that a forensic investigation took place into the AMC detainees trust fund, which holds all detainees' money from outside sources. It was reported that an anomaly was discovered. There are many questions about this. Despite the sensitive nature of the matter, the people of Canberra have a right to know. I note that in the minister's amendments to be proposed he has outlined that the report has gone to a committee. I am keen to hear some more about that.

As you can see, there is a long list of failings, problems and concerns at the Alexander Maconochie Centre, and the government cannot rest until they are addressed. I am calling on the government and the minister to take action to address this long list of matters. I am calling on the minister to conduct a full review of policies and procedures, particularly pertaining to the transport, accommodation and supervision of inmates who receive health care outside of the AMC. It is not good enough that an inmate escaped from the hospital in July, and it is extremely problematic that another inmate escaped from the same place only three weeks later. Clearly there are faults in the system. The people of Canberra need to know what the faults are, what the government is going to do about them and when.

I also call on the minister to advise the Assembly in the first sitting of 2018 of the total cost to taxpayers of the search, apprehension and litigation of the two inmates who escaped. This breakdown in the system created a lot of pressure on our police to find and capture the escapees—like they do not have enough to do—as well as possibly put the community at risk. It caused grave concern, given people were advised not to approach the detainees. That sort of thing leaves people worried in Canberra; they worry that their government is not on top of these things. There is also the cost to the courts and the legal system in the litigation of these two inmates, and all of this cost because we did not have a proper system for managing them in the hospital. The people of Canberra should know how much the minister and these failings are costing them.

The minister has also failed to address detainee boredom, although there has been a beginning to this. It was noted at page 12 of Philip Moss's review, *So Much Sadness in Our Lives*, that detainees report being bored while in custody:

Rather than the originally intended 30 hours per week, detainees told the Inquiry that they would have up to 1 to 2 hours of programs, education or employment a week. The Inquiry notes that the lack of a structured day inevitably leads to boredom, which invites the possibility and added risk of detainees using illegal drugs.

So there you have it. No need to take it from me; take it from the detainees in the AMC. At present there is barely a requirement for detainees to get out of bed, let alone go to work. In answer to question on notice 529, the minister advised that approximately 41 per cent of males and 31 per cent of females were employed at the AMC. This means that 59 per cent of men and 69 per cent of women are not employed in the prison. I am hoping those numbers have changed, and I am looking forward to hearing some more.

No wonder there are so many problems. It is important that detainees continue to develop a personal routine, a better sense of self-worth and reward for effort. This may mean that at least some may go on to live more positive and productive lives upon their release. If the Canberra community were aware that the majority of our prisoners were not engaged in work or study, they would be surprised; they might even be furious. The AMC is not meant to be a motel where people lounge around all day with no obligation to do work. A lack of daily routine only achieves boredom and the risk that detainees will get up to dangerous behaviours. You would think that would be a basic part of running a prison.

I call on the minister to develop a comprehensive employment and education strategy as part of a full daily routine for prisoners so that our prison can reach full employment. There is no excuse for a prisoner who is able to work not to work. We need to get our prisoners out of bed and into work; out of boredom, into education and rehabilitation.

Finally, I call on the minister to advise the Assembly of the issues of the trust accounting policing at the AMC and what policies or procedures have changed since the identification and investigation of the so-called anomaly. Friends of mine who regularly visit detainees say they have heard it is a common view of detainees that their money is often missing from the account. I would like to know that that has changed, but that is the feedback they have given. How many people have access to the trust account and how often is it checked? What record keeping is there? How do detainees access or spend their money? The minister needs to explain the issues and what has been done in the wake of the KPMG investigation. If money is or was being diverted or lost or stolen, we must know about it. If that was the case, what has changed since and what systems have been put in place to ensure it never happens again?

Too often we bring up these issues and problems with the management of the facility and it seems to take quite a while to get a solution going. The minister rarely comes clean about a problem until it is uncovered by the press or me, and the fixes are slow. I acknowledge that there is work going on now, but I want to make it clear that it has been five years of the same minister's management, so it is not somebody else's fault. The Assembly deserves answers and actions on the many problems at the AMC, and the people of Canberra, who have paid for the AMC and rely on it functioning properly, deserve actions and answers. The minister cannot jump from crisis to crisis; he needs to find proper solutions and accept that as the minister for this facility for those five years it is his responsibility that the facility is the way it is and has had the problems of the last year.

I look forward to increases in industry programs, an introduction of a proper working day, higher engagement in work programs and serious educational pursuits. This is the very least the general community would expect. I am also looking forward to some assurances from the minister that he will have fewer major problems in the AMC in the next year than he has seen over this year. And just to foreshadow our position on the minister's amendment, we will not be supporting it.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Justice, Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health) (6.08): I move the amendment circulated in my name:

Omit all words after (1), substitute:

“(1) notes:

- (a) the ACT has a relatively young corrections system, with the first jail commissioned in 2009;

- (b) that there has been a significant increase in the number of detainees since this time; and
- (c) over the past five years significant progress has been made to develop and improve the system, including:
  - (i) investing in prison industries such as the bakery, the laundry and recycling industry;
  - (ii) introducing recreational facilities such as the gym;
  - (iii) expanding the accommodation when required, including moving all female detainees to free up the Crisis Support and Management units;
  - (iv) undertaking recruitment aimed at securing a diverse team of correctional officers, targeted in particular at women and Aboriginal and Torres Strait Islander recruits;
  - (v) providing access to programs, employment opportunities, and vocational education to improve rehabilitation and reduce recidivism; and
  - (vi) introducing and improving the Extended Throughcare as a significant platform for improving opportunities for detainees re-entering the community;
- (2) further notes that:
  - (a) the independent Moss Review and Morison Security Review have provided a strong framework for improvements in the management of detainees and operations of the Alexander Maconochie Centre (AMC). This has resulted in significant changes to policies, procedures and operations at the AMC;
  - (b) a new high-level arrangement between the Directors-General of the Justice and Community Safety Directorate (JACS) and ACT Health has enabled improved collaboration between the two Directorates to deliver improved health service outcomes to detainees;
  - (c) the AMC Detainee Trust Account Fraud Risk Assessment undertaken by KPMG Forensic was presented to the JACS Audit and Performance Improvement Committee on 28 September 2017, who were satisfied that ACTCS had put in place strong controls to mitigate the risks identified; and
  - (d) there is a culture and commitment to continuous improvement in ACT Corrections which is being led by a new executive director; and
- (3) calls on the ACT Government to continue to update the Assembly on developments in ACT Corrections.”.

The AMC is a challenging environment, and I certainly acknowledge that regrettable events have occurred at the AMC. I have never been shy of doing that, despite the way it has been characterised in this place. But I certainly refute the assertion that I or ACT Corrective Services are standing still. The AMC has made quite a lot of progress in recent years. As my amendment outlines, I think it is quite to the contrary of the way it has been claimed this afternoon.

There is an environment of continuous improvement. My amendment outlines some of the key changes that have taken place in recent years. As my amendment notes, we do have a relatively young corrections system here in the ACT. We commissioned our first jail in 2009 and, compared to other jurisdictions which have been operating for many decades, we are very much at the beginning of forming a corrective services system in the ACT, and it is a critical time for shaping the culture of the environment.

We have seen a very significant increase in the number of detainees since the facility opened, which is not something that corrections has control over. We simply have to receive them. But in the time that I have been minister the population has approximately doubled. That has certainly put considerable strain on the system. We have been able to make a significant accommodation upgrade. In my time as minister I have been able to secure the funding for that and complete that project on time and under budget. It was a very successful build as a result of a successful collaboration between Corrective Services and the project team who were working on it.

Turning to some of the specific matters in the motion from Mrs Jones on which she sought answers, in terms of the Moss review, the government is and remains committed to improving the treatment and care of detainees in custody. That is something we work on every single day. The ongoing response to the Moss review reflects our commitment to implementing transformational change and sharing with the community what we will do differently to improve the care, safety and health of detainees.

Implementation of the government's response to the Moss review is being progressed by an inter-directorate project team and overseen by a high-level steering committee led by an independent chair, Mr Russell Taylor AM. I think it speaks to the culture that we are building in Corrective Services that we actually have external oversight of our implementation of the Moss review. This is about seeking to work with our community so that they have that insight and they have that opportunity to both support and critique the work that the government is doing.

ACT Corrective Services has made progress in implementing a range of changes since the assault on Mr Steven Freeman and his death. We now have a designated unit available for placement of first-time arrivals in the Alexander Maconochie Centre to allow for thorough assessments to take place over a period of up to five days to inform a detainee's placement in the AMC. There is improved information-sharing between ACT Policing and ACT Corrective Services when a person is first received into and throughout their time in custody. We have implemented a violence reduction team, which is a multidisciplinary panel of senior staff within ACT Corrective Services who are responsible for reviewing and responding to incidents of violence,

aggression or assaults within the AMC, including referrals to ACT Policing. There have been extensive upgrades to security, including additional cameras installed in some units of the AMC.

We have also had the Morison review, which looked at a range of security issues. The government and Corrective Services agreed to act on all recommendations. In fact, work on many of these is already underway or in the planning stage. This includes improved security management systems and improved management of detainee movements. ACT Corrective Services are accelerating progress on the review of policies and procedures that is underway to deliver improved oversight. We have better compliance monitoring of procedures to deliver oversight and continuous improvement. We are maintaining the JACS commitment to increase the diversity of those who take up leadership roles within the centre—and I will come back to that in a moment—and we are developing a stronger training and staff development focus for the centre.

Mrs Jones has expressed concern about violence in the centre. I am pleased to inform the Assembly that the report on government services data shows that the rate of detainee-on-detainee serious assaults in the ACT decreased from 3.21 per 100 detainees in 2014-15 to 0.75 per 100 detainees in 2015-16, which is lower than the national rate of 1.05.

When it comes to prison industries and a structured day, of course, the AMC was built without prison industries. That was a decision taken by those who designed the facility because they wanted to focus on programs. I think they were wrong. Maybe that is easy to say in hindsight, but I think building a jail without prison industries was an oversight. I think it does not take into account the nature of our cohort and the opportunities that prison industries provide. I have taken a deliberate and very explicit decision to build prison industries inside the AMC. We were able to progress that more quickly than hoped through the savings that were attained through the accommodation underspend and to rechannel that money into the construction of new facilities.

We have a new bakery at the AMC which is providing, frankly, excellent jobs for the detainees. We have an expanded laundry facility which has provided increased work opportunities. We have a recycling station which is both providing work opportunities and reducing the AMC's waste to landfill. We have a multipurpose activity centre at the AMC which is providing more opportunities for detainees to be engaged in meaningful employment. So across the centre and across a range of activities we have already provided a range of new jobs. The next phase of the prison industries strategy is underway and includes market research and engagement with local community and businesses to assess opportunities for commercial expansion.

As I have commented in this place before, we need to be mindful of competitive neutrality issues, to use the jargon, to make sure that we are not unfairly competing with local businesses when it comes to having industries in the AMC. I think that, with some care and some good collaboration with our community partners, we can achieve that.

I have been asked about the trust fund. One should not rely on everything one reads in the *Canberra Times*. I can report that in January 2016 an anomaly was identified by ACT Corrective Services in the reconciliation of the AMC detainee trust account. In March 2016 the directorate proactively engaged KPMG Forensic to assist with the identification of the value of any shortfall and the root causes of any such anomaly. The report provided by KPMG concluded that there was “no clear evidence identified to date to indicate that any fraud has actually occurred”.

KPMG did make a range of recommendations, and a number of risk mitigation strategies have been introduced. They include an upgrade to the financial software supporting the AMC trust account, the redesign of the workflow and implementation of the balancing of subsidiary accounts, establishing individual detainee accounts, the provision of accurate journalling in the JACS operating account and the development of appropriate end-of-month processes. The introduction of a cashless system at the AMC has eliminated administrative and accounting errors arising from handling cash, streamlined administrative and financial processes, reduced cash and paper, and improved visibility of the movement of funds for all stakeholders.

