



Debates

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Tuesday, 20 February 2018

MADAM SPEAKER (Ms J Burch) took the chair at 10 am, made a formal recognition that the Assembly was meeting on the lands of the traditional custodians, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Leave of absence

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

That leave of absence be granted to Ms Fitzharris for this sitting due to illness.

Dr Joe Baker AO, OBE

Motion of condolence

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

That this Assembly expresses its profound sorrow at the death of Dr Joe Baker AO OBE, the inaugural Environment Commissioner for the Australian Capital Territory, and tenders its sympathy to his family, friends and colleagues in their bereavement.

This morning the Assembly expresses its deep regret at the death of Dr Joe Baker. He was the ACT's first Commissioner for the Environment, a role that he held from 1993 to 2004. The ACT was the first jurisdiction to establish such a position. Dr Baker, through that time from 1993 to 2004, performed the role with distinction. In 1999 Dr Baker was also appointed the Chief Scientist of Queensland's Department of Primary Industries and Fisheries.

Beyond the service he gave to our city, Dr Baker was an honoured and distinguished scientist with an international reputation, an environmentalist with a deep and long commitment to protecting our unique environment, and a warm and generous mentor to others.

Joe, as he preferred to be called, was an inspiration to others in everything he did, from science to sport. His list of achievements and qualifications is a long one. He was awarded an Order of Australia and an Order of the British Empire for his services to science, with a particular emphasis on marine science. He was appointed as a member of distinguished academies, including Fellow of the Australian Academy of Technological Sciences and Engineering, and Fellow of the Royal Australian Chemical Institute.

His significant contribution to marine science was recognised when he was asked to accept the role of inaugural patron of the Australian Marine Sciences Association. He was a foundation staff member of James Cook University and he led the Roche Research Institute of Marine Pharmacology. Dr Baker was also a foundation member

of the Great Barrier Reef Marine Park Authority, appearing before the World Heritage Committee to nominate the reef to the World Heritage List in 1981. Dr Baker contributed to the Manila declaration of 1992, the Melaka accord of 1994 and Australian regulatory formulations, all of which provide guidelines and inform policies on the collection and use of biological specimens.

It was this long list of personal and professional attributes which saw Dr Baker nominated for the award of Australian of the Year in 2006. He had already been named one of the first “Queensland Greats”, in 2001. In 2007 Dr Baker became the inaugural patron of the Australian Marine Sciences Association.

In community and policy development contexts, he was influential in Earthwatch, the United Nations Convention on the Law of the Sea, the Australian Heritage Committee, and World Wildlife Fund Australia—an extensive involvement in our community and one that should be celebrated.

Today we extend our deepest sympathy to Dr Baker’s wife and lifetime partner, Valerie, and to his children and grandchildren.

MR COE (Yerrabi—Leader of the Opposition) (10.05): I too rise today to express condolences, on behalf of the opposition, at the passing of Dr Joe Baker AO, OBE. Dr Baker was born in 1932 in Queensland, and throughout his youth was known as an avid sportsman, particularly enjoying Rugby League, which he successfully played at a state level. However, it was in the field of science that he excelled and for which he is known to us here in the territory. Through his dedication to its principles he made a significant contribution to the ACT public service.

Dr Baker moved to Brisbane in 1950 to undertake a cadetship with the CSIRO, studying chemistry at the University of Queensland. It was there that his passion for science and the environment was realised, a passion that also shaped much of his future professional life.

Dr Baker’s work ethic was second to none, and this became particularly evident during his university years. He would often spend long days working at the CSIRO, but at the end of his shift his day was not over. He would attend university classes, followed by Rugby League training which went late most evenings. In order for him to stay up to date with his assignments and assessments, Dr Baker would continue to study into the early hours of the morning. It was this drive and enthusiasm for education that would stay with him for his whole life and was a great contributor to his later success.

It was a science excursion that led him to meet his wife, Valerie, whom he married in 1955. Despite his demanding work schedule, Dr Baker always had time for his family and their activities. Whilst he was focused on his work, caring for his four children was always his top priority. Dr Baker remained throughout his life a successful environmental scientist but above all a father. His energy and excitement motivated him to give more of himself, and he contributed to the community in many ways, including supporting and mentoring young students.

Dr Baker was key in securing world heritage status for the Great Barrier Reef and also initiated aquaculture and marine biodiversity research at the Australian Institute of Marine Science, which led to great successes for Australia's prawn industry.

In 1993 Dr Baker was appointed as the ACT's inaugural Commissioner for the Environment, a position which he held for 11 years. His passion for the environment and his work ethic throughout his term did not let up. He was a consummate professional and demonstrated real dedication to the role. He also laid strong foundations for the ACT's Office of the Commissioner for the Environment and Sustainability and oversaw the first five ACT state of the environment reports.

Dr Baker was also a member of various academic and scientific institutions throughout his time. He was a foundation member at James Cook University, the Great Barrier Reef Marine Park Authority and the Queensland Academy of Sport. He was a director at the Roche Research Institute of Marine Pharmacology, the Australian Institute of Marine Science and the Sir George Fisher Centre for Tropical Marine Studies at JCU. Dr Baker held the title of Chief Scientist at what is now the Queensland Department of Agriculture and Fisheries and served as chairman of the National Landcare Council and the Australian Heritage Commission. He was also a patron of the Australian Marine Sciences Association.

Dr Baker received many awards for his work, including the Order of the British Empire, in 1982, for services to marine science. He was appointed as an officer in the Order of Australia, in 2002, for contributions to environmental studies and chemistry. In 2001, as the Chief Minister said, he was declared a "Queensland Great" and was so honoured with a plaque in Brisbane. He also did Queensland proud in 1959, when he played two matches for the state Rugby League team.

Dr Baker remained a humble servant of the public, and continued his work in the scientific and local community until the end. Dr Baker sadly passed away on 16 January this year. His legacy will continue across both sport and science. The territory was very fortunate to have such an accomplished man as a leading public servant in the ACT.

Again, on behalf of the opposition, I would like to express my condolences to his family; in particular to his wife, Val, and his children and grandchildren.

MR RATTENBURY (Kurrajong) (10.10): I rise to express my deep regret at the death of Dr Joe Baker, the ACT's very first Commissioner for the Environment, a role he held with distinction from 1993 to 2004. Dr Baker—or Joe, as he was uniformly known—was born in regional Queensland in 1932. It was Joe's interest in environmental science that ultimately brought him to Canberra, where he not only assumed the role of commissioner but worked tirelessly to promote the environment in community contexts. His academic and environmental science achievements were distinguished, and they have been outlined here today by the Chief Minister.

It is important to observe that in the first state of the environment reports, Dr Baker examined the Australian Capital Territory's environment with care and rigour. In

1995 Joe considered whether the ACT was meeting its greenhouse gas emission targets. In that same year he discussed Canberra's urban forest, concerning himself with whether it was adequate to ensure absorption of CO₂. He looked for leadership in the commonwealth on establishing core environmental indicators. The issue of the environment was considered in its regional context and he sought out ways to encourage alliances to build environmental best practice and regional policy positions.

In his early reports Dr Baker raised the built environment and the need for government buildings to be subjected to environmental audits. This interest in auditing office energy, water, waste and paper use was in its infancy in Australia at that time, and Joe's interest in these matters illustrated the blending of the intellectual, practical and policy considerations which typified his whole scientific career.

His personal commitment to change and his great humility are evident from the manner in which he recognised and celebrated the contributions of the staff of his office and the reference groups which assisted him in producing rigorous and robust scientific reporting for the ACT. In fact, in a life well before politics, Caroline Le Couteur was one of the people on his reference groups.

Can I also take this opportunity to note that Helen Sims is in the public gallery today. She worked extensively with Joe to establish the Commissioner for the Environment's office here in the ACT and has made a very significant contribution to that office in her own right.

Even as Joe drove the reporting and consulting work of the ACT Office of the Commissioner for the Environment as a part-time commissioner, he also found time to provide scientific advice and guidance to the Queensland Department of Primary Industries and Fisheries as the Chief Scientist from 1999. The acceptance of this appointment attests to his boundless energy and commitment to using his ability to improve environmental outcomes in multiple settings.

One of his lasting legacies will be the work he did as a foundation member of the Great Barrier Reef Marine Park Authority. Joe was amongst those who presented the arguments for the reef receiving World Heritage listing in 1981. His abiding interest in marine science had set him on this path early in his career, and it was a commitment which never left him. We are lucky to have had Joe Baker on the side of this unique natural asset over the years.

The valedictories for Dr Baker speak of him as a tireless campaigner for environmental issues, an inspiring mentor and a generous collaborator. Kerrie Tucker, a former Greens MLA who was in this place from 1995 to 2004, has also passed on some of her thoughts upon Joe's death last month which I would like to share with you now. She wanted to underline that Dr Baker was a very honourable and caring person who, by his very nature, brought goodwill and respect for others with him. His overwhelming motivation seemed to be the desire to enhance both his own and others' understanding of the world we live in and to make it a better place. He was not prone to hubris but to commitment. Kerrie's comments match my own personal experience. Joe was always incredibly warm, willing to share his knowledge and enthusiastic to talk about the environment.

I would like to conclude by simply observing that Joe Baker was a humble man of many distinctions and talents. Both as the Minister for Climate Change and Sustainability and as a Greens MLA, I am saddened by Dr Baker's passing. On behalf of the ACT Greens, I would like to pass on my condolences to his wife, Valerie, and his four children—Russell, Rohan, Sharyn and Tracey. Tracey is here with us in the public gallery today, and I thank her for being here to mark this moment with us.

MR GENTLEMAN (Brindabella—Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal) (10.15): We express our deep regret at the death of Dr Joe Baker and we extend our condolences to his wife, Valerie, his four children and his nine grandchildren.

Dr Joe Baker was the first ACT Commissioner for the Environment, a role that he held for a decade. As we have heard, he had a distinguished career as a marine scientist, an international science policy expert, an academic and an environmental administrator before taking up the role of commissioner. Many awards and honours recognised his intellectual commitment to the environment across a range of sectors.

At the end of his school years, it was his intellectual ability, application and personal drive which saw Joe awarded a CSIRO cadetship. He took this up with the University of Queensland in 1950. At the university he explored his interests in chemistry, science and, of course, Rugby League. Joe Baker was a gifted Rugby League player and coach. In the years when he played competitively, he built a reputation for courage, tenacity and fairness. As a coach his team speeches were eagerly anticipated. On one occasion nervous players asked their coach his opinion of the “no sex before a game” rule. “Well, I suggest that you never say no if asked,” he said with a glimmer in his eye. His interest in Rugby League led to an enthusiasm for sports organisation and his ability was recognised in his appointment as a founding member of the Queensland Academy of Sport.

No doubt his sporting interests helped to ground him as he pursued his scientific interests. He regarded it as imperative that the community was involved in all of his environmental science undertakings. As the tributes have poured in, it is very clear that Dr Joe Baker was a man of science and a man of sport, but he was also a man with a deep and abiding commitment to his family. His lifelong partner, Valerie, had been a companion on the marine science journey, and she supported him as he struggled with his debilitating health issues. It was Valerie who made sure Joe spent some of his last hours at the ocean, another of the great loves of his life. Joe Baker will be fondly remembered by all Canberrans.

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

Petitions

The following petition was lodged for presentation:

Greenway playground shade—petition 4-18

By **Ms Lawder**, from 185 residents:

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

This petition of Tuggeranong Residents of the Australian Capital Territory draws to the attention of the Assembly that: Sun Shade is needed at the playground at Lake Tuggeranong near the Learn to Ride Park, Mortimer Lewis Drive, Greenway.

Tuggeranong Residents therefore request the Assembly to: Provide Sun Shade at the Playground at Mortimer Lewis Drive, Greenway.

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

Ministerial response

The following response to a petition has been lodged:

Draft variation 344 to the Territory Plan—petition 32-17

By **Mr Gentleman**, Minister for Planning and Land Management, dated 14 February 2018, in response to a petition lodged by Mr Steel on 30 November 2017 concerning a request to delay the approval of draft variation No 344 to the Territory Plan.

The response read as follows:

Dear Mr Duncan

Thank you for your letter of 30 November 2017 regarding petition No 32-17 lodged by Mr Steel MLA on behalf of certain Australian Capital Territory residents.

I note the contents of the petition and request to the Assembly.

In addressing the petition I note there is no section 10 in Woden. My response is therefore based on the assumption that the petition reference is to sections 3 and 9, which both lie adjacent to section 69 in Lyons and contains the Bellerive multi-unit residential development.

In regards to the first item, the Standing Committee on Planning and Urban Renewal has completed its inquiry into DV344 and has published its recommendations. I will make a decision on the variation once the planning authority reviews and addresses each of the recommendations made by the Committee. Notwithstanding this, DV344 currently has interim effect, which means that under section 72 of the Planning and Development Act 2007, development applications must be assessed as if the provisions of DV344 are part of the Territory Plan.

In regards to the second item, the current Territory Plan provisions do not specify a building height for the Woden town centre which has led to some confusion. The Woden master plan and subsequent Territory Plan variation aim to provide a measure of certainty by introducing maximum building heights for development across the town centre. The building heights included in DV344 do not in themselves guarantee development approval, as development will also need to demonstrate that it does not detrimentally impact on the amenity of surrounding areas and meets other requirements. This means that development applications will still be required to demonstrate that they are compatible with the surrounding area.

It is noted that the Committee has recommended reducing the maximum building height on section 3 to match what was previously approved on the site, which was a development up to 19 storeys. This recommendation will be considered prior to finalising the variation.

In relation to the third item, the proposed marker building provisions in DV344 are based on the approved Woden town centre master plan. As noted previously, the Committee has recommended that the marker building provisions remain, though reduced to 19 storeys. I will carefully consider the recommendations made by the Committee.

Any future development applications for development within sections 3 or 9 will be assessed by the planning and land authority in accordance with the relevant planning legislation and provisions in the Territory Plan, and be subject to consultation with the community.

Greenway playground shade—petition 4-18

MS LAWDER (Brindabella) (10.18), by leave: Playgrounds are, we all understand intuitively, important for our children. They enable them to develop their imagination and dexterity, and their physical, cognitive and emotional strengths. We talk a lot about healthy weight and anti-obesity measures. Playgrounds have an important part to play in those as well.

In Australia our weather, especially the sun, means that it can be important to provide shade in, around and near playgrounds. The petition calls on a sunshade to be installed at this particular playground near Lake Tuggeranong in Greenway. Australia has one of the highest rates of skin cancer in the world. Providing shade at this playground is a great way to reduce the risk of skin cancer or skin damage for our young children.

This particular area in Greenway has been really coming forward in leaps and bounds. There has been a new learn-to-ride park built there. I have corresponded with the minister on numerous occasions about how much that learn-to-ride park is appreciated and well utilised. We are also seeing a lot of investment in the improvement to water quality around Lake Tuggeranong. Of course, the community contributes through lake clean-ups—Clean Up Australia Day, Keep Australia Beautiful et cetera.

We have also seen some enlivening of the area recently by the introduction of a coffee van called Mimi's Pit Stop. All of these and other initiatives are bringing more and more people to this area. It is between the dog park and the sea scouts hall. So it is an area that more and more people are going to. It has a good car park nearby. This community is saying to the government, "We like this area. It is a great area. It is a useful area. But there are some things that can be done to make it even better."

One of the important things to note is that it is a small playground. It was, I think, under-utilised until these improvements. I know when I have ridden around the lake, first with my children and now my grandchildren, stopping off at the various playgrounds is a way of encouraging them to keep riding their bikes all the way around. This particular playground has a metal slide. We all know how hot those slides can get. One of the complaints that we hear about this particular playground, especially at this time of year, is that it is almost impossible to use the slide.

I have had some previous correspondence about the possibility of replacing the slide. That has not eventuated. I think a sunshade in this area would fix both the skin damage aspect as well as making that metal slide more useable. It is a really enlivened area, thanks to the coffee cart and the other improvements that are going on.

I would like to thank Vickie from Mimi's Pit Stop for this petition, together with all the parents, grandparents and people around the area who signed the petition. They are people who care about their area. They are people who enjoy using Lake Tuggeranong. It is a simple request in order to make that area even better. I look forward to the government's response to this petition.

Future of education Ministerial statement

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Women and Minister for Sport and Recreation) (10.22): In February 2017 I made a statement to this Assembly about the future of education conversation. I outlined my intention to engage with a broad spectrum of people in our community, including teachers, students, parents, educators, community organisations and educational leaders to hear their views on the important issues for the future of education in our city.

Today I am telling you a bit about what the government has been told in this big conversation and what happens next. Over the past year I have appreciated getting to know more about the learning and work that occurs in all Canberra schools. The diversity and inclusiveness of the ACT's education system and the creative and varied thinking of our students and teachers can be seen in every classroom.

I kicked the community conversation off with broad questions about people's personal experiences, such as: what currently works well, what do we want and expect from our school and early childhood education systems, what do you like best about your school and what might we change? Supported by material on the your say website, and discussion papers and facilitation guides, as well as strong social media and targeted approaches, our community has been telling the government what they think.

At the last count we had input from 4,673 individuals and heard from an average of 146 people each week. Forty-four per cent of the people we heard from were students; 38 per cent were from schools, including teachers, boards and school communities; and 11 per cent of the input was from parents and carers.

I was very keen that the voices of our young people be central to this conversation, and I have heard them loud and clear. The student congress have met regularly and talked about what it is like to learn in our schools, and they have involved their friends in this conversation. Through the process I have been welcomed into year 11 and 12 classrooms to hear firsthand about the issues that are on the minds of our young people as they prepare for further learning, work or both. We have heard the ideas of young people through an ideas igloo video booth set up in primary schools, community fetes and end-of-year celebrations and graduations. There have also been numerous drawings and individual submissions from children and young people about the things that are important to them.

I am happy to say that we have heard from over 2,000 students through this process. The student feedback has consistently shown concern for the wellbeing and support needs of their peers. We have had drawings of a fully wheelchair accessible school and playground. The issues of young people's mental health, bullying and isolation have featured strongly, echoing concerns about this issue across Australia.

Students came forward with lots of different ways that we could support them as they journey through our education system. All the conversations and the feedback the government have been given have provided us with a very clear sense of what is important to our community, young people, teachers and education experts.

I started this conversation by emphasising that equity underpins the government's approach to education. Every child deserves a great education and the life chances that flow from it. Every child starts life with the potential for great things. So our education system must support all children to achieve their potential. I am happy to say that the community resoundingly agrees.

Equity in education and educational outcomes is a core belief, value and commitment for the ACT community. Teachers know that equity and excellence go hand in hand. They have told us things like, "Education is a leveller. It can reduce the equity gap. We need to make sure our education system is the best for all students, to ensure all students can reach their full potential." They have told us: "Our curriculum should not just acknowledge but celebrate diversity." Students are telling us that we need "to ensure that everyone gets the same opportunities" and that we must "allow everyone to have a fair and equal chance at a proper education".

One clever primary school student noted, "Education is important because it gives kids a job in the future and a better shot at life." Often, for students, the importance of equity was expressed as the understanding that some kids need extra help. Parents often express their commitment to equity through the need to provide additional support to students who are struggling. They agreed with the government's emphasis, saying things like, "It comes back to the conversation about how and why we value

education as an opportunity to develop all of our kids into the best people they can be.”

Equity has to start with equal access to quality early childhood education. Many participants in the future of education conversation have highlighted the importance of investing in the early years. As a community we need to better recognise and respect the foundational education that is delivered in what many people still refer to as child care.

Professional, skilled educators are key. The more our community expects from educators, the more their work needs to be valued. In the ACT we have very high participation rates in early childhood education, both in preschool and before. But, despite our great participation rates, there is room for improvement, particularly in making high quality early learning universally available, regardless of family circumstances. That is why the government committed at the election to deliver an early childhood strategy, coordinated with the future of education work.

Another key part of equity in education is providing all students in every school with equal access to high quality teaching. Quality teaching is the key to success in high performing school systems and of critical importance to teachers. That has been evident through the conversation. Students are telling us, “I do way better in classes with teachers that I bond with,” and “A teacher who cares makes the student care.” Parents told us that teachers are the single most important factor in educational success and that “we need to free our teachers from administrative burdens and allow them to teach in a way that engages children and provides them with a lifelong love of learning”.

We already have many great teachers in the ACT. I want to hear more about what they think needs to change to make sure that they can grow their profession and make sure that every student has access to excellent teaching. Towards the end of February I will be releasing a discussion paper specifically considering teaching and the profession to really draw out their expertise.

During this process the government analysed every piece of information, and 10 broad themes emerged. I released these in October 2017 to check that the government has correctly heard what the community has said. I am confident that we have. Over the coming months the themes will be concentrated into three or four clear areas that will provide the basis for further feedback and allow an opportunity for ideas and solutions to be raised.

Already, foundations for the strategy are broadly apparent and possible actions are emerging. The strategy will be founded in a recognition that students—our children—are people. They come to school with a broad range of gifts and talents, interests and unique personalities, and they always have a lot going on in life. Maybe every student needs an individual learning plan, as is the case in Finland.

Our schools could also be better equipped to connect students to important human services so that students are enabled to learn. This could mean better organising of social workers and other allied learning professionals around schools, perhaps even

collocating services. By better meeting the individual needs of students, our teachers will be freed up to focus on their core role—facilitating learning.

Teachers are experts in their profession. The community needs to trust their expertise, and I am committed to making sure our government invests in the profession to build them up. So I expect the strategy will include efforts to better equip aspiring and new teachers; provide lots of opportunities for teachers to grow through, for example, action research; and make sure that every teacher has access to instructional leadership through good practice mentoring and coaching.

Integrated into every element is a need to get our administrative systems focused on equity and quality. The strategy will cast a future where ACT schools can recognise endeavour, celebrate diversity, praise achievement and reward excellence.

As you can hear from my statement today, it is really important to me that I hear and act on what the community has to say about education in the ACT. This continues to be my priority. However, I also know that educational research shows that our reforms will fail if our focus is on the wrong things.

The government has been working hard to ensure that our conversation and research align. Contemporary research shows that the way to make a difference in education is to be focused on people—that is, our workforce systems and how we organise and support teachers and schools—and on the lived experiences of the young people in our early childhood settings and schools.

The government will continue to work with the community and consider the research so that the future of education strategy is rigorous but also sensitive to our community. I want to conclude by returning to the most fundamental basis of a good educational system. One of our contributing parents nicely sums it up: “All over the world a good education appears to decrease poverty. Education not only provides a springboard of opportunity but promotes dignity, health and freedom.”

I present the following paper:

Future of education—Ministerial statement, 20 February 2018.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

Alexander Maconochie Centre—Moss review implementation Ministerial statement

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Justice, Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health) (10.33): I am pleased to have the opportunity to share with the Assembly and community the significant change that has occurred over the

past year to improve the care and treatment of all detainees at the Alexander Maconochie Centre. Firstly, I take this opportunity to remember Steven Freeman, a 25-year-old Aboriginal man who died in custody at the Alexander Maconochie Centre. I pay my respect to his mother, Mrs Narelle King, and her family and acknowledge their profound loss and grief. I also acknowledge the significant impact his death has had on our Aboriginal and Torres Strait Islander community.

Steven Freeman's death is the subject of a coronial inquest. All deaths in custody are very serious matters, and there are statutory requirements for all deaths to be fully investigated. The coroner is due to deliver the findings of the inquest on 11 April 2018, and the government will consider any findings made in due course. Any loss of life within the custody of ACT Corrective Services is a serious matter that warrants appropriate scrutiny and review. It was for this reason that in June 2016 I announced an independent review into Steven Freeman's care and treatment during his time in custody. I subsequently appointed Mr Philip Moss AM as the independent reviewer to lead this process.

The scope of the review was to examine Steven Freeman's treatment throughout his time at the AMC. The review considered whether ACT Corrective Services systems operated effectively and in compliance with human rights obligations during Steven Freeman's time in custody. It further examined the support services provided by other directorates and ACT Corrective Services partners.

Mr Moss titled his review *So much sadness in our lives: independent inquiry into the treatment in custody of Steven Freeman*. It was made available to me on 7 November 2016 and I publicly released the review on 10 November 2016. The review found that the government must do more to ensure people in custody are safe and receive appropriate health care. It highlighted the need for improvements in a range of areas, including increasing cultural proficiency to better manage the welfare of Aboriginal and Torres Strait Islander detainees.

The ACT government responded to the Moss review on 16 February 2017, agreeing to eight of the nine recommendations. These relate to how the management, care and supervision arrangements for detainees might be improved. They include processes that can be further developed to ensure the care of detainees is enhanced. The ninth recommendation was noted as it relates to the Health Services Commissioner, who is an independent statutory office holder, and it is being progressed by that office.

Some of the recommendations require long-term planning and have multi-year implementation time frames and budget impacts. Nonetheless, the government has already provided \$3.151 million over four years in the 2017-18 budget to commence the implementation of recommendations coming out of the Moss review. This is essential work for ACT Corrective Services and remains a high priority for me and the government. In addition, the government has provided an additional \$13 million in the 2017-18 budget review to further strengthen ACT Corrective Services' capability and progress these recommendations.

All conclusions made throughout the Moss review have been noted and are being acted upon. Some of these are general observations made by the reviewer, findings

about particular issues, or constructive suggestions for action and change. The work achieved so far sets a strong foundation for ongoing systems improvement, especially around the needs of Aboriginal and Torres Strait Islander people.

Recommendations made in the Moss review are directed to a number of government directorates and statutory office holders, including the ACT Health Services Commissioner, ACT Policing, the Office of the Director of Public Prosecutions and the ACT Ombudsman. The review also refers to the Winnunga Nimmityjah Aboriginal Health Service and encourages their increased participation to deliver culturally safe health services to detainees.

To provide assurance to the community on the progress of the government's response, strong governance arrangements were put in place to oversee and report to me on the implementation of the Moss review. This work is being progressed by an interdirectorates project team and overseen by a high-level steering committee. I appointed an independent chair, Mr Russell Taylor AM, to lead this work and report directly to me on its progress.

Other members of the steering committee include the directors-general of the Justice and Community Safety Directorate, ACT Health and the Community Services Directorate, along with key community representatives from the Winnunga Nimmityjah Aboriginal Health Service, the Aboriginal Legal Service and the Aboriginal and Torres Strait Islander Elected Body to ensure that the interests of the Aboriginal and Torres Strait Islander community are being met.

The formation of the steering committee has helped ensure that the recommendations are being fully implemented in the spirit of the review and in response to community expectations. It has also provided a forum for key representatives of the Aboriginal and Torres Strait Islander community to meet regularly with high-level government officials to discuss issues their community faces. I thank each of the community members for their full participation in this process, which has helped strengthen our response.

