



Debates

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Legislative Assembly for the ACT

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Thursday, 8 August 2013

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Thursday, 8 August 2013

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

Duties (Duty Deferral) Amendment Bill 2013

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (10.02): I move:

That this bill be agreed to in principle.

The Duties (Duty Deferral) Amendment Bill 2013 makes a minor yet important amendment to the Duties Act 1999. This government's reform to taxation has implemented and improved a number of targeted assistance measures available to the ACT community, including the expansion of the homebuyer and pensioner duty concession schemes, an increase to the general rates rebate for pensioners and expansion of the rates deferral scheme.

As part of the 2013-14 budget, the government announced the retargeting of the first homeowner grant to new and substantially renovated properties only, effective from 1 September 2013. This retargeting will also increase the first home owner grant value to \$12,500, a significant increase from the current \$7,000 available on each eligible application.

Madam Speaker, eligible first homebuyers in the territory also have the option to enter the duty deferral scheme, a scheme provided for by the Duties Act and administered by the ACT Revenue Office. This bill ensures that access to deferred duty is maintained with the retargeting of the grant.

The duty deferral scheme currently allows the deferral of payment of conveyance duty to those first homebuyers who are eligible applicants for a period of no more than 10 years. To be eligible to defer duty, an applicant must be eligible for either the homebuyer concession scheme or the first home owner grant, and they must be purchasing a property with a value that is not more than the upper property threshold for the homebuyer concession scheme at the time.

The first home owner grant is being redirected and will no longer apply to the purchase of an established property. Therefore, those applicants wishing to defer their conveyance duty on the purchase of an established property, via the grant, are no longer able to do so.

With this bill, the government will ensure that targeted assistance to first homebuyers of established properties is continued. This bill provides a minor legislative amendment to the Duties Act, and broadens the definition of an “eligible person” to ensure that the duty deferral scheme is available to those first home purchasers who would otherwise be eligible for the first home owner grant, if not for the fact that the property purchased is an established property. The applicants will still be required to meet all other eligibility criteria for the first home owner grant, including residency, citizenship, age and previous property ownership requirements.

With the enactment of this bill, the duty deferral scheme will continue to allow first homebuyers wishing to defer their duty on an existing property to do so, and provides targeted financial assistance to first home purchasers in the territory. This bill highlights the government’s commitment to make affordable housing initiatives available to its residents.

Madam Speaker, I commend the Duties (Duty Deferral) Amendment Bill 2013 to the Assembly.

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

Justice and Community Safety Legislation Amendment Bill 2013 (No 4)

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

Title read by Clerk.

MR CORBELL (Molonglo-Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.06): I move:

That this bill be agreed to in principle.

The Justice and Community Safety Legislation Amendment Bill 2013 (No 4) is part of a series of legislation that makes amendments to law that concerns the Justice and Community Safety Portfolio. The bill will improve the effectiveness of a range of ACT laws by making uncontroversial amendments to improve operational efficiency and clarify minor aspects of policy.

This bill amends the Coroners Act 1997, the Magistrates Court Act 1930, the Residential Tenancies Act 1997, the Road Transport (General) Act 1999 and the Victims of Crime Act 1994. The amendments to these acts have been carefully considered to promote clarity and consistency, and to address necessary improvements.

An amendment is proposed for the Coroners Act to correct a reference in that section to witness expenses. Section 98 of the Coroners Act current provides that a coroner may allow a witness to recover expenses that the Magistrates Court may allow to a witness under the Magistrates Court Act 1930.

Provision for witness expenses were moved when the Court Procedures Act 2004 was passed and are no longer contained in the Magistrates Court Act. Witness expenses are now provided for under the Court Procedures Rules 2006. This will be reflected in an amended section 98, which will provide that a coroner may allow a witness expenses in accordance with schedule 4 of the Court Procedures Rules.

Section 57 of the Coroners Act provides for coroners' reports to the Attorney-General after an inquest or inquiry. Under the current provision, a copy of the coroner's report must be provided to the Attorney-General. Coroners' reports frequently raise an issue that may be of relevance to other portfolios—for example, matters of public safety where responsibility lies with the Minister for Health or the Minister for Territory and Municipal Services.

It would be more efficient for the coroner to directly provide a copy of the report to the minister responsible for these matters of public safety raised in the report in addition to the Attorney-General. The bill therefore inserts a new section to provide that copies of the coroner's report must be provided to the responsible minister as well as the Attorney-General.

This ensures that there is a formal notification of all ministers with responsibility for the matters raised in the report and that they have adequate time to consider the issues and respond appropriately. To support this change, the bill will also amend section 57(4)(b) to recognise that in most circumstances the response to the coroner's report should be tabled by the Attorney-General and responsible ministers without reference to cabinet, given that responses rarely propose new policy or involve a budget impost.

Section 57 will also be amended to make provision for where the Attorney-General believes that it will not be reasonably practicable to table the coroner's report and response within six months, as currently required under section 57(4). This may happen, for instance, where there is no sitting period between the time that the report is finalised and the expiration of the six-month period.

The amendment will clarify that in such cases, the Attorney-General must give the report and the response to the Speaker before the end of the six-month period. The Speaker will then present the report and response to the Assembly on the next available sitting day. This process resembles that allowed for annual reports, and is already employed by the Speaker or other representatives in similar cases where timing for the tabling of reports does not coincide with a sitting day.

This range of amendments to section 57 will improve operational aspects of the provision of coroners' reports to the Attorney-General and responsible ministers and the tabling of coroners' reports and responses in this place. To address an administrative burden on the Magistrates Court, this bill will make an amendment to section 316(6) of the Magistrates Court Act 1930, which provides for records of proceedings.

Currently under section 316(6), sound recordings of certain proceedings must not be erased unless a transcript of the record of that part of the proceeding has been

prepared. This includes records of proceedings under the Safety, Rehabilitation and Compensation Act 1988 of the commonwealth and records of proceedings under the Workers Compensation Act 1951.

In reality, records of proceedings required to be held under these two acts are not being accessed. This means that a high cost and administrative burden is being unnecessarily imposed on the courts and tribunal administration. To remove this burdensome administrative requirement, it is proposed that section 316(6) will be amended to provide that records of proceedings under the acts mentioned will be treated in the same way as all other records of proceedings and need not be kept indefinitely.

The bill will also improve the operation of the courts by making an amendment to clarify the procedure for the hearing of part-heard matters in the event that a magistrate or coroner becomes unavailable. This is an issue which has been brought to my attention by the Chief Magistrate. Where a magistrate or coroner ceases to hold a position as magistrate or coroner or becomes unavailable to complete the hearing, there is currently no explicit provision dealing with how the matter should proceed.

This bill therefore will introduce provisions that will assist in the expeditious operation of the court and promote a more effective and efficient use of resources. A new section will be inserted into both the Coroners Act and the Magistrates Court Act to provide that where a coroner or magistrate ceases to hold office or becomes unavailable before finishing a matter, the chief coroner or chief magistrate must arrange for another coroner or magistrate to constitute the court in the matter.

The second magistrate or coroner can then deal with the matter as he or she considers appropriate. This may include hearing the matter part-heard if the magistrate or coroner considers that this is in the interests of justice. This will help to minimise the potential time, expense and stress to the parties, and will assist in the efficient management of the court.

A technical amendment is proposed for the Residential Tenancies Act 1997 to correct a reference to the civil jurisdiction of the Magistrates Court. This amendment is consequential to an amendment made to section 257 of the Magistrates Court Act to increase the jurisdiction of the court from \$50,000 to \$250,000 in value. A note under section 78(3) of the Residential Tenancies Act will be amended to correctly reflect that the civil jurisdiction of the court is now \$250,000. This consequential amendment is minor but will ensure accuracy in the legislation.

The bill will also make technical amendments to the Road Transport (General) Act 1999 relating to the content of suspension notices for failure to pay infringement penalties and the content of fine enforcement notices for failure to pay court fines. Sections 44(3)(b) and 44A(3)(b) of the Road Transport Act provide that a suspension notice must state that if payment for an infringement notice penalty is not paid by a stated date, being the suspension date, or in the case of section 44A(3)(b), if the person does not resume complying with an infringement notice management plan by the suspension date, the Road Transport Authority will take suspension action on that date.

Similarly, section 84(3)(b) provides that a fine enforcement notice must state that if the outstanding court fine is not paid by a stated date, being the enforcement date, the Road Transport Authority will take fine enforcement action on that date. The use of the word “by” in these provisions technically allows payment on the date of a suspension and may create confusion and technical problems with implementation. Substituting the word “by” with “before” will clarify that payment must be made on a date before the date the Road Transport Authority takes enforcement action.

A key part of the government’s commitment to creating a safer and more secure community is support for victims of crime, and it is entirely appropriate that those who offend take responsibility for assisting their victims. Since 2007, section 24 of the Victims of Crime Act has provided for a victims services levy to be imposed on adults who are convicted of an offence and ordered by a court to pay a fine in relation to the offence.

The 2013-14 budget includes an initiative to increase the levy from \$10 to \$30. It is expected that this initiative will raise over \$9 million over four years. This will allow for full cost recovery for the operations of Victim Support ACT, which is a service that helps victims of crime cope with the impact of what has happened, and helps them access their rights and entitlements. Even after this proposed \$20 increase of the levy, the ACT’s levy remains one of the lowest in the country.

The government is committed to improving legislation by making small but beneficial changes, such as those that I have outlined today. These amendments are uncontroversial but will serve to increase efficiency, clarity and effective use of resources. I commend the bill to the Assembly.

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

Magistrates Court (Industrial Proceedings) Amendment Bill 2013

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

Title read by Clerk.

MR CORBELL (Molonglo-Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.17): I move:

That this bill be agreed to in principle.

I am pleased to introduce to the Assembly today the Magistrates Court (Industrial Proceedings) Amendment Bill 2013. The work health and safety of all workers in the territory is a high priority for this Labor government. The bill realises the government’s pre-election commitment to establish an industrial court and provide for the appointment of an industrial court magistrate to promote judicial specialisation and expertise in industrial laws by the courts. This initiative in the first year of the Eighth Assembly is an important achievement.