Again I refute the assertion made in this place tonight. This was all done internally and proactively as a result of ACT Corrective Services identifying a problem. They did not wait until someone in the Assembly or someone in the media identified it. Corrective Services, under my supervision, went and fixed it. As I have noted in my amendment, a fraud risk assessment was undertaken by KPMG. That was presented to the JACS audit and performance improvement committee on 28 September 2017, and they were satisfied that ACT Corrective Services put in place strong controls to mitigate the risks identified. I think that is a good piece of proactive work from Corrective Services to eliminate a flaw that was identified in the system.

I would like to talk about the diversity of staff at ACT Corrective Services, because this has been a very deliberate strategy. Twenty-five per cent of our Corrective Services officers now are women and 5.5 per cent of ACT Corrective Services staff are Aboriginal and Torres Strait Islander—well above both ACT government targets and the proportion of Aboriginal and Torres Strait Islander people in our community. I think it is entirely appropriate, given the over-representation of Aboriginal and Torres Strait Islander people in our system, that we seek to bring a greater cultural diversity to our staff. I think we have been very successful. A recent graduation program of 18 included five women and 13 men, and three of the graduates in that program identified as Aboriginal and Torres Strait Islander. Again, that excellent work that has been put in place by Corrective Services to deliberately strive to encourage a diversity of staff to apply and come into the Corrective Services system has been very successful. I commend them for their work on that.

Far from the suggestions that Mrs Jones has made tonight, I think that short list of comments that I have just made—and I have outlined a number of others in my amendment—identifies that Corrective Services is working on a continuous improvement program.

I can inform the Assembly that the move of female detainees took place yesterday. All of the women have now been moved, and it was completed by mid-afternoon yesterday. I have been briefed that the process went very smoothly. There is considerable support being provided to the women as they settle into their new accommodation, both from Health staff and from staff from Winnunga. I would particularly like to thank Winnunga for their support in assisting with that transition process. It is not easy for people to move around a centre like that, but through a careful planning process by Corrective Services staff over a number of months and consultation with detainees, with staff and with external oversight agencies, we have managed to put in place a good medium-term solution and also execute the plan smoothly, as one would hope.

There are a number of other areas that I am very positive about that have improved in the AMC in recent years, including continuous efforts to bring new programs and ideas into the programs area, and of course the success of the through-care program. All in all, corrections does continue to be a challenging environment. Unfortunately, we have people in our system who will seek to take drugs and people who will seek to resolve their differences through violence. This is the environment that we operate in. It is one where we must seek to put in place systems to prevent those sorts of things taking place. I know that our Corrective Services staff are very dedicated to doing that. After five years in the role, I remain as passionate as I was on the first day to continue to improve things at the AMC.

The AMC was built with shortcomings. Over the last five years we have worked incredibly hard to turn some of those shortcomings around—building new accommodation, building prison industries and putting in place a series of steps to make this a world-class corrections facility.

**MRS JONES** (Murrumbidgee) (6.21): In closing, I thank the minister for his contribution. I want to make a couple of quick comments based on the information given in his speech. The first one is that I am pleased to see that new detainees are being separated to give them time to settle in. I think it is a shame that it took a death to get to that point. I am really pleased to hear about the decrease in assaults. That is a very positive number. It is sad that we were well above the average beforehand, but I accept that some work has been done there and obviously there has been some success.

I note the minister's commitment to industry programs, but I repeat the statistic that about 51 per cent of the men and about 61 per cent of the women are not engaged in any of these things, and, as a result, are prone to boredom. That is something that we would like to see change.

On the matter of the KPMG report on the anomaly in the financial system, I do not accept everything that I read in the paper, and I am glad that the minister has brought some details here. Perhaps I could seek a briefing to have a bit more understanding of that matter, because I do not think we have got to the heart today of what actually happened and how it was resolved. And I understand that there may be sensitivities around it. On that closing note, we do not support the amendment, but we hope that next year will be a better year for corrections.

Amendment agreed to.

Original question, as amended, agreed to.

## **Adjournment**

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

That the Assembly do now adjourn.

## **Valedictory**

**MR HANSON** (Murrumbidgee) (6.23): I will be brief this evening. I wish you all—all of the MLAs, all of their staff and all of the OLA staff—a very happy and safe break. My particular thanks go to Hamish Finlay, who is the secretary of the EDT committee that I chair, and to my own staff, Ian Hagan and Jess Hynson. I am very blessed not only that they are excellent staff, excellent at their jobs, but that they are my friends as well. I note that Jess is walking into the gallery as I am saying that. Well done!

We have had some successes and some losses this year. Although we do not agree on all things, I would particularly like to note my sparring partner, Mr Ramsay, the Attorney-General. We have both actually worked pretty cooperatively. You might not guess it in this place sometimes. I acknowledge that the government has also contributed to some important law reform in the ACT this year. That is a good thing.

My father was moved into full-time dementia care last Thursday and Steve, my friend, passed on Saturday. It has been quite a week, to be honest. It has highlighted to me how precious life can be. Regardless of all of our battles in this place and our disagreements, I wish all of you and your families the very best until we, as Steve would say, resume back on the pitch again next year and the game continues.

## **Woden renewal survey**

### **Valedictory**

**MR STEEL** (Murrumbidgee) (6.25): Around the time of the Woden round table in May I launched the Woden town centre survey, asking residents to have their say on the future of Woden town centre. The survey was sent via mail and was available online. I received responses from 183 residents. Residents put forward their ideas and listed their priorities for Woden's regeneration. Everyone who participated was keen to have their say on the future of the town centre, with 68.8 per cent of all respondents listing the demolition or adaptive re-use of old buildings as a key priority for Woden town centre.

Many echoed the views of Damien from Chifley, who wrote that "more residential development surrounding the town centre would improve economic activity and would create a vibrant urban core for us to build upon". Other suggestions reflected unique uses for the old buildings in Woden. Respondents such as Greer from Farrer suggested:

Housing for Canberra's growing homeless population, a community centre for youths or the elderly. Or maybe something incredibly creative, like the New York City Highline (a repurposed freight line now turned into parkland).

It is great to see that business and industry are responding to the community in this respect. Four major new developments are currently planned or are under construction in Woden town centre, including the proposed repurposing of the Alexander and Albemarle buildings into residential use next year. There is the proposed mixed use development on the Woden Tradies site called WOVA. A transit-oriented development is proposed next to the bus interchange at 15 Bowes Street, which is under consideration by ACTPLA, and the Ivy apartments are under construction on Irving Street.

Canberra is home to some of the most architecturally impressive buildings in Australia. However, Woden's Sky Plaza is probably the antithesis of good design. It is no surprise, therefore, that 40 per cent of all survey respondents called for better quality development and architecture in Woden. Many respondents shared the views of Mandy from Hughes, who wrote that "innovative architecture and quality developments incorporating both design and the arts" are needed for Woden. Other respondents like Claire from Lyons suggested the need for "inviting commercial space like the Hamlet in Braddon". Janine from Duffy also mentioned that the impressive local design and urban planning achievements of the NewActon precinct would be good for Woden.

It is clear that the majority of respondents want to see Woden become part of the exciting changes that are making our city the "cool little capital". I take that very seriously, Mrs Dunne. It is promising that GEOCON's WOVA precinct will be designed by Fender Katsalidis Architects and Oculus urban design, the team behind the award winning NewActon precinct. If more people are going to be living and working in the town centre, public and green spaces become more important. I note that 36.6 per cent of all respondents to my survey called for more parks and green spaces in the town centre. Many shared the views of Nicole from Mawson in this area, who wrote that "further effort on the street appeal and outdoor adjoining spaces is essential to address the overall appearance of Woden".

The government will continue to support Woden's regeneration. Growing commercial confidence in the future of Woden is being reinforced by robust ACT government initiatives to support Woden's regeneration. Of course, our commitment to bring light rail to Woden is growing confidence in the town centre and its regeneration as well. The ACT government has also responded to federal Liberal government cuts to the public service by bringing over 1,000 ACT government public servants in Access Canberra and Health to Woden. We have also invested in the redevelopment of Phillip oval, which has transformed the precinct. I was very pleased to attend the opening of the new Cricket ACT centre there with the Deputy Chief Minister. Yvette Berry, last week.

I look forward to seeing the recommendations of the Standing Committee on Planning and Urban Renewal inquiry into the proposed Territory Plan variation 344, which has

an interim effect so that the planning policies can be finalised, conditions are certain and investment can be encouraged in Woden. I would like to thank Woden residents that participated in the survey and took their time to have their say about Woden's future. I will be using this feedback to inform my priorities in my advocacy for Woden and the regeneration of our town centre.

Finally, I would like to take this opportunity to thank my staff for their work in my office this year: James Koval, Ethan Moody, Monique Blasiak, Tom McKernan, Sam Ward, who is on work experience, and Nick Kennedy, currently an intern in my office. I would also like to thank the secretary of the Standing Committee on Health, Ageing and Community Services, Kate Harkins, for all her work. Merry Christmas to all members and their staff in this place as well.

### **Valedictory**

**MRS DUNNE** (Ginninderra) (6.30): Christmas valedictories in November, as Mr Wall said, do not quite feel the thing, but I would like to take this opportunity to thank a few people. I will start with my family, who are an unbelievable support to me in all that I do, and who make it possible. I thank Lyle for his love, support, commitment and the home-cooked meals most nights that I do not have to prepare. To my children and their partners and my granddaughter Matilda, I thank you for your love and support as well—and Ellie the wonder dog for being a useful companion animal who makes life a little bit brighter from time to time.

In the Assembly I would like to pay particular tribute to my staff, who are all experienced members of staff of the Legislative Assembly and have been here for a long time. We are a close-knit and hardworking team. To Clinton White, Keith Old and Maria Violi, I want to say a particular thank you for your commitment to me personally and to the Liberal members and the Liberal staff; you are unflinching and unstinting in your generosity and support of those staff.

To my colleagues in the Legislative Assembly on the Liberal floor, to Alistair Coe, Nicole Lawder, Andrew Wall, Elizabeth Lee, Elizabeth Kikkert, Giulia Jones, Mark Parton and Jeremy Hanson, I thank you for your—

**Mr Wall:** And James Milligan.

**MRS DUNNE:** And James Milligan. I knew there was another one because he is not on the corridor. I was walking down the corridor! And James Milligan; because James's office and mine have collaborated a great deal this year over important issues like the Ngunnawal Bush Healing Farm. I think that for a new member he has taken on an extraordinarily difficult issue with sensitivity and real respect for the people involved, and I congratulate him on that. To all the staff of the Liberal Party along the corridor, thank you very much for just being you, because the vibe is always good.

I thank the committee office, and particularly Dr Brian Lloyd, who is an exemplary committee secretary. I have worked with Dr Lloyd before, and now, as he is the secretary of the public accounts committee, I am pleased to be able to work with him again. I think that we make a great team.

To all my constituents and the people that I work with out in voter land, I thank them for their support and the fact that they do not go away; they keep pestering me about issues and they keep bringing things to me and my colleagues for our attention. I am flattered that after 16 years they do not tire of asking me to do things for them.

I do want to reflect a little. I think I caused a bit of a problem this morning by chiding Mr Steel for his quips about a “cool little capital”. Quite frankly, most of my constituents cannot afford to be cool. They are struggling with the cost of housing, the cost of electricity, the cost of rising rates and access to health care—which has improved in the electorate, but that has been not because of this government but because of the activities of private individuals, which means we now have much better primary health care because of the work of individuals and community groups to provide that service. Although we are—Mr Hanson used the word “blessed”—a blessed few, we are privileged and we are highly paid, even by ACT standards, we need to reflect on what it is like for the people who pay our wages and who are not as highly paid as we are. I think that we need to be real when it comes to their aspirations and to recognise where they are.

On that note, Madam Speaker, I would like to wish everyone the warmest greetings for the Christmas season. Keep safe. I hope that you have the opportunity to be with your family and your loved ones; and, for those who do not have family and loved ones, that they are able to navigate this time in a way that brings them fulfilment.