Effective independent oversight is important to build and maintain public confidence in the ACT's corrections system. Following the Moss review, and due to the unique make-up of the ACT's correctional system and growing population pressures, I determined that a new model of oversight was required. In response, the ACT government allocated \$1.661 million over four years to establish an external and independent Inspectorate of Custodial Services to strengthen and improve oversight arrangements. On 30 November 2017 the ACT Legislative Assembly passed the Inspector of Correctional Services Act 2017. This legislation establishes an independent inspector tasked with conducting biennial reviews of ACT adult corrections facilities and, within two years, youth justice centres.

The inspector will provide a high level of transparency and accountability through reports to the Legislative Assembly. The inspector must make these reports public, unless there are public interest grounds against disclosure. The inspector will also examine and review critical incidents. Critical incidents are defined to include circumstances where a person's life has been endangered, there is an escape, a hostage

situation, a riot, a fire or a serious assault. This function will also provide insight into broader systemic issues that may be raised by individual incidents.

The inspectorate model also recognises the importance of having a diverse monitoring team made up of a range of professionals with a range of cultural backgrounds and life experiences. If a matter involving a detainee requires examination or review by the inspector, the inspector may be required to consult with or include staff with the appropriate experience and/or cultural background of that detainee. An expression of interest for the position of a suitably qualified inspector was advertised nationally and closed in November 2017. I hope to make an announcement about this important appointment soon.

Further to this, Australia's ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment—otherwise known as OPCAT—in December 2017 will now allow visits from the United Nations subcommittee on the prevention of torture. The Monitoring Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2017 debated in this chamber last week provides for UN subcommittee visits and enables their access to places of detention and to information, including detainee records, and to interview detainees and other people.

The OPCAT provides a framework for the preventive approach to oversight which entails visits, including unannounced visits, to all places where people are deprived of their liberty in order to assess risks of ill-treatment and make recommendations for improvement. This will provide further transparency and accountability and contribute to strengthening and improving oversight arrangements not only at the AMC but also in other places of detention in time.

With respect to recommendation 7, the Health Services Commissioner has initiated an own-motion investigation into matters relating to the delivery of health services within the AMC, including matters associated with methadone prescription. I understand the commissioner's final report will be released this month, and I look forward to receiving it to consider any recommendations made.

The Moss review concluded that AMC management needs to meet the obligations of both detainee safety and human rights protection. Recommendation 6 suggests that in order to achieve this balance ACT Corrective Services needs to establish a separate remand prison within the AMC to ensure remanded detainees are segregated from sentenced detainees.

To respond to this recommendation, and to provide advice and further options for government around the AMC, an external consultant was engaged to undertake a feasibility study around the AMC centre logic. ACT Corrective Services received one-off funding of \$700,000 in 2017-18 to progress this work, which will provide options for government to consider infrastructure needs for the AMC for the next five to 20 years. In addition, reforms have already commenced within the AMC to help satisfy the long-term intent of recommendation 6 and related conclusions to enhance detainee management and security.

By way of example, in November 2017 all female detainees were relocated to another accommodation unit within the AMC due to increased detainee numbers. This new arrangement has provided an opportunity for ACT Corrective Services to establish a structured day within the unit. This will progress to a pro-social model of detainee management that includes the introduction of an incentive and earned privilege scheme within the AMC. Once these initiatives are refined within the women's area they will be rolled out to all detainees in the AMC in a staged approach. These changes further address some of the conclusions under recommendation 9 to improve the management, care and custody of detainees in compliance with human rights obligations.

Since the assault on Steven Freeman, the admission process in the AMC has been further developed and strengthened, noting that Mr Freeman was seriously assaulted soon after his initial admission. In response, new admissions are now initially accommodated in a section of a cell block at the AMC for a period of five to seven days, where they are placed under an observation regime. During this time a number of assessments are conducted with the detainee by ACT Health and ACT Corrective Services. Further intelligence checks are undertaken to gain additional information about the detainee's history and any potential association risks.

An assessment of safety and security risk is undertaken, with a final review of all the information being made by a senior Corrective Services officer before a detainee is placed in more permanent accommodation. This process is vital to ensuring the appropriate placement of detainees and reducing risk. Further work to refine assessment and intelligence processes continues, and the addition of the ACT Corrective Services intelligence unit, for which additional funding was announced last week, will strengthen risk assessment processes.

The safety and care of detainees in the AMC is fundamental. ACT Corrective Services responded quickly to recommendation 1 to provide improved security and care of detainees at the AMC. Improved security measures, including enhanced CCTV coverage, were implemented across the AMC to provide a safer environment and to reduce incidents of violence. Since Steven Freeman's assault, additional CCTV cameras have been installed at the AMC, bringing the total number of cameras to 525.

CCTV is an important evidentiary tool to support the successful investigation of assaults in the AMC so that offenders can be held accountable. The enhanced CCTV system has strong maintenance support through a service provider to meet monthly compliance checks. The system has the capacity to capture footage for 90 days, and any footage that is reviewed is stored electronically for an indefinite period.

ACT Corrective Services policies and procedures for camera setting, movement and recording have been updated to establish best practice standards for operating CCTV in a custodial environment. ACT Corrective Services has also introduced a training package that will see all relevant staff trained in operating the CCTV system by March 2018. The training program is also embedded into new recruit training and regular refresher training is provided to corrections officers.

In July 2017 the steering committee visited the AMC to see the AMC's master control room in operation and inspect upgrades that have been implemented to the CCTV. The chair of the steering committee wrote to me after this site visit, stating:

I am satisfied that ACT Corrective Services are striving for best practice and optimal coverage in the operation of CCTV cameras. The changes implemented to date embrace the spirit of the Moss Review.

The improved quality of the images captured by the CCTV cameras has also since assisted ACT Policing with investigations of other assaults and incidents at the AMC. It is the view of the oversight steering committee that this recommendation has now been satisfied.

Recommendations 2 and 3 of the Moss review relate to the investigation of assaults at the AMC and the prosecution of alleged offenders. The Director of Public Prosecutions has confirmed that its existing prosecution policy supports the intent of recommendation 3, and where sufficient evidence exists a prosecution can be undertaken. This includes prosecutions that may involve reluctant or vulnerable witnesses, such as in a custodial setting. In addition, to address both recommendations, ACT Corrective Services and ACT Policing have worked collaboratively to update an existing memorandum of understanding, as noted in the government's response to the Moss review.

The new MOU was signed by both agencies on 28 April 2017. It sets out the working relationship between ACT Policing and ACT Corrective Services. It includes procedural details relating to information-sharing arrangements, cooperative management arrangements relating to serious incidents and operations, and details the nature of incidents to be reported to and responded to by ACT Policing.

Since the signing of the MOU and enhancements being made to the CCTV system at the AMC, ACT Policing has investigated a number of allegations of assault at the AMC that have proceeded to prosecution. This demonstrates that the intent of the Moss review around pro-investigation and prosecution is being achieved.

The Moss review also concluded that notification about a death in custody of an Aboriginal and Torres Strait Islander detainee needs to be made by an Aboriginal and/or Torres Strait Islander person. This is the most culturally appropriate and sensitive way to deliver such devastating news. The MOU between ACT Corrective Services and ACT Policing establishes such a protocol, should it be required in the future. This approach is in the spirit of recommendation 19 of the Royal Commission into Aboriginal Deaths in Custody around notifications to next of kin.

Moving forward, ACT Policing and ACT Corrective Services continue to meet quarterly to review their working relationship and ensure appropriate information-sharing arrangements are being met and to discuss how both agencies can work together to create a safer environment for detainees and the broader community.

The chair of the steering committee has informed me that there has been extensive discussion and deliberation by the committee about the ACT Policing investigation

into the serious assault of Steven Freeman in 2015. These discussions focused on what measures are necessary to improve the identification of detainees that commit assaults in the AMC. Senior representatives from ACT Policing, ACT Corrective Services and the ACT Director of Public Prosecutions have met with the steering committee on a number of occasions.

As a result of these discussions, the steering committee has been able to better clarify the roles and responsibilities of each agency in investigating assault matters and how the investigative and prosecution processes work. They have subsequently reported that the consensus of the committee is that the work done since the review to implement recommendations 2 and 3 does substantially improve the situation moving forward and the work achieved in these improvements is in the spirit of what Mr Moss intended in his review. In December 2017 the committee agreed that both recommendations 2 and 3 have been satisfied.

Detainees at the AMC often have significant and complex health needs and require additional care. The health needs of Aboriginal and Torres Strait Islander detainees with complex health issues are a particular area of focus. There is an expectation from government that justice health services and ACT Corrective Services share information, clearly understand their roles and responsibilities and work together to improve detainees' safety and wellbeing.

In response to recommendation 4, a formal arrangement was signed by the directors-general of Justice and Community Safety and ACT Health on 14 August 2017. This arrangement sets a clear statement of intent for the provision of health services for detainees. It outlines the community and government expectation that staff will work together and share information to ensure that detainees have access to regular health checks and timely physical and mental health treatment when necessary.

The arrangement will be supported by a number of schedules. The first schedule developed addresses information sharing to enhance service delivery arrangements for detainees by the improved transfer of relevant and timely information between agencies. Further schedules and protocols will be jointly developed to support the arrangement and improve service delivery outcomes. I am pleased to see strong work towards this by both agencies. On 24 January 2018 the steering committee found that the development of the arrangement and supporting schedules satisfied this recommendation.

The Moss review also recognised the significant proportion of Aboriginal and Torres Strait Islander detainees at the AMC and concluded there is a need to better integrate Winnunga Nimmityjah Aboriginal Health Service to provide a holistic approach to health care at the AMC in a culturally safe way. The Royal Commission into Aboriginal Deaths in Custody also made several recommendations for the inclusion of appropriate Aboriginal and Torres Strait Islander organisations in the design and delivery of services and programs for Aboriginal and Torres Strait Islander offenders.

The ACT government recognises the importance of giving a central role to Aboriginal and Torres Strait Islander people in the delivery of services in the criminal justice and health systems. This is vital to a holistic model of care for Aboriginal and Torres

Strait Islander detainees. Increased participation by Winnunga in delivering health services to detainees at the AMC also supports the ACT government's goal to close the gap in Indigenous disadvantage. ACT Health and ACT Corrective Services have been working collaboratively with Winnunga to develop and agree to a best practice model of Aboriginal and Torres Strait Islander health service delivery at the AMC.

I take this opportunity to particularly recognise and thank Ms Julie Tongs OAM, the CEO of Winnunga, for her strong leadership and support in this process. This work has resulted in an agreed set of principles and model of care that would integrate Winnunga into the service offering at the AMC while maintaining its independence as an Aboriginal health service.

In November 2017 a new partnership approach was commenced with Winnunga and ACT Corrective Services in the female detainee area. Winnunga staff were available daily to support female detainees during their accommodation move and have since established an enhanced service offering within the area. This partnership will expand over time in a staged approach, and in 2018 Winnunga will move to full delivery of health, social and emotional wellbeing services in the AMC, in partnership with ACT Corrective Services and justice health services. Under this model, Winnunga health services will be available to all detainees regardless of their gender or cultural background.

The Moss review steering committee acknowledged that full implementation of recommendation 5 will take time and that positive progress against this recommendation is being made. It also noted the genuine commitment by all parties to progress towards full implementation this year.

The ACT government is working to address elements of the criminal justice system that disproportionately impact on Aboriginal and Torres Strait Islander people and to support the government's commitment to reducing recidivism by 25 per cent by 2025. On 7 December 2017 I launched a bail support trial known as Ngurrumbai, which is a Ngunnawal word which means "perceive"—I see; I hear; I understand. The trial is designed to reduce the number and the amount of time that Aboriginal and Torres Strait Islander people spend on remand.

This program funds the Aboriginal Legal Service to provide bail support officers to deliver a culturally appropriate operational model that includes conducting assessments, developing a bail plan, the provision of culturally appropriate intensive case management and referral to services and programs. The Justice and Community Safety Directorate will continue to consider opportunities to divert persons from the criminal justice system through its justice reinvestment and justice reform work.

Efforts to address the over-representation of Aboriginal and Torres Strait Islander people in our justice system include the Yarrabi Bamirr trial, meaning "walk tall" in Ngunnawal, which involves a collaborative approach between the Justice and Community Safety Directorate and Winnunga, using a family-centric service support model for Aboriginal and Torres Strait Islander families to improve life outcomes and reduce or prevent contact with the criminal justice system. Where appropriate, clients

will also be provided with timely and relevant legal advice, support in dealing with statutory agencies, including care and protection, support prior to, during and following the serving of a sentence, and referrals to relevant diversionary programs.

Another key project launched in December 2017 is the Aboriginal and Torres Strait Islander driver licensing pilot project. This is a culturally relevant driver instruction education and support program designed to increase licensing rates and improve road safety, targeting Indigenous learner drivers, job seekers and the Aboriginal and Torres Strait Islander people in the criminal justice system from the ACT and greater region. The project seeks to reduce licensing inequality and improve road safety through tailored professional driving lessons and community-based support.

These justice reinvestment trials form part of our commitment to reducing recidivism. This work is further strengthened by committing to a tough measure in the parliamentary agreement for the Ninth Assembly to reduce recidivism by 25 per cent by 2025. As a comprehensive plan for reducing recidivism is developed, it will focus more on the key issue of reducing incarceration of Aboriginal and Torres Strait Islander people. Justice reinvestment is about creating a smarter, more cost-effective approach to improving criminal justice outcomes, focused on reducing crime, improving public safety and strengthening communities. It is also about working with people to look at our local situation and develop local solutions.

Unfortunately, our ACT incarceration rates are not where we want them to be, particularly for Aboriginal and Torres Strait Islander people. We must work together and we must work harder to change the current situation and reduce the number of Aboriginal and Torres Strait Islander people in our justice system. Our work through the Aboriginal and Torres Strait Islander justice partnership, the justice reinvestment strategy and the recidivism plan strives to make this critical change happen. As we commence the development of a new justice partnership and our ACT recidivism plan, we have the opportunity to bring people and agencies together to focus on the critical issue of reducing over-representation.

The ACT government understands the importance of initial, ongoing cultural awareness training for all staff that provide services to Aboriginal and Torres Strait Islander detainees. The interdirector project team is aware that more needs to be done to provide culturally safe practices for Aboriginal and Torres Strait Islander detainees and has sought advice from the steering committee on how this could best be achieved. The committee agreed, as Mr Moss recognised in his review, that increasing Aboriginal services within the AMC is essential to maintaining cultural connection and improving overall cultural awareness and safety for detainees. Increasing Winnunga's participation at the AMC is a significant step forward in this area.

The steering committee have also suggested an increase in trauma-informed cultural enhancement programs for detainees at the AMC, and directorates are considering this advice in addition to the good work they already do around cultural awareness and increasing Indigenous employment levels across the ACT public service.

ACT Corrective Services employs a number of Aboriginal and Torres Strait Islander staff in both identified and non-identified positions. As of 23 August 2017, 5.12 per cent of the total ACT Corrective Services workforce identified themselves as being from Aboriginal and Torres Strait Islander backgrounds. In addition, the ACT government also engages an Indigenous official visitor to visit and interact with detainees within ACT correctional facilities to ensure cultural needs are being met.

The observations and conclusions that comprise recommendation 9 of the Moss review will continue to inform ongoing efforts across government so that changes are implemented in a culturally safe way. These span several directorates and will inform future reforms and service delivery arrangements. Additionally, the advice of the steering committee continues to help inform the implementation of recommendation 9 and to assist the government to increase its cultural proficiency to more effectively manage the welfare of Aboriginal and Torres Strait Islander detainees.

A detailed status report on all the recommendations and conclusions has been provided to the Assembly. An information brochure has also been created especially to assist the ACT Aboriginal and Torres Strait Islander community to understand how the Moss review recommendations are being implemented to improve detainee health and wellbeing. Copies of the information brochure will be available online via the JACS website and hard copies will be provided to the Aboriginal and Torres Strait Islander Elected Body, Winnunga and the Aboriginal Legal Service, as well as being made available to visitors and detainees at the AMC.

I commend the work of all directorates involved, including the support and advice being provided by the independent chair, Mr Russell Taylor AM. I also recognise and thank the Aboriginal and Torres Strait Islander community representatives on the steering committee, namely Ms Jo Chivers, Ms Julie Tongs OAM and Mr Anthony Longbottom, for their strong contributions in this process. I also acknowledge the remarkable resilience of, and strong advocacy for change by, Mrs Narelle King following the death of her son. The changes being implemented through the Moss review recommendations will help improve the safety and wellbeing of people in custody at the AMC, especially Aboriginal and Torres Strait Islander people, and ensure Steven Freeman's legacy is a positive one for all Aboriginal and Torres Strait Islander detainees.

I present the following papers:

Moss Review—

Implementation—Ministerial statement, 20 February 2018.

Annual report, February 2018.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee Scrutiny report 14

MRS JONES (Murrumbidgee) (11.02): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 14, dated 19 February 2018, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS JONES: Scrutiny report 14 contains the committee's comments on 70 pieces of subordinate legislation, one government response, one national regulation, four regulatory impact statements, and proposed amendments to one government bill. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Planning and Urban Renewal—Standing Committee Report 4

MS LE COUTEUR (Murrumbidgee) (11.04): I present the following report:

Planning and Urban Renewal—Standing Committee—Report 4—*Draft Variation to the Territory Plan No 329: Weston Group Centre and Surrounding Community and Leisure and Accommodation Lands: Zone changes and amendments to the Weston Precinct map and code*, dated 7 February 2018, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This is the fourth report of the planning and urban renewal committee for the Ninth Assembly. On 28 August 2017, pursuant to section 73 of the Planning and Development Act 2007, the minister for planning referred this variation to the standing committee. The standing committee advised the minister that we would be conducting an inquiry into it. The committee held one public meeting and heard from eight witnesses, who included members of community organisations, individuals, the Minister for Planning and Land Management and his officials. We also received three submissions. Our report contains 11 recommendations. The bottom line is that the committee recommended that, subject to our following recommendations, draft variation 329 be approved.

When you look at our recommendations, those of you who followed intimately my comments and my recommendations on Woden a week ago, as I am sure all of you did, will find that there are a lot of recommendations in common. Recommendations 2,

3, 4, 5, 7 and 8 all deal basically with matters which are not related to a specific location. They deal with how the Territory Plan documentation is expressed. We are talking about height limits being storeys and metres, for instance, and how people can understand what is in the Territory Plan.

Recommendation 4 is a recommendation which I think I was part of making back in the Seventh Assembly, when I was on the planning committee. It recommends that a draft variation of the Territory Plan, where it is proposed to append a side-by-side comparison of the existing code and the proposed code, together with an explanatory statement of the differences between the two codes, be provided to facilitate public understanding of the draft variation. There is also some commentary about accessible documents in general and timing.

So the majority of the recommendations are, in fact, about common issues. The Territory Plan variation is in consultation, and I trust that as we continue to make these recommendations the government will find itself in a position to act upon them.

One recommendation, recommendation 6, unfortunately speaks particularly to consultation, where the community simply, I think, did not understand what the government was trying to say. In recommendation 6 the committee recommends that the ACT government meet with Weston Creek Community Council to discuss the issues raised in their submission, because it appeared to us that there was not a mutual understanding of all the issues here. That is really depressing.

Getting back to the recommendations which specifically apply to Weston, we recommended that the proposed height limits be adopted and, in particular, that the ACT government deliver a new Weston Creek community centre, including a community hall, prior to the sale of the current community centre site. We also made recommendation 11 about maintaining parking provision.

As chair, I would very much like to thank everybody who provided information to the committee and gave evidence to the inquiry, including directorate officials, interested organisations and members of the community. I would like to thank my fellow members of the committee, Ms Orr, Ms Lawder—who I understand is no longer a member of the committee but was at the time—Ms Cheyne and Mr Milligan, and of course the secretary, Annemieke Jongsma. Without her hard work there would be no report. I commend the report to the Assembly.

Question resolved in the affirmative.

Education, Employment and Youth Affairs—Standing Committee

Statement by chair

MR PETTERSSON (Yerrabi) (11.09): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Education, Employment and Youth Affairs relating to statutory appointments in accordance with continuing resolution 5A. I wish to inform the Assembly that during the applicable reporting period, 1 July 2017 to 31 December 2017, the standing committee considered a total

of 15 appointments and reappointments to the following bodies: the Board of Senior Secondary Studies, the Board of the ACT Teacher Quality Institute, the Children and Young People Death Review Committee, and the University of Canberra council.

I present the following paper:

Education, Employment and Youth Affairs—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 July to 31 December 2017.

Justice and Community Safety—Standing Committee Statement by chair

MRS JONES (Murrumbidgee) (11.10): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety relating to statutory appointments in accordance with continuing resolution 5A. Continuing resolution 5A was agreed by the Legislative Assembly on 23 August 2012. The requirements of the resolution set out a transparency mechanism to promote accountability in the consideration of statutory appointments. The resolution requires relevant standing committees which consider statutory appointments to report on a six-monthly basis and present a schedule listing appointments considered during the applicable period. The schedule is required to include the statutory appointments considered and, for each appointment, the date the request from the responsible minister for consultation was received and the date the committee's feedback was provided.

For the reporting period 1 July 2017 to 31 December 2017 the committee finalised its consideration of 48 statutory appointments. In accordance with continuing resolution 5A, I present the following paper:

Justice and Community Safety—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 July to 31 December 2017.

Administration and Procedure—Standing Committee Membership

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

That Ms Cheyne be discharged from the Standing Committee on Administration and Procedure and Ms Orr be appointed in her place for the meeting to be held on 8 March 2018.

Building and Construction Legislation Amendment Bill 2017

Debate resumed from 30 November 2017, on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

MR PARTON (Brindabella) (11.12): I want to thank my good friend Mr Gentleman so much for welcoming me to this new portfolio with this extremely technical piece of

legislation. It has forced me to consult far and wide and to do a hell of a lot of reading. This is the sort of reading whereby you go back and re-read certain paragraphs half a dozen times before you begin to get some semblance of understanding of exactly what they are trying to say. There were moments during which I figured that some of this material was actually written in a foreign language, but it was all apparently in English. So thanks, Mr Gentleman, for widening my scope of consumed literature. I do appreciate it. And thanks to all those stakeholders who have patiently enlightened me on the merits or otherwise of the Construction Occupations (Licensing) Act and the Electricity Safety Act, which I think is my favourite.

We will not be opposing this bill, as the changes that it will bring have been well thought out and are warranted. The changes to the Electricity Safety Act and the Electricity Safety Regulation are long overdue. If anything, this bill perhaps does not go far enough, in that the bill creates the mechanism to make a change in this space but does not necessarily force the change immediately. Across the border in New South Wales, they have been 100 per cent contestable in this space for nearly 20 years. More than anything else, I think that is an indication that these particular changes are long overdue. In the past, ActewAGL, as the distributor and retailer, would hang your meter and then charge you accordingly. Now in the ACT any licensed electrical operator with correct accreditations can put a meter on an electrical supply on behalf of any retailer. This is, I guess, part of a national push for greater competition, and up to this point the ACT had no legislation to deal with this.

The changes to legislation pertaining to the Construction Occupations (Licensing) Act originate from proposals at COAG, and they have our full support. The information sharing across agencies and across jurisdictions that will likely eventuate from this change can only have a positive effect. The Canberra Liberals are most pleased to offer our support to this bill, and I look forward to my next fascinating homework project from Mr Gentleman.

MS LE COUTEUR (Murrumbidgee) (11.14): Obviously the Greens are in favour of working together with other states and territories on building safety. It is just sensible and common sense. The only thing that surprises me is that our public servants could not already share that information about product safety, but so be it. Obviously, I support it. I also support, as I think Mr Parton was intimating, regular tidying up of our legislation. The Greens are happy to support this worthwhile 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) (11.15), in reply: I am pleased to hear my colleagues' support for the Building and Construction Legislation Amendment Bill 2017. I thank Mr Parton and Ms Le Couteur for their contributions to the debate on this bill today, particularly Mr Parton for his spark of interest in electrical safety across the ACT.

The amendments in this bill are largely administrative, but they are important for the ongoing operation and effectiveness of our building and construction regulatory system. The amendments to the Construction Occupations (Licensing) Act will expand the information-sharing provisions about public safety in part 11AA to

non-territory agencies. The amendments have not been proposed in relation to a particular matter, but they support our agencies to respond to cross-border public safety issues. Officials undertaking public safety related auditing and compliance action are often in contact with interstate colleagues seeking relevant information on licensees working across borders and other information that will help them carry out their statutory functions.

As well as the informal bodies and networks through which the policy and regulatory officers work together, the Building Ministers Forum has created two new groups to collaborate and share information on national and cross-border building issues: the senior officials group and the building regulators forum.

The amendments provide a framework for public safety agencies in the territory to provide information to their counterparts in other jurisdictions, and for external agencies to request and receive the information. The framework has important tests to prevent information being released or accessed inappropriately. The giving agency must be satisfied that, firstly, the information relates to the function of the non-territory agency; secondly, the information relates to compliance with the law of another jurisdiction that makes provision for public safety; thirdly, the agency receiving the information will use the information to exercise a function it has under that law; and, finally, giving the information will not unreasonably compromise the exercise of a function under the territory law.

The giving agency can also impose conditions on how the receiving agency uses, stores or shares the public safety information. The territory agencies will also be subject to the territory privacy principles and other provisions of the Information Privacy Act.

By authorising the disclosure of information obtained by public safety agencies in the course of their functions, the bill does engage the right to privacy. This right is protected under section 12 of the Human Rights Act. I consider that this engagement, given the checks that I have outlined, is reasonable in a fair and just society to help protect public safety. A detailed justification is outlined in the explanatory statement for the bill. I note that the scrutiny committee refers the Assembly to this explanation.

The other main change is to amend the Electricity Safety Act to create the concept of electrical wiring rules. At present the Electricity Safety Act adopts Australian and New Zealand standard 3000, also known as AS/NZS3000. While other technical standards can be made by regulation, they are given the same effect as AS/NZS3000. Failing to comply with other technical standards is not included in the main offences in sections 5 and 6 of the act.

The ACT electrical wiring rules will continue to incorporate the Australian standard, but there will now be a power for the minister to make an ACT-specific appendix to the standards in a disallowable instrument. The wiring rules will also include any relevant regulation made under the act. This is similar to the concept of the building code, made under the Building Act, and the plumbing code, created by the Water and Sewerage Act. Both of these codes incorporate national standards and local additions where required.

The electricity market is not static. Rules change and new ways of operating emerge. Most recently, the supply and installation of electricity meters has become contestable. This opens up new opportunities for electrical businesses. While an ACT appendix is not included in the bill, it is anticipated that the interim code for metering installation work made under the Construction Occupations (Licensing) Act will be remade in an ACT appendix if the bill passes. This will bring all electrical installation standards under the Electricity Safety Act.