Creating an industrial court to focus solely on industrial matters will fully expand the court's expertise and centralise that expertise in a single jurisdiction. Having the statutory and common law worker's compensation litigation as part of the same jurisdiction as the mechanism to manage disputes, penalties and fines will promote greater consistency in decision making and the application of penalties by the court.

This will generate greater confidence in the industrial legal process across industry. The establishment of an industrial court is the centrepiece of a number of significant initiatives this government is undertaking to improve the safety of workers in the ACT. As the Assembly is aware, the government has accepted all the recommendations contained in the *Getting home safely* report, and work has commenced on the implementation of these.

The report recommended the appointment of an industrial magistrate and commented on the need for courts to apply appropriate penalties, particularly as work health and safety legislation is harmonised across Australia. The harmonised laws have introduced significantly higher penalties for offences which allow a company to be fined up to \$3 million for a serious safety breach and a negligent company director to be fined up to \$600,000 or be sent to jail for up to five years.

As the report points out and as the government accepts, it is now incumbent on courts to have a consistent approach in dealing with breaches of the work health and safety laws. It is incumbent on courts to consider the likely deterrent effect of the fine or penalty imposed. The appointment of an industrial court magistrate will help to achieve this goal.

Let me turn to the issue of the constitution of the court. The Magistrates Court Act 1930 will be amended to establish a new industrial court. The Magistrates Court will be known as the industrial court when it is constituted by the industrial court magistrate exercising the jurisdiction. The government has adopted the Children's Court model as an appropriate model for a new industrial court.

The Children's Court model has the advantage of requiring a specific appointment of a magistrate to be the industrial court magistrate. The Chief Magistrate will declare a magistrate to be this magistrate, and that magistrate will be responsible for dealing with all matters allocated by the Chief Magistrate for hearings before the industrial court.

The Magistrates Court will also be known as the industrial court when it is constituted by a magistrate assigned by the Chief Magistrate to act as the industrial court magistrate if there is no industrial court magistrate or the industrial magistrate is absent from duty or is unable to exercise the legislative functions.

There is also provision for the assignment of another magistrate in circumstances where the magistrate begins to deal with a matter and before the matter is decided dies or becomes incapacitated, resigns or is otherwise unable to deal with the matter. There is also a provision for a part-heard matter to be finally decided by the magistrate who initially dealt with the matter in circumstances where the magistrate ceases to be the industrial court magistrate or hold an assignment.

Importantly, the Magistrates Court will also be known as the industrial court when it is constituted by a magistrate assigned by the Chief Magistrate to hear a matter in circumstances where a perception of bias might arise if the industrial court magistrate were to hear a particular matter. An example of where a perception of bias may arise would be in circumstances where the industrial court magistrate has heard a prosecution for a breach of work health and safety regulations and is subsequently asked to hear a worker's compensation case out of the same incident or set of facts. Another example would be where the industrial court magistrate oversaw a coronial inquiry and made a recommendation to prosecute and subsequently made a decision in the prosecution case.

Building on the flexibility of the Chief Magistrate to manage the workload of the new court, there is also provision for the Chief Magistrate to assign another magistrate to deal with a matter if she is satisfied it is in the interests of justice to do so. The assignment provisions will complement the way matters are already being managed and dealt with in our courts.

As with other matters in the Magistrates Court, the Chief Magistrate will be responsible for allocating the business of the industrial court and ensuring the orderly and prompt discharge of the business of the court. It will be the responsibility of the Chief Magistrate in consultation with the other magistrates to declare an existing magistrate to be the industrial magistrate for a term of not longer than four years. The term of office of four years will give time for the magistrate so appointed to become familiar with the complexities of this area of law, assist in achieving more consistency in decision making and application of penalties and deliver better outcomes for all litigants.

There is also provision for the industrial court to refer civil matters to the Supreme Court where the parties jointly apply to have a matter removed where one party applies to have a matter removed and the court considers it appropriate or on the court's own initiative.

I will now turn to the jurisdiction of the court. The industrial court will have a jurisdiction to hear and determine proceedings under legislation falling within my portfolio as Minister for Workplace Safety and Industrial Relations, with the exception of the Annual Leave Act 1973 and the Truck Act 1900. Both these acts have been repealed because they have been superseded by the commonwealth Fair Work Act 2009. The Holidays Act and the Standard Time and Summer Time Act have also been excluded, as they do not contain any matters that require legal dispute resolution. The two long service leave acts have also been removed from the jurisdiction of the new court so it can focus its attention directly on criminal work safety matters and civil compensation matters and build on its specialisation in this regard.

Industrial and work safety matters coming before the new court for determination will be exactly the same as the current industrial workload of the Magistrates Court. For example, the new court will have jurisdiction to hear criminal work health and safety matters and civil workers compensation claims, including arbitrations, both statutory and common law.

The criminal jurisdiction of the new court will include any industrial or work safety offence against a person in relation to a summary or indictable offence if the person was an adult at the time of the alleged offence. Serious criminal matters, such as industrial murder or manslaughter, will remain in the Supreme Court as it has sole jurisdiction to hear criminal matters involving harm to a person where the maximum penalty is greater than 10 years' imprisonment.

The industrial court will also have jurisdiction to hear and decide a proceeding in relation to bail for an adult charged with an industrial or work safety offence and a proceeding in relation to a breach of a sentence imposed by the Magistrates Court for an industrial or work safety offence.

Flexibility has also been built into the proposed legislation to expand the jurisdiction and allow for the court's jurisdiction to be expressly conferred on the industrial court by any other act.

The extended public consultation period for the exposure draft bill ended on 14 June this year. The government received three submissions on the proposal: one from the Chief Magistrate, a joint submission from the ACT Law Society and the Bar Association and a submission from Unions ACT. I take this opportunity to thank these key stakeholders for the support they have given for the establishment of the new court and for their valuable comments and suggestions.

The government has listened to these views and has made some changes to the original proposal in the exposure draft bill. The government has listened to the concerns expressed around the ability of the Magistrates Court to absorb the additional high value common law claims above \$250,000 coming down from the Supreme Court and has decided not to proceed with this reform at this time. As a result, the industrial court will hear and decide only those civil common law workers compensation claims up to a value of \$250,000. Claims above this value will remain in the Magistrates Court.

Over time, the new industrial court will become a specialist court, building up its own industrial case law and procedures around industrial civil claims and criminal matters. The court will be able to draw on its specialisation and promote greater consistency in decision making and the application of appropriate penalties by the court, delivering certainty and fairness for all litigants.

The government is committed to working with industry, employers, and employees to do everything possible to ensure every worker returns home safely at the end of their working day. This bill is another step in achieving that aim. I commend the bill to the Assembly.

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

Committees—standing Establishment

MR HANSON (Molonglo—Leader of the Opposition) (10.28): I move

That:

- (1) the resolution of the Assembly of 27 November 2012 relating to the establishment of standing committees be amended by omitting paragraph (4) and substituting:
 - “(4) Each general purpose committee shall consist of the following number of members, composed as follows:
 - (a) the Standing Committee on Education, Training and Youth Affairs:
 - (i) two members to be nominated by the Opposition;
 - (ii) one member to be nominated by the Government; and
 - (iii) the chair shall be a Government member;
 - (b) the Standing Committee on Health, Ageing, Community and Social Services:
 - (i) two members to be nominated by the Opposition;
 - (ii) one member to be nominated by the Government; and
 - (iii) the chair shall be a Government member;
 - (c) the Standing Committee on Justice and Community Safety:
 - (i) two members to be nominated by the Opposition;
 - (ii) one member to be nominated by the Government; and
 - (iii) the chair shall be an Opposition member;
 - (d) the Standing Committee on Planning, Environment and Territory and Municipal Services:
 - (i) two members to be nominated by the Opposition;
 - (ii) one member to be nominated by the Government; and
 - (iii) the chair shall be a Government member; and
 - (e) the Standing Committee on Public Accounts:
 - (i) two members to be nominated by the Opposition;
 - (ii) one member to be nominated by the Government; and
 - (iii) the chair shall be an Opposition member.”; and

- (2) the resolution of the Assembly of 27 November 2012 appointing members to committees be rescinded and nominations for membership of the revised committees be notified in writing to the Speaker within two sitting hours following conclusion of the debate on the matter.

I commend this motion to the Assembly. Ultimately, this is about making this place more effective and more efficient, and making this place function better. There has been a lot of discussion about the Assembly over the last six months. There are different views about what can be done. But there are two substantive issues, essentially: what size should the Assembly be post the next election and what can we do in the here and now to make this Assembly function as smoothly as it can, as effectively as it can and as efficiently as it can within its limited resources?

As members would be aware, I have tabled a bill that gives the power to this place to appoint a sixth minister, and I have encouraged the Chief Minister to do so. One of the concerns that the Chief Minister has raised, and one of the reasons why she has adjourned that legislation, is that at the moment her assertion is that her backbenchers are tied up in the standing committees of the Assembly. And to an extent there is some truth in that. Her four backbenchers are committed to a range of committees, with two non-executive government members on each of those committees.

What I see as a different issue from the Chief Minister, having written to her, is that the Chief Minister wants to deal with all of the matters together—the size of the Assembly, the size of the committees and the sixth minister—whereas I see that we can deal with some of the stuff that affects this Assembly without necessarily making decisions about forthcoming Assemblies.

I wrote to the Chief Minister and Mr Rattenbury on 28 May regarding this issue, and I thank the Chief Minister for her response. She appears to have a different position from me on this. However, we have had some useful, constructive conversations about this matter, and I thank her for her response. I am disappointed that, having written about three months ago to Mr Rattenbury, I have received no response or indication from him regarding his position on these matters. I do not think that is particularly helpful.

This matter to some extent has come about by virtue of the fact that in November, when the standing committees were established, having seen what was agreed to in the Greens-Labor parliamentary agreement and having had a number of discussions, which I was not involved in but which my predecessor was, the agreement essentially was that there would be an opposition majority on the PAC and JACS, with the Liberal Party having chairs of those, and the other committees would have a majority of government members.

That was the agreement that essentially came out of the Greens-Labor parliamentary agreement. We would have preferred to have more majorities on committees, as the non-government party here. I think that has some merit, because when you look at the role of committees in scrutinising government, having a majority of committees comprising government majorities is not good for good governance.