### **Kurrajong electorate—government achievements Valedictory**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Community Services and Social Inclusion, Minister for Disability, Children and Youth, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Multicultural Affairs and Minister for Workplace Safety and Industrial Relations) (6.35): It has truly been a privilege to serve as a member for Kurrajong—the heart of Canberra—over the past year. This year, in my objective opinion, central Canberra has continued to be a great place to live, and we are making it even better.

I would particularly like to highlight some improvements over the past year that have made it easier and safer to get around and be active across my electorate. There is a new bus station at Dickson and access to the flexible bus service for seniors and people with mobility issues in the inner north—something I actively campaigned on and lobbied for in 2016.

There are new natural play spaces at Telopea Park in Barton and at the Finn Street park in O’Connor, on which I have had great feedback from parents. Haig Park in Braddon is safer and more accessible, with wider paths, better lighting and new furniture, and is now an active place as the evenings get warmer, rather than somewhere to scurry across or skirt around.

Kingston has new raised pedestrian crossings and wider footpaths—a great example of the government, the residents’ group and Kingston traders working together on a

design that will work for everyone. And a modern outdoor fitness trail is now open on Alexandrina Drive in Yarralumla. I must confess that I have not used it yet, but it may well factor in my new year's resolutions.

The budget also funded initiatives to benefit Kurrajong, including, among other things, a new green rapid bus route from the city to Woden via Manuka and Barton, which has proven very popular. Indeed, I am advised by Minister Fitzharris's office that the service has already reported more than 81,000 boardings up to yesterday, with almost 14,000 additional boardings for the new half-hourly weekend service. There are more front-line firefighters, including a second crew for the Ainslie Fire & Rescue station, and there is early planning for a new health centre in the inner north.

I am also very proud that something else I campaigned on, Neuromoves, has received \$300,000 to assist Canberrans with conditions like spinal cord injury, acquired brain injury, stroke, multiple sclerosis, motor neurone disease and cerebral palsy. I have stayed in touch with the new organisation, Spinal ACT, and look forward to visiting the facility in the next few months.

I turn now to the traditional end-of-year thank-yous: first to my constituents, who raise a range of interesting and important issues with me and who I am very proud to represent in this place.

To my friends in the Labor Party and the union movement, ongoing engagement with union colleagues is a key part of my job across a range of issues but particularly in the work safety and IR portfolio. I thank them for their advocacy on behalf of their members and for workers across Canberra. We may not always agree, but I always appreciate their frank assessments of my performance.

Thank you to my staff for their good humour, hard work and commitment—especially on sitting week Tuesdays, when I suddenly think of half a dozen things we really should have done to prepare for the week. I would like to thank the directorate staff who support my ministerial portfolios, including our hardworking DLOs.

As always, I pay particular tribute to those who work on the front line of child protection and youth justice, some of the toughest jobs in government. Just last week members may have read about a couple who were convicted of shocking neglect of a baby. Child protection workers saved that child's life, something they do on a regular basis.

I also want to take this opportunity to acknowledge Bronwen Overton-Clarke, who will shortly retire after many years of service to the ACT public. Bronwen was one of my bosses when I worked at what was then the ACT Department of Disability, Housing and Community Services. She was, and is, the consummate public servant. Bronwen is a person of great integrity, heart and humour, a person who does serious work with seemingly endless positivity. Although we have only worked together on a small number of issues over the last year, Bronwen has been unfailingly thoughtful in the advice she has provided. I wish her all the very best for a long and enjoyable retirement.

Finally, thank you to my family and friends. I am not sure whether they have seen more or less of me as an MLA than as a candidate, but I have certainly appreciated their support over the last 12 months. I wish everyone in this place a safe and restful Christmas and new year.

### **Rotuma community Valedictory**

**MRS KIKKERT** (Ginninderra) (6.39): There are many wonderful people I have come to know and respect during my time as a member of the Legislative Assembly—so many individuals and groups of people who embody what I would call a love for the things that God loves. I have witnessed charities full of good-hearted volunteers providing for our territory's needy and vulnerable. I have witnessed dedicated people who deliver programs that provide assistance to the weak and the afflicted. I have witnessed, every day, good people doing truly great things.

Some of these people whom I would like to talk about this evening are Canberra's Rotuman community. Rotuma is a tiny island located about 650 kilometres north of Suva, the capital city of Fiji. Only 2,000 Rotumans live on this island. Although their island home has been a part of Fiji since 1881, the Rotumans have their own language and culture and a distinct history. Despite being comparatively few in number, their drive for excellence and goodness and their love of life and learning have made them a very recognisable minority group in that island nation.

An estimated 1,000 Rotumans live in Australia, only a fraction of whom live here in our beautiful city. But, as is the case in Fiji, their impact can certainly be felt despite their small numbers. Two weeks ago it was a great honour to attend the first ever Rotuma Island night, hosted by the Rotuma Association ACT, an event that attracted 250 Canberrans of all backgrounds to a showcase of Rotuman culture and passion.

I was deeply touched by many things that transpired on this evening. I would like to share one of them with the other members of this Assembly. After all the guests were seated, the master of ceremonies offered a welcome speech on his knees. This was intended as a sign of true humility and a gesture of affection and gratitude to all who were in attendance. This man, who works as an emergency doctor at one of Canberra's hospitals, was born and raised here in Canberra but is fluent in the Rotuman language and well steeped in his culture through an education that was enabled both by traditional oral transmission of culture and language and years of dedicated study. He is a model of how people can appreciate their cultural inheritance whilst integrating it into a well-rounded modern Australian and global citizenship.

As I mentioned earlier, there are only 1,000 Rotumans in Australia, so it would be easy for them to think they have little or nothing to offer. But that is not the kind of people they are. One of the objectives of the Rotuma Association ACT is to stimulate amongst the people of Australia an informed interest in Rotuma and its people, and to stimulate amongst the people of Rotuma an informed interest in Australia and its people. I can assure you that they certainly pulled this off at their Rotuman night on 11 November.

As we near the end of this year and move into the Christmas season, Madam Speaker, I hope that we can all do more to emulate Canberra's Rotuman community. Let us be humble and welcoming. Let us truly love people and not hold back in showing our affection to others. Let us live life with beauty and passion. I hope, too, that Canberrans will feel motivated to get back to their roots, to learn all that is good and ennobling from their traditional cultures. Let us not think that we are too small, too unimportant or too few in number to have an impact. All we need in order to be a force for good is a determination that we are going to do it.

I am sincerely grateful to all the simple people who have touched me with their humility, their love, their goodness and their passion, particularly my family, my staff, my colleagues and all of my constituents. I look forward to the coming year and the continued opportunity that is mine to serve the members of my electorate and the people of this territory.

### **Valedictory**

**MR PETTERSSON** (Yerrabi) (6.44): I rise briefly to extend my best wishes to all in this upcoming festive season. It seems a bit strange to me, because it is still November; I am a big believer that you are not meant to put up the Christmas decorations until 1 December, but here we are.

**Mr Wall:** There is something we agree on!

**MR PETTERSSON:** Mate, there is more than that. It has been a busy year and an incredible learning experience for me which I will forever treasure. I have a couple of reflections and a few thankyou's for 2017. The latter part of this year was dominated by the same-sex marriage debate. I saw many courageous Canberrans stand up and involve themselves in the political process, many for the first time. I hope that this civic engagement continues in 2018.

This chamber is a rough and tumble place at moments, but overwhelmingly I have found it a place of great debate. There have been many great contributions, drawing on lived experiences, that have left a lasting impression on me. I want to thank those members; they will remain nameless, but their stories are important to me and our community.

One of my fondest memories of 2017 is reading to kids in Gungahlin library for national simultaneous story time. I had never actually read to kids before. I do not think I have mastered the art of reading to kids yet, but I think I will get there with practice.

And now for a few more thankyou's. I want to thank my staff for all that they do. I know all of us in this place rely on our staff, but I like to think I am particularly well served. Michael, Nick, Aggi and Luke all keep things ticking over upstairs and they do a great job of making me look better than I am. I am still learning every day and they are on this journey with me.

I want to thank all of the staff in OLA, with a special mention to Tom, Max and the committee staff I work with directly, namely Nicola. You make this place work even against the best efforts of some members. A big thankyou to the cleaners who have to deal with my piled up recycling bin: sorry and thank you. Thank you to all of the attendants; your warm greetings as we come and go are often a break from a stressful day. And to Hansard—you thought I would forget about you—thank you.

I want to thank my colleagues and comrades, both in this place and outside it, for their wisdom, hard work and good humour as we work for a better Canberra. And of course I thank the residents of Yerrabi: you make this job great.

Next year is going to be a big year. Like everyone else, I am looking forward to a break over the summer. I know I will be putting my feet up and enjoying the cricket. I simply hope that everyone else finds an opportunity to recharge their batteries and spend time with their loved ones. See you next year.

### Valedictory

**MS LAWDER** (Brindabella) (6.46): Madam Speaker, as has become a bit of a habit for me, I am going to close the year with a poem. As usual, I hope that you will take it in the spirit in which it is intended. It is based on a poem called *The passing of the year*, which I have butchered mercilessly, by Robert W Service, who lived from 1874 to 1958:

My glass is filled, my papers neat  
My office has a cosy glow  
And here before this house I sit  
And watch the old year go.

I dedicate to solemn thought  
A year that has come with heavy cost  
A sombre year, so sadly fraught  
With thoughts of those we have lost.

Old Year! Upon the stage of time  
You stand for a last adieu  
A moment, and the final bells,  
Will bring the curtain down on you.

Our hearts are sad, our step is slow  
We have had a year of pain  
With Jayson, Val, and lately Steve  
We'll never see again.

But we try to keep our thoughts upbeat  
Let us all read, whatever the cost  
The Hansard, with its words so neat  
Paying tribute to those we've lost.

We'll hope our aspirations stay  
And that each of us is true  
So that we can remain happy and gay  
Whatever that means to you.

To you—the Government on the hop  
So sleek, so prosperously clad!  
What did you see in that land swap  
That made you seem so glad?

Has any opportunity been missed?  
To purchase random places  
I hold out hope, I'm an optimist  
That you've covered all your bases.

And you there, hoping I don't see you  
What found you in the past year?  
Was it dangerous dogs, greyhounds too?  
The hours in which to sell beer?

What has been fixed? Not bikie gangs  
For we all still live in fear  
Of days and nights and sudden bangs!  
O will this change next year?

And so from face to face I scan  
At the one that hold the keys  
Seeking answers where I can  
To increased rates and LVC.

Some show a smile, others need tissues  
On the tip smell or where light rail will go  
Potholes, streetlights, hospital data issues  
How often to street sweep, or mow.

My papers are binned, my glass is dry  
My staff all need a rest  
But once again before we go  
And I prepare for Everest.

Colleagues! A parting word to you  
For if nothing else, we all try  
I thank you for each wonderful day  
Merry Christmas, and good bye!

To finish up, my appreciation to all the Assembly staff of various departments, to all of my colleagues, to my staff, Will, Adam, Mary, and of course Nicki, who left earlier this year, my volunteers, my wonderful, wonderful family, and especially to the people of Brindabella. I will continue to try every day to be the best possible local member I can be. To those who have helped me, you know who you are and thank you very much. Those who did not help me, you also know who you are, and thanks for nothing. All the best! See you next year.

**Marriage equality**  
**Voluntary assisted dying**  
**Valedictory**

**MS CHEYNE** (Ginninderra) (6.50): What a year it has been! It is too difficult to reflect on everything that has made this year what it is, so I will be reflecting on just a few things that have really made an impression on me. It is particularly meaningful that, in respect of two of the issues I am reflecting on, today actually has turned out to be a historic day.

Today a law for marriage equality passed the Senate, following an incredible, clear, positive vote two weeks ago to this day. There is one more important step to go, but what happened today alone is momentous. I know I have come into this place on the back of so much work by previous Labor governments. It is especially humbling in this year to be part of this government that has led the way in uniting the city and in uniting this country on such an important vote and to finally see marriage equality.