The ACT government, ACT residents and businesses can be early adopters of new types of appliances. The ACT has a strong system of electrical inspections so that we may be the first to identify a problem. The new provisions allow the government to respond more quickly to new electrical technologies and practices that may not be adequately addressed by the national standard. This will, in turn, help ensure that electrical work in the territory will be done safely and well.

I note that in its report 13 the scrutiny committee commented that the legislative amendments which provide for the incorporation of the Australian and New Zealand standards should include information on how those standards can be accessed. It was suggested that the opportunity should have been taken, in amending the Electricity Safety Act, to provide for greater access to the AS/NZ3000 standard. We agree and did take this opportunity. The government does not have the legal ability to provide wide access to the standard. We also cannot distribute, reproduce or publish the standard. Quite simply, we do not own the copyright. But we can help people find the information they need if they are one-off or regular users of the standard.

New section 3D in the bill requires the construction occupations registrar to keep a copy of the electrical wiring rules, which include AS/NZ3000, at the registrar's office and make it available for inspection on request. Note 1 in proposed new section 3B(1) also informs people of where to purchase the standard. Neither of these provisions is in the current act. I have responded to the scrutiny committee on this matter.

The bill contains amendments to help protect the safety and wellbeing of the public. While I do not expect these amendments to be controversial, a copy of the bill as presented was circulated to the ACT branches of a range of industry associations, including bodies whose members are licensed under the Construction Occupations (Licensing) Act in occupations that may have implications for public safety. This includes undertaking building, building certification, plumbing, gasfitting and electrical wiring work. The bill was provided to the national electrical contractors association, the Master Plumbers Association, the Master Builders Association, the Housing Industry Association, the Australian Institute of Building, the Australian Institute of Building Surveyors and UnionsACT. The bill was also circulated to Engineers Australia, the Australian Institute of Architects and the Building Designers Association. No concerns were raised with me or my directorate on the bill prior to the debate today.

I want to thank Vanessa Morris and my directorate staff for their work in keeping our building and construction regulatory system up to date. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Crimes (Fortification Removal) Amendment Bill 2017

Debate resumed from 30 November 2017, on motion by **Mr Ramsay**:

That this bill be agreed to in principle.

MR HANSON (Murrumbidgee) (11.23): As the party that has been warning against the rise of organised crime in our town and the party that has championed laws to deal with these problems, after warnings have been ignored repeatedly for years, the Canberra Liberals will be supporting this bill. We have proposed for some years now—going back to 2009, certainly since I was proposing it but possibly before—that laws be brought into this jurisdiction to deal with exactly the sort of activity that this bill seeks to prevent. While it certainly is not the complete package required to deal with this growing problem it is an important part of the puzzle, and we will support it.

This is the latest in a series of laws targeted at serious and organised crime. My understanding is that every other jurisdiction has their own version of anti-fortification laws. It is also in part the government's response to their failure to support anti-consorting laws. In short, it addresses quite specific areas of concern, that is, the use of fortifications to thwart police efforts and frustrate legitimate attempts to curtail criminal activity. The explanatory statement provides examples of why this law is needed, and I refer members to the explanatory statement. I will not read it again here but it does outline some examples of the sort of activity including money laundering, extortion and serious assaults that are occurring.

The explanatory statement also explains the purpose, that is, where police can obtain a warrant to enter and search premises for evidence of a crime, fortifications may provide the occupier with time to vacate the premises, to delay police and to destroy evidence. The bill provides the Chief Police Officer with the power to apply to the Magistrates Court for an order that the occupier of a premises remove fortifications on the premises. It also prohibits the establishment of fortifications on certain premises. The bill also contains clauses intended to limit the operation so that it only targets premises that have been fortified for the purposes of preventing police access.

This bill has been circulated to professional stakeholders and we have received comment including from the Law Society. They argued specifically that laws should not be applied except under a court order and its scope should be narrow and targeted where possible. My view is that the legislation does achieve those objectives. Specifically, it requires that the Chief Police Officer must apply to the Magistrates

Court before directing an occupier of a premises to remove any fortification of the premises.

Furthermore, the court must be satisfied that the premises are fortified, that there are reasonable grounds to believe that the premises are, have been or will be used in relation to a fortification offence and it is also necessary for the Chief Police Officer to have uninvited access to the premises in relation to the offence. The application is limited in that the order must precisely state the compliance period for the removal of the fortification and states that the fortification must not be replaced or restored and sets out various police powers.

So the bill is one that I think is important in dealing with the scourge of bokie violence that we have seen plague this town now for a number of years. It does provide the police with an important tool but, never missing an opportunity, let me say that although this is important we still have a situation where the police are dealing with this issue with one hand tied behind their back. I continue to advocate for consorting laws and I think until the police are given consorting laws we will continue to see, despite these fortification laws and others that have been brought forward, this continued violence in our suburbs. It is not going to deal with the specific problem we have. In many ways, what we will see is police reacting to a problem rather than being able to prevent the issues as they arise.

As members would be aware, I have brought laws into this place that have got the seal of approval from the Human Rights Commission, described as the best laws in the country. The government have previously argued they do not want anti-consorting laws because they are too strong and they engage human rights. I brought in laws that do not engage human rights and they said, "Oh, they're too weak; we don't want them." It seems that no matter what we do the government will not support those laws but I still encourage them to do so with their own version of laws. It is important that the primary objective of this place is that we keep our community safe. Although I support these laws today it is evident that the government is failing to do that, which is principal in terms of our objectives as legislators in this place to keep our community safe.

MR RATTENBURY (Kurrajong) (11.29): The ACT Greens will be supporting the bill. The bill forms part of a range of measures the government is taking to tackle outlaw motorcycle gang-related violence. The Greens believe that this bill will assist police to disrupt OMCG activity in Canberra and, in particular, will assist police with their investigations and will lead to more successful prosecutions related to OMCG activity.

The bill introduces a fortification removal scheme in the territory similar to those in operation in other jurisdictions in Australia. Fortifications are devices or structures used to prevent unwanted entry to the property. Across Australia, including in the ACT, law enforcement authorities have come across numerous examples of outlaw motorcycle gangs and other criminal groups using fortifications to prevent police entering a premises including when the police have obtained a search warrant. In March 2016 ACT Policing identified an OMCG clubhouse which was fortified with heavy steel doors preventing access to the clubhouse using traditional methods of

forced entry. These instances have frustrated police attempts to investigate OMCG-related crime.

The bill authorises the Chief Police Officer to apply to the Magistrates Court for an order that the occupier of a premises remove fortifications. A fortification is defined in the bill as

... a structure, device, or other thing, or a combination ... attached to a premises if [it]—

(a) exceeds what is reasonably necessary to provide security for the ... lawful use of the premises; and

(b) either—

(i) prevents uninvited entry to the premises or part of the premises; or

(ii) would be considered by a reasonable person to be intended to prevent uninvited entry to the premises or part of the premises.

This definition is appropriately targeted to ensure that only premises which have been fortified to prevent police access are impacted. A fortifications removal order would prescribe a period in which the order must be complied with. A court will determine that time frame based on a number of factors, including if the fortification provides a public safety risk or if the fortification is such that it will take some time to be removed safely.

To grant an order, the court must be satisfied that there are reasonable grounds to believe the premises are, have been or will be used in relation to a fortification offence, defined as an offence punishable by five years imprisonment or more. This will ensure that the scheme is aimed at disrupting serious organised crime, including offences relating to manufacturing and supplying controlled drugs.

The bill also creates new offences in relation to fortifying a premises. It will be an offence to fortify a premises where the person knows the premises are connected to a fortification offence and intends that the fortification will prevent the uninvited entry to the premises or part of the premises. It will be an offence to replace or restore a fortification which was previously subject to a fortification removal order.

The Greens welcome the judicial oversight of the scheme. It is significant to allow police to interfere with structures on a private property and therefore it is appropriate that police must make their case to the court to be able to do this. The Greens overall believe that this scheme will significantly assist police in their efforts to combat OMCG-related violence in Canberra, and therefore we are pleased to support this bill today.

MR STEEL (Murrumbidgee) (11.32): I rise in support of the bill and the ACT government's measures to ensure that our police have the most up-to-date range of powers and offences to tackle and prosecute criminal activity in the territory. I want to start by saying that, as a relevant context to this bill, the ACT is the safest of all

Australian jurisdictions. Crime figures released by the ABS show that the ACT had the lowest offender rate of all jurisdictions in the nation just this month. In fact, our rate is almost half that of Victoria's, the next best performing state, and it has decreased at a rate of four per cent on the previous year.

However, while Canberra remains a very safe city to live in, that does not mean that we are immune from criminal activity and organised crime, particularly that of criminal gangs. The ACT government is committed to tackling organised crime. We have been working with ACT Policing to ensure that we have the necessary and evidence-based tools at our disposal to effectively deal with organised crime groups to confiscate their criminal assets and to put offenders before the courts.

Last year the Crimes Legislation Amendment Bill 2016 and the Crimes (Police Powers and Firearms Offence) Bill 2017 strengthened a range of offences and police powers particularly in regard to the discharge of firearms, the creation of specific offences for drive-by shootings and the declaration of designated crime scenes. That is in addition to the \$6.4 million funding for Taskforce Nemesis and the \$970,000 announced as part of the budget review last week to fund four extra staff at the Office of the Director of Public Prosecutions, with three of those staff members to specialise in seizing criminal assets, targeting the illicit wealth that funds organised crime.

The government is also proactive in addressing potential problems before they advance, and that is what we are seeking to do in this bill by introducing anti-fortification laws. We know that fortified clubhouses and gang bases as well as other properties can serve as a hotbed of criminal activity.

Fortification can take many forms. It can come in the form of steel gates, steel-plated doors, steel bollards, CCTV equipment, barred windows, spike strips, toughened windows and other devices and objects or structures that have the effect of specifically impeding police entry and investigation. The primary purpose is to prevent scrutiny and detection by law enforcement authorities and to impede police and criminal investigations by holding off examination of the premises so that evidence can be destroyed or removed from the site or even allow suspects of criminal activity or suspicious persons to covertly escape the property.

Fortifications can also have an escalating effect whereby, when one gang fortifies their clubhouse, rival gangs feel compelled to do so as well in retaliation. This is not only intimidating for nearby residents but is difficult to address under current laws.

In March 2016 ACT police had trouble entering a criminal gang clubhouse which was fortified with heavy steel doors and they were forced to work with the owner of the building to evict the occupants through a protracted process in the Magistrates Court, as opposed to entering themselves immediately. If a gang were to own the premises, the creative solution that was required in that case would not have been possible.

Criminal gangs operating from fortified clubhouses will no longer be untouchable under this bill. Under the anti-fortification laws proposed, police will now be able to apply to the Magistrates Court for a fortification removal order. They must establish that the fortifications are specifically meant to obstruct police entry to the site and are

not simply standard security measures taken to prevent standard criminal entry, such as burglars. As such, ordinary Canberrans will not have to fear that this will affect their freedom to install security cameras, extra door and window locks, roller shutters or other such basic protections that indeed we encourage. Appropriately, the occupier of a fortified premises will also have an opportunity to present evidence to and argue before the Magistrates Court that their fortifications are, in fact, reasonable.

On this basis I believe that the government has taken a balanced approach in addressing human rights issues including the right to a fair trial. The legislation also creates discrete offences for the construction of fortifications in the first instance, after the legislation comes into effect.

This sort of legislation has been previously introduced in other state and territory jurisdictions where criminal gangs are more prevalent and aggressive and has had some success. I understand that in the past five years since the passage of similar legislation in Victoria the powers have been used five times. A 2015 review by the Queensland Department of Justice and Attorney-General found the legislation is an effective deterrent measure to prevent the construction of fortifications in the first place, ensuring that the future potential crime sites are easily accessible.

I believe that these measures will both be effective and balance our human rights obligations. Our government has demonstrated that we will equip our crime fighting authorities and prosecutors with a comprehensive and evidence-based suite of powers and prosecutorial support.

Anti-fortification provisions will be an important tool in tackling the activity of criminal gangs and will complement the measures and investments our government has already put in place to continue to ensure that we remain the safest jurisdiction in the country to live in. I commend the bill to the Assembly.

MR GENTLEMAN (Brindabella—Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal) (11.38): Today I speak in support of the Crimes (Fortification Removal) Amendment Bill 2017. Fortification removal laws have been designed with the support of ACT Policing to assist our police to prevent and investigate crime in the ACT. Where police obtain a warrant to enter and search premises for evidence of a crime, fortifications may prevent police from accessing the premises. They may provide the occupier with time to leave the premises to avoid police arrest or to destroy evidence before police can access the premises and seize that evidence. The bill will allow ACT Policing to arrange for prior removal of fortifications so that police can access premises across Canberra when a search warrant is obtained.

As we have heard, In March 2016 ACT Policing identified a fortified property in the ACT. The property was being used as an outlaw motorcycle gang clubhouse. The clubhouse had heavy steel doors and bars on the windows which prevented police from using traditional methods of forced entry to access the premises. The property was rented by a member of the criminal gang from a private owner. ACT Policing resolved the issue by assisting the private owner to initiate proceedings in court to

evict the tenant. This approach, of course, will not work if the occupier of the premises is also the owner. Law enforcement agencies across Australia have reported the use of fortifications by criminal gangs to frustrate police execution of search warrants. Fortification removal laws have been developed in all other Australian jurisdictions to address this problem.

The government and ACT Policing worked together to develop this bill, and it supports our police in a comprehensive and practical way. It removes a current barrier, stopping police from accessing properties across Canberra to disrupt, disable and dismantle the activities of organised crime. The bill will strengthen our local response to organised criminal gangs. The government understands that criminal gang activity creates fear in the community, and the government is committed to tackling this activity to ensure that all Canberrans feel safe in our community.

A Queensland government review of fortification laws found that fortifications send a message to the community that the occupier of the premises is above the law. Criminal gangs are not above the law in this territory. These new laws will help reduce the presence of clubhouses in Canberra and increase community safety. This bill will assist police to carry out crucial investigative work to stop criminal gang activity in the territory.

These laws will also enhance the safety of our police officers. ACT Policing does significant work every day to keep our community safe and Canberra benefits from a hardworking, dedicated and innovative police force. Policing is a difficult job, and the commitment shown by our police officers should be recognised. The government has an obligation to protect the police officers who look after our community. Heavily fortified premises increase the level of force that needs to be applied by police in the execution of a search warrant. Fortification removal orders and fortification inspection orders will provide for the removal of fortifications and the assurance that they have been removed.

As premises subject to fortification removal orders are linked to criminal activity, the removal of fortifications will assist police to access the premises to execute any warrants. That means that they do not have to use a greater level of force than usual, which will enhance the safety of police officers who execute search warrants in Canberra.

The government also considered amending search and entry laws in the ACT to allow police to remove fortifications while executing a search warrant. However, this option would fail to adequately protect police who may be required to use a greater level of force than usual to gain entry to the premises. This option may also result in an increased amount of property damage as police officers would have to attempt to remove the fortifications as quickly as possible to limit the time available for an occupier to remove any evidence of criminal conduct or leave the premises. Fortification removal laws will provide adequate time for the occupier of a premises to arrange for a professional to remove fortifications safely without damage to the property and protect the safety of police.

The ACT experiences low crime rates compared to other jurisdictions. The community has ACT Policing to thank for the key role it plays in keeping crime rates low. However, in recent years ACT Policing has seen an increase in criminal gang activity. The increase in criminal gang activity can be attributed to a number of members of the Rebels outlaw motorcycle gang—traditionally the only OMCG in the ACT—changing allegiances, or patching over, to the newly established chapter of the Comanchero OMCG in April 2014. In April 2016 several remaining Rebels members patched over to establish a chapter of the Nomad OMCG in the ACT.

The establishment of chapters of two new OMCGs in the ACT has caused increased tension between OMCG members. Unfortunately, the instability and tension created by changes in criminal gang membership pose a risk to public safety because of the use of violence by some gang members. While the violent criminal conduct of gang members is usually targeted at other gang members, at times community members may be involved. Bearing witness to criminal gang violence creates fear, apprehension and vulnerability in the community.

In mid-2017 ACT Policing investigated a number of criminal gang related incidents. At least eight violent incidents occurred in mid to late 2017, and they appear to be criminal gang related. The government understands the community wants the government to take action to prevent such incidents occurring. ACT Policing actively monitors criminal gang activity. In June 2014 ACT Policing established Taskforce Nemesis to track, disrupt and arrest members of criminal gangs involved in criminal gang activities. Since its establishment Taskforce Nemesis has been responsible for initiating 86 prosecutions against criminal gang members for a total of 262 offences, including drug trafficking offences, possession of illegal firearms, money laundering, extortion and serious assaults.

In August 2016 the government committed an additional \$6.4 million in funding over four years to support Taskforce Nemesis to address criminal gang activity in the ACT. The additional funding tripled the size of Taskforce Nemesis on an ongoing basis. The funding allowed for two additional investigators, two additional intelligence officers, a forensic accountant, two additional investigators within the criminal assets investigation team, and one additional investigative assistant. The funding also supported the purchase of a range of physical and electronic capabilities for ACT Policing to investigate criminal gang related crime.

I am aware that the Canberra community is concerned about this activity, and I can ensure the community that the government takes criminal gang activity very seriously. The ACT government has continued to fight against serious and organised crime by pursuing considered and targeted responses to threats posed by this type of crime within the territory. This includes specific criminal offences to target the behaviour of organised criminal groups, developing cross-border criminal investigation laws and cooperation between ACT and federal law enforcement agencies.

The government has introduced a suite of laws to investigate serious and organised crime in the ACT. In 2017 the Legislative Assembly passed the Crimes (Police Powers and Firearms Offence) Amendment Bill 2017. The act strengthens

ACT Policing's ability to target organised crime and preserve evidence of serious crimes in a timely manner. The act also established a new offence of drive-by shooting in the ACT.

The government's legislative program demonstrates its strong commitment to establish effective tools for law enforcement agencies to target and disrupt serious and organised crime. The bill allows ACT Policing to take a different approach to investigative crime to promote the safety and vitality of our city. The fortification removal scheme established by this bill is balanced and proportionate. It ensures the safety of police officers who execute searches across the ACT and reduces the likelihood that organised criminals can prevent or delay access to their property by police to seize key evidence of a crime.

I look forward to continuing to actively work with ACT Policing to address serious and organised crime in our territory. This government is committed to ensuring that our police have the best tools available to protect our community, and I commend the bill to the Assembly.

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (11.47), in reply: Firstly I thank the members across the chamber and my Greens colleague as well for their support of this bill. It is an important bill for us to be able to work on in a unified manner. I also thank the scrutiny committee for its comments, and arising from that I table a revised explanatory memorandum in relation to the bill.

The Crimes (Fortification Removal) Amendment Bill 2017 is just one of many measures this government is taking to combat serious and organised crime in the ACT. Last year we introduced new crime scene powers and tougher penalties for drive-by shootings. We have supported and will continue to support Taskforce Nemesis in ACT Policing. In the budget review we provided \$970,000 to the Director of Public Prosecutions to support the confiscation of criminal assets. The government's law reform agenda in response to criminal gangs will continue to meet two criteria: it will be effective and it will be compliant with human rights.

Today's bill provides ACT Policing with a prevention tool. Experience in other jurisdictions has shown that fortified premises can be used by gangs to frustrate police action. A reinforced door and strong bars on a gate can slow the execution of a search warrant and make it difficult for police to respond to emergencies. Victoria already has legislation in place for police to get an order to remove fortifications in these circumstances. This bill will support ACT Policing to investigate crime.

The Chief Police Officer will be able to apply to the court for an order to have fortifications on premises removed. The Magistrates Court has to find a series of facts about premises to make an order, including that the premises are connected to crime. These orders can only apply in relation to offences punishable by imprisonment for five years or longer. So just showing that any crime is occurring at a place is not enough.

Another important feature of the bill is that it excludes reasonable security measures. A court must find that a fortification exceeds what is reasonably necessary for the ordinary lawful use of the premises in granting an order. This means that, for example, reinforced doors or windows on a shopfront that prevent theft would not be captured by the legislation. The bill will not affect businesses with legitimate security needs. Once an anti-fortification order is made, the owner of a place affected will have time granted by the court to comply. Police can enter and remove the fortification if a person fails to comply after that time period.

The process for creating an order provides an opportunity for the matter to be heard independently in court and provides reasonable avenues for people to comply with an order. This process ensures that everyone subject to one of these orders gets a fair hearing and a fair opportunity to comply with the court's decision.

It is important to consider today's bill in the context of a broad strategy to keep Canberra safe. As has been mentioned, the Australian Bureau of Statistics earlier this month named Canberra the safest city in Australia, and we will keep working to maintain that position. Law reform is important to combat organised crime, but resourcing for law enforcement and prosecution are also critical to putting those laws into action. That is why this government provided \$970,000 in funding for the confiscation of criminal assets program in the budget review.

Depriving offenders of the proceeds of crime serves as a strong disincentive to bring criminal business to Canberra. Additionally, the proceeds that are seized fund anti-crime measures. In 2016 the ACT government used confiscated criminal assets to fund a number of initiatives to address family violence. The funds supported the Canberra Rape Crisis Centre to provide services to people in the ACT affected by sexual violence. The funds were also used to support ACT government membership of Our Watch, an Australian organisation established to drive nationwide change in the culture, behaviours and attitudes that underpin and create violence against women and their children. Today's bill is another example of the government looking for ways to support police and prosecutors to keep Canberra safe.

In the ongoing debate about legislation that targets criminal gangs I have emphasised and will continue to emphasise two key criteria for developing legislation: 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. Secondly, 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. Today's bill measures up to both those criteria. It provides a fair process for courts to review an application by police and it gives police an opportunity to prevent criminal gangs from making their law enforcement activities more difficult.

This government will keep supporting police and prosecutors to target serious and organise crime. The suite of laws developed by the government sends a strong

message that the territory will not be intimidated and will not tolerate any criminal activity. At the same time we will keep approaching criminal justice in a way that acknowledges the importance and value of our human rights framework. We will always work to ensure that Canberra remains Australia's safest city and Australia's leading human rights jurisdiction. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Crimes Legislation Amendment Bill 2017 (No 2)

Debate resumed from 30 November 2017, on motion by **Mr Ramsay**:

That this bill be agreed to in principle.

MR HANSON (Murrumbidgee) (11.54): The Canberra Liberals will be supporting this bill today in principle but, as the Attorney-General is aware, I have some significant concerns, particularly now with one clause. In the lead-up to this a number of clauses have shown themselves to be very problematic, not in the intent, I think, of what is trying to be achieved but in the way that the legislation has been framed.

This is an omnibus bill. It covers a number of important reforms and gives effect to several of the key recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse, particularly those in the criminal justice report. It also includes some reforms that recent cases have demonstrated are areas of our laws which need to be reformed as gaps or ambiguities have been exposed.

Turning to the royal commission findings first, by far the most complex changes are those that arise from that report. The royal commission, through extensive hearings and detailed evidence, created a series of recommendations for reform. Throughout the harrowing tales that were heard by that commission it became clear that, as summarised by the commission:

The criminal justice system is often seen as not being effective in responding to crimes of sexual violence, including child sexual abuse. These crimes have low reporting rates, higher attrition rates, lower charging and prosecution rates, fewer guilty pleas and fewer convictions.

The commission further acknowledged that the criminal justice system is unlikely ever to provide an easy or straightforward experience for a complainant of institutional child sexual abuse. However, it is important that survivors seek and obtain a criminal justice response to any child sex abuse. This bill in part seeks to provide that criminal justice response.

More specifically, it has picked up on a number of the key recommendations of the committee, in particular making the offences of persistent child sexual abuse and maintaining an unlawful sexual relationship more effective, to reflect how complainants experience and remember repeated child sex abuse; expanding grooming offences to include any communication or conduct with a child undertaken with the intention of grooming the child to be involved in sexual abuse, and to cover grooming of persons other than the child, such as parents and carers; and excluding good character as a mitigating factor in sentencing for child sexual abuse offences where that good character actually in the first place facilitated the offending.

They are important elements and we support the intent. However, it needs to be done very carefully. In our consideration of the bill, and in consultation with the legal profession, we have found three areas of concern. The bill is going to be amended by the Attorney-General in response to some of those concerns. I foreshadow that I think some of those amendments do the job of fixing up the problems that have been identified. Other amendments do not, to be frank. These are serious issues. They go to human rights and they go to retrospectivity of offences. In fact the Bar Association went as far as saying that they would appeal the clause to the Supreme Court if amendments were not made. I will go through each of the elements of concern that I have.

The first, and this has been raised by the Bar Association, is the issue of maintaining a sexual relationship. The bill now allows for the prosecution of maintaining a sexual relationship, rather than having to prosecute each specific incident. We have listened to the concerns from the bar, we have looked at this issue and we have looked at it on balance with the findings of the royal commission.

The royal commission showed a number of things. The current adversarial process requires highly detailed specific memories of individual events that can then be cross-examined in an attempt to discredit the testimony as a whole, and that, as you can imagine, causes significant trauma for the witness. Secondly, the process itself can cause poor recollection, as you can imagine. This is people 30 years on, maybe, from an event trying to recall specific incidents. The royal commission went to the way that memory works. Memory does not always prove true when it comes to specific technical details: “What was the date? What was the time? What were you wearing?” I will not go through all the detail, but the royal commission does provide technical, specific evidence about memory.

Given that understanding of how children in particular process and access memory, memories of offences, and particularly of repeated offences, can be used now as a whole, based on the way the bill is structured. The bar has raised concerns about this. But I make the point, and it is an important one, that the person must not be convicted of a crime unless a crime is proved beyond reasonable doubt. That is important. This bill requires that two specific occasions must still be proved, so that remains the case—which is, I think, important—and that a jury is convinced beyond reasonable doubt. What it does mean is that a child or a child survivor is not put through the distress of recalling every single incident in what could have been a prolonged series of sexual offences. So we note the bar’s concerns but I think that with those particular

requirements, that two cases have to be proved before a jury beyond reasonable doubt, it is reasonable and it will provide some safeguards for the trauma that is revisited on the victim.

I will go to the issue of grooming. This is the one that I retain serious concerns about. The commission recommended:

To the extent they do not already have a broad grooming offence, each state and territory government should introduce legislation to amend its criminal legislation to adopt a broad grooming offence ...

I support that intent—no question. Crucially, though, the report continues that the conduct in the offence must be:

... undertaken with the intention of grooming the child to be involved in a sexual offence.

That is very important. That is what this is all about:

... with the intention of grooming the child to be involved in a sexual offence.

However, the bill that has been drafted omits that. The clause that I have concerns about does not have the phrase “with the intention of grooming”. It is a very important and serious omission that makes, in my view and that of the Bar Association, this particular clause unworkable.