But that was the situation. What then happened at the eleventh hour is that we were stitched up. There was a swiftie done by the government and the Greens so that PAC had two government members and two opposition members. At the eleventh hour we were presented with that and, following that, there was a debate in this place that resulted in all committees having two government members and two opposition members.

It is worth noting that that was a pretty low act from the government and the Greens to have pulled that swiftie—to try and essentially stymie the opposition's ability to scrutinise the government, hold it to account and find the truth about what is going on with the government. That is such a fundamental role of the committees, and that was done in such a shonky manner, essentially, without any forewarning.

We now find ourselves in a position where we have two government members and two non-government members on each of the committees. I do not think anyone thinks that this is working particularly effectively. Certainly, if we look at the results of the estimates committee, instead of much of the debate revolving around the actual fundamentals of the budget, there has actually been an argy-bargy between the government and the opposition on the structure of committees. You would argue it probably has not been particularly edifying; it has not enhanced the reputation of the Assembly and it has not advanced the cause of what we are all trying to achieve here.

I note that that view is not mine alone; it was shared in a tweet yesterday by Caroline Le Couteur, a former member of the Greens in this place, who said, "Now we know how two Lib, two ALP member committees in the ACT will work: not well." Certainly there are Greens members who did not take ministries who have looked at this and said, "Yeah, this doesn't work. It ain't working." So that is the view of Caroline Le Couteur.

Perhaps more importantly, I wrote to the Clerk about this matter and asked him for his advice, and he presented me with that advice. I sent that about three months ago to Mr Rattenbury and to the Chief Minister as well. I can summarise his advice, which I am happy to table for members. I seek leave to table the advice that was provided to me by the Clerk.

Leave granted.

MR HANSON: I present the following paper:

Standing committees—Membership—Copy of advice from the Clerk, dated 23 May 2013.

In summary, I asked a number of questions, including what has been the past practice. The Clerk's advice was that it is set out at page 293 of the *Companion*, which states that the established practice currently is to have three members on each standing committee. Further, I asked what has been the past practice in terms of backbenchers serving on committees, and the advice was that the practice of the Assembly has been that there has normally been one government member for each committee, along with one opposition member. Obviously, you would also normally see a member of the Greens party or an independent.

It is worth noting at this point that, perhaps as a consequence of Mr Rattenbury deciding to go into the ministry, he has decided not to sit on any committees. That means that, regardless of the merits of his taking a ministry, the causal effect has been that there has been no crossbench member available to sit on committees, and that has been a significant contributing factor in where we are here. When we see the sort of Wally motions that are being brought forward today on federal issues by the Greens minister, you would have to ask why he is doing that sort of stuff in his office, when he has nearly \$1 million to run it, instead of contributing to committees as he could be. With respect to further advice, it states:

The membership of standing committees is governed by standing order 221, which requires that overall membership of the committees shall comprise representatives of all groups and parties in the Assembly as near as practicable to be proportional to the representation in the Assembly.

I do note that. The other question I asked is:

Can the committee system be restructured to bring it in line with past practice?

The advice is:

In analysing the previous committees that have existed since self-government, it became apparent that the committee system established in the Eighth Assembly was fundamentally different to the committees established in previous Assemblies. If you wish to bring the committee system into line with what has been the most prevalent previous practice of the Assembly, I would suggest you move to establish three-member committees with opposition majorities on each but retaining some government chairs.

I would note that that is what I have moved today in my motion, so that there would be a non-government majority on each of the committees but the chairs who are currently government members—and a majority of the committees have government chairs; we only have two chairs—would remain. It is not so much about who the chair is; it is about who has the majority. That is the important part of maintaining the effectiveness of the committees. The Clerk's advice went further with regard to Latimer House principles:

I should add that the proposed change to the committee structure would bring it more into line with the commitment to Latimer House principles which the Assembly adopted as a continuing resolution on 11 December 2008.

I note that that was a particular motion that was brought forward by the Greens from 2008. They were champions of Latimer House principles back then. So it will be very interesting to see whether Mr Rattenbury is still a champion of Latimer House principles or whether his view has changed. We will wait and see. To quote from that, "The promotion of zero tolerance for corruption is vital to good governance." And this is from the continuing resolution:

A transparent and accountable government, together with freedom of expression, encourages the full participation of its citizens in the democratic process.

Steps which may be taken to encourage public sector accountability include:

- (a) The establishment of scrutiny bodies and mechanisms to oversee Government, enhances public confidence in the integrity and acceptability of government's activities.

The committee are obviously such a structure. It continues:

Independent bodies such as Public Accounts Committees, Ombudsmen, Human Rights Commissions, Auditors-General, Anti-corruption commissions, Information Commissioners and similar oversight institutions can play a key role in enhancing public awareness of good governance and rule of law issues. Governments are encouraged to establish or enhance appropriate oversight bodies in accordance with national circumstances.

The continuing resolution also states:

Parliaments and governments should maintain high standards of accountability, transparency and responsibility in the conduct of all public business.

Parliamentary procedures should provide adequate mechanisms to enforce the accountability of the executive to Parliament.

The problem is that if you have a committee structure where government members can essentially prevent any of that from happening because nothing can move through the committees without their support, how is it possible to have parliamentary procedures that provide adequate mechanisms to enforce the accountability of the executive to the parliament? That is what we all agreed to in the continuing resolution. That is what the Chief Minister signed off on, and I remember her speaking in praise of it. That is certainly what was being driven by Mr Rattenbury and his colleagues. Perhaps the nub of this is the advice from the Clerk when he says:

The adoption of a committee system without non-government majorities is, in my opinion, a step away from the spirit of those principles.

So we have a decision here, Madam Speaker. It is a decision for the government, and it is particularly a decision for Mr Rattenbury about whether he is going to step away from the Latimer House principles that he championed. In 2008, through that period as Speaker, he was a great champion of the Latimer House principles. He was a great champion of what they were, and he voted for the continuing resolution, as we all did. We are now in a position where there is deafening silence from the Greens minister on this issue, having written to him on 28 May and not heard back.

I understand why the Chief Minister does not want that scrutiny of her government. It is fairly true that this government is one that says it wants openness and accountability, but when it comes to the mechanisms that can be put in place to enforce that, as we all agreed to in the continuing resolution, this government does not live up to its rhetoric. I do not think that is going to be a great surprise to anybody.

So that is the position that we find ourselves in. We are at a crossroads. Do we really say that the committees are just there for show, that the committees are there just to give the appearance that we are doing something to enforce scrutiny? The Latimer House principles say they are to “enforce the accountability of the executive to parliament”. Or are we actually going to have a committee structure that does that?

It is up to the will of the Assembly to decide that today. I certainly encourage members to support my motion. I make it very clear that should the opposition gain a majority on committees, as the Clerk has advised, we will not use it recklessly. It will be used responsibly. We will be judged on that, because if there are opposition majorities on committees, people will understand that these are dominated by the opposition and if we are simply running a political agenda through them I think that would be recognised.

There is no intent, from my point of view, from the opposition’s, to act recklessly. But there is a view and a determination to make sure that this place runs as best it can, that we adhere to the Latimer House principles, the resolution that we have adopted, and that we have mechanisms that hold the government to account, the executive to account, to the parliament. If we do not do that today, we would have to look at reviewing the continuing resolution and see whether we need that or not—whether it is serving any purpose at all or whether it is just rhetoric. And that would be disappointing.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (10.43): The government will not support Mr Hanson’s motion. I am going to call this as I see it: I do not believe Mr Hanson is interested in the effective functioning of the Assembly’s committee system; I think it is more about how he can use committees to obstruct, to intimidate and to grandstand. Mr Hanson’s conduct on the budget estimates committee and in the chamber this week gives you a glimpse into how these proposed committees as outlined in the motion would function. We have heard from other members in this place how, as chair of the committee he bullied, badgered and obstructed government committee members and some committee witnesses. In drafting the report he ignored the written advice of the Clerk, and he now claims that the report he forced through with his own particular chairing style is the fair and unanimous view of the committee. I think it is a terrible advertisement for this motion, and it is not a standard the government wants to see any more of.

The core function of the committee system is to carry out business on behalf of the Assembly and to scrutinise government in an effective and efficient way. By delegating matters to standing committees, the Assembly is delegating its business so that we, as a whole, can process all the business associated with governing the ACT. Standing Order 221 dictates that a committee shall comprise representatives of all groups and parties in the Assembly as nearly as practicable proportional to their representation in the Assembly. In this Assembly, that means one to one or two to two. The Canberra Liberals do not have a majority of two to one in the Assembly; if they did, they would be in government. In order to maintain the appropriate representation, government committee members sit on many committees—more than opposition members.

Committee members as a whole do an outstanding job, and committees have worked successfully with long-established conventions of bipartisanship, balance and collaboration. Based on this week alone, we know this motion would see an end to both bipartisanship and effective scrutiny on standing committees.

Restructuring committees to encourage a more party-political approach, which is what Mr Hanson sees—I am not sure I have ever heard Mr Hanson speak so eloquently about Latimer House principles before—would put at risk their objectivity and could erode the value of the system to the Assembly. It is also a direct challenge to the democratic result that ACT voters handed us last October. It is not only the Assembly which must have confidence in the committees; the community must have confidence in our ability to run an effective parliament.

I reflect on the speech I gave on 27 November last year when I spoke on the motion to establish committees. I said:

... the people of the ACT voted for an eight, eight, one parliament. That is what they get, and now it is over to this parliament to make that work.

I went on to say the committee system allows:

allocations recognising the role that the opposition plays. There is also an acknowledgement that there is a legitimate backbench with a legitimate role in this parliament. That is reflected in this motion.

After responding, I think, to some amendments from Mr Coe, I said:

This arrangement does require the public accounts committee to work cooperatively—

and I am referring there just to the public accounts committee, but I think we can use this argument more broadly—

I think there is the opportunity to make sure that happens. The control and the capacity for that to happen are firmly and squarely with the chair and the opposition and the approach that they bring to the committee's proceedings.

That goes to the heart of what we are revisiting here today—what are the changes that have occurred that require the Assembly to revisit this and, in a sense, to ask what is broken. The feedback from members of the government who sit on committees is that the committee system is working if members choose to allow it to work. Certainly government members are very aware of their responsibilities on committees and the fact that they rely on collaboration and cooperation. But you need all members on committees to bring that same approach to it. I am not sure we have seen that; certainly not in the estimates process.