Also, today Victoria became the first jurisdiction in Australia to legislate for voluntary assisted dying. This is an incredibly important issue to me, but the issue of end of life choices was incredibly important to my predecessor, Mary Porter, too. I am proud to continue this work and the attention that I, together with the support of my Labor and Greens colleagues, have brought to the issue this year. I promise to keep working on this. Victoria's legislation is important for pretty obvious reasons, but one of the reasons it is so important is that it further underlines how ridiculous it is, how unacceptable it is, how inexcusable it is that the federal parliament allows legislation to continue to operate which restricts the right of the ACT to determine its own policy in this area.

In my inaugural speech just under a year ago I said that continuing to have conversations is critical in this job, whether letters, at stalls or on Facebook. I get more correspondence each day than I can keep up with, which is a happy problem. I remain committed to keep personally replying to each person who takes the time to write to me. The problems that we help solve each day, day to day, really are the bread and butter of being an MLA.

It is through a street stall that I had one of the most meaningful and fulfilling interactions this year. In April I met Cherie, who did not have a job. In fact, she had not worked for a very long time. She approached me for help in finding a job. Frankly, I had no idea what to do. I was not sure if I would be able to help her, but I promised her that I would go down every avenue. I believed in her. After a few dead ends, which I acknowledge, I managed to encourage Cherie to apply for the Ginninderry SPARK childcare program. The long and the short of it is that she did and I am so proud to report that Cherie kept in touch every few weeks throughout the program, that she graduated from that program earlier this month and that she has found employment. We have a lot to be proud of in this place, especially as a government, but Cherie's journey will always hold a special place for me.

There are an enormous number people who helped me to be an effective local member. I would particularly like to acknowledge everyone within the Office of the Legislative Assembly for their support and for fielding my weird and wonderful questions. I especially wish Max all the best in his retirement.

Thank you to my colleagues throughout this chamber for working largely collegiately and making it an interesting place, especially in committees. I also single out my fellow whips and you, Madam Speaker. Clearly, I have spent too much time with you all, as I have grown rather fond of everyone.

To my staff, Maddie, Josh, Minuri, Jemma, intern Jacob and work experience student Andrew, you are the brains and the patience behind the Tara Cheyne operation. You really do make all the difference. I could not ask for a better or more supportive team. For you to have had my back throughout this year has meant the world.

Finally, thank you to the constituents of Ginninderra. As I said in my inaugural speech, it is enormously humbling to be a representative of the home I love so much in the city I love so much. It remains an honour and a privilege to be here, and there is more work to do.

### **Valedictory**

**MR WALL** (Brindabella) (6.54): This time of year is often a time for reflection on the year that has been, particularly as the Christmas and new year season approaches. It has been an absolute privilege to be part of not just this place but this team over the past 12 months. As the whip I have had an active role, particularly with the four new members that have joined the Liberal Party since the last election. I have watched them grow into very capable, independent members of the Assembly. That has been one of the greater joys of my job this year.

As is often the case after an election, I have had a number of new responsibilities and new opportunities, including chairing estimates this year. Spending two weeks in close confines with four other members and the committee secretary provides a good account of who you are working with and who they are as people, and that was a very rewarding process this year, believe it or not. I have to offer thanks to the committee secretariat, particularly Nicola Kosseck, who did an exemplary job again this year in managing the secretarial duties of the estimates committee.

Likewise, I thank all the other staff I have had contact with in my role as the whip, particularly OLA and the chamber support staff. It seems that if Ms Cheyne is starting to grow ever so slightly fond of me, I have not done my job well enough this year. We will see how we go next year. That is evidence that this place can work very well outside of this chamber. Whilst this is often the hand-to-hand combat space, when we walk out of the chamber a level of professional respect and courtesy is extended to allow this place to function in the way it needs to.

Thanks to my staff, particularly Kate Davis, who saw fit to sign up for another term of duty with me after being my senior adviser for all of the Eighth Assembly. I am very

thankful for her continuing to put up with me on a daily basis. I thank Sally Skuse, a new adviser in my office who came on board at the beginning of the year. She has done fantastic work settling into a political environment, given that it was certainly something she was not familiar with. And also particular thanks to Jenna Drewitt and Shannon Webeck, who have joined recently.

There is a level of courtesy and professionalism that we all enjoy and we often spend many nights of the week in each other's company outside of this building. We often see each other more during the week than we do our own families. I acknowledge the support I get at home from my wife, Christine, who is ever tolerant and patient of the occupation I have chosen. She supports me wholeheartedly, and her new job often makes the commitments of this job seem fairly light on. I particularly thank my gorgeous little girl, Sophia, who spends many nights without her dad at home. Whilst she was a baby it was not so much of an issue, but now that she is aware that I am not there it sometimes is a little bit testing. I am very much looking forward to a long Christmas break and spending some time with her before she starts school next year.

I also pay particular tribute to my parents, Peter and Barbara, who against the odds always stump up and volunteer to help out around home. We sign up as individuals to do what is considered by many a community service, and I have said on a number of occasions that serving in this place is one of the most selfless and selfish things we will ever do in our lives—selfless in the service to the community but selfish in the demand that it places on our families. Thank you to all of them for their support.

I thank the wonderful people of Brindabella for working with the team and also working with me in pursuing a number of issues in the electorate over the year. I look forward to engaging next year again. It is a real buzz being able to represent such a great part of this territory in this place.

I wish you all a very merry Christmas and a happy new year. Enjoy the opportunity to reflect on the year that has been and spend some very quality time with family and friends over the Christmas period.

### **Valedictory**

**MR MILLIGAN** (Yerrabi) (6.59): I take this opportunity to reflect on the past year and the work we have completed in the Assembly and in the electorate of Yerrabi. It has been a big year. First, I have put a lot of effort into learning how to work in this place, including understanding all the processes and procedures, but it has been an enjoyable time. I spent the last eight years working to get elected and I must say that it has been worth all those years of effort to become a member of this place. The opportunity to represent the electors of Yerrabi, to raise their issues and to make a difference for them is an honour I cherish.

I have also been fortunate in the two portfolios I was given. Sports and rec is a key portfolio for me, as sport is a passion of mine as a cricketer, a waterskier and a Richmond supporter. And hasn't it been a fantastic year for the Richmond football team? My first year in office is the year we won the premiership. My sincere

condolences go out to any Crows supporters in the ACT. Better luck next year. Good on you, Richmond Tigers.

I have really appreciated the challenge of my Indigenous portfolio. Much of this year has been spent seeking and creating opportunities to meet and talk with the community, and this was certainly an eye opener. What really amazes me and, more importantly, concerns me is that in such a small community—only 1.7 per cent of the population or less than 7,000 people—they are over-represented in almost every area of social welfare need. It has really made me want to advocate on their behalf to try TO make a difference. I am honoured to be able to represent them and to work with them to try to make change really happen.

I could not have achieved what I have done this year without the support of some great people: first of all, the people of Yerrabi, who voted me in to office and who have entrusted me to represent them honestly and with a passion. Thanks to my wife, Katrina, and my son, Blake, who have tirelessly supported me throughout my journey to becoming an elected member and who continue to show that support in not minding the frequent late nights and many weekend events.

My thanks go to my office staff, who have worked alongside me to make this a great and rewarding year through their commitment, professionalism and guidance. My thanks to Karin for her zeal in keeping me up to date on portfolio matters, her superb attention to detail, her capacity to handle urgent tasks, her professionalism in dealing with the vast number of Assembly matters and her stoic acceptance of an MLA—to use her words—meddling too much in office management issues. This has cost me, I am sure, a lot of coffees and lunches just to calm the waters.

I am fortunate that I have Chris to provide his experience in Assembly and electorate matters to well manage these essential tasks. I value his commitment in all electorate matters and his contribution to building strong relationships both here and in the community.

My thanks to my former campaign manager, Ewan Brown, also my senior intern; He has brought a wealth of experience, knowledge and wisdom to the office from his professional and representative background. Ewan assesses every issue in detail and provides advice based on strong research and mature experience. I note that dragging him out of retirement to work for me has caused some stresses, requiring him to take regular long trips to New Zealand for fishing trips. I also thank Ben Puckett and Brandon Bodel for their enthusiasm and energy in working on electorate matters.

I thank Alistair Coe and Nicole Lawder for their leadership, and all my colleagues with me on this side of the Assembly—Andrew Wall, Vicki Dunne, Jeremy Hanson, Giulia Jones, Elizabeth Lee, Elizabeth Kikkert, Mark Parton, and of course the late Steve Doszpot—who have provided me with support and advice throughout the year.

Many thanks to Magic Mike in the security room for keeping us safe but, more importantly, for providing a supply of lollies during sitting weeks. Thanks also to my committee secretaries, who do a wonderful job, and also to all the OLA staff.

I express my appreciation to everyone for a wonderful year and I wish them all a great and blessed Christmas and a wonderful new year. It is important to spend a few moments during the festive season celebrations reflecting on the reason why we celebrate this season. I look forward to seeing you all, well, most of you—no, of course all of you—next year, ready to tackle 2018.

Question resolved in the affirmative.

**The Assembly adjourned at 7.05 pm.**

## Schedules of amendments

### Schedule 1

#### Domestic Animals (Dangerous Dogs) Legislation Amendment Bill 2017

##### Amendments moved by the Minister for Transport and City Services

##### 1

##### Proposed new clauses 3A to 3W

##### Page 3, line 1—

*insert*

##### **3A Offences against Act—application of Criminal Code etc Section 4A, note 1**

*omit*

- s 15 (Tag offences)

##### **3B Section 4A, note 1, new dot points**

*insert*

- s 18 (Requirement to be licensed if multiple dogs)
- s 21 (5) (Multiple dog licences—conditions)
- s 28 (Signs on premises about dangerous dogs)
- s 44 (Dogs in public places must be controlled)
- s 50B (Obligations of keeper or carer if dog attacks)
- s 51A (Provoking dog to attack)
- s 53E (Offence—failure to comply with control order)
- s 56A (5) (Seizure of dogs—investigation of complaints about attacking, harassing or menacing dogs)
- s 60 (5) (Impounding of dogs seized)

##### **3C Section 4A, note 1**

*omit*

- s 72K (Offence—advertising requirements)

*substitute*

- s 72K (Offence—selling and advertising requirements)

##### **3D Section 4A, note 1**

*omit*

- s 74A (Sale of older dogs and cats to be notified if not de-sexed)

*substitute*

- s 74A (Sale of older dogs and cats not de-sexed)

##### **3E Section 4A, note 1, new dot points**

*insert*

- s 79 (Production of permits)
- s 134A (2) (Inspection of animals)

##### **3F New section 4B**

*in part 1, insert*

**4B Criteria for considering responsible dog or cat management, care or control**

For this Act, the registrar in considering whether a person has failed, or is unable, to exercise responsible dog or cat management, care or control—

- (a) must consider—
  - (i) any conviction or finding of guilt of the person within the last 10 years against a law of a Territory or State for an offence relating to the welfare, keeping or control of an animal; and
  - (ii) any non-compliance with—
    - (A) a special licence held by the person; or
    - (B) a control order issued to the person; and
- (b) may consider any other relevant matter.

**3G Section 7**

*substitute*

**7 Registration—approval or refusal**

- (1) If an application for registration has been made in accordance with section 6, the registrar must, by written notice to the applicant—
  - (a) register the dog; or
  - (b) refuse to register the dog.
- (2) For subsection (1) (b), the registrar—
  - (a) must refuse to register the dog if the applicant is disqualified from keeping a dog or any other animal; or
 

*Note* Section 138A deals with the disqualification of a person from keeping an animal.
  - (b) may refuse to register the dog if—
    - (i) the dog is not implanted with an identifying microchip as required under this Act; or
    - (ii) the dog is not de-sexed as required under this Act; or
    - (iii) the registrar reasonably believes that the applicant has failed, or is unable, to exercise responsible dog management, care or control.