It might seem obvious that that was intended. We might say, “Clearly that is the case; that is what we meant.” But that is not the way we draft laws. You do not do it based on good intentions. It is not good enough to assume that that is the way the legislation will be read or be interpreted. In fact the courts may then say that if those words were deliberately omitted it may send a very different signal. They may think they have been omitted intentionally. That could lead to a series of outcomes that are not the intent of what we are trying to do here and not in the interests of justice.

The Bar Association has created a list of actions that would fall under this offence as it is currently drafted, for example, sex education, because you might show images of people having sex. There is nothing in this bill that says “with the intention of grooming”. So just showing those images could, as this bill has been drafted, lead to a teacher being charged with an offence under this act which carries a 10-year penalty. That is not the intent of the government, obviously. The other example I have used is a parent who allows their child to watch *Game of Thrones*. That is obviously not the intent of this legislation, but that is the way it is written and that is what this bill would allow.

The government, in an attempt to remedy this, is going to be moving an amendment to say that it is okay if you have got a reasonable excuse. But it does not actually have an amendment, as I wanted to see and others wanted to see, which makes it very clear that it must be for the purposes of grooming. It has not done that. What it has done is to say, “If you’ve got a reasonable excuse, don’t worry about.” That is manifestly inadequate. I will read from the *Canberra Times* today what the bar has got to say.

The title of the article this morning, and many of you will no doubt have read it, is “Anti-grooming bill still a ‘shocker’ despite government changes, ACT Bar Association says”. The particular relevant element is quoting Ken Archer, who is the president of the Bar Association. He says that it makes the bill:

... “worse than before”.

“It’s a shocker. They’ve left the drafting as it was before, which captured innocent behaviour, but added this preamble ‘without reasonable excuse’,” Mr Archer said.

“Legally it’s now up to the accused person to bring forward evidence to prove they’re not guilty of the offence. They are of the view it makes it better [but] it captures behaviour regardless of consent.”

I agree. It is going to leave significant ambiguity in the law and will potentially make what is quite innocent behaviour and normal behaviour a crime.

In this law, if a child watches a sexual act then that adult, teacher, big brother, big sister, parent or uncle, is potentially liable to 10 years in jail. If it was for the intent of sexual gratification of that adult, 100 per cent that should be a crime; they should be prosecuted. But let us put that in the law. Let us put in the law that that was the intent, because at the moment that is not there. Basically if a child sees a sexual act, now you as the parent, the teacher or the adult have to come up with an excuse, and that excuse is not defined. Then it is up to the courts, the police and the prosecutors to determine what is a reasonable excuse or not. The law is silent on what is an excuse and what is not an excuse.

I note on the example I have used of the *Game of Thrones* scenario that the government in its now amended explanatory statement has specified that as an area that would not be prosecuted. But that is just one example that I used. The government has sought to remedy that with the amended explanatory statement. But it should not be left for someone to be charged, to end up in the courts, to work out what that excuse is. That is our job in this place: to specify what is a crime and what is not a crime, not to leave it hanging for people to be prosecuted and then hope that their excuse meets the moral judgment of the time.

As I said, the explanatory statement has attempted to address this issue. But it says it has got to be in step with community expectations. It says:

Police discretion to charge and the additional scrutiny of whether charges should proceed in the public interest by the DPP, are critical features of the ACT criminal justice system which provide additional protection against charges being prosecuted in circumstances that are out of step with community expectations.

But that shifts all the time. Community expectations? Look at the #MeToo campaign and what has happened in Hollywood. Ask Mr Joyce what is happening on the hill. Community expectations change all the time. We should not be writing laws that can land you in jail for 10 years based on the community expectation of the time. That is

wrong. If you are going to be prosecuted as a child sex offender, the law needs to be explicit, and it is not. It cannot be based on ambiguity and shifting community expectation. It needs to make it clear.

As I said, the government has sought to fix this up. It does not even have “reasonable excuse” in the law at the moment. “Reasonable excuse” is the amendment that is going to be put in by the government. I do not think that that necessarily helps. The expanded explanatory statement tries to unpick all this. It tries to make some sort of sense of it all. And I think the fact that you have got such a verbose expanded new explanatory statement makes it clear how problematic the law is. When you need a long explanatory statement to explain what you are trying to do in this law, it probably means you have got a problem with the law. It should be clear. A reading of the law should be clear, and the explanatory statement should just provide some amplification. It should not be that the law is ambiguous, that it is open to wide interpretation and you have got to try to sort it all out with an explanatory statement.

My real concern is fundamentally that this shifts the way our legal system works. The way our legal system works is that you are innocent until proven guilty. That is the way it should work. This goes some way towards saying, “No, you’re guilty. Now you come up with an excuse. You tell us what your excuse is.” That is not the way the law should operate. It should be very clear what a crime is and what a crime is not.

I will not be supporting that clause. I will support the amendment that will be brought forward by the government, because the explanatory statement does try to unravel some of it, but it will leave the clause entirely problematic.

The final area is the retrospective application of these laws. That is a significant issue. The bill as it is written basically means that people who committed an act that was not unlawful before 1984 would now have that act criminalised. That is the way the law is set out. Again, Mr Archer, from the Bar Association raised these issues:

“The offences set out in the Bill are alarming and cannot possibly be enacted in the form in which they have been presented,” ...

“Further, the amendments will have retrospective effect. Conduct that was previously legal will now be subject to criminal sanction. That outcome is intolerable in any community.”

I agree. The government is going to bring forward an amendment to try to basically add a note that says, “If it wasn’t a crime at the time, then you cannot be prosecuted.” That is good. But we should never have arrived at this situation where, 24 hours before, we are trying to provide some clarification around retrospective laws.

The example that could be used is that of a 19-year-old and a 17-year-old who were in a relationship when he was the soccer coach or she was the soccer coach. They were in a relationship that everybody knew about, everybody understood and no-one had a problem with. The way the law is written now—and they might be married with four kids—someone could knock on the door and say, “You’re a child sex offender under this law.” So I am glad that that has been amended, but we should not have arrived in this situation. We will support that amendment.

Given the way that this has been crafted, the problems raised by the Bar Association and the remaining concerns that I have with regard to grooming, we will support this in the in-principle stage but I will then move that that debate be adjourned, because let us have the time to address these issues. Let us make sure that the grooming issue is actually applied as the royal commission says it should be. Grooming is the offence. That is what we are trying to target here. Let us take the time to get this right. I am not sure what the rush is. Let us agree to it in principle, because we all support the intent, and then we can have that deliberation rather than try to deal with amendments that I got at midday yesterday, which does not give us time to deal with the remaining concerns of the profession.

Despite the concerns that I have, I would like to thank the government for the cooperative way that we have worked on this. I would have liked to see those amendments earlier, to be frank. I would like to thank the Law Society and particularly Mr Ken Archer at the bar for his good work here, and also PCO. I have been trying to work out amendments, not knowing what the government's amendments were, and certainly they have been very flexible. I have not moved them and I will not be moving them in the end, but certainly Bianca Kimber from PCO was very responsive, and I thank her. I will speak further in the detail stage to the concerns that we have.

MS LE COUTEUR (Murrumbidgee) (12.14): I rise today to speak in support of this amendment bill. The bill introduces a number of legislative reforms recommended in the report of the Royal Commission into Institutional Responses to Child Sexual Abuse which will contribute to increased protections for children in these environments and beyond. I am pleased to see that the ACT is at the forefront of introducing these reforms.

While the royal commission focused on child sexual abuse occurring in institutional settings, we all know that the extent of abuse revealed during its inquiries is the tip of the iceberg. It has long been known that the vast majority of people who sexually abuse children are known to the victim and their family, and these reforms will hopefully extend to enabling children who have been abused in familial and other settings outside institutions to also get access to justice.

We also know that people who engage in sexual abuse of children do not do so as an isolated incident; they are repeat offenders. They deliberately and repeatedly seek to be in situations where they have access to children, and they repeatedly engage in grooming of the child or their family in order to eventually sexually abuse the child.

These reforms therefore require a more sophisticated analysis of the crime of child sexual abuse and a better understanding of the dynamics which lead to the crime. These reforms will lead to a greater understanding of the nature of the crime and assist to remove the stigma that is all too often associated with it. They will enable victim survivors who have kept silent for years to have faith that the justice system will provide appropriate redress and that the system will no longer regard delayed disclosure as being aberrant; rather, that delayed disclosure is regarded as typical and understandable.

I support the amending of section 56 of the Crimes Act in relation to establishing that an unlawful sexual relationship took place rather than specific individual acts. This is because, as I have already mentioned, it often takes many years to report such crimes, and a person who was a child at the time the offences occurred cannot be reasonably expected to remember every specific incident on every specific day. They no doubt will have experienced repeated abuse, and it is almost impossible for them to be able to prove that on a certain day a certain act took place. All of these acts will have merged into a pattern of behaviour and abuse that in many cases went on for years. What needs to be proved is that at least two or more sexual acts took place and that these acts establish that a sexual relationship with a minor occurred. This is a fair and just amendment and one that is recommended in the report from the royal commission.

I also support the amendment to section 66 of the Crimes Act to create two new grooming offences to criminalise the non-electronic grooming of someone. As we all know, grooming can occur in a variety of contexts, including non-electronically. We also know that grooming can occur not only with a child but also with an adult person of influence in a child's life, such as a parent, and it can occur in relation to a vulnerable adult such as a person with intellectual or cognitive disability. This amendment ensures that grooming in all of its presentations can be considered by the court.

Equally, I support the amendment that prevents a good behaviour order from being imposed while an offender is on parole or in prison. This makes sense in that orders must be enforceable and not inconsistent with other conditions imposed on an offender through parole or sentencing. It is difficult to enforce two different sets of conditions which, if breached, are dealt with in two different contexts.

I am particularly pleased to support the amendment to section 34 which excludes good character as a mitigating factor where that good character enabled the offending. This is a very significant amendment. Historically, it was all too common for people to remain unconvicted on the grounds that they were a respected teacher, a priest, an admired scout leader or a person in a position of societal power, and that, because of their standing, it was inconceivable that they had sexually offended. But we know all too well that some people in positions of power over children deliberately use that position to gain access to children and deliberately use their position in society to offend and to get away with it. This amendment will ensure that this will no longer be the case.

Importantly, this amendment bill also deals with incitement, and establishes that a person can be found guilty of incitement of another person to commit a crime, whether or not the crime actually took place. The case in point in the *Queen v Holliday* highlights how the current system relied on the criminal activity to take place before charges of incitement to commit a crime could be laid. This amendment ensures that someone who encourages or asks another person to commit a crime is culpable due to the very nature of the request.

I support the amendment to enable the declaration of more than one children's magistrate, as this will ensure that the necessary specialist skills to deal with children's matters exist through more than one person.

I also support the amendment to allow children to be referred to circle sentencing through the Warrumbul court. The benefits of circle sentencing are well established. This option provides an appropriate, culturally sensitive alternative for young Aboriginal and Torres Strait Islander offenders to address their wrongdoing. It may contribute to reducing the number of Aboriginal and Torres Strait Islander young people in detention, which is an issue that every jurisdiction is grappling with.

Finally, as I have already indicated, I stand in support of these amendments today. I thank the ACT government for taking on the recommendations in the report from the royal commission, and I look forward to further amendments in this area in the time to come. The issue of child sexual abuse is underestimated in its prevalence, has been notoriously difficult to prosecute and causes lifelong damage. These amendments will change that and provide better opportunities for victim survivors of child sexual abuse to pursue appropriate redress through the criminal justice system. I understand that the government will be moving amendments, and I signal in advance that we will be supporting these amendments.

MR STEEL (Murrumbidgee) (12.21): I rise to speak in support of the Crimes Legislation Amendment Bill 2017 (No 2). I want to focus on two aspects of the bill. The first is in relation to the royal commission's recommendations. The final report by the royal commission was published in August 2017, as members would be aware, and this bill implements a number of recommendations of the report, including introducing a grooming offence, which I will focus on in my remarks.

Before I do that I want to take this opportunity to put on the record my thanks to the commissioners and the commission staff for the work that went into collecting evidence and in the preparation of the extremely thorough commission report. It is a report which reflects the pain and the trauma of so many victims and survivors who came forward to tell their story with the hope that we, and others in our community, both recognise the serious harm of child sexual abuse perpetrated on them and concertedly put in place the legislative and policy measures needed to prevent child sexual abuse, bring offenders to justice and set right the wrongs that the commission has uncovered. While this bill is just one part of addressing the commission's findings, I am pleased to say that we have been able to bring these amendments forward quickly to address the recommendations.

This bill addresses a gap in the ACT's criminal statute books by establishing an offence of grooming and depraving young people. While the ACT has offences relating to sexual intercourse, sexual conduct, procuring, indecent material, child prostitution and using the internet to deprave young people, the ACT does not have an existing child-sex-related offence when it comes to grooming.

The proposed amendment to section 66 expands the section to the broader offence of grooming and depraving young people. We know from the royal commission that grooming can take place in person and online. As we heard through the commission, adult perpetrators may use a wide range of tactics and strategies—including grooming, coercion and entrapment—to enable, facilitate and conceal the sexual abuse of a child.

Grooming refers to behaviour designed to build a relationship with a child in order to make it easier for the offender to introduce or engage in sexual activity with the child in the future. The offender may build trust with the child in order to make it easier to sexualise the relationship down the track. This can be done by encouraging sexual behaviour, exposing the child to sexual concepts of explicit material, and encouraging romantic feelings with the child. Importantly, as we have heard from the royal commission, perpetrators can groom not only children but other people in children's lives, and institutions.

That is why this bill, through proposed section 66(1)(c), makes it an offence to engage in conduct with a person who has a relationship with a young person with the intention of making it more likely that the young person would commit or take part in, or watch someone else committing or taking part in, an act of a sexual nature. Grooming offences already exist in several jurisdictions, including New South Wales, Tasmania and South Australia. The purpose of grooming offences is to criminalise behaviour that leads to sexual activity, allowing law enforcement authorities to intervene before the actual sexual activity occurs.

As the royal commission noted, some grooming behaviours are consistent with behaviours or activities in non-abusive relationships, and can even include desirable social behaviours. The difference is the motivation, and that is why conduct in proposed section 66(1)(a) is unlawful without reasonable excuse, and the fault element of intention is included in proposed sections 66(1)(b) and 66(1)(c), where it must be demonstrated that there was the intention of making it more likely that the young person would commit or take part in, or watch someone else committing or taking part in, an act of a sexual nature.

The maximum penalties for grooming offences range from 10 to 21 years imprisonment across Australia. This bill provides for penalties ranging up to nine years for a first offence against a person under 10 years and, for a subsequent offence, up to 12 years.

I also want to comment on amendments which are not in response to the royal commission, relating to the establishment of the Warrumbul court. This bill also amends the Magistrates Court Act 1930 to introduce circle sentencing for Aboriginal and Torres Strait Islander offenders in the Children's Court. Since 2004 the Ngambra Circle Sentencing Court has been sentencing adult Aboriginal and Torres Strait Islander offenders in the ACT. This bill extends circle sentencing to young Aboriginal and Torres Strait Islander offenders through the Warrumbul court.

Circle sentencing is an alternative and culturally appropriate sentencing scheme implemented to address the disproportionate incarceration of Aboriginal and Torres Strait Islander people, reducing recidivism, as well as improving court appearance rates. The process requires that the offender plead guilty to the charges, and involves the offender's community, usually Aboriginal elders. As Chief Minister Jon Stanhope said when circle sentencing was first introduced in the ACT:

Circle Sentencing is not a soft option for indigenous offenders—it will be hard for offenders to confront their community elders, explain their actions and accept the sentence recommended by the court.

The process involves a traditional circle of stakeholders where the offender, their community and the relevant court personnel and judge speak in a way to understand the event, and to work cooperatively to advance solutions.

The circle sentencing model of sentencing was piloted in New South Wales in 2002. A review conducted by the Cultural and Indigenous Research Centre Australia found a high level of satisfaction among participants, and found that Aboriginal elders noted a reduction in recidivism and positive behavioural changes in offenders. Other jurisdictions have introduced circle sentencing for young people, including the Koori Court in Victoria.

Our government, through this bill, is demonstrating, as we have for adults, that it is important to have culturally appropriate sentencing options. We have also made sure that we have culturally appropriate options in other services, such as the Ngunnawal Bush Healing Farm in our health area. We certainly value these responses in our community. By establishing the Warrumbul court, we hope that a culturally appropriate justice system in the ACT will see improved outcomes for Aboriginal and Torres Strait Islander people and the whole community.

This bill introduces important amendments to offences against children, and, by addressing the royal commission's recommendations, it will make the ACT a safer place for children and young people. I am also pleased that this bill will put in place alternative sentencing arrangements for Aboriginal and Torres Strait Islander offenders that will improve justice for them and for young people in the territory. I commend this bill to the Assembly.

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

Sitting suspended from 12.29 to 2.30 pm.

Ministerial arrangements

MR BARR: In the absence of the minister for health, Minister Fitzharris, due to her being unwell, Minister Rattenbury will take questions in the health portfolio and I will assist members in Minister Fitzharris's other portfolios of transport and city services and higher education, training and research.

Questions without notice

Suburban Land Agency—purchases

MR COE: I have a question for the Chief Minister. Chief Minister, in September of 2016, you announced that the LDA would be abolished. This announcement was in light of the scathing assessment by the Auditor-General of governance arrangements

in your agency. Now, under a second Labor-Greens government, the scandals are continuing, including the purchase of multimillion dollar properties on the basis of just one valuation. Chief Minister, why did you secretly approve the purchase of properties using rules that have been subject to extensive criticism and also in the dying days of the LDA?

MR BARR: I did not secretly do anything. The process associated with the acquisition of that land was a thorough one, with board approval by the former Land Development Agency, a business case development assessment by Treasury and a recommendation to me as Treasurer: a perfectly appropriate process.

MR COE: Chief Minister, under current rules, is it legal for the government to purchase a property worth millions of dollars with just one valuation?

MR BARR: The government continues to pursue the acquisition of land where necessary in order to meet—

Opposition members interjecting—

MR BARR: I've got two minutes; you can listen. The government seeks to meet future land release needs and future environmental offset needs through the acquisition of land through a variety of means and processes that the Leader of the Opposition would be well aware of.

Mr Coe: A point of order, Madam Speaker.

MADAM SPEAKER: A point of order, Mr Coe.

Mr Coe: It is on relevance. The question was: is it legal for the government to purchase a property worth millions of dollars with just one valuation? To date, the minister has not answered that.

MADAM SPEAKER: I think he made reference to the processes that are available to him, but you may choose to add to that, Chief Minister. Do you have anything to add, Chief Minister?

MR BARR: I will let you finish your point.

MADAM SPEAKER: I would also refer members to 117(c)(iii), which states that questions shall not ask ministers for a legal opinion. The Chief Minister may want to consider that in his reply, should he wish to use his 44 seconds.

MR BARR: Indeed, yes; with respect to the observation you made, the Leader of the Opposition would appear to be seeking a legal opinion. Of course, laws do not apply retrospectively.

MS LE COUTEUR: Chief Minister, what was reason for buying this land? In other words, what was the government planning to do with the land?

MR BARR: For purposes of either residential development or environmental offset; or a combination of both.

Housing—affordability

MS LE COUTEUR: My question is to the Chief Minister. It relates to targets for affordable community and public housing which he signed off yesterday. These show a housing target of 143 new public housing dwellings and 34 new community housing dwellings in 2017-18, out of the 4,120 dwellings to be released across urban renewal sites and new land releases. Minister, can you explain why the targets for public and community housing are so low and will not meet the real and growing need for affordable housing in our city?

MR BARR: I thank Ms Le Couteur for the question. Ms Le Couteur's question assumes one fiscal year in isolation of what has preceded it and what will follow. I think it is unfair of Ms Le Couteur to characterise the 2017-18 fiscal year or the future fiscal year as being the determinant of all future affordable housing opportunities that will present themselves, and the substantial history, in recent years in particular, of renewal and enhancement of public housing.

I make the broader observation that it becomes more and more challenging to find available sites, particularly when the overlay of as much as possible distribution of public and social housing around the city is factored into the equation. There still remain some suburbs where there is little or no public and community housing, and some other suburbs where the concentration of public and community housing is at a level that is inconsistent with the salt-and-pepper approach that has been adopted by this government and indeed governments before us.

So there are a range of factors that need to be considered. There will never be a level of supply that will meet available demand, given that we are an island within a greater state in a larger country. We need to be realistic also about our capacity to meet demand in that context.

MS LE COUTEUR: Why are there some suburbs that have zero public housing allocations, this is both in the urban renewal sites and some greenfield sites?

Mr Barr: Do you mean in relation to the targets for the current fiscal year?

MS LE COUTEUR: Yes. In the notifiable instruments some have zero.

MR BARR: Because they already either have an existing significant component of housing whereas the land release in this particular year does not support an additional supply. That is not to say that it will not in the future. I think it is important—and I draw Ms Le Couteur's attention to the history of the year before, the year before that and the year before that—to look at the context of how much housing is available within each of the suburban areas. You cannot take one year in isolation.

MS CHEYNE: Can the Chief Minister provide further detail on the government's motivation for modernising public housing across the city?

MR BARR: As I am sure members are aware, we have the oldest public housing stock in Australia. We have a public housing stock that was built for a different purpose from that currently applied. We have the best targeting of public housing in the nation in terms of allocating housing to those in the greatest need.

But the housing that was built in Canberra during the 1950s and 1960s was built to house incoming public servants whose departments were being shifted, particularly from Sydney and Melbourne, into the national capital. It was built at a time when environmental standards that we take for granted today were not at the forefront of thinking and it was built for a particular type of individual, less so for family units.

So there has been a need to both renew the public housing stock and to distribute it so that we achieve our broader goals of ensuring that public housing and community housing are distributed throughout the city and that the housing is modern, contemporary, meets current standards for environmental performance and liveability and that it is the housing that suits the needs of our existing and future tenants.

Planning—Civic

MR PARTON: My question is to the Minister for Planning and Land Management. I refer the minister to an article in the *Canberra Times* on 13 January this year about a proposal by the Labor club to seek a change to the allowable uses on the lease for a former bank building next to the City Labor Club. The Labor club does not currently own the building. Why does the Labor club have standing to change the lease of a building it does not own?

MR GENTLEMAN: I think you would have to ask the Labor club about that. In regard to lease changes, of course people can apply to change the lease purpose of the area they have control over. They would have to go through that process with ACTPLA and go through the public process of lease variation change.

MR PARTON: Minister, what actions will you take to ensure that due process is followed in consideration of this proposal?

MR GENTLEMAN: With all proposals for lease variation change, there is a statutory process that the independent authority goes through, and I stand by the process that the independent authority goes through in regard to lease variation changes or, indeed, to the whole gamut of planning in the ACT. They do a fantastic job for the territory, I believe, and they have my full support.

MR COE: Minister, can tenants usually seek to change the crown lease and is the Labor club taking this on because they might get a better hearing being the landlord?

MR GENTLEMAN: I reject the premise of Mr Coe's question in regard to any extra treatment for the Labor Club over anybody else. Indeed, I would imagine that our authorities would be very careful in the way that they deal with that particular change.

Council for the Australian Federation—ACT relationship

MR PETTERSSON: My question is to the Chief Minister. Chief Minister, you recently attended the February COAG meeting as the incoming Chair of the Council for the Australian Federation for 2018. Could you provide the Assembly with an overview of the key deliberations at the meeting and how they will affect the ACT?

MR BARR: The meeting focused on health funding, early childhood education, and on progressing a range of key national reforms, including work on closing the gap. I can advise the Assembly that the meetings were largely constructive, especially when hearing from Indigenous leaders at the special gathering and in COAG about how governments can work with our Indigenous communities to close the gap. The ACT was singled out for commendation for our work to establish Reconciliation Day this year, as well as our consultation processes.

Much of COAG was spent discussing the funding necessary to maintain and strengthen our health and education systems. States and territories, Labor and Liberal, have been very clear that we are collectively facing a significant budget challenge from growing health costs. We are focused on delivering vital services for Australians, and we need to keep pace with this need. We also forcefully put the case for stronger, long-term funding arrangements for early childhood education. Proper funding for early childhood is a critical social and economic investment.

I must say that perhaps the most promising element of the day actually came outside the COAG process. There was strong support for my proposal to decouple state and territory matters from COAG to allow a range of state-specific reforms to proceed.

MR PETTERSSON: Chief Minister, why did the ACT, along with most other states and territories, not sign up to the commonwealth's proposed health funding agreement?

MR BARR: I thank Mr Pettersson. In simple terms, the offer was not good enough, and the commonwealth still owes most states and territories a significant amount of funding for health services already delivered, in our case, around \$40 million. Other states are owed hundreds of millions more. Until that outstanding debt to Canberrans is paid by the commonwealth, it will be difficult to move on to the next agreement.

The ACT, though, did not discount the health agreement proposal out of hand. We will continue to negotiate constructively and put forward a range of proposals that will help cater for the growing Canberra community and, importantly, our role in providing high quality health care for the entire region. Surrounding New South Wales and cross-border issues are particularly pertinent for us.

We actively considered the benefits of accessing the commonwealth's rather last-minute, fairly small innovation fund proposal, but determined that when split up by jurisdiction the funding ended up being a rounding error even in our health budget. Importantly, any future funding agreement should help fund health infrastructure that benefits patients from New South Wales as well. Minister Fitzharris and I will

continue negotiating with the commonwealth to reach a better agreement on long-term funding for Canberra's healthcare system.

MS ORR: Chief Minister, what reforms will you prioritise as chair of both the Council for the Australian Federation and Council of Capital City Lord Mayors to benefit the Canberra community?

MR BARR: This year chairing both the Council for the Australian Federation and the Council of Capital City Lord Mayors provides an opportunity to drive a series of reforms that improve living and working in our nation's cities. My aim is to establish a way for states and territories to move forward with our own reform agenda through the Council for the Australian Federation and through the initiative of the New South Wales Treasurer, Dominic Perrottet, for the establishment of the board of treasurers.

Rather than the commonwealth setting the agenda, which is often to the detriment of states and territories, we can and will pursue a range of reforms collectively at the state and territory level. In 2018 the Council of Capital City Lord Mayors will provide a stronger connection between local, state and commonwealth decision-makers and raise the profile of essential local and national issues, including infrastructure and public transport to reduce congestion, housing affordability, sustainability and climate adaptation, homelessness, and liveable and sustainable cities.

It is vital that the agendas of the Council for the Australian Federation and the Council of Capital City Lord Mayors are structured forcefully and effectively to advocate to all sides of federal politics about the need for proper investment in Australia's cities.

Crime—victim welfare

MRS JONES: My question is to the Minister for Police and Emergency Services. At around 4.30 on 6 February workers at the Raiders Weston Club were victims of yet another violent robbery at our local clubs. That night workers at the Aldi Store in Chisolm were also victims of a robbery. Given that workers' children are now asking their parents not to go to work for fear of their safety, minister, have you yet personally visited the employees at Raiders Weston Club or the Aldi store in Chisolm to see how these employees are coping after these violent crimes?