But what are we trying to fix here? From what I can see, committees are reporting, scrutiny reports are tabled, inquiries are underway, reports will continue to be tabled, as they are every sitting period. But we have to ensure that the will of the people of

the ACT which has elected a particular parliament is followed. That comes with a new way, in a sense. We have not had an eight, eight, one parliament before, so it has required us to look at a different role of committees. But I do not think anything is broken other than a view from the opposition that they would like to exercise control on every committee.

I think we have just got to cut through and say it as it is: this is less about the Latimer House principles and more about how Mr Hanson wants to conduct the operations of the committees. He says he would use it responsibly, but sorry for being a little bit cynical about that. I reflect back to last year's public accounts committee inquiry into the emergency department data manipulation where I witnessed a side of Mr Hanson I do not think anyone had seen before—that is, a preparedness to get down into the gutter, to bring members of my family in that situation into committee proceedings and besmirch their professional representation to the point where they have made certain career decisions based on that. That is what we saw when he did not have power on committees.

Is he trying to make us believe that he is going to be the fair-go guy if the opposition controls all committees and that he chairs some of those committees? Well, forgive me for not believing that. I think many witnesses who have appeared before Mr Hanson would find it a little hard to believe as well. Let us remember that the opposition has never, ever in the life of this Assembly controlled the committees as outlined in the motion proposed by Mr Hanson, so forgive me for being a little bit cynical about that.

I do not think we have seen any indication that the Liberal Party, whenever they gain extra capacity or power, have used that in any sense in a responsible way. It is fair to bring those issues to the table, because that is what this motion is about—it is not about Latimer House; it is about a desire by the opposition to control the committee system and, therefore, seek to control outcomes that impact on the government.

Mr Smyth said it, I think, when we were debating this motion in November. He interjected and said, "There will be no pain for the government in this." Again, that demonstrates the approach of the opposition and what they want to see through the committee system. Well, it is not the way the committee system should work. Yes, it is a different way with two members of each side on committees. But it is up to the chairs of those committees about how they want to approach that responsibility, to use the power available to the committee as a whole responsibly and to deliver the outcomes they want. I cannot see any reason why it cannot work.

The report that was tabled by Mr Hanson as chair of estimates I presume was the report he wanted to table, so he still has the capacity to table reports highly critical of government. I imagine we will see that continue over the next four years. I really do not think your work is being curtailed in any way or that your ability to have a say is being curtailed in any way under the operations as they exist now.

This motion should not be supported. The committee system is not broken. It is a different committee system to the one we have had before, and that reflects the

membership of the Assembly that was voted in in October last year. Government members will continue to approach committee work with diligence and with a willingness to collaborate and cooperate with other members on the committee.

The government will not support this motion. If other issues arise that we have to look at in the operations of committees because it cannot just be drilled down to membership, if other reviews need to be done perhaps into the standing orders to clarify and enable committee work to go on and to be as efficient and effective as possible, the government is open to further discussions on that.

MR RATTENBURY (Molonglo) (10.52): The companion to the Assembly standing orders at page 278 indicates that the purpose or the accepted practice in Australian parliaments that has evolved around the role of committees sets out three primary roles: to scrutinise proposed legislation, to monitor the activities of the executive and to examine public policy issues in a more detailed way but at the same time in a less formal atmosphere than is possible in a parliamentary chamber. They are really the three key functions that are outlined there for the committees.

I think the key question that we need to think about in the context of this discussion is: can the committees perform these tasks? I certainly think that that is not a function necessarily of the numbers but a function of how the committees organise themselves, how they operate and the attitude members take into them. At the moment under the current arrangement with four-member committees, there is nothing to stop committees looking at issues, questioning witnesses and preparing reports. And I think we have just seen that with the estimates report that has been provided.

There is no doubt that Mr Hanson was able to produce exactly the report he wanted, through the estimates process. That goes to the question: if those are the roles that the committees are asked to perform and that is the practice that has evolved in Australia, is there anything in the current permutation that is preventing those steps taking place? And I would argue that it appears not.

When we debated this matter last November, I did put the view that it is possible for the committees to operate effectively with four members. I think that we do find ourselves in an unusual permutation in this Assembly. The 8-8-1 scenario is unprecedented in the Assembly, and that requires us to have a think about what is the best way to operate a number of different functions, including the issue that seems to particularly vex Mr Hanson, which is that I have chosen to play a role in the executive government.

If we look to the standing orders, we note that standing order 221 states:

Overall membership of committees shall comprise representatives of all groups and parties in the Assembly as nearly as practicable proportional to their representation in the Assembly.

With eight members of the Labor Party and eight members of the Liberal Party in this Assembly, that certainly points to the sorts of proportions we should be looking at. I think it is possible for four-member committees to work and to carry out the functions

they need to. And I think that that really comes down to how members approach their role on the committees. Members have a choice as to how this operates. They can choose consensus or conflict. They can choose common ground or contest. And that really does come down to attitude. Each member in this place determines their own behaviour.

In the Greens we have a strong commitment to building consensus, working through issues, trying to find common ground and actually building up to a resolution to a matter that can actually reflect the different views of different people. The estimates committee is an interesting example of that. The estimates committee, if they had wanted to, could have found a series of areas in which they agreed. They could have produced a report together. Then there is the capacity for the various political blocs within those committees to produce their own additional comments. There is plenty of scope there for the estimates committee to do the job it is asked to.

Certainly the estimates committee had no constraints placed on it around the questions it could ask or on the witnesses that it could call. The estimates committee seemed to have a pretty free rein, from everything that I saw, and I have certainly not received any reports of constraints placed on the estimates committee other than Mr Hanson walking in and saying, "Here is the report. If you want to change it, you have to vote against it."

In all the committees I have been on—and I admit that is not many because as the Speaker in the last Assembly I really only sat on admin and procedures and a couple of select committees—I have never seen a committee operate like that. Certainly from talking to colleagues, I have not heard any stories of committees operating like that.

But I think back to some of the committees that did operate last Assembly that I was on, the two select committees in particular that looked at contentious and difficult matters. One was around the costings process that was established for the election. Mr Barr, Mr Smyth and I sat on the committee. And I think coming into it, there were very significantly different views on how to come up with that piece of legislation. But what was able to be achieved through that committee was a piece of legislation where significant common ground was found.

I think the community has a right to expect members to work for the best outcome for the community. And the committees are an excellent place to do that. As the companion notes, they are meant to be a forum in a less formal atmosphere where considerable detailed work can be done. We often hear in the ACT members of the community, I guess, seeking out an approach where this Assembly might operate more like a local council. That is a much broader discussion and I do not think that we are likely to go down that path. But certainly committees are one place where this Assembly has the opportunity to operate like a local council, which is what the community so often seems to be asking for. It is an opportunity for members to work together, to work through issues in detail and to come up with a position.

That does not require agreement, and councils do not always agree. I am the first to acknowledge that. But what people on councils often do, from the councillors I speak to around the country—and the Greens are represented on many councils around the

country—is manage to work together. The Greens and the sort of property developer members of a council often do find common ground by actually seeking to work together because they go into it with that attitude.

When it comes to performing the scrutiny functions that Mr Hanson has spoken about in detail today, I think the committees still have the ability to do that. It begs the question: what is scrutiny? Scrutiny is the ability to call witnesses, to debate the issues, to ask the hard questions and then to write a report reflecting that. They are all the things that a committee would do to scrutinise—not all of the things but that is the essence of what a committee does. I am sure we could name one or two other things. They are the things a committee seeks to do. There is no barrier to a four-member committee doing any of those things.

We have just seen over the estimates process Mr Hanson write exactly the report he wanted. He brought it to this chamber, put it out in the public and made all sorts of outlandish claims around it in fact. But he has been able to write exactly the report he wanted to. The estimates process has not had any barriers to the scrutiny that the Liberal Party wanted to operate in the budget process.

Mr Hanson: That is not true, and I will explain it to you. That is not true.

MR RATTENBURY: I am happy for you to outline it, Mr Hanson.

Mr Hanson interjecting—

MADAM SPEAKER: Order, Mr Hanson! Mr Rattenbury has the floor.

MR RATTENBURY: I am happy for Mr Hanson to actually put on the table some very specific problems that he might have but this is where we also need to look at the other mechanisms that operate in this place, because there are other options around this. The first is that if a committee finds itself deadlocked, it can always bring the matter back to the Assembly. If we take the scenario where the Liberal members of the committee wanted to inquire into something and the Labor Party members did not want to inquire into it, because the committees do have that self-referral power, there is nothing to stop the Liberal Party members bringing a motion to the floor of the Assembly seeking to start that committee. Nothing stops them, nothing at all.

As it happens, I then had the casting vote on that committee. I may or may not choose to support that, but that does not matter. That is not the point. The point is that if they wish, they can seek to establish a committee and the membership of the committee does not block them from doing that.

If there are other issues of specific concern—and I think the estimates process has thrown up some challenges—it may be we need to think about the standing orders to see whether there are some procedural issues we need to deal with in light of having four-member committees, the two and two split, because this is the first time this Assembly has done this. But this Assembly very often does things for the first time, does them in a different way. It has somehow been the very culture of this place. One might speculate on why that is, but it has always been the tradition of this place that some things are done in new ways.

I think one of the great strengths of the Assembly is that we have never been overly constrained by historical trends. If there are matters that need to be discussed, tweaks that need to be made to the standing orders, adjustments or clarifications, then let us have that discussion; let us discuss the specific concerns. But there is nothing to stop the committee doing the basic function it needs to do, which is to monitor the activities of the executive, to scrutinise proposed legislation, to examine public policy issues in a more detailed way, albeit a less formal atmosphere.

I should turn to some of the specific remarks that Mr Hanson directed my way during this debate. I do offer my apologies, Mr Hanson, if you somehow felt snubbed by the lack of a formal response to your letter. We have discussed this informally on various occasions. I said to you I had received the letter and I had been giving it some contemplation. I had not realised you were seeking a formal, written response. You had indicated you intended to bring this to the floor of the Assembly. So I assumed we would have more than ample opportunity to discuss the matter. If I have made an oversight in failing to send you a formal letter, I do offer an apology, given the distress that it has evidently caused you.