**3H Section 11 heading**

*substitute*

**11 Registration numbers and certificates****3I Section 11 (1) (b)**

*omit*

and registration tag

**3J Section 11 (3)**

*omit*

**3K Section 11 (4)**

*omit*

or tag

**3L Change of keeper  
Section 12 (1) and (2), penalty**

*omit*

5 penalty units

*substitute*

10 penalty units

**3M Section 13**

*substitute*

**13 Registration—cancellation**

- (1) The registrar must cancel the registration of a dog if—
- (a) the keeper of the dog tells the registrar in writing that the dog has died; or
  - (b) the dog is destroyed under this Act; or
  - (c) the keeper of the dog is disqualified from keeping a dog or any other animal.

*Note* Section 138A deals with the disqualification of a person from keeping an animal.

- (2) The registrar may cancel the registration of a dog if—
- (a) the keeper of the dog tells the registrar in writing that the person is no longer the owner of the dog; or
  - (b) the registrar reasonably believes that the dog's keeper has failed, or is unable, to exercise responsible dog management, care or control.

**3N Unregistered dogs  
Section 14 (1), penalty**

*omit*

5 penalty units

*substitute*

15 penalty units

**3O Tag offences  
Section 15**

*omit*

**3P Evidence of registration or non-registration  
Section 17 (1)**

*omit*

(Registration numbers, certificates and tags)

*substitute*

(Registration numbers and certificates)

**3Q Section 18**

*substitute*

**18 Requirement to be licensed if multiple dogs**

- (1) A person commits an offence if—
- (a) the person keeps a dog on residential premises; and
  - (b) 3 or more other dogs are kept on the premises by the person or another person; and
  - (c) there is no multiple dog licence held by any person to keep the dogs on the premises.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply to—
- (a) a dog under 84 days old if the person holds a breeding licence; or
  - (b) a dog kept by the person for less than 28 days; or
  - (c) a person resident in the ACT for less than 28 days; or
  - (d) a dog kept on land that is under a lease granted for agricultural or grazing purposes; or
  - (e) a dog kept on land that is under a lease that allows for an animal care facility.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) (see Criminal Code, s 58).

**3R Multiple dog licences—approval or refusal  
Section 20 (1)**

*omit*

section 18 (Requirement to be licensed)

*substitute*

section 19

**3S New section 20 (2) (d)**

*insert*

- (d) the applicant is able to exercise responsible dog management, care and control.

**3T New section 20 (3) (g)**

*insert*

- (g) the safety of the public and other animals.

**3U Multiple dog licences—conditions  
New section 21 (2) (d)**

*insert*

- (d) the safety of the public and other animals.

**3V New section 21 (5)**

*insert*

- (5) A person commits an offence if the person fails to comply with a condition of a multiple dog licence.

Maximum penalty: 50 penalty units.

**3W Declarations—dangerous dogs  
Section 22 (1) (a)**

*omit*

other than residential premises

**2**

**Clause 4**

**Proposed new section 22 (1) (aa)**

**Page 3, line 5—**

*omit*

injury to a person or serious injury to an animal

*substitute*

the death of or serious injury to a person

**3**

**Proposed new clauses 4A and 4B**

**Page 3, line 6—**

*insert*

**4A Section 22 (2)**

*substitute*

- (2) The registrar may declare a dog to be a dangerous dog if—
- (a) the dog has attacked or harassed a person or animal; or
  - (b) the registrar reasonably believes the dog—
    - (i) is aggressive or menacing; and
    - (ii) without being kept in accordance with a dangerous dog licence, would be an unacceptable risk to the safety of the public or other animals.

**4B Licensing of keepers of dangerous dogs  
Section 23 (1), penalty**

*omit*

50 penalty units

*substitute*

100 penalty units

**4**

**Clause 5**

**Page 3, line 7—**

*omit clause 5, substitute*

**5 Dangerous dog licences—applications  
New section 24 (3) and (4)**

*insert*

- (3) The registrar may waive any application fee for a licence to keep a dangerous dog if reasonably satisfied—
- (a) the dog was declared to be a dangerous dog only for the reason mentioned in section 22 (1) (a); and
  - (b) if the dog is kept in accordance with a dangerous dog licence, it will not be an unacceptable risk to the safety of the public and other animals.
- (4) A fee determined under section 144 for an application for a licence to keep a dangerous dog declared under section 22 (1) (aa) or (b) or section 22 (2) must be at least 10 times the application fee (if any) for registration of a dog under section 6.

**5**

**Proposed new clauses 5A to 5H**

**Page 3, line 16—**

*insert*

**5A Dangerous dog licences—approval or refusal  
New section 25 (1A)**

*insert*

- (1A) The registrar—
- (a) must refuse to approve the issue of a licence if—
    - (i) the applicant is disqualified from keeping a dog or any other animal; or
    - (ii) the dog is not implanted with an identifying microchip as required under this Act; or

*Note* Section 138A deals with the disqualification of a person from keeping an animal.
  - (b) may refuse to approve the issue of a licence if the registrar reasonably believes—
    - (i) there would be an unacceptable risk to the safety of the public or other animals if the licence were issued; or
    - (ii) the applicant has failed, or is unable, to exercise responsible dog management, care or control.

**5B Section 25 (2) (f)***substitute*

- (f) the safety of the public and other animals.

**5C Section 25 (3)***omit***5D Dangerous dog licences—conditions  
New section 26 (1A)***insert*

- (1A) In making a decision whether or not to impose a condition on a dangerous dog licence, the registrar must consider the safety of the public and other animals.

**5E Section 26 (2) (b)***substitute*

- (b) requirements about the dog leaving the premises;

**5F Section 26 (2) (c)***omit*

an approved course

*substitute*

a course approved in writing by the registrar

**5G Dangerous dogs in public places  
Section 27 (1) and (2), penalty***omit*

10 penalty units

*substitute*

20 penalty units

**5H Section 28***substitute***28 Signs on premises about dangerous dogs**

- (1) The keeper of a dangerous dog must ensure that a warning sign is displayed on all gates and doors at the premises where the dog is kept so that it can be readily seen by a person about to enter the premises through any gate or door.

Maximum penalty: 5 penalty units.

- (2) In this section:

*door*, of a premises, means any door that a visitor to the premises would ordinarily be expected to use to enter the premises.

*warning sign*, for premises, means—

- (a) a sign warning people entering the premises that a dangerous dog is on the premises; or
- (b) if a regulation prescribes requirements for a sign—a sign that is in accordance with the requirements.

## 6

### Clause 6

Page 3, line 17—

*omit clause 6, substitute*

## 6 Special licences—renewals Section 32 (2)

*substitute*

- (2) The registrar—
- (a) must refuse to renew the licence if the holder is disqualified from keeping a dog or any other animal; or
- Note* Section 138A deals with the disqualification of a person from keeping an animal.
- (b) may refuse to renew the licence if the registrar reasonably believes—
- (i) there would be an unacceptable risk to the safety of the public and other animals if the licence were renewed; or
- (ii) the holder has failed, or is unable, to exercise responsible dog management, care or control.
- (3) In making a decision under this section, the registrar—
- (a) must consider any matter the registrar was required to consider when deciding whether or not to issue the original licence; and
- (b) may consider any other relevant matter.
- (4) The registrar may waive any application fee to renew a dangerous dog licence if reasonably satisfied—
- (a) the dog was declared to be a dangerous dog only for the reason mentioned in section 22 (1) (a); and
- (b) if the dog is kept in accordance with a dangerous dog licence—it will not be an unacceptable risk to the safety of the public and other animals.
- (5) A fee determined under section 144 for an application to renew a licence to keep a dangerous dog declared under section 22 (1) (aa) or (b) or section 22 (2) must be at least 10 times the application fee (if any) for registration of a dog under section 6.

7

**Proposed new clauses 6A to 6N**

Page 3, line 26—

*insert***6A Variation of special licences  
Section 33 (3) (c)***omit*

14 days

*substitute*

7 days

**6B Section 33 (7)***substitute*

- (7) The registrar must refuse to vary—
- (a) a multiple dog licence if the registrar would be obliged under section 20 (2) to refuse to issue the licence as varied; or
  - (b) a dangerous dog licence if the registrar would be obliged under section 25 (1A) to refuse to issue the licence as varied.

**6C Cancellation of special licences  
Section 36 (1)***substitute*

- (1) The registrar—
- (a) must cancel a special licence if the licensee is disqualified from keeping a dog or any other animal; or
 

*Note* Section 138A deals with the disqualification of a person from keeping an animal.
  - (b) may cancel a special licence if—
    - (i) the registrar becomes aware of circumstances that, if the registrar had been aware of them at the time of the application for the licence, would have resulted in the application being refused; or
    - (ii) the licensee contravenes a condition of the licence; or
    - (iii) the licence was obtained by a false or misleading statement; or
    - (iv) the registrar reasonably believes there would be an unacceptable risk to the safety of the public or other animals if the licence were not cancelled; or
    - (v) the registrar reasonably believes that the licensee has failed, or is unable, to exercise responsible dog management, care or control.

**6D Section 36 (2) (c)***omit*

14 days

*substitute*

7 days

**6E Prohibited areas  
Section 42 (1), penalty***omit*

5 penalty units

*substitute*

15 penalty units

**6F Section 42 (2), (3) and (4), penalty**

*omit*

5 penalty units

*substitute*

10 penalty units

**6G Section 44**

*substitute*

**44 Dogs in public places must be controlled**

- (1) A person commits an offence if—
- (a) the person is the keeper or carer of a dog; and
  - (b) the person is with the dog in a public place; and
  - (c) the dog is not restrained by a leash.
- Maximum penalty: 15 penalty units.
- (2) A person commits an offence if—
- (a) the person is the keeper or carer of a dog; and
  - (b) the person is with the dog in a public place; and
  - (c) the dog is not under the effective control of the person.
- Maximum penalty: 15 penalty units.
- (3) The keeper of a dog commits an offence if the dog—
- (a) is in a public place; and
  - (b) is not with a carer.
- Maximum penalty: 15 penalty units.
- (4) Subsection (1) does not apply to a dog that is under the control of a person and is—
- (a) in an exercise area declared under section 40 (Declaration—exercise areas); or
  - (b) a working dog working livestock; or
  - (c) taking part in—
    - (i) a dog show, field trial or obedience trial; or
    - (ii) a dramatic performance or other entertainment.
- (5) In a prosecution for an offence against subsection (3), it is a defence if the defendant proves that the defendant took reasonable steps to prevent a contravention of the subsection.

**6H Dogs on private premises to be restrained  
Section 45 (1) and (3), penalty**

*omit*

5 penalty units

*substitute*

10 penalty units

<b>6I</b>	<b>Section 45 (5), penalty</b>
	<i>omit</i>
	5 penalty units
	<i>substitute</i>
	15 penalty units
<b>6J</b>	<b>Removal of faeces Section 46 (2), penalty</b>
	<i>omit</i>
	1 penalty units
	<i>substitute</i>
	5 penalty units
<b>6K</b>	<b>Female dogs on heat Section 47 (1), penalty</b>
	<i>omit</i>
	5 penalty units
	<i>substitute</i>
	15 penalty units
<b>6L</b>	<b>Division 2.6 heading</b>
	<i>substitute</i>
<b>Division 2.6                   Attacking, harassing and menacing dogs</b>	
<b>6M</b>	<b>Dog attacks or harasses person or animal Section 49A (4) (c)</b>
	<i>after</i>
	person
	<i>insert</i>
	or animal
<b>6N</b>	<b>Section 49A (5) and note</b>
	<i>substitute</i>
	(5) Also, it is a defence to a prosecution for an offence against subsection (2) if the defendant proves that—
	(a) the defendant asked or told another person to be the carer for the dog; and
	(b) that person was, at the time of the offence, the carer for the dog; and
	(c) the defendant had taken reasonable measures to ensure that the carer was able to exercise responsible dog management, care and control of the dog.
	<b>Examples—par (c)</b>
	<ul style="list-style-type: none"> <li>• telling the carer about the dog, including about any control order or nuisance notice</li> <li>• ensuring the carer was experienced enough and physically able to manage, care and control the dog</li> <li>• ensuring the carer had a leash and secure premises for the dog</li> </ul>
	<i>Note 1</i> The defendant has a legal burden in relation to the matters mentioned in s (4) and s (5) (see Criminal Code, s 59).