MR GENTLEMAN: Directly answering Mrs Jones's question, no I have not visited individual workers at those places. As I mentioned last week, I have of course met with representatives of Clubs ACT in regard to these particular crimes and have indicated our support for the clubs and we have taken action in regard to supplying a particular officer in the crime squad to liaise with them directly to ensure that they have the particular training they need in such circumstances and also to give them advice on hardening the club and being prepared for these sorts of criminal activities. Of course ACT Policing are investigating all these and have taken a number of actions along those lines.

MRS JONES: Minister, as of now, how many arrests have been made in relation to the robberies at the Raiders club or the Aldi store?

MR GENTLEMAN: As I understand it, there has been one arrest. There may be some more details but I do not have those details in front of me. I will take that part of the question on notice and come back to the chamber.

MR HANSON: Minister, will you demonstrate that you care for the safety of our workers and commit to visiting employees at Raiders Weston Club or Aldi, given that those staff have expressed concerns as to why you have not visited?

MR GENTLEMAN: I have had no requests from staff at either of those places to visit with them. I am not sure that it would be appropriate at a ministerial level to take that sort of action. It is important, of course, that they receive the support of government, and that is why we have taken the appropriate actions in regard to individualising a contact officer in the crime squad in the ACT. That is appropriate at a ministerial level.

Light rail—infrastructure damage

MISS C BURCH: My question is to the Treasurer. Treasurer, on 16 February 2018 the *Canberra Times* reported that Northbourne Avenue was closed in both directions during peak hour on Thursday, 15 February after a gas leak at the intersection of Northbourne and Ipima Street, following damage by machinery during excavation work associated with the light rail project, and that WorkSafe ACT had served Canberra Metro with a prohibition notice and an improvement notice following the gas leak. Treasurer, what additional costs have been incurred as a result of damage to public infrastructure and utilities caused by works associated with the light rail project?

MR BARR: In relation to just that incident, or more broadly?

Miss C Burch: More broadly.

MR BARR: More broadly I will need to take on notice.

MISS C BURCH: Treasurer, what has the government budgeted for remediating damage to public infrastructure and utilities caused by works associated with the light rail project?

MR BARR: The government has not budgeted for that. Any damage to public space, properties or assets would be the responsibility of the consortium.

MR COE: Treasurer, what steps are you taking to prevent further cost blowouts resulting from damage to public infrastructure and utilities, and will the ACT government bear any of the expense for utilities that were not located on the original survey documents provided to the consortium?

MR BARR: I reject the first part of the member's question. The language used there is typical of an opposition but it is not the truth. In relation to other matters pertaining to the member's question, the government does not bear responsibility for the

particular issues that were germane to Miss Burch's first question. So, in the context of contractual arrangements between the government and the consortium around unmapped infrastructure, it would be the subject of the detailed agreements contained within the public-private partnership contract.

Energy—battery storage

MS ORR: My question is to the Minister for Climate Change and Sustainability. Minister, can you explain how the ACT government is encouraging the uptake of solar battery storage through the next generation energy storage grants?

MR RATTENBURY: As a result of one of the wind auctions undertaken last term, the ACT government is funding an expansion of household batteries in the ACT. The funding under this program will provide up to 5,000 household batteries to be rolled out across the territory. This equates to around 36 megawatts of storage and certainly has the potential not only to provide individual householders with significant energy savings but also make a significant contribution to the stability of the grid and to provide backup power supply through operation programs such as virtual power plants.

The subsidy reduces the price for every system by in the order of \$4,000. It does depend for individual households on the system they are setting up and the scale of the system, but it is providing both an opportunity for households to get involved and also a platform to grow the industry here in the ACT, just as the original feed-in tariff program for solar panels was very successful in lifting the uptake of solar panels in the territory.

MS ORR: Minister, could you detail how this program is helping the ACT reach its target of net zero emissions by 2050?

MR RATTENBURY: Yes, this is part of the government's broader strategy to drive our electricity sector to zero emissions. We are well on track to achieve that. As members know, that is no longer simply a target. It is something that will be achieved in the next couple of years. That positions the ACT as a global leader but it also means that we are doing our part to address greenhouse gas emissions in a way that is both technically effective and cost efficient for residents of the ACT.

The battery storage program assists that because more residents are being encouraged to take up solar production on their roofs. Also, as I mentioned earlier, providing that additional storage capacity improves the reliability of the grid. Certainly, with the forecast temperature increases in the ACT under climate change scenarios, some of those summer peaks that are the key threat to our electricity grid can be ameliorated through the creation of more storage opportunities in the territory.

MS CHEYNE: Can the minister explain what other measures the ACT government is undertaking to support the rollout of distributed battery storage in the ACT?

MR RATTENBURY: Obviously the rollout of the battery program has been the key measure, and the engagement of local companies, I think, is particularly beneficial.

There are a number of operators who are well-known local companies and who have either expanded their repertoire, so to speak, to take this on or it was already work they were doing, and that is ensuring the development of the expertise locally.

We have also seen spin-offs of that through companies like Reposit Power who operate out of Fyshwick and who are rapidly growing as a successful Canberra exporter through their ability to work with householders who have batteries to create virtual power plants to maximise the return for individual householders but also to provide those network-wide services that are connecting those batteries up collectively that can result from the networking of those individual facilities.

These are all important developments that drive both local environmental and economic benefits but also add to Canberra's growing reputation as a centre of excellence when it comes to renewable energy and energy technologies.

Light rail—WorkSafe ACT notices

MR MILLIGAN: My question is to the Minister for Workplace Safety and Industrial Relations. Minister, on 16 February 2018 the *Canberra Times* reported that WorkSafe ACT had served Canberra Metro with a prohibition notice and an improvement notice, following a gas leak at the site of light rail works on Thursday, 15 February 2018. Minister, how many prohibition or improvement notices have been issued by WorkSafe ACT in relation to works associated with the light rail project?

MS STEPHEN-SMITH: I thank Mr Milligan for his question. Those kinds of operational issues in relation to WorkSafe are the responsibility of the Minister for Regulatory Services. However, I am happy to take the detail of the question on notice and to confirm that, yes, a prohibition notice was issued to prohibit any excavation on the Canberra Metro light rail project following that incident last week. We have been expressing concern about a number of incidents on the Canberra Metro site, and WorkSafe has our full support in ensuring the safety of workers on the light rail site. In that context I would emphasise that in the 2017-18 budget the government funded an additional three inspectors specifically for the light rail project, demonstrating our support for work health and safety on this very important and very complex infrastructure project.

MR MILLIGAN: Minister, what penalties have been imposed on contractors relating to prohibition or improvement notices issued by WorkSafe ACT?

MS STEPHEN-SMITH: I will take the question on notice.

MR WALL: Minister, what steps have you or your directorate taken to ensure that the consortium and the contractors on the light rail project are adhering to work health and safety legislation and ensuring community safety during the construction process?

MS STEPHEN-SMITH: I thank Mr Wall for his supplementary question. I receive regular briefings, as do Minister Ramsay and, I am sure, Minister Fitzharris, in relation to this matter. It is a subject of ongoing conversation with WorkSafe.

As I said in answer to the first question, the government has allocated funding for an additional three WorkSafe inspectors to cover this project. Funding has been allocated over three years, in line with the expected level of construction, commissioning and initial start-up activities. All three inspectors have now commenced, with specific training in light rail construction and operations underway. While the additional inspectors are an integral part of WorkSafe ACT, they will be focused on ensuring compliance with work health and safety laws for phase 1 of light rail activity. These activities will be managed in line with a comprehensive regulatory strategy and program.

As I mentioned earlier, light rail construction involves specialised work activity which has not been undertaken in the ACT before. Safety is absolutely critical, and inspectors will be on the ground working closely with tradespeople, contractors, engineers, specialist officers, Canberra Metro and Transport Canberra and City Services. We understand the importance of this project to the city's future public transport agenda. Its uniqueness as a construction project for Canberra requires a productive approach to regulatory oversight of work health and safety. The resourcing allocation over three years reflects this importance in the transition from construction activity into commissioning and initial start-up of the light rail project.

Government—ex gratia payments

MR WALL: My question is to the Treasurer. Treasurer, late last year it was reported that over 200 school contract cleaners would receive an ex gratia payment from the government of over \$1,000 each for being left out of work due to a change in the way cleaning contracts are awarded. At the same time, locally owned green waste collection businesses were also being left out of work, without compensation, due to the rollout of the government's green bin scheme. In the interest of fairness, will you and your cabinet colleagues reconsider appropriate compensation to the existing green waste collection industry businesses that have been, and are going to be, left out of work as the green bin scheme is rolled out across territory?

MR BARR: Yes, the government is considering a range of options, but it is unlikely to be direct financial compensation.

MR WALL: Treasurer, are different criteria used to determine the eligibility for compensation payments or ex gratia payments for an organisation or industry that is not unionised or union affiliated, as opposed to those that are heavily unionised, such as the cleaning industry?

MR BARR: No.

MR COE: Treasurer, what policy documents guide the government with regard to when ex gratia payments are made? Does representation from a union play any role in that document?

MR BARR: No, representations from unions do not play a role in any document. Representations are routinely made by a whole range of individuals, be they people who are directly affected advocating on behalf of themselves, members in this place

advocating on behalf of individuals or organisations and, indeed, organisations outside of politics or those who are individually affected. The government will look at this issue, as we do with others, and respond accordingly.

Mr Coe: Point of order, Madam Speaker.

MADAM SPEAKER: Point of order, Mr Coe?

Mr Coe: Yes, on relevance. The first part of the question was with regard to what policy documents guide the government on ex gratia payments and he has not yet answered that. I ask that he be directly relevant.

MADAM SPEAKER: Chief Minister, do you have further information for the Leader of the Opposition?

MR BARR: I have certainly tabled in this place policy criteria in relation to act of grace payments. I will see if I can source a document and table it when appropriate. It will not be this week, though.

Children and young people—care and protection

MRS KIKKERT: My question is to the Minister for Disability, Children and Youth. Minister, in an ABC radio interview near the end of last year Human Rights Commissioner, Helen Watchirs, repeated the Glanfield review's finding that many care and protection decisions are not reviewable on their merits, as they are in other jurisdictions, and then said, "The fact that they're not reviewable makes those decisions much less easy to defend." Since August last year what specific steps have been taken to make sure that more care and protection decisions are reviewable on their merits, as recommended by Mr Glanfield?

MS STEPHEN-SMITH: I thank Mrs Kikkert for her question. I do provide regular updates to the Assembly, as does the Deputy Chief Minister, in relation to implementation of Glanfield inquiry recommendations. I have not got any particular further updates since the last one I provided to the Assembly but work between the Justice and Community Safety Directorate and the Community Services Directorate in relation to that recommendation is ongoing.

MRS KIKKERT: Government representatives have been working on this issue since December 2016. When can we expect improvements to finally be implemented?

MS STEPHEN-SMITH: As I say, that work is ongoing. It is a matter of priority, but there are a number of issues being worked through in relation to both that matter and information sharing in response to recommendations from Glanfield and other inquiries. That work is actually quite detailed and complex and will be completed as soon as possible, given the detail and complexity of the work.

MS LAWDER: Minister, why does the ACT government not share Mr Glanfield's and Dr Watchir's concerns that many of the most important care and protection decisions are not reviewable on their merits, as they are in other jurisdictions?

MS STEPHEN-SMITH: I thank Ms Lawder for her supplementary question but point out to her that work is actually underway in relation to reviewing this specific matter, so I reject the premise of the question that we disagree that it should be looked into.

Royal Commission into Institutional Responses to Child Sexual Abuse—government response

MS CHEYNE: My question is to the Attorney-General. Can the attorney please update the Assembly on the government's process for responding to the royal commission's report?

MR RAMSAY: I thank Ms Cheyne for the question. Certainly, the government is committed to taking strong and swift action on the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse. We are certainly committed to providing a response to the royal commission's final report within six months. That means that by the end of this financial year the government will publicly explain what the recommendations mean for the ACT, and commit to specific action.

Law reform work, consultation across portfolios and engagement with community groups is already underway. The royal commission's recommendations cross private institutions, government services, the criminal law and the courts. They are comprehensive, and this government is committed to a whole-of-government and comprehensive plan of action.

This government has already introduced criminal law reforms to implement some of the recommendations of the royal commission. Ensuring that what the royal commission has learned about how we prevent, respond to and then provide redress for abuse is an absolute, top priority for the government this year.

MADAM SPEAKER: Mr Coe and Mr Wall, your conversation makes it difficult for me and others to hear when a minister is on their feet.

MS CHEYNE: Can the minister provide the Assembly with an update on work to implement the royal commission's recommendations about redress for survivors of child sexual abuse?

MR RAMSAY: I thank Ms Cheyne for the supplementary question. The ACT is currently engaging with the commonwealth and with the states and territories to advocate for a scheme that lives up to the royal commission's recommendations. That means substantial, meaningful support to help survivors put their lives back together. It also means requiring institutions to take responsibility and unreservedly apologising for the failings that allowed the abuse to occur. We have been and will keep working to make the redress scheme inclusive and one that measures up to the work of the royal commission.

I note that recently churches, psychiatrists and legal professionals have made submissions to the Senate inquiry into the commonwealth's legislation to establish the scheme. They vocally supported recognising that survivors with criminal records are

also survivors. I wholeheartedly support their view that there should not be two classes of survivor under the scheme. I will keep representing that view in helping design it. The ACT will keep working to ensure that the scheme measures up and that the territory is ready to participate in it and has all the necessary support in place.

MS CODY: Minister, can you provide information about how the government has already implemented changes in line with the royal commission's findings to support survivors of abuse?

MR RAMSAY: I thank Ms Cody for the supplementary question. The ACT government has engaged throughout the process of the royal commission and has implemented the changes that the commission has suggested already.

Canberra has been a leader in adopting new legislation to ensure fairness for survivors of assault in the court processes. The ACT introduced the use of pre-recorded interviews for child witnesses to a sexual offence in 2008. In May 2017, the use of pre-recorded witness interviews as evidence in chief was expanded to all sexual offences.

Our civil laws relating to compensation for historical sex abuse were brought into line with the royal commission's findings in two stages. From May 2017, there is now no time limit on suing for personal injury compensation in relation to child sexual abuse. The ACT will continue to work hard to ensure that the court processes stay oriented around supporting survivors and securing a just outcome for them.

Taxation—payroll tax waivers

MS LAWDER: My question is to the Treasurer. Treasurer, the recent tax expenditure statement reports five payroll tax waivers in 2015-16 totalling \$2,164,000. Treasurer, which entities were the beneficiaries of these waivers?

MR BARR: For the privacy of taxpayers, those entities were not disclosed. There are, of course, some that I think have already been on the public record in relation to the fact that their performance agreements with government do include a payroll tax waiver. Without naming them, I would suggest that local football teams would be amongst those.

MS LAWDER: Treasurer, did the waivers place any conditions on the recipients, including about investment or job creation, in order to receive the waiver?

MR BARR: Yes, generally speaking there are a variety of different requirements in order to receive a waiver. The two that the Deputy Leader of the Opposition has mentioned are among those. In relation to sporting teams, that can also be a requirement to play all of their games in Canberra. That is certainly the case for the Raiders and the Brumbies.

MR COE: Treasurer, what is the value of payroll tax waivers for this financial year, and have any entities outside sporting teams received waivers in successive years, that is, the same organisation at least two years in a row?

MR BARR: The value will be reported on in the tax expenditure statement. That is the whole point of having such a statement. So that will be reported on at the end of this current financial year. There will be circumstances where there will be a multiyear agreement with a business or entity in relation to payroll waivers.

Taxation—payroll tax waivers

MS LEE: My question is to the Treasurer. Treasurer, the recent tax expenditure statement reports that payroll tax waivers in the 2015-16 period totalling \$2,164,000 were “to facilitate investment and job creation in the Territory”. Treasurer, what are the estimated amounts of investment and numbers of jobs that would have been forgone without these payroll tax waivers?

MR BARR: Given that I cannot reveal for privacy reasons other than what is already publicly available in terms of, for example, the contract register, I can talk about the sporting teams. Their performance agreements are published and they do clearly employ people and bring activity to our city.

As part of a package that is offered particularly to the Raiders and the Brumbies, who would be the biggest beneficiaries, they receive both cash payments and payroll tax waivers. Clearly they employ players and officials, and the activity associated with their events in the city contributes to the territory economy. That is the practical example that I can provide the member today.

MS LEE: Treasurer, what information has Treasury provided to you on the impact of the payroll tax regime on investment and job creation in the territory?

MR BARR: The fact that we have the highest tax free threshold in the nation means that around 23,000 to 24,000 of the 27,000, or thereabouts, businesses in the territory do not pay any payroll tax at all. So that is clearly a benefit for those small and medium enterprises.

In fact, given the intersection of our threshold and our rate, it means that most businesses that operate in the ACT, with the exception of large national and multinational companies—most, not all; but most businesses in that category—are comparatively much better off locating in the territory than they would be if they were across the border in New South Wales.

MR COE: Treasurer, what are the assessment criteria that you and your directorate use to assess whether to grant waivers or not?

MR BARR: There is a process that involves a recommendation from both the economic development area and the treasury to provide a brief and advice to me as Treasurer, to exercise my responsibilities under the Financial Management Act in this regard.

Mr Coe: A point of order.

MADAM SPEAKER: Yes, Mr Coe; a point of order.

Mr Coe: It is on relevance. I asked about the assessment criteria. The Treasurer has spoken about the process but not the assessment criteria that his directorate uses. I ask that he be directly relevant.

Mr Barr: I have concluded my answer, Madam Speaker.

MADAM SPEAKER: Thank you. The answer has been concluded.

Crime—motorcycle gangs

MR HANSON: My question is to the minister for police. Minister, since other jurisdictions passed anti-bikie laws, specifically anti-consorting laws, Canberra has attracted bikie gangs that were not previously active in Canberra. Confidential files published in the *Canberra Times* recently reported “Multiple other incidents with Finks OMCG”—outlaw motorcycle gang—“members attempting to enter licensed premises in Canberra city over this weekend.” The report said:

Other incidents included a man being slashed with a machete during a three-man robbery in March, and a public five-on-one bashing in Fyshwick ...

It was stated that “the male was being kicked and punched repeatedly, though he did not fight back”. Minister, do you have any information that yet another bikie gang is moving in to operate in Canberra?

MR GENTLEMAN: I thank Mr Hanson for the question. I should say first off that Canberra is a safe city, but we are not immune from this sort of criminal activity that we have seen occurring over the past number of years. The history of it is, of course, that we had one criminal motorcycle gang in the ACT that operated, which was the Rebels. Then, a couple of years ago, we had another criminal gang come in and patch over the Rebels. That was the Comancheros and Nomads. There is inter-gang rivalry between the two motorcycle gangs.

I have had advice that there has been some notification of Finks in the ACT but at this time my understanding is that it is a low number, and whether or not they actually reside in the ACT I am not sure as yet. I will take Mr Hanson’s question on notice and get some more information from ACT police.

MR HANSON: Minister, what is the current status of the bikie war in Canberra, particularly between the rival gangs?

MR GENTLEMAN: I do not have interactions with the particular outlaw motorcycle gangs. The advice given to me by ACT Policing is that they are investigating. They have taken a number of actions. As you have heard, some 86 warrants have been issued for 262 offences of criminal outlaw motorcycle gangs. I give my total support to ACT Policing, and so does the government. We have invested \$6.4 million in

Taskforce Nemesis and a further \$8 million in other budgets for criminal gang activity. ACT police are acting on it, and they have my full confidence.

MR PARTON: Minister, will you undertake to fully inform the public if another bikie gang, whether it be the Finks or another gang, attempts to move to Canberra? Will you fully inform the public of that?

MR GENTLEMAN: As I said I do not have interactions with outlaw motorcycle gang members, so I am unaware of whether or not they have an intention to move to Canberra. Of course, ACT police do keep me up to date. Certainly, if there are other members coming to Canberra, we will inform the Canberra public.

Mental health—acute care capacity

MRS DUNNE: My question is to the Minister for Mental Health. I refer to the Productivity Commission's *Report on Government Services 2018* on mental health services. Minister, this report shows that the number of mental health acute care beds per 100,000 people between 2005-06 and 2015-16 has fallen by 17.6 per cent. It also shows that the patient days per 1,000 people for admitted patients in acute care has increased by more than a third, but that staffing per 100,000 people had increased by only 16 per cent and remains well below the national average. Minister, why has the ACT Greens-Labor government allowed a decline in acute mental healthcare services over the past decade?

MR RATTENBURY: I reject the premise of Mrs Dunne's question. The government has invested extensively in mental health services in recent years such as the provision of new and additional services, as well as the addition of new beds such as the Dhulwa mental health facility.

Mrs Dunne has mashed a series of figures together. When I read the transcript later I will be happy to provide some more information on the detail for each of those. There are reasons behind each of those sets of data. The way Mrs Dunne has represented them I do not believe provides a full account of the status of the mental health system in the ACT.

We are working with a range of community service providers as well. The ACT is a leading jurisdiction for the provision of community mental health services. Here in the territory, 20 per cent of our funding goes to the community health sector compared to seven per cent nationally. We have a very different approach here. We work with community partners, and that is one of the factors that goes to some of the figures that Mrs Dunne has just cited.

MRS DUNNE: Minister, why are residents with acute mental health problems, particularly adolescents, having to seek care interstate?

MR RATTENBURY: There are reasons sometimes why that happens. It can be a reason of speciality, that, being a relatively small centre, we do not have the specialist care that is needed. It can be parental choice or it can be that people feel they cannot get the services they need here in the ACT. They are all factors. The government has

been clear that it intends to build a child and adolescent mental health inpatient unit in the ACT, and that work is currently being planned.

But I do not think the characterisation again that Mrs Dunne has put forward is a fair one. Mrs Dunne and I have had an exchange of words about a case that she raised last year. I think that case highlighted the complexities for individuals. There are some limits to service offerings in the ACT. The government has acknowledged that. We are working on that through our commitment to building a new facility.

But I have also been very frank in saying that, with the increasing number of young people identifying with mental health concerns, we need to evolve our service provision. I think we need to be clear though that not every young person needs an acute inpatient response. In many cases that will not be the best response. In many cases it is actually better to have the young person remain at home where they can receive outreach services. In some cases it is beneficial to work with the whole family, not just the young person involved. The complexity of these cases and the variety of these cases speak to the need for a range of different solutions.

MS LEE: Minister, when will the ACT Greens-Labor government provide the acute care resources that are needed to treat those in our community who are most at risk?

MR RATTENBURY: The government has invested heavily in this space. We now have the Dhulwa mental health unit, which was opened in November 2016, which provides forensic mental health care for the most acute patients in our system. That facility has provided a very important addition to the ACT's mental health system. We, of course, have the adult mental health unit at Canberra Hospital. That is a quite modern facility, and one that is meeting needs. We also now have the short-stay mental health unit at the emergency department. There is a series of acute inpatient facilities across the spectrum of needs in the ACT. As I said in my previous answer, acute services are not always the right answer for all individuals. We should be careful not to assume that an inpatient facility is the right answer for all mental health needs.

Public housing—renewal program

MS CODY: My question is to the Minister for Housing and Suburban Development. Could you please provide the Assembly with an update on the public housing renewal program?

MS BERRY: I thank Ms Cody for the question and, yes, I am always happy to update the Assembly on how we are supporting people in the ACT who might not be able to get into homes of their own so easily. The government has made great progress on delivering 1,288 new housing properties, replacing homes that no longer suit the needs of our community. The ACT government has invested more than \$600 million into the program, and I am happy to say that we are past the halfway point in delivering those 1,288 homes on time, to be completed in 2019. Members will be aware that the development applications for Holder, Wright and Chapman have now been approved. Once completed, this will see 62 new homes available for tenants now and well into the future. Overall the program is on track and delivering new housing for public housing tenants across the ACT.

MS CODY: Minister, how has the public housing renewal program changed the lives of some of the ACT public housing tenants?

MS BERRY: I have been very lucky to have been able to welcome new public housing tenants to their new homes and hand over the keys. The quality and efficiency of these new homes are more than they have ever experienced and are definitely making a difference to the lives of public housing tenants in the ACT.

Last week, I informed members about the photography exhibition that is upstairs in the Assembly building. I was happy to be able to welcome public housing tenants into the place to have a look at the exhibition photos of themselves, telling stories of their lives in their older homes but also, importantly, in their new homes and how happy they are to be in these newer homes. I had public housing tenants from the champions group come to visit the exhibition yesterday. They encouraged me to continue to talk up public housing and public housing tenants and what a difference these new homes are making to their lives.

MR STEEL: Minister, what are some of the barriers and challenges in renewing our public housing stock in Canberra?

MS BERRY: This has been a challenging program, but it is something that the ACT government is incredibly proud to have been delivering on, with 11 per cent of stock renewal, in addition to the regular Housing ACT replacement program. It has provided some challenges in ensuring that there are places available, that there is land available to build on and that we are meeting the needs of our tenants in ensuring that the housing is built where they want to live. An important part of this program has been that tenants have been able to talk with Housing ACT representatives and, through the linked group, to identify where in Canberra best suits their needs, whether that is with family, being closer to education or sporting facilities, or being closer to shopping centres—

Mr Parton: Or on Northbourne Avenue, maybe.

MS BERRY: Including along Northbourne Avenue as well, along that corridor, and making sure that people have housing to meet their needs.

Mr Parton interjecting—

MS BERRY: While some of the projects have been met with resistance, and by some members opposite, extensive consultations have taken place. At the end of the day, this has been about supporting public housing tenants into new homes so that they can best be integrated into our community. Of course, those opposite would rather that they were out of sight and out of mind, rather than in their own suburbs.

ACT Emergency Services Agency—interstate assistance

MR STEEL: My question is to the Minister for Police and Emergency Services. Minister, what assistance has the ACT Emergency Services Agency provided to our neighbours in New South Wales during the 2017-18 bushfire season?

MR GENTLEMAN: I thank Mr Steel for his interest in Canberrans' safety right across the ACT. The ACT of course has a regional approach to bushfire support and response. This means that we are pleased to assist across the border when and where we can. These opportunities recognise our well-trained and resourced rural fire service volunteers and our parks and conservation officers.

The ACT Emergency Services Agency and the New South Wales Rural Fire Service have a memorandum of understanding that promotes and supports cross-border assistance. Under the MOU, 115 ACT RFS volunteers and staff and 18 parks and conservation personnel were deployed to New South Wales to help manage three separate fires between 19 January and 4 February this year. This included deploying to two fires at Nerriga Road, Braidwood, to Long Gully Road, Barnaby, and to Wollemi national park in Singleton.