I think it was interesting the way that Mr Hanson spoke of Ms Le Couteur's tweet. I had not actually seen it prior to Mr Hanson mentioning it, but I have had a look at it. I think he has certainly chosen to interpret it in a particular way. I think Ms Le Couteur's reflection was that we would actually be better to have more people on the crossbench. Then we would have a better committee function. Unfortunately, we are going to have to wait for a bit over three years for that to happen. But Mr Hanson certainly interpreted Ms Le Couteur's tweet in the way that he chose to.

I think there was also some suggestion that I should be represented on the committees. That is just not possible. Even if I was not in the executive, I do not think it is realistic to be on six committees in one Assembly. The companion—and I cannot remember whether it is in the Clerk's advice to Mr Hanson or not, but it is certainly in the companion—reflects on the fact that during some of the previous Assemblies members were put in very difficult positions. There were only one or two backbenchers from one of the older parties and they were required to be representative of many. It actually got to a stage where in one of the Assemblies the Liberal Party Speaker was actually on a standing committee to make up the numbers. I am not sure that that is where we quite want to get to either. I know the consternation that Mr Hanson had with my role last Assembly and I cannot imagine he would want a Speaker on a standing committee. I just do not think it is realistic.

The bottom line is that I have agreed to take a role in the executive. So I do not think it is appropriate as a minister to regularly be represented on committees either. I am sitting on the administration and procedure committee, because that very much goes to the running of the Assembly. We have seen the odd exception. I spoke earlier of the costings committee that Mr Barr sat on. I think that was quite appropriate. It was a select committee and there was a specific role there for the Treasurer. I think it very much added to the process.

I simply conclude by saying that I will not be supporting Mr Hanson's motion today. I do believe that four-member committees can work. I believe that it really comes down to attitude. It comes down to: do members actually want to make this work? Do they want to focus on the matters that the community is concerned about? And there are no barriers to them doing that. The committees can do exactly those three key functions outlined in the companion—scrutinising proposed legislation, monitoring the activities of the executive and examining public policy issues—with four members. They can set up inquiries, they can call witnesses, they can discuss matters, they can write reports, they can write dissenting reports—they can do all the things that a committee has done in the time that I have been in this place. There is nothing stopping them doing that, other than the attitude of Mr Hanson and his colleagues.

MR HANSON (Molonglo—Leader of the Opposition) (11.05), in reply: I must say that I am very disappointed—

Mr Smyth: But not surprised.

MR HANSON: but perhaps not surprised. I think that this probably draws a line under any debate about whether Mr Rattenbury is a member of a coalition government or his own entity. As colleagues of mine have reflected, probably he chooses depending on what suits him at the time. But it is fundamentally clear now that the champion of Latimer House principles and of waving around the Clerk's advice in the last Assembly is now somebody who is prepared to adopt something that in the Clerk's advice is a step away—I will make sure I do not misquote the Clerk. Yes, it is a “step away from the spirit of those principles”. I think “hypocrisy” is a word that is not to be used; so I will not use it—

MADAM DEPUTY SPEAKER: No, it is not to be used, Mr Hanson.

MR HANSON: I will struggle to come up with another one, but it is—

Mr Smyth: Two-faced.

MR HANSON: Two-faced; double standards. Clearly, it is a new way. It is interesting that in criticising the old parties, as Mr Rattenbury termed it, he is talking about a new way, using Mr Rudd's slogan. I am sure that it was just a slip of the tongue that he would choose to quote Mr Rudd's latest three-word slogan as his choice of emphasising that the new way happens to be the Labor Party policy or the Labor Party slogan. But I know that Mr Rattenbury does get confused between what is Labor Party and what is Greens these days.

I will go to some of the comments from the Chief Minister. She said that I ignored advice from the Clerk during the estimates process. That is not true. I acknowledged the advice from the Clerk. We had it adopted in the minutes. I sought my own advice from the Clerk and the Clerk's advice—that was tabled in the minutes also—said that, “Standing order 248”—which is the way you consider committee reports—“could be interpreted in a number of ways, but my advice is that your interpretation of that standing order is one way the standing order could be interpreted.” So there was no issue in terms of whether we had taken that advice or not.

I made an interjection, in respect of which I was rightly told to be quiet by the Speaker, when Mr Rattenbury was saying that there were no issues arising from the estimates committee that showed the two-two situation had not produced a result. Mr Smyth raised the point yesterday. Obviously, Mr Rattenbury was not listening. Through the process, the Centre for International Economics provides a report. They then offered to provide further analysis of the budget based on issues that they had identified were significant.

That would have been very useful for this Assembly in terms of examining the budget, in terms of scrutiny of the budget, which is what the estimates committee is there for. Issues that were identified and nominated were risk issues associated with capital metro, the ACT's debt position and the public sector workforce. They were three of the options. We could have had the Centre for International Economics inquire into one or more of those. Two members of that committee, that being myself and Mr Smyth, thought that would be a good idea for this external organisation that had been appointed by the committee to do further inquiry to examine the budget. The members of the government objected to that.

So we had a very clear example, Mr Rattenbury, that you failed to listen to yesterday where within the estimates committee an opportunity arose for an external agency that was expert, that had already been agreed to by the committee—quite clearly an organisation that had the committee's support—to do further examination of this budget, to provide further information for this Assembly on the budget, which is the purpose of the estimates committee. The Labor members said no, without any explanation obviously other than that they did not want any more examination of this budget.

The Chief Minister also criticised my role on committees. I would like to go to the importance of the way committees are conducted. She raised the issue of the PAC committee last year that inquired into what had happened at the ED. I would remind the Chief Minister that the senior executive who doctored the information did so after having recently returned from a holiday with the minister. That was information that the Chief Minister did not provide to the Assembly and did not provide to the Auditor-General. It only became apparent through the questioning in the PAC committee. I think that that was relevant information. I do not think anyone would argue that that was relevant information that should have been provided by the Chief Minister and it was not. It was only uncovered by the work of the committee.

I would also remind members that under this government a privileges committee found that a Health executive was distributing material about how to avoid opposition questioning in estimates. I invite you to go to the privileges report of that inquiry where a Health official distributed a memo amongst all the senior Health officials that said, "This is how to avoid questioning from the opposition." Not one of those senior Health officials sought to say, "Hey, there is a problem here." They all just accepted it.

We have evidence that under this government—this was found in a report of the privileges committee of this Assembly—within Health, officials would deliberately try to avoid answering questions from the opposition during estimates. I think that it is

only fair and proper that when you have got a culture like that, where that has been exposed, and senior officials just thought, “Yes, that is the way it goes,” that we do ask the hard questions. I make no excuse for that.

But I would also say that that is not something that is just a Liberal Party thing or a Labor Party thing. That is the nature of committees. I would reflect on champions of committees like Senator John Faulkner. Everyone who worked in the federal public service or as a minister when Senator Faulkner was running committees, and when he asked the probing questions and the hard questions he asked to get to the bottom of matters, had great respect for what he did. This was the case on both sides of politics. I would say that we will not go light on officials or on ministers if they are not forthcoming with the truth, if they are not providing the evidence that we are seeking, because that is the job of the committee.

It seems that the Labor members of committees think that it is their job to produce a report with 575 recommendations congratulating the government. It is not. That is not what committees are here for. Committees are not here to provide a long list of “attaboys” for the government. They are there to scrutinise, to inquire, to get to the bottom of what the executive is doing. That is the purpose of them, and it is exactly as the Clerk said—to provide adequate mechanisms to enforce the accountability of the executive to the parliament.

What is the motive for the government not supporting this? I suppose they do not want the committees to uncover things, to scrutinise them. We will continue to do our job. But this is what this will do, and Mr Rattenbury needs to take heed. It is not just about what reports are provided and what questions are asked in committees; it is also a matter of what inquiries are being conducted. Just as we were stymied from getting those further reports from CIE, what this will mean is that when a committee is wanting to refer an inquiry into a particular matter, it will be very difficult—

It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended by 30 minutes.

MR HANSON: What is the government’s motive? I think there are two parts to it. They do not want the scrutiny of government, despite the rhetoric. Secondly, I do think that the minister wants a plausible reason not to appoint a sixth minister. She wants to say, “My members are so busy on committees I could not possibly appoint a sixth minister.” So that chair will remain vacant while she has got that excuse. Perhaps members of the Chief Minister’s backbench are in best position to ask the Chief Minister why it is that she would rather have her members tied up on committees than appoint one to the executive. I will let them draw their own conclusions.

With regard to Mr Rattenbury, I think he has sold out. It is as simple as that. He has had a choice about whether he wants to run, I suppose, a Greens agenda, a government agenda or his own agenda through this place. Certainly all we are seeing from him now is his running an agenda that suits him at the time. He is a great advocate one minute for one principle, and then he is very accomplished at running the exact opposite argument when it suits him.

We will continue to do our job as best we can with the committee structure, but it is fair to say that it is not optimal. It is not good for democracy. It is not good for this Assembly.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 8

Noes 9

Mr Coe	Ms Lawder	Mr Barr	Ms Gallagher
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury
Mrs Jones		Mr Corbell	

Question so resolved in the negative.

Executive members business—precedence

Ordered that executive members business be called on.

Asylum seekers—treatment

MR RATTENBURY (Molonglo) (11.19): I move:

That this Assembly:

(1) notes that:

- (a) the issue of people seeking asylum from persecution is an international humanitarian issue;
- (b) the majority of people seeking asylum who arrive by sea are subsequently found to be refugees under the Refugees Convention;
- (c) the Federal Government has recently announced that no people seeking asylum from persecution arriving by sea will be settled in Australia;
- (d) Australia, as one of the most stable and wealthy nations in the region, is able to provide humane and just responses to this humanitarian emergency; and
- (e) the ACT has a proud history as a multicultural city that celebrates diverse cultures; and

(2) calls on the ACT Government to write to the Prime Minister and the Leader of the Opposition expressing grave concern regarding the treatment of asylum seekers, the transfer of refugees to Papua New Guinea and Nauru, and Australia's fulfilment of its international obligations.