*Note 2* 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).

- (6) If a person is convicted or found guilty of an offence against this section, the court may—
- (a) order that the dog be destroyed; or
  - (b) make any other order the court considers necessary to ensure the safety of the public and other animals.

**8**

**Clause 7**

**Page 4, line 1—**

*omit clause 7, substitute*

**7 Dog attacks person or animal causing serious injury**  
**Section 50 (1) (e) and (2) (e)**

*after*

reckless

*insert*

or negligent

**7A Section 50 (3) (c)**

*after*

person

*insert*

or animal

**7B Section 50 (4), (5) and (6)**

*substitute*

- (4) Also, it is a defence to a prosecution for an offence against subsection (2) if the defendant proves that—
- (a) the defendant asked or told another person to be the carer for the dog; and
  - (b) the person was, at the time of the offence, the carer for the dog; and
  - (c) the defendant had taken reasonable measures to ensure that the carer was able to exercise responsible dog management, care and control of the dog.

**Examples—par (c)**

- telling the carer about the dog including about any control order or nuisance notice
- ensuring the carer was experienced enough and physically able to manage, care and control the dog
- ensuring the carer had a leash and secure premises for the dog

*Note 1* The defendant has a legal burden in relation to the matters mentioned in s (3) and s (4) (see Criminal Code, s 59).

*Note 2* 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).

- (5) If a person is convicted or found guilty of an offence against this section, the court may—
- (a) order that the dog be destroyed; or

- (b) make any other order the court considers necessary to ensure the safety of the public and other animals.

9

**Clause 8**

Page 4, line 4—

*omit clause 8, substitute*

**8 Dangerous dog attacks or harasses person or animal**  
**Section 50A (2) (e)**

*after*

reckless

*insert*

or negligent

**8A Section 50A (3) (c)**

*after*

person

*insert*

or animal

**8B Section 50A (4), (5) and (6)**

*substitute*

- (4) If a person is convicted or found guilty of an offence against this section, the court may—
- (a) order that the dog be destroyed; or
- (b) make any other order the court considers necessary to ensure the safety of the public.

**8C New section 50B**

*insert*

**50B Obligations of keeper or carer if dog attacks**

- (1) This section applies if—
- (a) a keeper or carer of a dog is with the dog; and
- (b) the dog attacks a person or a person's animal (the *affected person*).
- (2) The keeper or carer must, if asked by the affected person, give the affected person—
- (a) reasonable assistance as requested; and
- (b) the keeper or carer's name, address and contact details.
- Maximum penalty: 50 penalty units.
- (3) If the attack caused serious injury to a person or animal, the keeper or carer must tell the registrar about the attack as soon as practicable after the attack.
- Maximum penalty: 50 penalty units.

**8D New section 51A**

*insert*

**51A Provoking dog to attack**

A person commits an offence if—

- (a) the person provokes a dog; and

- (b) the provocation caused the dog to attack the person, another person or an animal.

Maximum penalty: 50 penalty units.

**8E** **Costs of impounding dogs**  
**Section 52 (3)**

*omit*

**11**

**Proposed new clauses 9A to 9F**

**Page 8, line 28—**

*insert*

**9A** **Inspection of attacking or harassing dogs**  
**Section 54**

*omit*

**9B** **New section 55B**

*in division 2.6, insert*

**55B** **Notice to affected neighbours**

- (1) This section applies if—
- (a) a dog is declared to be a dangerous dog; or
  - (b) a control order is issued to a keeper of a dog; or
  - (c) a nuisance notice is issued to a keeper of a dog.
- (2) The registrar may, if the registrar thinks it is in the interest of the safety of the public and other animals to do so, give notice of the dangerous dog declaration, control order or nuisance notice to people occupying property adjacent or nearby to premises where the dog is kept.

**9C** **Seizure of dogs—general**  
**New section 56 (aa) and (ab)**

*before paragraph (a), insert*

- (aa) the dog is not registered under section 7; or
- (ab) the dog is not identified by implanted microchip as required under this Act; or

**9D** **Section 56 (b)**

*omit*

(Dogs in public places to be restrained)

*substitute*

(Dogs in public places must be controlled)

**9E** **Section 56 (f) and (g)**

*substitute*

- (f) the keeper or carer fails to give an authorised person the person's name and address if required by the authorised person under section 134.

**9F** **New section 56 (2) and (3)**

*insert*

- (2) Also, an authorised person may seize a dog if—
- (a) the registrar refuses to register the dog under section 7 (1) (b); or

- (b) the dog's registration is cancelled under section 13 (1) (c) or (2) (b); or
- (c) the keeper has not complied with a control order issued to the keeper in relation to the dog; or
- (d) the keeper breeds a litter from the dog without a breeding licence; or
- (e) the dog is at least 6 months old and not de-sexed and the keeper does not hold a permit under part 3 for the dog; or
- (f) the authorised person reasonably believes that—
  - (i) the keeper or carer of the dog is not demonstrating responsible dog management, care or control in relation to the dog; or
  - (ii) the safety of the public or other animals are at risk because of the keeper or carer's actions.
- (3) If subsection (2) (d) applies, the authorised person may seize the parent dogs and pups.

12

**Clause 10**

**Page 9, line 1—**

*omit clause 10, substitute*

**10 New section 56A**

*insert*

**56A Seizure of dogs—investigation of complaints about attacking, harassing or menacing dogs**

- (1) This section applies if the registrar investigates a complaint about a dog under section 53A (Complaints about attacking, harassing or menacing dogs).
- (2) An authorised person—
  - (a) must seize the dog if the complaint is that—
    - (i) the dog attacked the complainant or another person; and
    - (ii) the attack caused the death of or serious injury to a person; or
  - (b) in any other case—may seize the dog.
- (3) If an authorised person seizes a dog, the authorised person must—
  - (a) impound the dog on Territory premises until the investigation is completed; or
  - (b) if the authorised person is reasonably satisfied that the dog can be kept by the keeper on suitable and secure premises—impound the dog by directing the keeper orally, or in writing, to keep the dog on the premises in accordance with any stated conditions until the investigation is completed.
- (4) If the authorised person gives an oral direction under subsection (3) (b), the authorised person must confirm the direction in writing as soon as practicable.
- (5) A person commits an offence if the person fails to comply with a direction under subsection (3) (b).

Maximum penalty: 50 penalty units.

13

**Clause 12**

**Page 9, line 22—**

*[oppose the clause]*

14

**Proposed new clause 12A**

Page 9, line 25—

*insert***12A Section 58***substitute***58 Seizure—multiple dog licence**

An authorised person may seize a dog if—

- (a) the dog is being kept in contravention of section 18 (Requirement to be licensed if multiple dogs); or
- (b) the dog's keeper has not complied with a condition of a multiple dog licence held by the keeper in relation to the dog.

15

**Clause 13**

Page 10, line 1—

*omit clause 13, substitute***13 Sections 59 and 60***substitute***59 Seizure—attacking, harassing or menacing dogs**

An authorised person—

- (a) must seize a dog if the authorised person reasonably suspects—
  - (i) the dog attacked a person; and
  - (ii) the attack caused the death of or serious injury to a person; or
- (b) may seize a dog if the authorised person reasonably suspects the dog—
  - (i) attacked a person or an animal and the attack caused—
    - (A) an injury (other than a serious injury) to the person; or
    - (B) serious injury to the animal; or
  - (ii) harassed a person or an animal; or
  - (iii) is aggressive or menacing.

**60 Impounding of dogs seized**

- (1) An authorised person—
  - (a) may impound a seized dog; and
  - (b) if a dog is impounded—
    - (i) if the dog's keeper's identity is not known—must make reasonable inquiries to find out who is the keeper; or
    - (ii) if the dog's keeper's identity is known—must give oral or written notice to the keeper in accordance with section 61 about the dog's seizure.
- (2) The authorised person may give the notice by telephone.
- (3) For subsection (1) (a), if the authorised person is reasonably satisfied that the dog can be kept by the keeper on suitable and secure premises, the authorised person may impound the dog by directing the keeper orally, or in writing, to keep the dog on the premises in accordance with any stated conditions until the investigation is completed.

- (4) If the authorised person gives an oral direction under subsection (3), the authorised person must confirm the direction in writing as soon as practicable.
- (5) A person commits an offence if the person fails to comply with a direction under subsection (3).

Maximum penalty: 50 penalty units.

**13A Information to be given in notice of dog's seizure  
Section 61**

*omit everything before paragraph (a), substitute*

If a dog is seized under this part, the notice of seizure under section 60 (1) (b) (ii) must give the following information, if relevant:

**13B Releasing dogs seized under general seizure power  
Section 62 (2) (d)**

*omit*

section 56 (a) or (b)

*substitute*

section 56 (1) (a), (aa), (ab) or (b)

**13C New section 62 (2) (g) and (h)**

*insert*

- (g) the keeper is able to exercise responsible dog management, care and control in relation to the dog; and
- (h) there is not an unacceptable risk to the safety of the public and other animals from the dog being released.

**13D Section 62 (3) (a)**

*omit everything before subparagraph (i), substitute*

- (a) the holding period has ended and—

**13E Section 62 (3) (c)**

*omit everything before subparagraph (i), substitute*

- (c) a prosecution for the offence was started before the end of the holding period and—

**13F New section 62 (4)**

*insert*

- (4) In this section:

***holding period***, in relation to a seized dog, means—

- (a) 28 days after the day the dog was seized (the ***original period***); or
- (b) if the registrar gives written notice to the dog's keeper before the end of the original period—the original period plus an additional stated period.

**16**

**Proposed new clauses 15A to 15N**

**Page 10, line 18—**

*insert*

**15A Section 63 (2) (d)**

*Omit*

<b>15B</b>	<b>Section 63 (2) (e)</b> <i>omit</i> if the dog was seized under section 58—
<b>15C</b>	<b>Section 63 (2) (f)</b> <i>after</i> seized <i>insert</i> under section 58
<b>15D</b>	<b>New section 63 (2) (i) and (j)</b> <i>insert</i> (i) the keeper is able to exercise responsible dog management, care and control in relation to the dog; and (j) there is not an unacceptable risk to the safety of the public or other animals from the dog being released and kept in accordance with the conditions of the keeper's multiple dog licence.
<b>15E</b>	<b>Section 63 (2), note</b> <i>omit</i>
<b>15F</b>	<b>Section 63 (3) (a)</b> <i>omit everything before subparagraph (i), substitute</i> (a) the holding period has ended and—
<b>15G</b>	<b>Section 63 (3) (c)</b> <i>omit everything before subparagraph (i), substitute</i> (c) a prosecution for the offence was started before the end of the holding period and—
<b>15H</b>	<b>New section 63 (4)</b> <i>insert</i> (4) In this section: <b><i>holding period</i></b> , in relation to a seized dog—see section 62 (4).
<b>15I</b>	<b>Releasing dogs seized under attacking and harassing power</b> <b>Section 64 (1)</b> <i>omit</i> (Seizure—attacking and harassing dogs) <i>substitute</i> (Seizure—attacking, harassing or menacing dogs)
<b>15J</b>	<b>New section 64 (2) (g) and (h)</b> <i>insert</i> (g) the keeper is able to exercise responsible dog management, care and control in relation to the dog; and (h) there is not an unacceptable risk to the safety of the public or other animals from the dog being released and kept in accordance with the conditions of any control order.

**15K Section 64 (3) (a)**

*omit everything before subparagraph (i), substitute*

- (a) the holding period has ended and—

**15L Section 64 (3) (c)**

*omit everything before subparagraph (i), substitute*

- (c) a prosecution for the offence was started before the end of the holding period and—

**15M New section 64 (4)**

*insert*

- (4) In this section:  
***holding period***, in relation to a seized dog—see section 62 (4).