A senior ACTRFS manager also joined the New South Wales RFS state strategic planning unit which determined the distribution of state-wide resources during the height of the bushfire season. This provided a valuable networking and learning experience. On behalf of the ACT government and this Assembly I would like to extend my thanks to the ACT personnel for their commitment to protecting the ACT and New South Wales from the threat of bushfires.

MR STEEL: Minister, how does the ACT Emergency Services Agency ensure that the ACT has enough firefighting resources available while also assisting New South Wales?

MR GENTLEMAN: It is a very important question so that the Canberra community can feel safe. The provision of assistance to interstate agencies is provided after careful consideration of predicted fire weather for the ACT, regional fire activity, and the availability of resources for the requested deployment period. Prior to agreeing to any deployments, we ensure that the ACT is adequately resourced should a local emergency incident occur while we are providing assistance in another jurisdiction.

MR PETTERSSON: Minister, how has our firefighting capability benefited from assisting other jurisdictions?

MR GENTLEMAN: I thank Mr Pettersson for his supplementary question. The ACT regularly provides assistance to other jurisdictions in times of emergency, whether close to home in New South Wales or as far away as last year's deployments to Canada to assist in fighting forest and wild fires.

Providing this assistance recognises the great relationships between emergency services and provides excellent practical learning and development experience for ACT volunteers and staff. Deploying interstate and overseas gives our firefighters experience in different environments and develops their personal and professional abilities. These experienced firefighters are then able to pass on those skills and abilities to their colleagues here in the ACT.

I am pleased that the ACT Emergency Services Agency continues to maintain such strong, mutually beneficial relationships with other jurisdictions, particularly our close

neighbours in New South Wales. Our willingness to provide assistance to other jurisdictions will, I am sure, be reciprocated should the need ever arise for the ACT to call on their assistance during an emergency incident.

MR BARR: Madam Speaker, I ask that all further questions be placed on the notice paper.

Administration and Procedure—Standing Committee Membership

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

That Mr Wall be discharged from the Standing Committee on Administration and Procedure from 2 to 12 March 2018 and Mrs Dunne be appointed in his place.

Papers

Mr Barr presented the following papers:

Estimates 2017-2018—Select Committee—Report—*Appropriation Bill 2017-2018 and Appropriation (Office of the Legislative Assembly) Bill 2017-2018*—Response to Recommendation 54—Icon Water Limited—

Corporate and Customer Services Contracts—Summary.

Customer Services and Community Support Agreement, dated 27 June 2012.

Corporate Services Agreement, dated 27 June 2012.

Capital works program—quarterly progress report Paper and statement by minister

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (3.31): For the information of members, I present the following paper:

Financial Management Act, pursuant to subsection 30F(3)—2017-18 Capital Works Program—Progress report—Year-to-date 31 December 2017.

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

Leave granted.

MR BARR: The budget committed to a capital works program of a tad over \$1 billion, with funding available for that expenditure. The government, in the December quarter, has delivered \$289 million worth of capital investment, \$246 million on infrastructure and \$43 million on ICT and plant and equipment. This included \$32.4 million spent on new works and \$256.2 million on works in progress. Capital expenditure on physical infrastructure development projects for the period

ending 31 December 2017 was \$246 million, an improvement when compared with the \$208 million over the same period in 2016-17. The report tabled today outlines the significant milestones delivered during the December quarter.

Suburban Land Agency—statement of intent Paper and statement by minister

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (3.33): For the information of members, I present the following paper:

Financial Management Act, pursuant to subsection 62(2)—Statement of Intent 2017-18—Suburban Land Agency, dated 3 and 15 January, and 13 February 2018.

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

Leave granted.

MR BARR: The ACT government established the Suburban Land Agency under the City Renewal Authority and Suburban Land Agency Act 2017 on 1 July last year. The agency was established to deliver greenfield development and encourage and promote urban renewal across Canberra's suburbs and town centres.

The agency will deliver on the government's goal by maintaining a stable, diversified supply pipeline that meets or exceeds underlying demand. By reducing house price pressure, this will contribute to the government's broader strategy of improving housing affordability for both buyers and renters. The agency is a key part of this, with a plan to deliver land that will enable the construction of a significant number of new houses and units, increasing the city's total housing supply.

The Suburban Land Agency delivers affordable housing choices as part of the land sales program and will be implementing the government's affordable, community and public housing targets in its 2017-18 releases. This is achieved through the land rent scheme, block size, community housing and other strategies. The different types of blocks and developments allow the government to offer a diverse range of housing that suits different needs, lifestyles and income points. The agency also develops and sells land for commercial, industrial and community uses, supporting businesses and organisations to set up and grow in Canberra.

The Suburban Land Agency and the City Renewal Authority together will deliver a more rigorous approach to the release, development and renewal of land. In 2017-18 the Suburban Land Agency has already released land for sale in Red Hill, Wright, Taylor and Throsby for residential use, a community site in Macgregor, and industrial land in Hume. Land sales that are coming up include sites in Coombs, Taylor and Greenway, and a community site in Red Hill. The types of sites include single-house, townhouse and terrace-style sites for people to build their own home in the community through to unit complexes that enjoy a central location and allow for downsizing from larger houses as people's lifestyles change.

As a territory authority, the Suburban Land Agency is required to prepare a statement of intent in accordance with section 61 of the FMA. The board of the agency has prepared its first statement of intent following its establishment. The statement sets out the objectives and priorities for the agency and how it will measure its success in achieving those. It was drafted to incorporate the government's intentions in establishing the agency and reflects the priorities embodied in its legislation.

The Deputy Chief Minister and Minister for Housing and Suburban Development wrote to the chair of the agency in August of 2017. The letter set out the government's expectation for the agency as it delivers new suburbs and revitalises existing ones. The government has stated that it expects that the performance of the agency and board will be based on the principles of accountability, transparency and participation, and the statement of intent has been developed to achieve these expectations.

The agency has identified key strategies to deliver on the government's priorities, including the sale of 2,880 residential dwelling sites and over 136,000 square metres of land for mixed use, commercial, industrial and community uses outside the declared urban renewal precinct. The agency has a land sales revenue target in the fiscal year 2017-18 of \$576 million.

The agency is working closely with the Environment, Planning and Sustainable Development Directorate to ensure that it implements good governance in its operations and decisions and the implementation of its activities. This will be a process of continuing review and improvement to ensure that land development and sales are well managed. The agency recognises the importance of complementing its master planning, land development and sales activities with a focus on the social and community aspects of establishing and developing new and sustainable communities.

The agency's community development program, Mingle, is a key initiative aimed at promoting the creation of vibrant and sustainable communities. The Mingle program is integral to the community establishment process, and the agency seeks to achieve this aim through a range of events, activities, resident engagement and communication. All activities are based on the notion of encouraging new residents to feel part of their community and become involved in community development. In the first six months of this current fiscal year, Mingle delivered 21 successful activities and four community newsletters in the new suburbs. I commend the statement of intent to the Assembly.

City Renewal Authority—statement of intent Paper and statement by minister

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (3.38): For the information of members, I present the following paper:

Financial Management Act, pursuant to subsection 62(2)—Statement of Intent 2017-18—City Renewal Authority, dated 12 January and 12 February 2018.

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

Leave granted.

MR BARR: In July of last year the government established the CRA under the CRA and SLA Act 2017. The authority was established to play the crucial role of coordinating and implementing world-class urban renewal within the defined precinct. The establishment of the authority ensures that as Canberra grows its city centre and immediate surrounds will further evolve into a thriving precinct with well-designed buildings and public spaces that improve activity, connectivity and sustainability.

As a territory authority, the CRA is required to prepare a statement of intent in accordance with section 61 of the FMA. The board of the CRA has prepared its first statement of intent following its establishment. The statement sets out the objectives and priorities for the CRA and how it will measure its success in achieving those. It was drafted, as was the case with the SLA, to incorporate the government's intentions in establishing the authority and to reflect the priorities embodied in its legislation.

I wrote to the chair of the authority on 13 July 2017 to set out the government's requirements and priorities in relation to the delivery of design-led, people-focused urban renewal in the precinct, which spans West Basin, the city, Haig Park, Northbourne Avenue and parts of the Dickson group centre. The government has stated that it expects that the performance of the authority and the board will be based on the principles of accountability, transparency and participation. Again, this statement of intent has been developed to achieve those expectations.

The authority will lead urban renewal in the city renewal precinct. To achieve this, it will forge strong and constructive partnerships with the community, industry and other stakeholders to create a place for people to live, explore and, most importantly, enjoy. The authority will measure its success by the development of a revitalised precinct that is sustainable, that is livable and attractive, that is diverse and that has an active residential population that has a strong sense of community. It will measure its success through the take-up of economic and business incubation opportunities for enterprises, small start-ups and creative people.

Specifically in the 2017-18 fiscal year, the authority will deliver the following project-related outcomes. In the city renewal precinct, it will deliver a plan for revitalisation of the city precinct, which will be people-centric with high quality urban environments at its heart. It will finalise the Haig Park master plan and implementation strategy. It will complete stage 1 of the West Basin precinct and progress work with the Australian government and other stakeholders on stage 2. It will progress improvements to the city bus interchange and its important functional interrelationship with the light rail network. It will develop a plan for the revitalisation of the Sydney and Melbourne buildings and the surrounding public realm.

It will set guidelines and standards to ensure that the landscape environment along Northbourne Avenue is befitting of the primary gateway to the national capital. It will identify opportunities for the future development and renewal of the Dickson group

centre, with a particular emphasis on the Woolley Street project. It will progress land sales within the precinct associated with the asset recycling initiative. It will develop a comprehensive program of place-making and activation for public spaces in the city precinct and partner with local businesses and the creative sector to support the cultural capital of the city centre.

The authority is working closely with the Environment, Planning and Sustainable Development Directorate to ensure good governance in its operations, decisions and implementation of this range of city renewal activities. This, again, will be a process of continuing review and improvement to ensure that the city renewal function is well managed. The authority will deliver a more rigorous approach to the release, development and renewal of land and places in the precinct. I commend this statement to the Assembly.

MS LE COUTEUR (Murrumbidgee) (3.43), by leave: As the Chief Minister alluded to, the ACT government has been required to set targets for its land agencies to release sites for affordable community and public housing as part of the 2017 legislation establishing the CRA and the SLA. This was due to amendments the Greens proposed. I asked the Chief Minister in September last year about the targets, and I was told that the targets would be available in the fullness of time. It is very pleasing that the fullness of time has finally arrived.

Earlier this month I wrote to the housing minister, calling on the ACT government to maintain the existing proportion of public housing in Canberra, which we calculate to be 7.1 per cent of all housing. The notifiable instrument states that there will be over 14,000 new homes built on urban renewal sites that are scheduled for release in 2017-18 in Braddon, Turner, Reid and Red Hill. It is disappointing that this will not include any affordable community or public housing.

The notifiable instrument sets aside 143 new sites for public housing dwellings in the year. Given that the notifiable instrument shows that we are releasing land for 4,120 dwellings, that would appear to be grossly inadequate if we are serious about maintaining the current levels of public housing stock. This means that only 3.5 per cent of new dwellings will be public housing, less than half the current rate of public housing across the territory.

In response to my question without notice about this matter earlier today, the Chief Minister noted that these figures only tell part of the story of the targets for new land release and that these targets do not include existing or planned affordable public or community housing in these areas or, indeed, across the territory where they would be taking advantage of land that has already been released.

I understand that there are fluctuations in stock numbers of new public housing due to asset renewal, new construction in existing areas not covered by the SLA and CRA land release program and spot purchasing. It is worth noting, however, in this context that the Community Services Directorate's most recent annual report for Housing ACT shows that there were only 72 dwellings delivered as part of Housing ACT's capital renewal program, as distinct from the more major public housing renewal program, which is aiming to be a roof-for-roof replacement.

Some of the numbers are just embarrassing. Only one new public housing dwelling in all of Lawson? And 143 public housing dwellings go nowhere near maintaining the current proportion of social housing. I would be interested to know if the cost of these new dwellings is going to be financed at least in part through the sale of existing public housing assets.

Providing land for only 34 new community housing dwellings does not do enough to grow the supply of community housing, especially in the context of the national housing finance and investment corporation commencing operations in the next year. This entity will aggregate bond finance and distribute it to community housing providers, giving them access to long-term, low interest finance with construction and acquisition of new community housing dwellings. Land released to this sector should be massively ramped up so that community housing can take advantage of this funding. It would be helpful to know what process will be used to allocate land set aside for community housing—the small amount of it at this stage.

I am also curious to know why census data for the number of community housing dwellings has been used in table 2 of the notifiable instrument, which details the current proportion of social and affordable housing within each suburb where new land is being released. It shows, for example, that there are no community housing dwellings in Lawson. However, on 21 June 2016, two months before the census and immediately before the first tenants moved in, Minister Gentleman launched nine townhouses in Lawson that are owned and managed by CHC Australia, which, as we all know, is a Canberra-based community housing provider. These townhouses have been rented to low and moderate income households at a 25 per cent discount to market. Perhaps using data provided to the register of community housing providers which includes information about the number of dwellings and their location could be more helpful than census data.

These figures are a win for transparency, but they appear to be a step backwards for affordable housing supply in the territory. In the light of recent data in the report on government services which shows that Canberra has the dubious distinction of having the highest proportion of people in private market rental stress, they are disappointing. I call upon the government to put more focus on the delivery of additional affordable public and community housing stock.

Papers

Mr Gentleman presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Public Place Names Act—Public Place Names (Gungahlin District) Determination 2018—Disallowable Instrument DI2018-8 (LR, 8 February 2018).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2018 (No 1)—Disallowable Instrument DI2018-9 (LR, 5 February 2018).

Road Transport (General) Application of Road Transport Legislation Declaration 2018 (No 2)—Disallowable Instrument DI2018-10 (LR, 12 February 2018).

Environment and Transport and City Services—Standing Committee Report 3—government response

MR GENTLEMAN (Brindabella—Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal) (3.49): For the information of members, I present the following papers:

Environment and Transport and City Services—Standing Committee—Report 3—*Draft lower Cotter Catchment Reserve Management Plan 2017*—Government response.

Lower Cotter Catchment—Reserve Management Plan 2018.

I move:

That the Assembly take note of the papers.

The lower Cotter catchment reserve management plan 2018 has been prepared in accordance with chapter 8 of the Nature Conservation Act 2014. I am very pleased to be able to present the final plan to the Legislative Assembly today. The lower Cotter catchment is public land under the Territory Plan, reserved for the primary purpose of protecting existing and future water supply and the secondary purposes of conserving the natural environment and providing for public use of the area for education research and low impact recreation.

The plan will guide management and recreation use of the lower Cotter catchment over the next 10 years, with the aim of actively monitoring and promoting regeneration of the lower Cotter catchment to a fully functioning natural ecosystem of native vegetation that protects our water resources and conserves natural and cultural values while providing low-impact recreational opportunities for ACT residents and visitors.

The vision for the catchment set out in the plan is:

A recovering landscape, the Lower Cotter Catchment provides a reliable supply of clean water for the region while contributing to nature conservation, research, recreational and educational opportunities for all.

For some background, the 2003 bushfires burnt almost all of the vegetation in the lower Cotter catchment, including 4,000 hectares of commercial pine plantation. Heavy rains after the fires eroded the forestry management trails and fragile soils and deposited large loads of sediment into the streams feeding the Cotter reservoir. Following the devastating fires, and in the context of a changing climate, concerns about the reliability of Canberra's future water supply resulted in the ACT government's decision to enlarge the capacity of the Cotter reservoir from four gigalitres to 79 gigalitres, or nearly 20 times its original size. That increased Canberra's water storage capacity by 35 per cent. In 2013 the new Cotter Dam wall was completed, and drawing water again from the Cotter Dam has led to a renewed focus on the reliability of water resources and the importance of a stable and healthy surrounding catchment.

The ACT government also made the decision that commercial pine plantations were no longer an appropriate land use for the lower Cotter catchment and that the remaining plantations would be phased out and the catchment returned to native vegetation. With the support of over 15,000 community volunteers, more than 306,000 trees and shrubs have been planted over 500 hectares. The plantings have been highly successful and survival rates are nearly 80 per cent.

The lower Cotter catchment is made up of more than 6,000 hectares of recovering landscape upstream of the Cotter Dam wall. Ongoing revegetation and stabilisation of the catchment with native plants is a priority to ensure the protection of water quality. The government is committed to returning the lower Cotter to a stable and healthy catchment.

The soils of the lower Cotter catchment are highly erodible. Maintaining vegetation cover and limiting activities that can lead to increased erosion are important to maintaining good water quality. Ex-forestry trails have been identified as a major source of sediment, and over 100 kilometres have already been closed and rehabilitated. The plan proposes to keep the trail network under review, with only trails that are necessary for management purposes to be retained.

Although the lower Cotter catchment has a history of disturbance from human activity, including clearing for grazing, planting with pines, and severe fire damage, the area retains significant natural values. It provides important landscape-scale connections for wildlife movement, supports a number of threatened plant species and communities, and provides habitat for some declining woodland birds as well as native fish and invertebrates. To protect these natural values, it is important that we continue to focus on weed and pest animal control. Pine wildings remain a considerable management issue, and several methods are currently being trialled for the most effective method of control and replacement with native vegetation.

Ngunnawal people occupied and actively managed the landscape for more than 25,000 years prior to European settlement and still maintain a strong connection to country. The lower Cotter catchment has extensive evidence of Aboriginal occupation and of travel routes between the limestone plains and the mountains. The plan provides for the protection and interpretation of Aboriginal heritage, in collaboration

with traditional custodians and Aboriginal representative organisations, and encourages their involvement in land management activities. Some evidence of early European settlement and historical forestry activities also remains and will be managed in accordance with international best practice.

Consistent with the primary objective of protecting water supply, it is intended that recreational use of the lower Cotter catchment remains low key. The plan identifies two management zones within the reserve and sets out which activities are permitted or not permitted within each zone. Motorised vehicles, including trail bikes, are only permitted on the publicly accessible roads and trails. Swimming, camping, lighting fires and firewood collection are not permitted in the catchment, and all recreational activities are prohibited in the Cotter reservoir. Fishing is only permitted in the Cotter River upstream of the junction with Condor Creek.

Fire management in the lower Cotter catchment will aim to reduce the risk of wildfire and protect Canberra from fires approaching the city from the north and west. It will promote the recovery of vegetation in order to reduce erosion, improve water quality, and protect threatened and fire-sensitive species and ecological communities.

A considerable amount of consultation occurred during the preparation of the draft plan. A wide range of relevant stakeholders were identified and consulted on the issues affecting them. Local Aboriginal groups, including the traditional custodians and members of the Aboriginal and Torres Strait Islander Elected Body, were invited to a field trip to the lower Cotter catchment to seek their views on issues of importance to them.

Prior to public release of the draft plan, all directorates were consulted in September 2016. The draft plan was available for public comment from 16 January 2017 to 10 March 2017. Some 24 submissions were received and all comments were considered in preparing the final plan. I thank all those organisations and individuals who made valuable contributions during the consultation; they have greatly helped the plan to meet the needs of the environment and the community.

The plan and the report on consultation were referred to the Standing Committee on Environment and Transport and City Services in August 2017. The committee conducted an inquiry into the plan and received two submissions. The committee's report was tabled in the Legislative Assembly on 30 November last year. The report contained one recommendation—that the minister approve the plan. The government response to the standing committee's recommendation was also tabled here today, and the government has agreed to the committee's recommendation that the lower Cotter catchment reserve management plan be approved.

As a disallowable instrument, the lower Cotter catchment reserve management plan will come into effect after the disallowance period of six sitting days. In order that members of the public have access to the plan, it will be made available on the Environment, Planning and Sustainable Directorate website and the your say website from today. Printed copies of the plan will be available on request.

Past community involvement in restoration activities in the catchment has made a significant contribution to the success of revegetation, and I thank the many people and organisations who have contributed their time to assist with the important work in restoring the catchment. The ACT government is committed to supporting continued community involvement in the restoration and stewardship of the lower Cotter catchment.

Question resolved in the affirmative.

Youth engagement

Discussion of matter of public importance

MADAM ASSISTANT SPEAKER (Ms Lee): Madam Speaker has received letters from Miss C Burch, Ms Cheyne, Ms Cody, Mr Coe, Mrs Dunne, Mrs Kikkert, Ms Lawder, Ms Le Couteur, Ms Lee, Ms Orr, Mr Parton, Mr Pettersson, Mr Steel and Mr Wall proposing that matters of public importance be submitted to the Assembly for discussion. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Mr Steel be submitted to the Assembly, namely:

The importance of broad engagement with the ACT community, particularly innovative measures to engage with younger Canberrans.

MR STEEL (Murrumbidgee) (3.58): I am very pleased to speak about the importance of broad engagement with the ACT community, particularly measures to engage with younger Canberrans. As a government member, I have been making myself as accessible as possible to the community through regular street stalls, on social media, by meeting with community groups, participating in forums and engaging in a whole range of other ways. As our government plans for where Canberrans will live, the hospitals and schools they will need, how they will move around our city and how we adapt to climate change, it is important that Canberrans have their say on the future of our city.

Election time is an important time for the community to have their say on the future direction of government policy, but we must also continually engage between elections as we implement our policies. To ensure that the community's voice is properly reflected, this engagement must be broad. Our government is committed to strengthening our community engagement practices to deliver better, more representative consultation. I was very pleased that, as part of last week's budget review, our government will be funding a new community panel which will improve the process of prioritising government issues, thus helping to make contributing to policy development in the ACT easier for all residents and ensuring that the government's consultations are representative of Canberra as a whole.

The panel will give Canberrans, including young people and working people who perhaps would not have otherwise had their say through more traditional methods, a say on issues that matter to them. Just because many people are too busy to directly engage with an engagement process, are put off by the conflict therein or are simply relaxed about what is being proposed, their opinion still counts and the government

wants to hear it. The panel should be up and running by midyear. I look forward to the government releasing further details over the coming weeks and months. This is just one of the government's measures to ensure that we have broad consultation in the Canberra community.

The Chief Minister has also released the new whole-of-government communications and engagement strategy, which is modelled on the UK's government communication service. It draws upon the established work and talent of the University of Canberra's Centre for Deliberative Democracy and Global Governance to guide the government's interaction with the public over the next two years. It will help ensure a more coordinated whole-of-government approach to community outreach and will be updated annually.

Some of the community consultations that will be driven by this strategy are the review of the graduated licensing scheme, consultations on the future Gungahlin nurse-led walk-in centre, the design and development of a new Canberra theatre, upgrades to the Belconnen bikeway and light rail stage 2 to Woden. Through this strategy, the government are being open and transparent about our agenda. Canberrans will be able to see the conversations that we need to have. This not only clearly signals to our community and our key stakeholders what is in the pipeline for engagement; it is also a powerful tool to enable the government to deliver a more coordinated and consistent approach to engagement.

It also continues the innovative approach that the government has initiated through our citizens jury process, which I called on the Chief Minister to trial last year. I want more Canberrans to be able to play a role in shaping their city every day on the issues that make a difference to people's lives. This includes planning for the health system of the future, through the territory-wide health services framework, and for the future of our education system by developing a strategy for a high performing education system that provides more for better schools, better teachers and better support for all students in Canberra.

I note Minister Berry's statement this morning about the progress of this conversation. It is fantastic to hear that 44 per cent of people that have been involved in the consultation have been students, in addition to parents, carers and other teachers and professionals involved in our education system.

Another key issue is transport. We will be continuing the conversation with Canberrans about how they move around our city and how we can avoid the gridlock experienced in other major cities. The Canberra community and industry will play an important role in shaping a refreshed planning strategy to ensure the government's approach across planning, transport and climate change is aligned and complementary.

Housing choices engagement began in November last year. It has sparked an important conversation in the community. We will use innovative, deliberative methods to engage with a representative group of Canberrans to consider and weigh up the demands in housing and housing options in Canberra.

As part of our engagement with the community, we must ensure that young Canberrans are heard. Often the loudest voices in our community are not the youngest. In fact, they are the oldest. Yet many of the key issues that young people are directly concerned with are a responsibility of the ACT government. The schools they go to, the transport they use, housing affordability and the environment are all the ACT government's responsibility, and the people deserve to have their say on those issues.

The ACT government, through our Youth Advisory Council, YAC, seeks the views of younger Canberrans. But we still need to get better at tapping into the voices of young people in our community more broadly to ensure that they are heard and considered in government decision-making. There is no doubt that this generation requires a more targeted and innovative engagement to ensure that their voices are heard. Much of our engagement with young people is done in the digital space. However, it is important that this is not the only way we engage.

Traditional forms of media and traditional forms of social media no longer capture all young people. For example, we now know that Facebook has a problem with young people. Research from eMarketer shows that 700,000 fewer 18 to 24-year-olds will regularly use Facebook this year in the UK alone as younger users defect to other services like Snapchat. Meanwhile, there has been a huge increase in older users, particularly the over-55s, which will become the second biggest demographic of Facebook users this year. So we do need to find other ways of engaging with young people as well as engaging with older people on these platforms as well.

I posed this problem to young people at the recent teen start-up in January at the Museum of Australian Democracy. I asked them to come up with a solution for how to improve government engagement with them. I am always impressed by the energy and ideas of young people. The solutions they came up with were certainly fantastic. It is pleasing that some of the government's thinking about engagement with the community more broadly was reflected in some of the solutions that they came up with.

Of course, it is up to not only us as a government to engage with young people but us as a parliament as well. In November last year at the Commonwealth Parliamentary Conference, I participated in a workshop with young people focused on the importance of participatory government in peaceful democratic societies. This was part of the Commonwealth Parliamentary Association's ongoing interest in engaging with more young people.

Recommendations from the CPA's youth round table included: introducing compulsory classes in schools to educate students about politics and the parliamentary process; establishing apprenticeship or internship schemes within parliamentary organisations in order to provide training for those with an interest in joining the world of politics; inviting youth representatives to participate on policy-making bodies; establishing youth advisory boards to ensure inclusivity; and allowing candidates to stand at election at the same age as they can vote.

We are already doing some of these things, but we should not rest on our laurels. The ACT Assembly's education office plays an important role in this regard, bringing school student groups to the Assembly and facilitating work experience programs. I had a work experience student in my office last year and I have also engaged with visiting school groups that were learning about democracy in this place.

However, further steps could be taken to engage young people in the ACT. I know that many members in this place have been invited to participate in the advocate initiative this year. It is an initiative developed by the Foundation for Young Australians. It will engage young people in each electorate with their local MLAs. Advocate aims to recruit students by meeting with student representatives, with regular meetings held monthly throughout the year. Young people are chosen each year and provided with an opportunity to engage with their elected representatives on a year-long term. I think this is a great opportunity for us as members to genuinely engage with young people and the issues that they care about through an ongoing dialogue.