I present this motion today because I believe Australia has lost its way on refugee policy. The federal government's new approach to asylum seekers is a national disgrace and represents a new low in a race to the bottom of lowest-common-denominator politics. Turning our back on those in need, refusing them the right to ever live in Australia and instead forcing them to live in one of the poorest countries in the region is no way for a prosperous and humane country such as ours to act.

Unfortunately, the reality is we live in a world where people continue to flee persecution because of their race, religion, nationality, membership of a particular social group or their political opinion. Australia is a signatory to the UN convention on refugees. The convention was drafted after WWII in response to the refusal of many nations to take in Jewish refugees escaping the Holocaust. It was designed to ensure no country ever again turns its back on vulnerable people fleeing persecution.

Under the convention Australia has certain obligations to asylum seekers who are in our jurisdiction and in our nation's territory. They have rights under the convention, regardless of whether or not we have processed their claim or recognised their refugee status. How can we as a nation withdraw from our obligations? How can we in all good conscience close our borders to vulnerable people who need our protection? To walk away from our obligations will damage our international reputation, undermine the international protection regime and leave many vulnerable people without protection.

What Australia is experiencing is but a small part of a global problem. It is an international humanitarian problem; not a war, not a national emergency, not a border security crisis. To illustrate this point, the UN High Commissioner for Refugees reported that in 2012, 83,400 people claimed refugee status in the United States, nearly 65,000 claims were made in Germany, nearly 55,000 claims were made in France, and in that time Australia had 15,800 applications for asylum. It is a very stark contrast, given the level of media and political discourse taking place on the issue in Australia.

The people who are drowning at sea are fleeing persecution. Deterrence and cruelty have never been an effective or sustainable way of responding to refugees who come by boat. Australia will never be able to deter asylum seekers who are fleeing threats as dangerous and brutal as the Taliban. People will keep coming in in an irregular manner while there are limited regular pathways available to them.

We know Nauru and Manus Island are no place for traumatised refugees, especially children. The UNHCR has consistently reported that conditions in the detention camps are harsh, cramped, hot, unhygienic, tantamount to arbitrary detention, inconsistent with international human rights standards and lead to deteriorating mental health. We know neither Papua New Guinea nor Nauru currently has the capacity to assess protection claims or give refugee families the safe future they are entitled to seek. We also know our neighbours in Papua New Guinea are already struggling with poverty, health and social problems.

It is telling to have a quick look at what has been said about Papua New Guinea on the Department of Foreign Affairs and Trade's smart traveller website: exercise a high degree of caution in Papua New Guinea because of the high levels of serious crime. There has been an increase in reported incidents of sexual assault, including gang rape, and foreigners have been targeted. Malaria is a risk throughout Papua New Guinea. Cholera is now considered as endemic in PNG. Food-borne, water-borne and other infectious diseases, including typhoid and hepatitis, are common. Medical evacuation to Australia, costing between several thousand dollars to \$80,000 dollars, depending on the circumstances, is often the only option for serious illnesses or accidents. All those statements form publically available advice that the federal government feels is appropriate to provide to our own citizens, to Australians heading overseas. Is this the right environment for vulnerable, often traumatised asylum seekers?

The current approach by the old parties is just wrong—it will inflict even more cruelty on refugees, it will cost many innocent lives, and it will cost billions of dollars. Australia under the old parties has lost its way, because there are other options. In the past week my federal colleagues in the Australian Greens released their refugee policy which provides a different approach—a regional response that is humane, legal and effective. The Australian Greens plan for giving refugees a safe pathway to a better life includes: increasing Australia's humanitarian intake to 30,000; within that, resettling an emergency intake of 10,000 UNHCR-assessed refugees from our region to reduce the backlog; including at least 3,800 directly from our immediate region, including Indonesia, as recommended by the Houston panel; an additional \$70 million per year in emergency funding for safe assessment centres in Indonesia to provide shelter and welfare services to refugees while they wait for assessment and resettlement; boosting the capacity of the UNHCR in Indonesia and Malaysia to speed up assessment and resettlement; and shutting down all offshore detention in Nauru and Papua New Guinea, with Australia to assess the claims of people who arrive by boat.

Some might baulk at the money, particularly when I talked about an additional \$70 million per year, but compared to the cost of what Australia is spending on the response that has been put forward by the current federal government, it is really a bargain, and that is simply on the costs of it, let alone the decency and the humanity of it.

The other part of the Greens plan is that there should be a policy of no children in detention in Australia or offshore. This is a particularly important point. It is crucial that our refugee response be a genuine regional arrangement, founded on compassion, practicality, cost effectiveness and our international legal obligations under the refugee convention, a response that will save lives by giving people safer options than leaky boats and by treating all refugees with humanity and fairness in Australia.

I am not under any illusions as to the impact the ACT government can have on the hardline policymakers, but I cannot believe that a city like Canberra can support such callous proposals. We in the ACT have a strong track record of compassionate, intelligent policy responses to the difficult and complex issues of the day. To date, the ACT government has displayed these qualities by welcoming and supporting refugees

and newly arrived people to our community. I believe we have all benefited from the differing skills and cultures that have been brought here, and we should be proud of our community's response to the human needs presented. It is nothing short of hypocrisy to now sit idly by while the federal politicians play hardline politics with people's lives.

As a small jurisdiction, I believe we have a role to play, and living as we do in the national capital, we should be a symbol of all that Australia stands for and lead by example in calling for a fair go for all. As Members of the Legislative Assembly, we have a duty to stand up and be counted amongst those who do not believe denying the human rights of the world's most vulnerable people is just, fair or humane. I commend my motion to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.27): I move the amendment to Mr Rattenbury's motion circulated in my name:

Omit all words after "That this Assembly", substitute:

"(1) notes that:

- (a) refugees, asylum seekers and humanitarian entrants have often experienced trauma or tragedy and are forced to leave their countries of origin without having a choice about which country they settle in. The ACT Government is committed to assisting this group of vulnerable people living in the ACT community by identifying their needs and providing access to appropriate services and programs; and
- (b) many refugees settling in the ACT on bridging visas are denied eligibility to apply for employment or to receive Centrelink benefits commensurate with other people with similar needs; and

(2) resolves to write to the Prime Minister and Leader of the Opposition requesting that they ensure that:

- (a) the Australian Government immediately grant work rights to asylum seekers who are living in the community on a bridging visa (either across the board or on a case-by-case application basis); and
- (b) the Australian Government ensures that basic living allowance payments and other supports provided to people seeking asylum are commensurate with their needs and are no less than that provided to other people with similar needs in the Australian community."

There is no doubt the debate about refugees and asylum seekers and how as a community we respond to the challenges of increased migration of these groups of individuals is one of national interest, significance and a superheated issue in the context of the current national election debate. Today, though, through my amendment I am hoping to focus the debate more appropriately on the circumstances

and the issues faced by those who are already here in our community who are asylum seekers, who are refugees and who are often here on bridging visas and the way they are being unfairly treated by federal government policy here in the ACT right now.

The question as to how we deal with those people who choose to flee persecution by boat is a question that will be resolved through the national debate and the national election that is now upon us. I think it is incumbent on us here in the ACT to talk about the disadvantage and the unfair treatment of those who live amongst us right now who are refugees and people on bridging visas and the unfair treatment that is being meted out to them because of that status.

My amendment seeks, therefore, to address a couple of important issues. The first is that the Australian government refuses to allow those who are settled in our community, often on bridging visas, to be able to apply for jobs. The Australian government also refuses to allow those in our community who are settled here or accommodated in our community as refugees, often on bridging visas, to even receive the same level of Centrelink payment benefits as those who have similar needs in our community and receive those payments.

For me and my colleagues it is these circumstances that are simply grossly unfair and inequitable. If we choose to allow refugees to come to our community, to be settled in the suburbs of our city, we should be treating them fairly and we should be making sure they are given the assistance they need to settle, to accommodate within our community and to become part of our community, whether they are here for a short period of time or permanently.

To deny people the right to work when they are already facing significant poverty is simply unconscionable. To deny them the opportunity to go out and find a job and focus on a practical way to improve their immediate circumstances is, in my view, completely unacceptable. But that is the policy of the current Australian government, and it is a policy that, in my view, is wrong.

We can have a range of debates about what we should do to prevent drownings at sea and how we manage the increasing numbers of people seeking asylum in our borders coming by sea, but we should not forget these more practical consequences right here in our community today. We should focus on those who are amongst us, often facing poverty, often living in share housing, often with poor English. Why do we compound that existing disadvantage by refusing them the right to work?

Many of these people want to work; they want to improve their circumstances; they want to have a bit more of a comfortable life. They want to lift themselves out of the desperate financial circumstances they face, and yet we refuse them that opportunity. Whether they are here for a short time or a long time, it seems to me to be fundamentally unfair and, indeed, counterproductive to say to those individuals, "You are not even allowed to try and find some work."

The second part of my amendment highlights the related issue of basic living allowance payments. People who are here on bridging visas and receiving payments from the commonwealth receive less than the lowest amount available to any other

citizen. This, again, only compounds the desperate poverty, the desperate isolation and the desperate disadvantage these people face. It seems to me to be wholly unfair to discriminate against people who are here on bridging visas on this basis.

Many of these people live in a state of isolation already—isolated from their cultural communities due to pervasive fears of violence, personal identification, harassment or discrimination. But without work or study, and with limited money, people seeking asylum often have little to fill their waking hours. If they are left without work rights and with limited resources, asylum seekers face significant barriers to establishing independence, and they face the very real risk of homelessness. By granting work rights to asylum seekers living in the community on bridging visas and ensuring that basic living allowance payments and other supports provided to people seeking asylum are commensurate with their needs and no less than those provided to other people with similar needs in our community, we would be removing key barriers to self-reliance.

Meaningful employment makes an important contribution to personal wellbeing, as well as providing income support and self-reliance. It can also provide a valuable distraction from the relentless worry and uncertainty associated with their immigration status. These are good, practical reasons why we as a community should say that the current discrimination faced by those in our community on bridging visas should be removed.

As a community we are proud of welcoming refugees into our city. As a government we provide significant support to them. But unless we address some of these fundamental issues of employment, the right to work and the right to receive support commensurate with need on an equal basis, this group of already marginalised people will become only more marginalised and vulnerable.