**15N Section 65**

*substitute*

**65 Releasing dogs declared dangerous after seizure for offence**

- (1) This section applies if—
- (a) a dog is seized under this Act; and
  - (b) after the seizure, the dog is declared to be a dangerous dog.
- (2) The registrar must release the dog to a person claiming its release if, but only if, satisfied that—
- (a) the person claiming its release is the dog's keeper; and
  - (b) a dangerous dog licence is in force for the dog; and
  - (c) the keeper is able to exercise responsible dog management, care and control in relation to the dog; and
  - (d) there is not an unacceptable risk to the safety of the public or another animal from the dog being released and kept in accordance with the conditions of a dangerous dog licence; and
  - (e) any fee payable under section 144 for the release of the dog has been paid.

17

**Clause 16**

**Page 10, line 19—**

*omit clause 16, substitute*

**16 New section 65A**

*insert*

**65A Releasing dogs seized because of complaint**

- (1) This section applies if a dog is seized under section 56A (Seizure of dogs—investigation of complaints about attacking, harassing or menacing dogs).
- (2) The registrar must release the dog to a person claiming its release if—
- (a) the registrar is reasonably satisfied of the matters mentioned in section 62 (2) (excluding paragraph (d)); and
  - (b) the investigation is completed.

- (3) The registrar may release the dog under subsection (2) only if satisfied that—
- (a) the keeper is able to exercise responsible dog management, care and control in relation to the dog; and
  - (b) there is not an unacceptable risk to the safety of the public and other animals from the dog being released and kept in accordance with the conditions of any dangerous dog licence and control order; and
  - (c) any fee payable under section 144 for the release of the dog has been paid.

18

**Proposed new clauses 16A to 16ZS**

Page 11, line 14—

*insert***16A Section 66 heading***substitute***66 Selling or destroying dogs (other than dangerous dogs) generally****16B Section 66 (1) and note***substitute*

- (1) This section applies to a dog, other than a dangerous dog, seized under—
- (a) section 56 (Seizure of dogs—general); or
  - (b) section 59 (Seizure—attacking, harassing or menacing dogs); or
  - (c) section 114 (Seizure, impounding and return of nuisance animals).

*Note* Section 68 deals with the selling and destruction of dangerous dogs.

**16C Section 66 (2) (c)***omit*

section 60 (1) (c)

*substitute*

section 60 (1) (b) (ii) or section 114 (2) (b) (ii)

**16D Selling or destroying dogs (other than dangerous dogs) seized under multiple dog licence power  
Section 67 (2) (c)***omit*

section 60 (1) (c)

*substitute*

section 60 (1) (b) (ii)

**16E New section 67A***insert***67A Selling dogs (other than dangerous dogs) if keeper unfit**

- (1) This section applies if—
- (a) a dog is seized under this Act; and
  - (b) the dog is not a dangerous dog; and
  - (c) the registrar is reasonably satisfied that—
    - (i) the dog's keeper is unable to exercise responsible dog management, care or control in relation to the dog; or

- (ii) there would be an unacceptable risk to the safety of the public or other animals if the dog were released to the keeper; and
  - (d) the registrar is reasonably satisfied that the dog would not be an unacceptable risk to the safety of the public or other animals if the dog were kept by someone who was able to exercise responsible dog management, care or control in relation to the dog.
- (2) The registrar may decide to sell the dog.
- (3) The registrar may sell the dog if—
- (a) the registrar gives the dog’s keeper written notice of the decision to sell the dog; and
  - (b) the dog’s keeper—
    - (i) does not, within 7 days after the day the notice is given (the *application period*), apply to the ACAT under section 120 for review of the decision; or
    - (ii) applies to the ACAT under section 120 for review of the decision within the application period and the registrar’s decision to sell the dog is confirmed.

*Note* The registrar must give a reviewable decision notice for s (2) to the keeper and must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see s 119 and *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

**16F Selling or destroying dangerous dogs generally**  
**Section 68 (2) (c)**

*substitute*

- (c) not later than 7 days after the day notice under section 60 (1) (b) (ii) was given to the dog’s keeper, the keeper does not tell the registrar, in writing, that the keeper wishes to claim the dog and—

**16G New section 68A**

*insert*

**68A Destroying dogs—public safety concerns**

- (1) This section applies if the registrar reasonably believes that a dog—
- (a) is an unacceptable risk to the safety of the public or other animals; and
  - (b) cannot be reasonably rehoused, retrained or otherwise rehabilitated so that the dog is no longer an unacceptable risk to the safety of the public or other animals.
- (2) The registrar may decide to destroy the dog.
- (3) The registrar may destroy the dog if—
- (a) the registrar gives the dog’s keeper written notice of the decision to destroy the dog; and
  - (b) the dog’s keeper—
    - (i) does not, within 7 days after the day the notice is given (the *application period*), apply to the ACAT under section 120 for review of the decision; or
    - (ii) applies to the ACAT under section 120 for review of the decision within the application period and the registrar’s decision to destroy the dog is confirmed.

*Note* The registrar must give a reviewable decision notice for s (2) to the keeper and must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see s 119 and *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

**16H Relinquishing ownership of dogs**  
**Section 69 (1)**

*omit*

division

*substitute*

Act

**16I Returning seized dog to its keeper**  
**Section 70 (4)**

*substitute*

- (4) The registrar may return the dog to its keeper and issue the keeper with a control order for the dog.

**16J Offence—breeding dogs or cats without licence**  
**Section 72 (1) (b)**

*omit*

for profit or commercial gain

**16K Breeding licence—approval or refusal**  
**Section 72B (2)**

*substitute*

- (2) The registrar—
- (a) must refuse to issue the licence if the applicant is disqualified from keeping a dog or any other animal; or
- Note* Section 138A deals with the disqualification of a person from keeping an animal.
- (b) may refuse to issue the licence if the registrar reasonably believes—
- (i) there would be an unacceptable risk to the safety of the public and other animals if the licence were issued; or
- (ii) the applicant has failed, or is unable, to exercise responsible dog management, care or control; or
- (iii) the applicant cannot comply with the requirements of the *Animal Welfare Act 1992* and any approved or mandatory code of practice under that Act.

**16L New section 72B (3) (g)**

*insert*

(g) the safety of the public and other animals.

**16M Section 72C**

*substitute*

**72C Breeding licence—duration**

A breeding licence remains in force for 2 years unless sooner surrendered or cancelled.

**16N Breeding licence—conditions**  
**New section 72E (1A)**

*insert*

- (1A) A condition may limit the number of litters a dog or cat may breed.

**16O Breeding licence—cancellation**  
**Section 72G (1)**

*substitute*

- (1) The registrar—
- (a) must cancel a breeding licence if the licensee is disqualified from keeping a dog or any other animal; or
- Note* Section 138A deals with the disqualification of a person from keeping an animal.
- (b) may cancel a breeding licence if—
- (i) the registrar becomes aware of circumstances that, if the registrar had been aware of them at the time of the application for the licence, would have resulted in the application being refused; or
- (ii) the licensee contravenes a condition of the licence; or
- (iii) the licence was obtained by a false or misleading statement; or
- (iv) there would be an unacceptable risk to the safety of the public or other animals if the licence were not cancelled; or
- (v) the registrar reasonably believes that the licensee has failed, or is unable, to exercise responsible dog management, care or control; or
- (vi) it is otherwise appropriate to do so.

**16P Section 72K**

*substitute*

**72K Offence—selling and advertising requirements**

- (1) A person commits an offence if the person—
- (a) breeds a dog or cat; and
- (b) sells the dog or cat; and
- (c) does not hold a breeding licence.
- Maximum penalty: 50 penalty units.
- (2) A person who holds a breeding licence commits an offence if the person—
- (a) breeds a dog or cat; and
- (b) publishes a statement that either—
- (i) constitutes an invitation to buy the dog or cat from the person; or
- (ii) could reasonably be understood to constitute an invitation to buy the dog or cat from the person; and
- (c) does not include in the publication the breeding licence number.
- Maximum penalty: 10 penalty units.
- (3) An offence against this section is a strict liability offence.

**16Q Offence—surrender of breeding licence**  
**Section 72L**

*omit*

**16R Dogs and cats to be de-sexed if over certain age**  
**New section 74 (5) (c)**

*insert*

- (c) a veterinary surgeon certifies in writing that de-sexing the dog or cat would be a serious health risk to the animal.

**16S Section 74A**

*substitute*

**74A Sale of older dogs and cats not de-sexed**

- (1) A person commits an offence if—
- (a) the person sells a dog or cat that has not been de-sexed; and
  - (b) either—
    - (i) for a dog—the dog is 6 months old or older; or
    - (ii) for a cat—the cat is 3 months old or older; and
  - (c) the person does not hold a permit for the dog or cat.
- Maximum penalty: 50 penalty units.
- (2) An offence against this section is strict liability offence.
- (3) Subsection (1) does not apply to a dog or cat if a veterinary surgeon certifies in writing before the dog was sold that de-sexing the animal would be a serious health risk to the animal.

**16T Approval or refusal of applications  
Section 76 (2)**

*substitute*

- (2) In making a decision under subsection (1), the registrar—
- (a) may consider the following:
    - (i) whether the animal is kept for breeding or used, bred or bought for show;
    - (ii) whether it would be detrimental to the health of the animal if it were to be de-sexed;
    - (iii) any other relevant matter; and
  - (b) must consider the safety of the public.
- (3) The registrar may issue a permit—
- (a) for a stated period; and
  - (b) on any other condition.

**16U Term of permits  
Section 78**

*omit*

**16V Production of permits  
Section 79 (1)**

*substitute*

- (1) A keeper or owner of a dog or cat commits an offence if—
- (a) an authorised person asks the keeper or owner to show a permit for the dog or cat; and
  - (b) the keeper or owner fails to show the permit to the authorised person within 24 hours after being asked.

Maximum penalty: 5 penalty units.

(1A) An offence against this section is strict liability offence.

**16W Identification of dogs and cats—requirement  
Section 84 (1) and (2), penalty**

*omit*

5 penalty units

*substitute*

15 penalty units

**16X Section 109**

*substitute*

**109 Meaning of *animal nuisance*—pt 6**

For this part, an animal causes an *animal nuisance* if—

- (a) the animal causes, solely or in part—
  - (i) damage to property owned by a person other than the keeper; or
  - (ii) excessive disturbance to a person other than the keeper because of noise; or
  - (iii) an unacceptable risk to the public or another animal; or
- (b) for a dog—there are repeated occurrences of the dog—
  - (i) not being kept under control by the dog’s keeper or carer; or
  - (ii) the dog is not restrained in contravention of section 44 (1) or (3) (Dogs in public places must be controlled) or section 45 (1) or (3) (Dogs on private premises to be restrained).

**16Y Offence of animal nuisance  
Section 110 (1), penalty**

*omit*

10 penalty units

*substitute*

15 penalty units

**16Z Complaints about animal nuisance  
Section 111 (2)**

*omit*

must

*substitute*

may

**16ZA Issue of nuisance notices  
Section 112 (1)**

*omit*

animal nuisance exists

*substitute*

animal is causing an animal nuisance

**16ZB Section 112 (1) (b)**

*omit*

the nuisance exists, or from which it emanates

*substitute*

the animal is causing the nuisance

**16ZC Section 112 (4) (a) (ii)**

*substitute*

(ii) state where the nuisance is being caused; and

**16ZD Sections 114, 114A and 114B**

*substitute*

**114 Seizure, impounding and return of nuisance animals**

- (1) An authorised person may seize an animal if—
  - (a) the authorised person reasonably believes the animal is causing an animal nuisance, after considering—
    - (i) the extent of the animal nuisance; and
    - (ii) the likelihood of the keeper of the animal reducing or stopping the nuisance or complying with steps mentioned in a nuisance notice to prevent its recurrence; or
  - (b) the keeper does not comply with a nuisance notice issued to the keeper in relation to the animal.
- (2) If an animal is seized under subsection (1), the registrar must—
  - (a) impound the animal until it is returned to its keeper, or sold or destroyed; and
  - (b) either—
    - (i) if the animal's keeper's identity is not known—make reasonable inquiries to find out who is the keeper; or
    - (ii) if the animal's keeper's identity is known—give oral or written notice to the keeper in accordance with section 114A about the animal's seizure.
- (3) The registrar may give the notice by telephone.
- (4) The registrar must release the animal to a person claiming its release if reasonably satisfied that—
  - (a) the animal nuisance is not likely to happen again if the animal is returned to the keeper; and
  - (b) for a dog—there is not an unacceptable risk to the safety of the public or other animals from the dog being released to the keeper.
- (5) If the registrar releases a dog, the registrar may issue the keeper with a control order in relation to the dog.
- (6) Any costs or expenses incurred by the Territory in seizing or impounding an animal under this section are a debt payable to the Territory by the keeper of the animal.