In conclusion, our government is committed to engaging broadly with the ACT community as we continue to deliver our election commitments for our growing city. We will continue to look at new ways of engaging with all people in the community, including working people, but particularly focusing on innovative engagement with young people to ensure all voices are heard. Young people have a particularly important stake in the future of our community and we must continue to explore new ways of engaging directly with them, both as a government and as a parliament. I look forward to hearing other members' contributions today.

MR PARTON (Brindabella) (4.08): I rise to speak to this matter of public importance, and I thank my good friend Mr Steel for bringing it to us. It is no surprise to me that an MPI about engagement has come from Mr Steel's office, because he is a genuinely engaging guy, and it is wonderful to be talking about it.

In regard to public engagement of all sections of the community, it is wonderful for this government to use all sorts of different methods of communication and wonderful that we are setting up different panels. I am buoyed by some of the things that I have heard from Mr Steel today about different ways to communicate. It is wonderful that we are creating apps, developing websites and tweeting and snapping away.

However, at the end of the day, if you are still trying to hide things from the public, if you are still trying to pull the wool over their eyes, if you are not genuinely consulting with the community but rather trying to be seen to be consulting, if there is a veil of secrecy over whatever you do, when you are still trying to thwart the most innocuous of FOI attempts and keep as many voters out of the loop as possible, it is not really worth much, is it? We on this side of the chamber watch with much interest, for argument's sake, the housing choices process. We cannot help but think that there is very much a predetermined outcome there. But we still watch with interest.

My entire professional life has been based around engagement—engagement, information sharing and, dare I say, entertainment. I understand the ins and outs of

community engagement. I started writing my first regular newspaper column as a 13-year-old in 1979. I have been employed either full time or casually, in the 30-odd years that have followed, by 18 different media organisations in five different states or territories. Despite my longevity in traditional media roles, I have long understood the changing face of communications in this country.

I note that Mr Steel, in his speech, certainly addressed the changing face of communications. I think all of us in public life, including corporations, politicians and entertainers, face some enormous challenges in getting our messages through to the people that we want to connect with.

For the two years leading up to my election here, I was running my own digital communications company, focusing on social media. I understand our changing communications landscape. When I look at our various government agencies here in the ACT, certainly in comparison to many government agencies in other jurisdictions, I see a genuine appetite for experimentation. I see genuinely an appetite for embracing new forms of communication. I would like to see more of it.

There are risks involved, but I think it is a space where you can be risky. My love affair with traditional media went on for a long time and it is still going. But, as Mr Steel pointed out, that love is not shared by millennials. Millennials do not watch free-to-air TV in great numbers. They do not read newspapers in great numbers. They tend not to listen to the radio in great numbers, so engaging with them is tougher than with previous generations.

The generations before them are still engaging with mainstream media but not to the same extent as was the case 10 years ago. Again, as Mr Steel pointed out, Facebook has almost now moved into the realm of a mainstream traditional media in the way that it is being dropped by certain demographics and homed in on by others. It has forced those of us with information to share to find some innovative new ways to share that information.

When I was running my digital communications agency, I used to explain to new clients that communicating using mainstream media was like standing up on a stage in a large theatre and talking to the people on a microphone. Sure, there are big numbers that you are potentially reaching, but the message is not tailored to individual groups and engagement is pretty much all one way. The crowd have the option to clap and cheer or to boo, or they can throw stuff at you, but that is it. They cannot really communicate back.

Social media engagement is like climbing down from the stage and joining the crowd. With really good social media engagement, you stand alongside your audience. You join them arm in arm on their level and join their conversation. I have to say that I do see a bit of this coming from ACT government agencies. To join the social media conversation you have to engage with people in the same way that they talk to their friends, and your dialogue must be something that they want to hear. Social media content creation must be tailored to your audience. It must be designed to foster genuine engagement. I would love to see some more risks taken in that area by the

various agencies here. Engagement is the petrol that drives organic reach and it all originates from the actual content creation.

Not all government departments are using social media to its full potential. In 2018, any government agencies that are not fully utilising one or more social media platforms are probably not achieving their desired policy objectives. It was briefly touched on—actually, I do not know that it was briefly touched on—that one of the biggest benefits, of course, is the ease of communication and the fact that you can get instant feedback.

Snapchat was mentioned by Mr Steel, which I think is very much an exploding platform. I think we are still to work out exactly how to reach people on Snapchat, certainly for our purposes here and for government agency purposes. I think it is very easy for non-users of these platforms to dismiss them as being purely recreational, but that that is the absolute key to their effectiveness.

Because of their recreational nature, these platforms create a space where you can engage with people who would not necessarily be looking for that sort of information but who may be open to receiving it on that sort of platform. One of the worst things that you can do when people are trying to engage is to ignore them. It is even worse when it is government agencies, because there is already a negative stigma attached to their level of customer service.

While I fully support the innovative way forward, I was most pleased to hear Mr Steel also talk about the fact that, while we should embrace new ways to deliver information, the traditional ways of engagement with the community are not yet ready for the scrap heap. We must always remember that there is a large section of the community that have not embraced new technologies or are not at the point where they want to come forward and join a panel. I do not think we can forget them.

My office has certainly received a number of complaints from members of the community who are not well connected in the digital space. They have on occasions been directed to websites for more information or even for the payment of fees on some occasions. They felt that they had been treated with disdain for their inability to grapple with some things in the digital space. So, by all means, march forward and experiment, but do not forget those who have been left behind.

MS LE COUTEUR (Murrumbidgee) (4.15): I thank Mr Steel for raising this important issue in the Assembly today, and I am really pleased that the government understands how essential it is to broaden the range of Canberrans who are empowered to have their say on the future of our city. As a result of the parliamentary agreement, the government is required to strengthen the community consultation process, including the use of deliberative democracy strategies so that diverse views are taken into account in major project proposals.

The Greens have always been in favour of consultation and good processes, and the Greens have also always been in favour of getting diverse citizens more involved in government decision-making as one way to improve confidence in democracy and

deliver outcomes that meet the community's real needs. Grassroots democracy is one of the Greens' four pillars.

We welcome and continue to support the citizens jury on compulsory third-party insurance as a first step towards meeting this parliamentary agreement commitment. I look forward to actually seeing the final stages of the jury process unfold and to learning more about the outcomes of this important step forward in the way in which we engage with the community. I am also looking forward even more to the pilot participatory budgeting process that the government has agreed to as part of the 2019-20 ACT budget cycle, given that it followed a motion of mine last year.

To increase and broaden the community ownership over future citizens juries, I think it is worthwhile asking the community what issues they want to be consulted about, where they want to be heard. Some of the topics I have previously suggested are relevant in particular to younger Canberrans and would assist the government in strengthening its engagement with youth and children.

Given that there are over 500 playgrounds in Canberra and the government does not have the budget to maintain them all to their original standard, it could well be worthwhile having a broader community discussion about whether we should instead concentrate on having fewer but better playgrounds, rather than the three to five in each suburb. In my electorate of Murrumbidgee, the residents of both Farrer and Waramanga would love a new playground, and Torrens would like one of theirs upgraded. I know Mrs Kikkert presented a petition on this issue last year.

Looking at playgrounds, this would also be a perfect opportunity to test innovative engagement with children. When consulting children, young children in particular, it is important to ask them questions on local things that matter in their everyday lives—things like what they want to see in playgrounds or the safety of their walk to school. Ask them about big, intangible things and you will get answers like spaceships and meerkats which are interesting and useful but possibly do not strike the balance that government needs between imagination and reality.

In 2016 the students of Macquarie Primary School showed just how strong solutions created by young people can be when they took out a national good design award for their innovative approach to resolving the school car park issues. In collaboration with Design Managers Australia, the students came up with practical and inexpensive solutions to improve traffic flow during peak periods and drivers' understanding of the rules. This example demonstrates that young Canberrans are fantastic at thinking outside the box when solving problems that they confront in their everyday life, and we should certainly be consulting them more.

Another suggestion for a potential citizens jury was to consider lowering the voting age. While 16-year-olds can currently join the army, get a gun licence, get a job, pay tax and drive a car, they are still not considered mature or adult enough to actually participate in an election. Together as a community, we should consider following other countries in addressing this gap. As politicians, we must find better ways to connect with our young adults, understand the issues on which they want to be heard

and provide appealing ways for them to participate in policy development and decision-making.

Of course, peak bodies such as the Youth Coalition of the ACT do provide frank and fearless advice on the interests and wellbeing of the estimated 78,000 young Canberrans aged between 12 and 25 years and those who work with them. But governments must do more to build direct lines of communication and consultation with their young citizens. Current events in the US demonstrate that, if you do not build them, they are going to come anyway. In the last 24 hours dozens of teenage students held a lie-in on the pavement in front of the White House to demand presidential action on gun control after 17 students were tragically killed in a school shooting in Florida.

Internationally, we are seeing a resurgence in activism and political innovation driven by young people, with memberships of groups like Unite, Momentum and the Democratic Socialists of America, mostly people under 30. In Australia we have AYCCC, the Australian Youth Coalition for Climate Change, which I always say to people is hopefully going to be the salvation of the world. Here at home the recently announced online community panel is another positive step towards broadening community engagement with a more representative group of Canberrans, including young people who connect, communicate and mobilise online.

A key point I would like to make, however, is that it is not just the breadth of government consultation that matters; it is the genuineness. Genuineness means that the issues on which the public are consulted are issues about which the government is actually curious and truly open to a range of outcomes and truly open to the community's input. Genuine consultation means that the public's contribution will actually influence the final decision and participants will be informed on how their input impacted the decision.

In my electorate of Murrumbidgee, the management of Woden's urban renewal has certainly caused the community to doubt the genuineness of government consultation. The Woden town centre master plan was developed by the ACT government, with extensive community consultation, in 2015. It was a good plan with community support. But implementation has lagged and the community have been let down by planning decisions that are inconsistent with the master plan that they agreed with.

The people of Woden are particularly disappointed that a conspicuous 26-storey tall tower has been approved for Bowes Street, contrary to the 12-storey limit that was agreed by the community in the master plan. The existing skyline of Woden already shows that very tall buildings can create dark and unpleasant streets, not the busy, active streets that the community wants.

The point is that no matter how innovative and far-reaching the government tries to be in its consultation methods, if the decision-making does not actually reflect community feedback then, really, there is no point doing it. The community has, in a number of instances, worked that one out and feels often very cynical about government consultation.

Just this morning I presented the recommendations on the Weston draft Territory Plan variation. As members will recall, many of the recommendations—the majority, I think—were about community consultation and communication. For example, to facilitate public understanding of proposed draft variations, a side-by-side comparison of the existing code, the proposed code and an explanatory statement of the differences between the two should be provided. That was recommendation 4. We made a specific recommendation that the government needed to better consult and talk to the Weston Creek Community Council to discuss the issues that are raised in their submissions and provide a clear explanation to them of what the government was intending.

It was also very clear that we needed to have accessible outlines of the intent and purpose of planning documents. I am afraid that these recommendations have been made in other considerations of draft Territory Plan variations, and I anticipate that they will have to be made in the future due to the impenetrability of much of the consultation about planning matters. However, in conclusion, the Greens welcome this government's commitment to broader consultation with younger Canberrans as a part of the shared Greens-Labor agenda outlined in the parliamentary agreement.

MS STEPHEN-SMITH (Kurrajong—Minister for Community Services and Social Inclusion, Minister for Disability, Children and Youth, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Multicultural Affairs and Minister for Workplace Safety and Industrial Relations) (4.25): I rise to speak on today's matter of public importance and in doing so thank Mr Steel for bringing the matter to this place. It is a common myth or misconception that young people are disengaged, uninterested in politics or community. But this has certainly not been my experience, either as a candidate in 2016 or since becoming minister for children and youth. In this role I have met many passionate young people engaged in building a Canberra community that is fairer, more equal and more hopeful.

Over the last decade we have seen young people across Canberra and across Australia drive campaigns for marriage equality, strong action on climate change, secure, properly paid employment and many other issues. For them, these issues are simply common sense. They do not always accept the barriers that guide more traditional approaches to politics. This perspective on what our community could be and should be is what makes engaging with young Canberrans both valuable and often refreshing.

But, like other speakers, I recognise that this activism and passion are expressed in ways that are different, that do not necessarily fit with our traditional notions of political engagement and can perhaps, therefore, sometimes be overlooked. Young people will frequently be on social media, organising marches, sharing stories and encouragement online and engaging directly with political leaders through comments and email campaigns. These young people want to be heard, they want to get involved and they seek to make change. But I think it is fair to say they are unlikely to do it through letters to the editor. That makes new ways of listening, engaging and acting all the more important for government, especially for a progressive jurisdiction like the ACT.

The government's new initiative of the online community panel builds on our ongoing commitment to youth engagement and will help to ensure that the decisions the ACT government makes reflect what a wide cross-section of the community really thinks. While the panel will support the engagement of young people as part of the broader community, our engagement with young people specifically is also underpinned by the government's youth participation strategy, youth interact. Youth interact encourages 12 to 25-year-olds from a range of backgrounds and experiences to have their say about issues in Canberra.

The strategy aims to engage young people through youth consultation and conferences, including the work of the Youth Advisory Council, as Mr Steel mentioned earlier. The Youth Advisory Council, or YAC, provides young people with an opportunity to raise awareness of the aspirations, needs and concerns of young people within the ACT government and the wider community. It consists of 15 members who are all young people aged between 12 and 25 years at the time of their appointment. Membership of the YAC reflects the diversity of young people residing in the ACT, including gender balance, young people with disabilities and representation from Aboriginal and Torres Strait Islander and culturally and linguistically diverse backgrounds.

I meet with the YAC co-chairs regularly and recognise the importance of giving young people a voice in the ACT government. One of my goals is to ensure that YAC is supported to engage with other parts of civil society to build and share expertise. I want to take this opportunity to thank YAC members for the time they spend attending meetings, undertaking consultations and participating in the broader community, in addition to their work, study, caring responsibilities and the simple fact of having a social life. I never cease to be amazed at how impressive these young people are. Their willingness to step up and not only have a say themselves but engage with other young people is greatly appreciated by me and by the government.

The youth interact strategy also highlights the achievements of young Canberrans through the activities of Youth Week and the Young Canberra Citizen of the Year. ACT Youth Week is a week-long celebration of young people, and in 2018 it will be held from Friday, 13 April to Sunday, 22 April. Youth Week provides young people with the opportunity to express their ideas and views, to act on issues that impact them and their peers. Each year ACT Youth Week grants provide funding to organise events during the week that celebrate and recognise the contribution of young people to the Canberra community. I look forward to being able to soon announce the outcomes of the 2018 grants program.

Members may be aware that nominations are also now open for the 2018 Young Canberra Citizen of the Year awards. These awards recognise young people who make a difference, and nominations close on 19 March. Last year I was fortunate to attend the ceremony and present Mustafa Ehsan with his award as Young Canberra Citizen of the Year. Members may remember that Mustafa arrived in Canberra in 2012 after fleeing Iran as an unaccompanied minor. Since then he has become a passionate advocate for those seeking refuge in Australia. His ongoing passion to support all Canberrans through sport and mentoring highlights the important

contribution young people make to our city. Indeed, I have run into Mustafa a number of times since last year's award ceremony as he has been quietly continuing his role as a young community leader.

The ACT government has a clear commitment to consult and engage with the Canberra community in new ways. The government actively sought the contributions of young people in developing, for example, the ACT carers strategy, for which I launched the vision, outcomes and priority statement in December 2017 after a two-month consultation. As an advocate for new way of engaging the community I was determined that we use the development of the ACT carers strategy as an opportunity to build experience and expertise in deliberative democracy. The ACT government partnered with Carers ACT and democracyCo to engage with the diverse community of carers in Canberra for this consultation. The deliberative Carers Voice Panel was designed to include people who may be less likely to engage through traditional forms of consultation, including young carers.

The particular needs of young carers who are combining a caring role with study was a key consideration of the panel. Panel members heard directly from young carers about their own experiences of caring for a family member. Young carers articulated a real desire to support the person for whom they were caring but also spoke about the effects of this role on opportunities to connect with friends and remain engaged with school and employment opportunities.

More broadly the development of this strategy has presented an opportunity to stretch our shared understanding of government consultation. Using a deliberative process supported genuine consultation with the community that gave carers, including young carers, real influence in the policy process and directed their voices to government officials. This engagement will continue as the government explores ways to involve the voices of young carers as the strategy is implemented.

I also want to note that last year was the 10th anniversary of the establishment of the Commissioner for Children and Young People. I know that the commissioner is absolutely committed to ensuring that the voices of children and young people are heard and I look forward to continuing to work with her to explore how we could further listen to the voices of children. In that context I thank Ms Le Couteur for her comments about how we engage with children and the importance of listening to them on the issues that matter to them.

The ACT government understands the need for broad engagement with the community, particularly on innovative measures to engage with younger Canberrans. We know young people want to be and deserve to be heard. The measures I have outlined today are just some of the ways we continue to engage with young Canberrans.

MR PETTERSSON (Yerrabi) (4.32): I do my best generally to avoid topics of youth in this place, mainly because I do not like to remind people how old I am. However, in this instance I feel I should contribute because I think it is important that young people engage with politics and government. We are often told that young people are disengaged with politics and government. This is a misconception. Young people are

strongly engaged with politics on issues that resonate with them and in ways that work with them. They are less beholden to traditional party politics and government processes, but it is wrong to assume that they are not politically aware.

You do not believe that young people are engaged with politics? A recent study from the University of Sydney found that 40 per cent of young people frequently share and comment on political posts on their social media. On top of that they like, retweet or favourite these posts. A study by the University of Canberra has found that people aged under 35 are more likely than 35 to 70-year-olds to have participated in political action.

The recent voluntary marriage equality survey had a participation rate of 82.4 per cent in the ACT, the highest of any state or territory in Australia. A 2004 survey found that 55 per cent of secondary school students had signed a petition; 21 per cent have collected signatures for a petition; and 15 per cent had participated in a demonstration. Young people are 16 per cent more likely to participate in a boycott than older Australians. Clearly, young people engage in politics. The challenge is clear: we do not need to engage young people with politics; we need to engage them with electoral politics and government.

Community engagement is often considered to be a bit of a buzzword, but it is a vital function of government. In an age of increasing political polarisation and community atomisation, a focus on engaging with the Canberran community is important in bringing us all together. Consultation builds trust in government and is beneficial to any government as an important feedback mechanism. Central to this, Canberrans should not be made to feel that they are only consulted for one day once every four years.

Very briefly, I want to talk about the privilege of political class. I have seen it time and again in my short time in this place—the people who get the positions, the people who win the policy debates in the community and the people who dominate the agenda are the people who turn up, and they turn up constantly. That is all unpaid. To succeed in political engagement you need to be privileged in some way. You need to be able to spend copious amounts of time doing unpaid labour, and overwhelmingly and often that excludes young people.

If you are a shift worker, there is a strong chance you are not going to catch your local MLA at the shops when you do your shopping at 8 pm on a Sunday. If you are a young person you probably do not answer the family landline or answer the family door when a politician comes calling. If you are raising a new family you probably do not have the time or the ability to sit in engagement committee meetings. If you are only just scraping by week to week, you probably cannot afford to take time off work to have a meeting with government in business hours. Many in this place are aware of this but, generally speaking, most do not even think about it.

Engagement comes in many forms: community meetings, knocking on doors, newsletters, phone calls, community events, traditional media and street stalls, just to name a few. But they all ultimately target the mums and dads, the retirees, the full-time worker on a 9 to 5 schedule. They target the owner of the home, not

necessarily everyone that lives in that home. This is why young people are not engaged: we are not trying to engage them.

How are we meant to do things better? How do we connect with younger Canberrans? As a few people have mentioned, social media is a fantastic tool to engage young people. Over 99 per cent of Australian young people use some form of social media. It is important that politicians and government are approachable and human online. Exclusively focusing on policy details can scare off even the most ardent policy wonk. Making content interesting and entertaining is also pretty important, as some members in this place know—not naming names. Not everything needs to be so serious. Videos, jokes and political commentary are all great engagement mechanisms.

What about reaching out to Canberra's young through a traditional method? If we are not going to talk to them through social media and we are going to use one of these traditional methods, how are we going to do it? Well, the best way to do it is through an issues-based campaign—talking to people about things they actually want to talk about. Penalty rates: most young people have jobs and they are probably relying on their penalty rates in some form. Housing affordability: they are probably paying a lot in rent and do not love that fact. Marriage equality: most young Canberrans either know or know of someone or are LGBTIQ identifying. Lots of young people are concerned about university and TAFE funding because most of them are studying and they care about the education they receive. And, importantly, public transport: if you are too young to drive, you are going to be catching the bus, a lot.

Traditional methods of communication like street stalls are normally pretty terrible at engaging with young people. They can be good; you just need to go where the young people are. During the marriage equality campaign Mr Steel and I held street stalls in Civic on Friday and Saturday nights. The crowds going to Mooseheads, Mr Wolf and Academy were very excited to see Mr Steel and me because they wanted to share with us their support for marriage equality and they wanted to check that they were enrolled to vote.

Mr Hanson: I must have missed you on the way to Academy.

MR PETTERSSON: I think we spotted you out there. Mr Hanson, as well, came to Mooseheads, I'm pretty sure.

We received overwhelming support. Lots and lots of young Canberrans expressed their thanks and amazement that we were in the city to talk to them at 10 pm on a Friday. Engaging with young people is not a mystery, but it is vital. We have to learn to take the conversation to young people. We must talk about the issues that affect them on mediums they access, whether that be online or on the street. Young people want us to do this. They are passionate and engaged. We must alter our approaches to community engagement to meet theirs. As cliched as this sounds, young people are the future, and it is important that they feel that governments are listening to them and that those concerns are reflected in our policies.

Discussion concluded.

Crimes Legislation Amendment Bill 2017 (No 2)

Debate resumed.

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (4.40), in reply: The Crimes Legislation Amendment Bill 2017 (No 2) makes important changes to ACT criminal laws. This bill takes up some key changes recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. It contains amendments that follow from this government's close attention to the events and the issues in the criminal justice system. Finally, it will provide a legislative basis for ensuring that Aboriginal and Torres Strait Islander youth have access to circle sentencing.

The bill represents another step in the ACT government's ongoing effort to improve our criminal justice legislation and to ensure that it is focused on protecting the most vulnerable people in our community. The government have been vocal and explicit in our commitment to implementing the findings of the royal commission. Today's bill contains three amendments that are recommended by the commission to support the prosecution of offences against children.

The royal commission heard thousands of stories of child sexual abuse in institutions. It travelled to every state and territory to hold 57 public hearings and 8,013 private sessions. It read 1,344 personal written accounts. Through the work of the royal commission Australia has learned about the multiple and persistent failings of institutions to keep children safe, the cultures of secrecy and cover-up and the devastating effects that child sexual abuse can have on an individual's life. This government will be implementing change in response. We will thoroughly examine all of the royal commission's findings and make sure that Canberra's framework for preventing and responding to abuse is as strong as it possibly can be.

Two amendments in this bill implement reforms based on what we know about survivor testimony and predatory behaviour. Amendments to section 56 of the Crimes Act make it possible to hold offenders responsible for sustained abuse over a period of time. Amendments to section 66 of the Crimes Act recognise that grooming behaviour can take many forms, including the grooming of parents and carers to gain access to children.

Both of these amendments have been subject to some discussion raised by the local legal profession, and the shadow attorney-general has related those comments in detail today. I have engaged directly with the Bar Association to resolve the technical issues that have been raised. I note that I will be moving amendments today which provide additional clarity to the provisions we drafted but which do not change the purpose or intent. I will briefly outline how each of these provisions works to provide some of the background for those changes.

The ACT's current grooming provision, section 66 of the Crimes Act, only covers online conduct. The amendments in this bill expand its use beyond online conduct.

This is not a new offence in the territory. Section 66 was first brought before the Assembly in 2001. The Bar Association raised a concern about this bill that is equally applicable to the existing legislation—that, on its face, it is broad. The amendments in this bill purposely keep the ACT's existing grooming language while expanding its application beyond online conduct. The clarifying amendments I will move later today will not change that, but they will include a provision that responds directly to the concerns of the Bar Association. This government will work with the legal profession wherever possible to resolve concerns.

I also met with the President of the Bar Association regarding the amendments to section 56 of the Crimes Act. The issue here relates to special care offences. Mr Hanson earlier today gave the example of a soccer coach who is 19 and a student who is 17. I note that the special care provisions exclude relationships between people who are not more than two years apart in age. The cases that will be covered by this law are far from innocent teenage relationships. A better example of the kind of relationship criminalised by the ACT's special care offences is where a 30-year-old foster carer engages in a sexual relationship with a 17-year-old in their care.

In 2013 the ACT government passed laws to categorically recognise that this behaviour is an abuse of trust that invalidates a young person's consent. Since that time it has been impossible to argue that the abuse of trust was not sexual assault based on the consent of the victim. Prior to that law the prosecution had to show that a relationship of authority invalidated what was apparent consent on behalf of the victim. The debate here is about the application of that automatic presumption—that being a foster carer or a teacher or a youth group leader invalidates consent to engaging in sex on behalf of the children in their care. It is a technical point about the kinds of offences that can make up the crime of maintaining a sexual relationship with a child.

To portray this law as unfairly targeting hypothetical happy families that might result from relationships between teachers and students or coaches and their underage players is trivialising the sexual abuse of minors, contrary to the royal commission's work and contrary to this community's clear expectations about our treatment of young people. This legislation has been drafted in accordance with the principle that conduct which was previously legal should not become criminal. I will be moving amendments later today to provide even more certainty and clarity that we are implementing change as recommended by the royal commission.

One further amendment in this bill follows out of the royal commission. Section 34 of the Crimes (Sentencing) Act 2005 will be amended to make it explicitly clear that if an offender's good character was the reason people trusted them with children, that good character cannot be used to mitigate a sentence. This amendment speaks for itself.

As a package, the responses to the royal commission in this bill are clearly supported by the evidence. They will ensure that police, prosecutors and judges are able to hold to account offenders responsible for the abuse of children, and they are just the beginning of our work to ensure that the important lessons and the recommendations of the royal commission are implemented here in the ACT.

In addition to carrying forward important criminal law reforms from the royal commission, this bill contains amendments that will improve the ACT's criminal laws, based on local experience. This bill will address a clear gap in the ACT Criminal Code highlighted by the High Court in the decision of *The Queen v Holliday*, and clarify the relationship between good behaviour orders overseen by judges and parole orders administered by the Sentence Administration Board.

In *The Queen v Holliday* the High Court found it was technically impossible to convict a person of incitement to procure an offence unless the crime they incited was actually committed. So the ACT Criminal Code does not technically criminalise, for example, inciting someone to arrange a homicide if the person asked never goes forward with arranging the crime. This bill amends the Criminal Code to correct this gap.