What are the consequences of that vulnerability? Mental illness undoubtedly arises from these circumstances. Lack of social support only compounds that vulnerability. As a Canberran, as an Australian, I am concerned that if we prolong and continue these policies of discrimination, not only will they be counterproductive but they could breed resentment in our community, and resentment ultimately has the potential to turn to hatred or to violence. Those are things I would hate to see occur in my city or my country.

It is for these reasons that I propose this amendment today. Debates about the national arrangements, about how people come to our country, about how we manage the terrible dilemma of trying to prevent people from taking risky choices that have seen 1,000 people drown at sea is a debate for the national arena. But we have responsibilities here for people who are living in our community, and that is what this amendment is all about.

Let us focus on the disadvantage we know exists right now in our community—people living in our suburbs, walking our streets. They are facing undue and unjust disadvantage, and there are opportunities to try and right this wrong. That is why I am asking the Assembly to support this amendment today.

MS BERRY (Ginninderra) (11.38): I rise today to support the amendment, and to tell the story of a woman I met during Refugee Week this year who lives in Belconnen. She is a single parent. She was in a detention centre for 12 months and has been in Canberra now for 2½ years, trying to survive on 80 per cent of Newstart—that is, \$200 a week.

Both of her children attend their local public schools. It is wonderful for them to have an opportunity to learn while they are here and starting a new life in this country. This mother is struggling to survive on what many of us could not possibly imagine anybody could survive on. It puts enormous pressure on our charities and churches. It puts enormous pressure on people in our neighbourhoods. That is why I am rising to support this amendment—so that people like her have a good start.

I know that it is not only the ACT government; those opposite are also supporting people like this. I have seen them at the functions. We have all been in the same places together. It is probably a bit of a cheap shot by Mr Rattenbury to try and paint everybody with the same brush and to try to make it easy to say, “It’s only the Green party that are pure on this,” because that is not the case. Mr Rattenbury would know that the ACT government has a good record on lending its support to people who have come to this country and to this town.

I just wanted to tell that story because I think we have all met people and have made friendships with people like this woman that I met. We should tell their stories to our federal government and encourage them to reconsider this decision so that people who are coming to Canberra to start new lives get the same opportunities as everybody else in this town.

MR GENTLEMAN (Brindabella) (11.40): I rise also to support Minister Corbell’s amendment. I want to address some of the issues that Mr Corbell raised in a more defining sense. These refugees that come to the ACT to settle, as mentioned, can only acquire 80 percent of Newstart. Any dollar that they earn in any employment is taken directly out of that allowance. So they might have an opportunity of earning perhaps an extra \$100 a week in some short-term employment; that is immediately taken out of that allowance. It makes it very difficult for them to continue to live in the ACT in the current environment.

The other issues for them are transport, of course—there is a cost involved with that—and accommodation. We all know what accommodation is like in the ACT, especially that low rent style accommodation.

I want to take this opportunity to congratulate a number of people who have been supporting refugees and the employment of refugees in the ACT. There is a particular group that has been involved in the last number of years. The key drivers have been Libby Lloyd and Arja Keski-Nummi, who have been supporting these groups. They have gathered a momentum around them and have incorporated other people in assisting refugees to gain employment in the ACT. One of the key helpers has been Dean Hall and the CFMEU. They have provided white card training for groups of refugees and tried to place them in jobs across the territory that are relevant to their skills.

Of course, they do come with a wide range of skills. I have talked to Iranian refugees that have been hydraulic engineers. They have a wide range of skills, but those skills normally are not recognised in Australia, so it is quite difficult to place them in the jobs that they have been used to working in.

Another supporter has been Pat Seear from Seears Workwear, who supplied some of those refugees with the appropriate high-vis and work safety gear that is needed. The MTA ACT has placed them in employment in the automotive industry across Canberra. Waves Car Wash and Phillip auto detailing have also been of great assistance.

I congratulate those groups and I hope they continue that hard work to support refugees in the ACT. I commend the amendment to the Assembly.

MS BURCH (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (11.43): I would like to commend Mr Corbell for his proposed amendment to this motion. I echo my colleagues' words about the ACT Labor government's commitment to supporting refugees and asylum seekers in our community.

As the Minister for Multicultural Affairs, I have the opportunity to work closely with some of our community partners who do a fantastic job in supporting some of our most vulnerable. In particular, I would like to thank some of the key organisations that work with the Office of Multicultural Affairs—the Migrant and Refugee Settlement Service, Multicultural Youth Services, Companion House, CatholicCare and Red Cross, to name just a few. Earlier this year, as part of Refugee Week, I had the opportunity to attend a number of events where I heard first hand what these organisations are doing in our community, and I commend them for their tireless dedication.

I also meet regularly with groups. I am pleased that the ACT government has been able to respond directly to the needs of refugees and asylum seekers in our community, as a result of issues that they have raised with me, to enhance the suite of services already supported through the Office of Multicultural Affairs.

A good example of this is the asylum seeker access card which was launched in 2011 following representations to me from the community about the difficulty that some have in accessing government services. The access card was developed in consultation with key stakeholders, including the ACT Refugee, Asylum Seeker and Humanitarian Coordination Committee.

The access card facilitates the ACT government's longstanding policy to provide the same services to asylum seekers as to refugees, where appropriate. Holders of the card are able to use it for a range of ACT government transport, education, legal and healthcare services. This is an excellent Labor government initiative and one that is making a tangible difference in the lives of asylum seekers living in our community. Since its launch in September 2011, Companion House has issued almost 300 cards to asylum seekers in the community and the government is currently looking at ways to enhance the benefits of this important service.

Also, the learn to drive program was an initiative that came out of the 2011 multicultural jobs roundtable, which I hosted in November of that year. This was a roundtable that I convened after meeting with leaders in the multicultural community, particularly the South Sudanese community, which is one of the growing communities here in Canberra, with many of them arriving in Australia as refugees. I heard that for many South Sudanese youth finding employment in Canberra was proving difficult. So at the roundtable we looked at how our community and government can better support them to contribute to our community.

The key barriers to employment identified included a lack of networks and Australian workplace experience, lack of social supports and lack of English skills. It was also about opportunities for employment. It was identified that learning to drive can often be an expensive process, and especially costly for people from culturally and linguistically diverse backgrounds who are on low incomes.

Through the Office of Multicultural Affairs, the government allocated \$15,000 to support a learner driver training program. Last year three members of the South Sudanese community trained as driving instructors, with scholarships funded through the enhanced multicultural sector program.

The government has worked in partnerships with MARSS over the past six months to bring the program to fruition by investing funds in this program which have helped MARSS to administer this. MARSS, in turn, has purchased a new car with dual controls which will be used for lessons. The Hellenic Club has come on board by providing \$4,000 in support to cover petrol costs. Certainly, when we did a launch of that program, the men involved were very excited about that opportunity for them to have a skill, and so that they can now train others in their community in something that we often take for granted—learning to drive.

I will mention a few of the other programs. The work experience and support program offers training and practical support for newly arrived Canberrans to enter the workforce. I have mentioned the Refugee, Asylum Seeker and Humanitarian Coordination Committee, RASHCC. They meet regularly to discuss very complex issues. And I was very pleased to hear that MARSS and the MTA are working together to offer that support and opportunity for some.

It is very clear that whilst there is more work to do, it is important that we as a community support all who call Canberra home. As Mr Corbell outlined in his amendment, it is important that we make representations to grant work rights to asylum seekers who are living in our community and that we seek to have assurances about basic living allowance payments and other supports. These people in our community are with us, they are part of our great city and they should be afforded that support that others rightly get.

MR HANSON (Molonglo—Leader of the Opposition) (11.49): At the outset, let me say what this motion is not about. It is not about a genuine concern for refugees in our community. As Ms Berry said in her speech—and I thank her for it—I think there is a tripartisan view that we should do everything we can for refugees in our community. I

think all parties are active in that. I would like especially to acknowledge the fact that Steve Doszpot, on our side, is a refugee to this country and is a vocal voice within our party room. Whether it be refugees from Sudan or wherever they come from, we have a genuine concern. So I thank Ms Berry for recognising that.

This motion today is an attempt by a Green to raise a federal political issue shortly before a federal election as he thinks it will help his mate Simon Sheikh. I think we all understand that. It was not mentioned by those opposite, but it is quite clear that there has been a conversation between Mr Rattenbury and Mr Sheikh: “How can I try and further something that seems to be a bit of a wedge for you with the Labor Party on the left?”

I think it is disgusting that this member, who is always so pious, would come in here today and use such a difficult issue, which is clearly a federal issue and is not in the purview of this Assembly, in trying to raise a motion and raise concerns because he thinks there are some votes in it for his Green mate Simon Sheikh. Is anybody in doubt about that in this place? I do not think we are.

I know that, whether they will admit it or not, those members opposite in the Labor Party would know exactly what Mr Rattenbury is attempting to do, and I think it is disgusting. It is—

Mr Rattenbury: You’re grubby.

MR HANSON: Would you like to say that out loud, Mr Rattenbury—the interjection?

MADAM DEPUTY SPEAKER: Mr Hanson, Mr Rattenbury, do not—

Mr Rattenbury: I will make my comments when I stand up, Mr Hanson.

MADAM DEPUTY SPEAKER: Mr Rattenbury, please do not respond to interjections. Mr Hanson, you are not having a conversation between yourself and Mr Rattenbury. Address your comments to the Deputy Speaker.

MR HANSON: Certainly. So let us be clear what this is about. I think that it is grubby politics, it is dog whistling, it is a lot of things and it is bad because of that. I think it is also an inappropriate debate to be having in this place. This is not a venue to run out federal campaigns. This is not a venue for Mr Rattenbury to campaign federally for the Greens, which is what he is attempting to do. There is no question that that is the case.

We all spend our time here so that Mr Rattenbury can have his special executive members’ business, because he is special in this place. I am sure that it was not the intent of Katy Gallagher, when she signed that agreement, that that time, the valuable time of this Assembly, be used for the Greens member—sometimes a minister, sometimes a crossbencher, sometimes a federal Greens advocate, as he is—to run out these sorts of motions.