**114A Information to be given in notice of animal's seizure**

If an animal is seized under section 114, the notice of seizure must give the following information, if relevant:

- (a) when and where the animal was seized;
- (b) the reason the animal was seized;
- (c) where the animal may be claimed;

- (d) the fee payable for the release of the animal;
- (e) that the animal may be sold or destroyed if it is not claimed;
- (f) the period in which the animal may be claimed before it can be sold or destroyed;
- (g) that the keeper may relinquish ownership of the animal.

**16ZE Destruction of vicious animals**  
**Section 116 (1)**

*after*  
 seize  
*insert*  
 or impound

**16ZF Section 116 (2)**

*after*  
 safety of  
*insert*  
 people exercising functions under this Act,

**16ZG Sections 128, 129 and 130**

*substitute*

**128 Power to enter premises**

- (1) For this Act, an authorised person may—
  - (a) at any reasonable time, enter premises that the public is entitled to use or that are open to the public (whether or not on payment of money); or
  - (b) at any time when business premises are open for business, enter the premises; or
  - (c) at any time, enter premises with the occupier's consent; or
  - (d) enter premises in accordance with a search warrant; or
  - (e) at any time without a warrant, enter premises if the authorised person—
    - (i) reasonably believes that the circumstances are so serious and urgent that immediate entry to the premises without the authority of a search warrant is necessary; or
    - (ii) reasonably suspects that an offence (other than an excluded offence) has been, or is being, committed on the premises; or
    - (iii) is authorised under this Act to seize an animal kept on the premises.
- (2) However, subsection (1) (a) and (b) do not authorise entry into a part of premises that is being used only for residential purposes.
- (3) An authorised person may, without the consent of the occupier of premises, enter land around the premises to ask for consent to enter the premises.
- (4) An authorised person may enter premises under subsection (1) with necessary and reasonable assistance and force.
- (5) A police officer may help an authorised person in exercising the authorised person's powers under this section if asked by the authorised person to do so.
- (6) To remove any doubt, an authorised person may enter premises under subsection (1) without payment of an entry fee or other charge.

(7) In this section:

*at any reasonable time* includes at any time when the public is entitled to use the premises, or when the premises are open to or used by the public (whether or not on payment of money).

**16ZH Inspection of premises  
Section 131**

*omit*

section 128 (1) (Entry of premises—routine inspections) or section 129 (2) (Entry of premises—search warrants)

*substitute*

section 128

**16ZI Consent to entry  
Section 132 (1)**

*omit*

section 114A (2) (Entry to premises for nuisance animal) or section 128 (1) (Entry of premises—routine inspections)

*substitute*

section 128

**16ZJ Section 132 (4) and (5)**

*omit*

section 114A (2) or

**16ZK Search warrants  
Section 133 (6), definition of *related thing*, paragraph (b)**

*substitute*

(b) a thing in relation to which the authorised person is reasonably satisfied it is necessary to exercise any of the powers mentioned in section 128 (1) (e)  
(i) to prevent the committing, continuing or repeating of an offence under this Act.

**16ZL Power to require name and address  
Section 134 (3), penalty**

*omit*

5 penalty units

*substitute*

15 penalty units

**16ZM New section 134A**

*in division 9.2, insert*

**134A Inspection of animals**

- (1) An authorised person or police officer may ask a keeper or carer of an animal to produce an animal for inspection if—
- (a) the authorised person or police officer reasonably suspects the keeper or carer has contravened this Act; or
  - (b) for a dog—
    - (i) a special licence is held by the keeper; or
    - (ii) the keeper holds a breeding licence; or

- (iii) a control order or nuisance notice applies to the dog.
- (2) A person commits an offence if the person fails to comply with a request under subsection (1).

Maximum penalty: 50 penalty units.

**16ZN Dishonoured cheques and credit transactions  
Section 142**

*omit*

certificate, tag or licence

*substitute*

certificate or licence

**16ZO Transitional provisions  
Part 11**

*omit*

**16ZP Dictionary, note 2**

insert

veterinary surgeon

**16ZQ Dictionary, new definition of *control order***

*insert*

***control order***, for a dog, means an order issued to the dog's keeper by the registrar requiring 1 or more of the following:

- (a) the property where the dog is kept to have secure fencing to properly confine the dog to the premises;
- (b) fencing at the property where the dog is kept to be inspected by the registrar every 6 months;
- (c) the keeper and the dog to complete a course approved by the registrar in writing in behavioural or socialisation training for the dog;
- (d) any other thing the registrar considers appropriate.

**16ZR Dictionary, definition of *registration tag***

*omit*

**16ZS Dictionary, new definition of *sell***

*insert*

***sell***, a seized cat or dog, includes give the animal to an entity responsible for animal welfare or rehousing abandoned or seized animals.

**19**

**Proposed new clauses 17A to 17E**

Page 12, line 2—

*insert*

**17A Dog registration information—Act, s 8  
New section 5 (ca)**

*insert*

- (ca) the unique identification number for the microchip implanted in the dog;

**17B Information on dog registration certificates—Act s 11 (2)  
New section 6 (aa)**

*insert*

(aa) the unique identification number for the microchip implanted in the dog;

**17C Requirement to be licensed  
Section 6A**

*omit*

**17D How dogs must be identified—Act, s 83  
Section 7 (6)**

*omit*

subsection (3)

*substitute*

subsection (1)

**17E Reviewable decisions  
Schedule 1, new item 1A**

*insert*

1A	Act, 13 (1) (c)	cancel registration of dog	keeper of dog
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**20**

**Clause 18**

**Page 12, line 3—**

*omit clause 18, substitute*

**18 Schedule 1, new items 11A to 11D**

*insert*

11A	Act, 53B (2)	destroy dog	keeper of dog
11B	Act, 53B (6)	issue control order	keeper of dog
11C	Act, 53C (2)	destroy dog	keeper of dog
11D	Act, 53C (4)	issue control order	keeper of dog

**19 Schedule 1, new items 13A and 13B**

*insert*

13A	Act, 67A (2)	sell seized dog	keeper of dog
13B	Act, 68A (2)	destroy dog	keeper of dog

**20 Schedule 1, item 28, column 2**

*omit*

or (5)

**21 Dictionary, note 3**

*omit*

- registration tag

**Schedule 2**

**Domestic Animals (Dangerous Dogs) Legislation Amendment Bill 2017**

Amendment moved by the Minister for Transport and City Services

**1**

**Clause 9**

**Page 4, line 7—**

*omit clause 9, substitute*

**9 New sections 53A to 53E**

*insert*

**53A Complaints about attacking, harassing or menacing dogs**

- (1) A person may complain in writing to the registrar about a dog if the dog—
    - (a) attacked or harassed a person or an animal; or
    - (b) is aggressive or menacing.
  - (2) The registrar—
    - (a) must investigate the complaint if it is about an attack that caused the death of, or serious injury to, a person; and
    - (b) in any other case—may investigate the complaint.
- Note* The dog may be seized and impounded by an authorised person until the end of the investigation (see s 56A).
- (3) The registrar must tell the complainant in writing—
    - (a) whether or not the registrar investigated the complaint; and
    - (b) if an investigation was conducted—the outcome of the investigation.
  - (4) The registrar may make guidelines about how the registrar investigates complaints.
  - (5) A guideline is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

**53B Dealing with attacking dogs—death or serious injury to person or death of animal**

- (1) This section applies if the registrar is reasonably satisfied, because of a complaint or otherwise, that—
  - (a) a dog attacked a person or an animal; and
  - (b) the attack caused—
    - (i) the death of the person; or
    - (ii) serious injury to the person; or
    - (iii) the death of the animal.
- (2) The registrar must destroy the dog.
- (3) However, subsection (2) does not apply if, and only if, the registrar is reasonably satisfied the dog is not likely to be a danger to the public or another animal.
- (4) For subsection (3), the registrar may consider—
  - (a) the circumstances of the attack including whether—
    - (i) the person or animal provoked the dog; or
    - (ii) the person or animal was attacked because the dog came to the aid of a person or animal the dog could be expected to protect; or
    - (iii) if the attack was on premises occupied by the keeper of the dog—the person or animal was on the premises without lawful excuse; and
  - (b) whether reasonable steps can be taken to reduce the risk of the dog endangering the public and other animals; and
  - (c) any other relevant matter.

- (5) The registrar may destroy the dog if—
- (a) the registrar gives the dog's keeper written notice of the decision to destroy the dog; and
  - (b) the dog's keeper—
    - (i) does not, within 7 days after the day the notice is given (the *application period*), apply to the ACAT under section 120 for review of the decision; or
    - (ii) applies to the ACAT under section 120 for review of the decision within the application period and the registrar's decision to destroy the dog is confirmed.

- (6) If the registrar decides not to destroy the dog, the registrar may issue a control order for the dog to the dog's keeper.

*Note 1* The registrar may declare a dog to be a dangerous dog if the dog attacked a person or animal—see s 22 (2).

*Note 2* The registrar must give a reviewable decision notice for s (2) and s (6) to the keeper and must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see s 119 and *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

### **53C Dealing with attacking, harassing or menacing dogs generally**

- (1) This section applies if the registrar is reasonably satisfied, because of a complaint or otherwise, that a dog—
- (a) attacked a person or an animal and the attack caused—
    - (i) an injury (other than a serious injury) to the person; or
    - (ii) serious injury to the animal; or
  - (b) harassed a person or an animal; or
  - (c) is aggressive or menacing.
- (2) The registrar may decide to destroy the dog.
- (3) In making a decision under subsection (2), the registrar—
- (a) must consider—
    - (i) the safety of the public and other animals; and
    - (ii) if the dog attacked a person or animal—the circumstances of the attack including whether—
      - (A) the person or animal provoked the dog; or
      - (B) the person or animal was attacked because the dog came to the aid of a person or animal the dog could be expected to protect; or
      - (C) if the attack was on premises occupied by the keeper of the dog—the person or animal was on the premises without lawful excuse; and
  - (b) may consider any other relevant matter.
- (4) If the registrar decides not to destroy the dog, the registrar may issue a control order for the dog to the dog's keeper.

*Note 1* The registrar may declare a dog to be a dangerous dog if the dog attacked a person or animal—see s 22 (2).

*Note 2* The registrar must give a reviewable decision notice for s (2) and s (4) to the keeper and must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see s 119 and *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

**53D Revocation of control order**

- (1) The registrar may revoke a control order if reasonably satisfied, after carrying out an inspection, that—
  - (a) the order has been complied with; and
  - (b) adequate steps have been taken so that there is not an unacceptable risk to the safety of the public from the control order being revoked.
- (2) The registrar must give written notice of the revocation, and a statement of reasons for the revocation, to each person to whom notice of the control order was given.

**53E Offence—failure to comply with control order**

A person commits an offence if the person—

- (a) is a keeper of a dog; and
- (b) is issued with a control order in relation to the dog; and
- (c) does not comply with the control order.

Maximum penalty: 50 penalty units.

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