The case that gave rise to this amendment involved kidnapping, but this change will be relevant to any scenario where a criminal attempts to create distance from the commission of an offence. This amendment will make it more difficult for people to avoid conviction on technicalities and to insulate themselves from responsibility by engaging others to commit crimes.

The amendments in this bill to parole legislation resolve the potential for conflict between decisions of the Sentence Administration Board and judges overseeing a good behaviour bond. These issues were highlighted by the Chief Justice in *Peter v Wade*. The government is responding directly to the issues raised in that judgement. Breaches of a parole order are heard by the Sentence Administration Board while breaches of good behaviour orders are heard by a judge. This amendment will avoid any conflict between the two by prescribing that good behaviour orders begin when a sentence, including periods of parole, ends.

The final suite of amendments in this bill provide an important change for young Aboriginal and Torres Strait Islander people in the justice system. The bill amends the Magistrates Court Act 1930 to provide the Magistrates Court with clear jurisdiction to allow circle sentencing in the Children's Court. Circle sentencing is a culturally sensitive and specialist sentencing process for Aboriginal and Torres Strait Islander people.

The Galambany Court has been providing circle sentencing for adults since 2004. Prior to 2014 the arrangement of the Children's Court business and magistrates meant that young people could be referred to Galambany. This legislation provides a firm basis for referring young people to circle sentencing. The circle sentencing process gives the ACT Aboriginal and Torres Strait Islander community an opportunity to work collaboratively with the ACT criminal justice system to address over-representation issues and offending behaviour. Following consultation to develop this legislation, the ACT government and the courts will establish the Warrumbul court. Warrumbul is the Ngunnawal word for "youth", reflecting the focus on helping young people to get their lives back on track.

This bill contains significant criminal law reforms. Changes to the criminal law will offer a fairer, evidence-based process for prosecuting crimes against children. Gaps in the criminal law and issues with the administration of sentences will be remedied. And it will introduce a foundation for culturally appropriate sentencing in the Children's Court. Taken as a whole, this bill represents a focus on protecting vulnerable people from harm and ensuring that our criminal justice system keeps improving and keeps Canberra safe. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 3, by leave, taken together.

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

That debate be adjourned.

Question resolved in the negative.

Clauses 1 to 3 agreed to.

Clause 4.

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (4.52): Pursuant to standing order 182A(a), I seek leave to move amendments to this bill that are urgent.

Leave granted.

MR RAMSAY: I move amendment No 1 circulated in my name [*see schedule 1 at page 444*]. I table a supplementary explanatory statement to the government amendments. By way of a general introduction to the government amendments, as I said earlier, these amendments provide additional clarity to the provisions implementing the recommendations of the royal commission to provide an effective way of prosecuting cases of ongoing child sexual abuse and criminalising the grooming of young people or their parents in order to gain access to a child.

In moving these amendments I would like to emphasise the level of consultation that has gone into this bill and these amendments. The Bar Association and the Law Society are the only stakeholders who have raised concerns with the legislation. We also spoke to the Canberra Rape Crisis Centre, the Human Rights Commission, Legal Aid ACT, the Victims of Crime Commissioner and ACT Policing. The Human Rights Commissioner endorsed these amendments as appropriate to address any concerns about unintended outcomes in this bill.

The Canberra Rape Crisis Centre fully supported the government's grooming legislation. I thank Chrystina Stanford and the team at the CRCC for their invaluable assistance in helping to make the territory's legislation stronger. These government amendments leave no doubt about the rights and the procedural fairness that will come with today's bill.

Specifically, in relation to amendment 1, which is the first of two amendments to clause 4, this amendment inserts a new section 56(11A) to make absolutely clear that the provisions of new section 56 do not criminalise conduct that was not an offence at the time the act occurred. The bill as tabled was never intended by the government to criminalise acts that were not previously criminal at all.

MR HANSON (Murrumbidgee) (4.54): The opposition will support this amendment, but I will raise some significant concerns about the process that has led us here. Firstly, when Mr Ramsay sought leave to move his amendments, his explanation was that they are urgent. That goes to the reason why I sought that the debate be adjourned. They are not urgent. There is nothing urgent about this. We should not be doing this on the fly; we should be doing this deliberately. We should not be in a position where we are doing late-notice amendments to try to fix up a bill which, if we get it wrong, has potentially serious consequences.

I will go to some of the other points that Mr Ramsay has made. He accused, I assume, those that did not support what he was saying—he gave examples, be they the Bar Association or me—of trivialising the sexual abuse of children. That is a pretty disgusting allegation to make. I do not think Mr Archer of the Bar Association or others are doing that. That is an inappropriate and wrong thing for Mr Ramsay to say. If he is looking to have a debate and consult with the bar, the Law Society or others, and work cooperatively with the opposition, I think it is vile to make a slur like that. I make it very clear that nobody that is engaged in this debate would seek to do that.

I condemn Mr Ramsay for making such an inappropriate comment. I am sure that Mr Archer and others would not be in any way happy that the Attorney-General made a comment like that. The bar has indeed raised legitimate and serious concerns about retrospectivity. Examples have been cited where the law, as it has been drafted, may lead to unintended consequences. It is not to say that anyone in this debate does not have a concern about this issue or support the intent of what it is trying to achieve. Certainly, I understand that people who have engaged in this debate, including those that Mr Ramsay talked about—the Rape Crisis Centre—are supportive. But the concerns raised by the Law Society and the Bar Association are about aspects of the law and the drafting of this bill—which, indeed, have been proven, I would hope, to be somewhat valid, in that Mr Ramsay has just moved an amendment to clarify his bill. By virtue of the fact that we are discussing this amendment, in many ways that validates the concerns raised by the Bar Association, the Law Society and the opposition.

I think that this amendment, to a large extent, puts the problem to bed, in that a crime that was not a crime pre 1984 and, to an extent, prior to the 2013 amendments that we had in this place, is not a crime. I think that is a good thing. But it is a difficult

position when we were dealing with this amendment on the fly. Having spoken to the bar and having sought my own legal advice, I am satisfied that this will cover it, in the short time frame that I have had to look at it. But I foreshadow that if, on further examination, I am not satisfied, we will come back, in order to make that point very clear. We do not want to be prosecuting people for crimes that were not crimes back in 1984 or before. It is a very important issue.

Let us recognise what we are dealing with here, which is a technical drafting issue that needs to be addressed and that I think in part has been satisfied. With respect to trying to characterise those people that raised concerns as trivialising sexual offences against children, I do not know who wrote your speech for you, Attorney-General, but they can do better.

MS LE COUTEUR (Murrumbidgee) (4.59): The Greens will be supporting the government's amendments. I understand that these amendments follow on from the concerns raised regarding the breadth of the bill and, in particular, by the ACT Bar Association. I thank the Bar Association for raising their concerns with the Attorney-General. I think these amendments clarify important elements regarding what conduct is captured by the bill.

The amendments, I understand, make it clear that the laws do not apply retrospectively. For an accused to be prosecuted, the crime for which they are prosecuted must have been an offence at the time the act was committed. The ACT Greens welcome these amendments. The prohibition of retrospective criminal laws is a fundamental human right and is contained in our Human Rights Act, as well as numerous international treaties, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. As a human rights jurisdiction, it is important that every effort is made to safeguard these rights. While it was never, I am sure, the intention of the initial bill to create retrospective criminal offences, these amendments will ensure that the bill cannot be interpreted in this way.

The government amendments provide an important clarification with regard to section 66 of the Crimes Act—the grooming offences. Grooming refers to an adult gaining the trust of a child in order to take sexual advantage of that child. This can include the giving of gifts, sending messages on social media or giving a child extra attention. These individual acts in themselves may not be an offence, which has previously made it difficult to prosecute this type of conduct. The new offence will capture conduct which is done with the intention of grooming the child to be involved in a sexual offence.

Concerns were raised that, as originally drafted, the offence could cover acts which were not intended to be covered. For example, a sexual education class at school could be covered, and that teacher could be prosecuted for grooming a child, as presenting an educational video in a classroom could be interpreted as encouraging a young person to take part in a sexual act. Clearly, this is not the intent of the legislation, and the Greens of course do not want to see this situation occur. Sexual education forms an important part of the school curriculum and teachers should be able to teach without fear of prosecution. The government amendments provide a

defence that, where there is a reasonable excuse, the act is not an offence. The onus would therefore be on the prosecution to prove that the act was not reasonable. The Greens welcome this amendment as it provides an important clarification.

The Greens have closely considered this bill, including the government amendments. We acknowledge the concerns of the Bar Association, particularly in relation to the grooming offence. However, I note that this provision has the support of the Canberra Rape Crisis Centre, the Human Rights Commission and Legal Aid. The royal commission has, unfortunately, shown us that there is a need to change the way that we prosecute sexual offences, particularly relating to offences against children. Too many offenders were not successfully prosecuted due to the difficulty of particularising the elements of a sexual offence. Therefore, the ACT Greens are supporting the government amendments.

Amendment agreed to.

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (5.03): I move amendment No 2 circulated in my name [*see schedule 1 at page 444*]. This is the second amendment to clause 4. I wish to note the comments made by the shadow attorney-general in relation to my previous speech and what was said about the raising of concerns. I point out that I made no reference to the Bar Association in relation to the trivialisation of these matters. I did not suggest in that statement that raising concerns was itself trivialising in any way. I presume that was simply a mishearing by Mr Hanson and not a deliberate twist of what was said. I would refer him to *Hansard* when it is published later on.

In relation to the second amendment, it amends the definition of “sexual act” in section 56(12) to clarify that the offence applies retrospectively to conduct that was unlawful at the time that it was committed. This is intended to provide further clarity that past acts which were not criminal at the time they occurred cannot be used to prove the offence of maintaining a sexual relationship.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 and 6, by leave, taken together and agreed to.

Clause 7.

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (5.05): I move amendment No 3 circulated in my name [*see schedule 1 at page 444*]. This amendment creates a defence of reasonable excuse in section 66. The government is moving this amendment following consultation with the Bar Association. I have tabled a supplementary explanatory statement to offer greater clarity about the purpose of the amendment.

While I acknowledge that the Bar Association and members of the opposition want this amendment to go further, the government's bill was always intended as a reform to existing section 66, not an entirely new offence. Section 66 has been on the statute book since 2001, but it has been limited to online conduct. The bill that we are debating today removes that limitation and applies the statute to all forms of conduct and communication with a child. It does not change what sort of exposure to acts of a sexual nature is required to make out the charge.

As introduced in 2001, and as will be the case with these amendments, this offence is purposely broad. Mr Hanson earlier today talked about linking this offence to intent to obtain sexual gratification or engage in sexual offences. But grooming by its very nature is about behaviours that are not sexual and do not necessarily involve sexual experiences. Grooming is about access and vulnerability. It can occur in many contexts. Watching a television show can indeed be part of a pattern of grooming. The facts and the circumstances of a case must be considered in charging and prosecuting the behaviour.

The starting point for the offence will be a charge that a person encouraged a child to commit or take part in an act of a sexual nature, or to watch someone else committing or taking part in an act of a sexual nature. These amendments require that such behaviour occurs without reasonable excuse. In the context of these provisions, reasonable excuse may include parents exercising their daily care responsibilities under the Children and Young People Act 2008. Under section 19(1) of that act a parent has the responsibility to make care decisions about education. This would obviously include sex education and permitting a child to watch certain TV shows, and also health practitioners prescribing contraceptives to young people under 16 years in accordance with their legal obligations.

Procedurally, a person accused is required to raise this defence, but the overall burden of proof remains with the prosecution. This means that if a person claims to have been innocently watching a show or trying to provide education, the prosecution will have to disprove that claim beyond a reasonable doubt. This is a fair outcome that ensures that grooming conduct can be prosecuted and that people who have a legitimate reason for exposing children to sexual content cannot be convicted.

The royal commission explicitly considered the risks of broad grooming offences being used to charge innocent conduct and found that risk to be low. Based on the existing legislation, and with this amendment, the government is confident that this change will support holding people to account for grooming behaviour while ensuring procedural fairness.

The amendments were drafted following consultation with the local legal profession. They do not change the intent or the purpose. The government is committed to working with the community to ensure that these offences do not erode an accused's right to a fair trial. At the same time, the government will not back away from the need to act on the royal commission recommendations and to protect vulnerable children. I commend the amendment to the Assembly.

MR HANSON (Murrumbidgee) (5.08): Yes, it is the case that the Attorney-General has engaged with the local legal profession on these amendments. Let me quote a report on what they had to say about these amendments:

It's a shocker. They've left the drafting as it was before, which captured innocent behaviour, but added this preamble 'without reasonable excuse', Mr Archer said.

Mr Archer is the president of the Bar Association. The report continued:

Legally it's now up to the accused person to bring forward evidence to prove they're not guilty of the offence. They are of the view it makes it better [but] it captures behaviour regardless of consent.

Yes, the Attorney-General is quite correct that he has had engagement with the Law Society and the Bar Association, but that does not suggest in any way that they are satisfied with these, and I am sure he would acknowledge that.

This amendment seeks to address a problem clause. I spoke about that at the in-principle stage. I support the intent of the clause; I think every reasonable minded person would support the intent. We want to tackle and address the issue of grooming. It is a very important one, one that arises out of the royal commission. But, as I said earlier, the royal commission said that this is about conduct and an offence undertaken with the intention of grooming the child to be involved in a sexual offence. That is from the royal commission. The problem is that—and this is a technical drafting issue—the government's clause does not make that explicit. The amendment relating to a reasonable excuse which has been tabled by the Attorney-General is an attempt by the government to address that issue. But the view of the bar—and I presume the Law Society; I do not speak for them, but I know that they have concerns in this area—and certainly the opposition is that it again remains too ambiguous.

The concerns that we have are about what the legislation actually says, rather than the intent of that legislation. It is an attempt to fix it. I think it goes part way—perhaps not so much in the bill but in the explanatory statement. The explanatory statement, as I said in my in-principle stage speech, is quite extensive. It seeks to clarify this mess. That is a useful addition. One could argue over reasonable excuse, but I think the explanatory statement does help in part.

I foreshadow that we will support the amendment that has just been tabled by the Attorney-General. But I will not then be supporting the clause as amended, because although it is a part fix-up it does not go far enough to address the concerns of the opposition, the Bar Association and others.

Amendment agreed to.

Question put:

That clause 7, as amended, be agreed to.

The Assembly voted—

Ayes 11		Noes 8	
Ms J Burch	Mr Pettersson	Miss C Burch	Mr Parton
Ms Cheyne	Mr Ramsay	Mrs Dunne	Mr Wall
Ms Cody	Mr Rattenbury	Mr Hanson	
Mr Gentleman	Mr Steel	Mrs Kikkert	
Ms Le Couteur	Ms Stephen-Smith	Ms Lawder	
Ms Orr		Mr Milligan	

Question resolved in the affirmative.

Clause 7, as amended, agreed to.

Clauses 8 to 13, by leave, taken together and agreed to.

Clause 14.

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (5.17): I move amendment No 4 circulated in my name [*see schedule 1 at page 444*]. This amendment alters the example of a combination sentence to reflect the amendment that is made by clause 15 of the bill. Clause 15 inserts new section 31(2), which requires the court to set the start date of a good behaviour order after the end of any sentence of imprisonment, including any period of possible parole.

Amendment agreed to.

Clause 14, as amended, be agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

Adjournment

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

That the Assembly do now adjourn.

India—Republic Day

MRS KIKKERT (Ginninderra) (5.18): I want to take this opportunity to publicly thank the India Australia Association of Canberra for recently inviting me to join with them in celebrating India's Republic Day. Although this celebration was held on Saturday, 3 February, the actual date of the holiday is 26 January, the same date as Australia Day—a wonderful coincidence for a community organisation that is dedicated to promoting understanding and appreciation of the cultures of both India and Australia.

India's Republic Day honours two important events in India's history. First, the Indian National Congress proclaimed the declaration of Indian independence on 26 January 1930. It then took another 17 years for India to achieve independence from the British raj, and it did so without a constitution of its own. Within two weeks a drafting committee had been tasked with writing a new Indian constitution. This document was eventually accepted and signed by the Indian Constituent Assembly on 24 January 1950, and two days later it came into effect.

For the past 41 years the India Australia Association of Canberra has worked to remove barriers and facilitate relationships between the Indian and Australian communities in the territory. It does this by creating inclusive events and offering support to Indian migrants who settle in the region and to those who require assistance with disability, aged care or other community services. I am personally grateful for all the association and its volunteers do to help develop Canberrans of Indian origin.

I felt honoured to be invited to attend the Republic Day celebration on 3 February by newly chosen association president Sandi Mitra. I enjoyed myself immensely. It is always good to be with the Indian community, as they are so full of life. I am never satisfied with just observing as an outsider at these kinds of events; instead, I want to experience the culture to the best of my ability. It is only when we immerse ourselves in other people's cultures that we truly begin to fully understand and appreciate them. To this end, it did not take much to convince me to get off my chair and on to the dance floor, joining others in enjoying a popular Indian song. As I embraced the music and danced to its alluring rhythms, my love for our Indian community increased, as did my desire to know more about them.

I encourage all in this Assembly to really get to know their fellow Canberrans from all of our multicultural communities, and not just as occasional visitors. We really need to know and understand migrant and refugee Australians who have brought with them from the lands of their birth much that they wish to share and much that will make this great nation even richer. I wish the India Australia Association of Canberra all the very best for a successful year. May 2018 see them achieve their objectives, including even greater service to the entire ACT community.

Australian public service—impact of relocations

MS CHEYNE (Ginninderra) (5.21): I am angry and beyond disappointed that I have to yet again rise to condemn the federal government for its attacks on Canberra and Canberrans. In literally the last hour the *Canberra Times* has announced that the Australian Bureau of Statistics will lose yet more jobs—100 jobs, with 50 of these in the ACT. The ABS is located in Belconnen town centre. What this means is that most of these jobs will be lost from Belconnen. This not just affects the workers in the ABS and their families but also has flow-on effects for the Belconnen economy, its small businesses and the families of these small business owners.

It is disgraceful that the federal government continues to attack Belconnen workers. It is disgraceful that the federal government continues to attack Belconnen and Canberra. It is disgraceful that the federal government continues to use the ABS as an easy

target. And it is disgraceful that the federal government demonstrates such disregard for evidence-based policymaking that it continues to go after our Bureau of Statistics. The federal government is gutless. It is cowardly. It continues to treat Canberran public servants as chess pieces. Its actions should be universally condemned. I hope my colleagues on all sides of this chamber stand with me in doing so.

Sport—Vikings Club Group

MR PARTON (Brindabella) (5.23): I rise today to pay tribute to the Vikings Club Group in Tuggeranong and the amazing support that they continue to give grassroots sport in the Tuggeranong Valley. I shared a wonderful evening with, among others, the Speaker, Ms Lawder and Mr Milligan at the Vikings Club in Tuggeranong town centre for the Vikings sports awards on Friday night just gone. These awards recognise outstanding achievements by the Tuggeranong Valley's local athletes, teams, coaches and volunteers, and they were certainly all there in force. The night was wonderfully hosted by Caitlyn Chalmers from the WIN TV newsroom.

Special guests included Caroline Buchanan, the multiple world champion who is recovering after a major injury setback from late last year. But you would not know it! She is doing really well. I think Caroline's story is so important in the context of the Vikings sports awards. She came to the sport through the Vikings BMX club and she epitomises the story of grassroots involvement that led ultimately to the creation of a world champion. Caroline was there paying tribute to the Vikings and those who volunteered to make her first bike club work for her. The Vikings have certainly developed the reputation as the home of amateur sport in the Tuggeranong Valley—a total of 51 affiliated sporting and social clubs representing 33 different sports and activities.

As for the awards, the outstanding senior achievement, the Sportsman's Warehouse HR Heher shield award, went to Kelsey-Lee Roberts from the South Canberra Tuggeranong Athletics Club. Outstanding junior achievement, the ActewAGL shield, went to Connor Frew from Calwell Little Athletics. The best team performance, the Power Kart Raceway shield, went to the state league division 1 team from the Tuggeranong Netball Association. Outstanding coaching achievement, the Coca Cola shield, went to Chris Tarlinton from the Tuggeranong Vikings Touch Club; and the outstanding volunteer contribution, the Vikings 24.7 fitness award, went to Sharon Wright from the Tuggeranong Vikings baseball club.

Additionally, the recipients of the 2018 Vikings Group affiliate club scholarships, were: Caitlin Banton from Lake Tuggeranong rowing; Georgia Keane from the Southern Canberra Gymnastics Club; Aidan Pitt from the South Canberra Tuggeranong Athletics Club; Caitlin Keen from Tuggeranong Netball Association; Mackenzie Smith from Tuggeranong Valley lawn bowls; Joshua Roberts from Tuggeranong Vikings Hockey Club; Abbey Jameson from the Tuggeranong Netball Association; Brodie McCann from the Tuggeranong Vikings Touch; James Tough from Tuggeranong Vikings Hockey Club; and Ethan Lowey from the Tuggeranong Vikings Swim Club.

To continue the sporting theme, while I am here, I would like to also pay tribute to the volunteers who make the Tuggeranong parkrun happen every Saturday morning, and indeed those who make it happen at the various park runs right across our city. I am not a runner, but I have stepped out to have a crack at the parkrun on the last three Saturdays and I have survived, with three PBs to my name. I am pretty keen to do a sub 30-minute run. I am hoping to pull that off soon. It is wonderful to be involved in a genuine grassroots community event and I promise that I will take my turn as a volunteer when I am too sore to go for a run, which I am sure will be at some stage soon.

If the members of this place, or anyone who is receiving this speech in any form, have not done a parkrun on a Saturday morning, I would urge you to come on down and have a go. You do not actually have to run. The parkruns are every week in Tuggeranong, Lake Burley Griffin, Lake Ginninderra, Gungahlin, and I believe Coombs is about to start. There is also a Queanbeyan option.

Furthermore, I would like to give a big pat on the back to all those involved in the big Canberra bike ride raising money for the Amy Gillett Foundation on Sunday. I was most pleased to head out with the pack to do the 70-kilometre ride out to the Cotter and back. Congrats to Pedal Power and all those involved for putting on another superb event. It all came together like clockwork, which is amazing when you consider that there were over a thousand riders participating over 100 kilometres, 70 kilometres, 20 kilometres or five kilometres. It is so important for us to encourage more and more Canberrans to get out on the bike, and even more important that we can provide a safe environment for them to do so. I will continue to support the big Canberra bike ride.

World Day of Social Justice

MS LE COUTEUR (Murrumbidgee) (5.27): Today is World Day of Social Justice. This year the United Nations theme is “Workers on the move: the quest for social justice”. The UN states that most migration today is linked directly or indirectly to the search for decent work opportunities. Australia is a proudly multicultural country, with more than 95 per cent of us hailing from overseas either by birth or descent. And here I would like to reflect that we are here in this democratic, affluent community in many cases by good fortune or the forethought of our parents or grandparents.

Many Australians, most Australians, like me, are immigrants and many of us are dual citizens. Our journeys, or those of our ancestors, to this land are many and varied. Some of us have escaped from international war and conflict or oppressive, undemocratic regimes. Others moved or were forced here by the colonial policies of the British and their invasion of Australia to establish a penal colony to deal with incapacity within their own legal and social systems, and in so doing wrought generations of dispossession and genocide upon our nation’s First Peoples.

The ACT has a well-established commitment to support and encourage refugees to settle here. The ACT is a refugee welcome zone, and over the past 10 years Canberra has welcomed over 2,000 refugees to our proudly multicultural city. We, the Greens,

remain committed to supporting refugees who have lost their homes, loved ones and livelihoods and yet remain hopeful and show great courage in seeking new opportunities, new communities and new foundations on which to rebuild their lives and those of their families.

With a large proportion of the Canberra community celebrating the Multicultural Festival at the end of last week, now is an ideal time to recognise and celebrate migrants and refugees in our community and to recognise their contributions, be it through sporting teams, volunteering or local business. According to the UN, migrant workers account for 4.4 per cent of all workers and have higher labour force participation rates than non-migrants globally—73 per cent versus 64 per cent. In Australia in 2016 the OECD estimated that labour force participation was higher for both migrants and those people born here—74.7 per cent and 78.3 per cent respectively.

The ACT Greens have shown unwavering support for multiculturalism and for culturally and linguistically diverse groups. We support diversity and tolerance in the ACT community. As part of our election platform in 2016 we committed to maximising the contribution of culturally and linguistically diverse communities to the ACT government processes. In delivering on this commitment we were pleased to secure a commitment to form a new multicultural advisory board and convene a multicultural summit in the ACT as part of our parliamentary agreement. Last year the membership of the multicultural advisory board was announced, and I look forward to hearing more plans for an upcoming multicultural summit in the near future.

While, for us in the ACT, migrants unquestionably outnumber the original custodians of this land, the land of the Ngunnawal people, it is beholden on us not to lose sight of the importance of upholding social justice for all those who are vulnerable in our community. And I recognise that more also needs to be done to promote inclusion, access and engagement for vulnerable groups within the Aboriginal and Torres Strait Islander communities in our society. One of the key aspirations of the Greens is that we respect and preserve our world's finite natural resources, and it is only fair that it is shared and maintained equitably no matter where a person happens to be born.

Question resolved in the affirmative.

The Assembly adjourned at 5.32 pm.

Schedule of amendments

Schedule 1

Crimes Legislation Amendment Bill 2017 (No 2)

Amendments moved by the Attorney-General

1

Clause 4

Proposed new section 56 (11A)

Page 5, line 10—

insert

- (11A) For this section and to remove any doubt, any sexual act alleged to constitute a sexual relationship must constitute, or have constituted (if particulars of the time and place at which the act took place were sufficiently particularised), an offence at the time the act occurred.

2

Clause 4

Proposed new section 56 (12), definition of *sexual act*, paragraph (a)

Page 5, line 23—

omit paragraph (a), substitute

- (a) means—
- (i) an act that constitutes an offence against this part; or
 - (ii) an act that constituted an offence against a sexual offence provision of this Act previously in force (a *historical offence*); or
 - (iii) an attempt to commit an act that constitutes or constituted an offence against this part or a historical offence; or
 - (iv) an act that, if particulars of the time when or place where the act took place were sufficiently particularised, would constitute or have constituted an offence against this part or a historical offence; but

3

Clause 7

Proposed new section 66 (1)

Page 8, line 3—

after

must not

insert

, without reasonable excuse

4

Clause 14

Section 31 (c), example, proposed new dot points

Page 10, line 15—

omit proposed new dot points, substitute

- an order for imprisonment for 3 years with a 2-year nonparole period
- a good behaviour order for 2 years stated to start at the end of the sentence of imprisonment
- a place restriction order for 1 year stated to start at the end of the sentence of imprisonment