It is not my intent to go particularly to the substance of the issue. I will not be supporting the motion; nor will I be supporting the amendment. But let me be very clear about the hypocrisy of this motion. The human tragedy that we see on our borders today, the 1,100 deaths that have occurred on our borders, the 6,000 children who have taken that dangerous trip since 2007, the 14,500 desperate people, refugees from elsewhere across the world who have been denied a place since 2007 because of the disaster on the borders, is a direct result of the change in policy in 2007.

There were some very difficult years under the previous Howard government, the coalition government, that had got us to a point where the number of boats arriving under the coalition was minimal. From two people a month under the coalition, the previous government—two people a month—it is now more than 3,000 a month.

With respect to Mr Rattenbury coming into this place here, along with the pious comments from Mr Corbell, let us remember that under the previous coalition government this human tragedy had been stopped on our borders. Two people a month were coming. Now it is 3,000 a month. So the \$10.3 billion that has been spent is money that now cannot be spent on supporting refugees, supporting people that have come from elsewhere in the world, desperate people waiting in refugee camps who have been acknowledged as refugees. It cannot be spent on them.

For Mr Rattenbury to come in here and take the moral high ground and try and lecture members of this Assembly on a federal issue that is entirely the creation of policies supported by the Labor Party and by the Greens is an exercise in extraordinary hypocrisy. So we will not be supporting this motion; we will not be supporting the amendment. But I condemn Mr Rattenbury for bringing that into this place today to try and raise concerns in the community about an issue that he thinks will win him votes. This is not about boats; this is an issue about votes. Mr Rattenbury has shown in earlier debates today how prepared he is to just run agendas that suit him.

We will not be supporting this, and I condemn Mr Rattenbury for the callous political stunt that he is pulling today.

MADAM DEPUTY SPEAKER: Do you want to close the debate and speak to the amendment, Mr Rattenbury?

MR RATTENBURY (Molonglo) (11.55): Thank you, I will do all of that in one go, Madam Deputy Speaker.

That was an extraordinary spray. You know you have not got much ground to go on when you go to that sort of personal attack. That is probably the best one I have had since I got to this chamber, but I am sure it is not the last that is going to come from Mr Hanson.

I brought on this motion today because I believe this is actually a genuine issue. For Mr Hanson's benefit, I actually had no contact with my federal colleagues before I decided to do this. Having attended the rallies in Canberra in the last few weeks, I actually believe that we have a serious problem here and I think it is appropriate that the ACT Assembly and the members in here have an opportunity to put a view on this. I am sorry that Ms Berry found it to be some sort of—what was the word she used?—long shot or something like that. Cheap shot was in fact the expression.

In my speech I very clearly said, and I quote what I said, because I still have the words on the table:

The ACT government has displayed these qualities by welcoming and supporting refugees and newly arrived people to our community.

I was openly acknowledging this community, and my very words are there in my motion. This community has been quite good.

Nonetheless, I have a considerable disagreement with the federal policy, and it is open to this place, as a community affected by federal government policy, to express our view. To be condemned for bringing that issue into this place is beyond extraordinary and reflects much more poorly on Mr Hanson when he describes it in that way than it reflects on me for raising the topic.

As it happens, I agree with the amendment put by Mr Corbell. I think that is a very substantial issue, and I think I could do best by simply echoing the comments that he made about the issues of not being able to access appropriate services and payments for those who do end up in Australia. I will, on that basis, be supporting the amendment that Mr Corbell has put forward. It is not the point that I raise. Nonetheless it is an important point. If that is the point that comes out of today's discussion, then I think that is a positive thing. And that goes to the spirit in which I actually brought this discussion forward.

I am surprised at the level of venom that members have directed at me for bringing this topic forward. I think that reflects their own insecurities about this issue far more than the fact that I brought it into this chamber today. I brought in here a simple case, which is that I think the current policy put forward by the federal government, and largely echoed in various forms by the federal opposition, is wrong. I think it is inhumane and I think it is cruel.

I think it is appropriate that this Assembly, if it so chooses—and it is clearly not going to choose to do so—can communicate to federal parliamentarians our disquiet with that policy. We have done it on other issues. Mr Hanson got up and said we should not be debating federal issues in here. I reckon I can go upstairs and go through *Hansard* and find more than one occasion. I seem to recall a motion brought forward by Mr Seselja about Senator Brown, for example. And I suspect there are others. I just cannot bring them to mind off the top of my head. But it is quite appropriate for this place to express a view if it so wishes. Clearly it chooses not to. And that is for members in this place to reflect on themselves. So be it.

I accept that for some members this is a very difficult issue. But my motion was framed in a way, in quite broad terms, which reflected a general disquiet and the fact that Australia should and can do more for those who are fleeing persecution. If members do not want to support that, that is fine. That is their choice. But to descend to an entirely personal attack, to not go to the substance, reflects on other members. My case is simply that the treatment of asylum seekers is wrong, that I think sending people to Papua New Guinea and Nauru is not okay.

I have spent time in Papua New Guinea. It is a country that has a considerable challenge ahead of it in terms of its own development and dealing with the needs of its own people. And I have considerable concerns about the impact on the communities in Papua New Guinea and the potential for social unrest that will arise by Australia simply seeking to dump these people in a country without the means to support them.

Having seen what conditions are like in Papua New Guinea, having friends in Papua New Guinea, I do not believe that Australia, because of our insecurities over this, our fear-driven policies, can morally shift these people to Papua New Guinea and Nauru which do not have the capability that we do to address this problem. I think it is wrong to simply dump our perceived problem onto poorer neighbours.

Finally, I wanted to bring this discussion forward because I do believe there is a better way to deal with this. The Greens' plan, which is humane, legal and effective, is a different way to deal with this. There is a better path here than the approach that has been taken. And I think potentially, if this Assembly agreed—and clearly it does not—this Assembly could say, “We believe there is a better way to do this.”

So I am disappointed that members have seemed to react to it in that way. I think it is a shame. It is not the spirit in which I brought it. They will obviously assert differently. So be it. I think it does reflect on their own insecurities.

That said, I will be supporting Mr Corbell's amendment. As I said earlier, I agree with the points that he has made. There are real issues around having people in the community who are unable to work, who are unable to find the means to support themselves and who are left in a place where their self-esteem can only deteriorate. So I thank Mr Corbell for the comments he made. I think that they are issues that are equally of concern. It is a shame that we could not simply have combined the motion and the amendment. I think we could have conveyed both points. Nonetheless, I will be supporting the amendment brought forward by Mr Corbell.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 9

Noes 8

Mr Barr
Ms Berry
Dr Bourke
Ms Burch
Mr Corbell

Ms Gallagher
Mr Gentleman
Ms Porter
Mr Rattenbury

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mrs Jones

Ms Lawder
Mr Smyth
Mr Wall

Question so resolved in the affirmative.

Question put:

That the motion, as amended, be agreed to.

The Assembly voted—

Ayes 9

Noes 8

Mr Barr
Ms Berry
Dr Bourke
Ms Burch
Mr Corbell

Ms Gallagher
Mr Gentleman
Ms Porter
Mr Rattenbury

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mrs Jones

Ms Lawder
Mr Smyth
Mr Wall

Question so resolved in the affirmative.

Health, Ageing, Community and Social Services—Standing Committee

Statement by chair

DR BOURKE (Ginninderra): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Health, Ageing, Community and Social Services for the Eighth Assembly relating to statutory appointments in accordance with continuing resolution 5A. Continuing resolution 5A was agreed to 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. The committee advised the minister it had no comment to make on the appointments proposed.

For the applicable reporting period, 1 January 2013 to 30 June 2013, the committee considered three statutory appointments. I therefore table a schedule of statutory

appointments for the period 1 January 2013 to 30 June 2013 as considered by the health, ageing, community and social services committee for the Eighth Assembly in accordance with continuing resolution 5A. I present the following paper:

Health, Ageing, Community and Social Services—Standing Committee—
Schedule of Statutory Appointments—8th Assembly—Period 1 January to 30
June 2013.

Planning, Environment and Territory and Municipal Services— Standing Committee Statement by chair

MR GENTLEMAN (Brindabella): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Planning, Environment and Territory and Municipal Services for the Eighth Assembly relating to statutory appointments in accordance with continuing resolution 5A. As you have heard, continuing resolution 5A was agreed to by the Legislative Assembly on 23 August 2012. The requirements of the resolution set out a transparency mechanism to promote accountability in the consideration of statutory appointments. The resolution requires relevant standing committees which consider statutory appointments to report on a six-monthly basis and present a schedule listing appointments considered during the applicable period.

The schedule is required to include the statutory appointments considered and, for each appointment, the date the request from the responsible minister for consultation was received and the date the committee's feedback was provided. For the applicable reporting period, 1 January 2013 to 30 June 2013, the committee considered 10 statutory appointments. The committee advised the minister it had no comment to make on the proposed appointments.

In accordance with continuing resolution 5A, I now table a schedule of statutory appointments for the period 1 January 2013 to 30 June 2013 as considered by the Standing Committee on Planning, Environment and Territory and Municipal Services for the Eighth Assembly. I present the following paper:

Planning, Environment and Territory and Municipal Services—Standing
Committee—Schedule of Statutory Appointments—8th Assembly—Period
1 January to 30 June 2013.

Statement by chair

MR GENTLEMAN (Brindabella): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Planning, Environment and Territory and Municipal Services relating to the committee's inquiry into draft variation to the territory plan 308, which is Cooyong Street urban renewal area. On 8 February 2013, pursuant to section 73 of the Planning and Development Act 2007, the Minister for the Environment and Sustainable Development, Mr Simon Corbell MLA, referred draft variation to the territory plan No 308, Cooyong Street urban renewal area, to the Standing Committee on Planning, Environment and Territory and Municipal Services for consideration and report to the Legislative Assembly.

In accordance with the time frames specified under section 75 of the Planning and Development Act 2007, the committee was due to present its report on Friday, 9 August 2013. The committee is well advanced in its consideration of the draft variation. However, due to the scope of the inquiry and some administration changes, the committee has been unable to finalise its report by that date, 9 August 2013.

I wish to advise the Assembly that the committee has written to the minister to request additional time to finalise the report. In informal discussions to date, the minister has noted that the committee intends to report by 6 September 2013 and has indicated his willingness to consider the committee's recommendations at that time before proceeding with the draft variation.

Justice and Community Safety Legislation (Red Tape Reduction No 1—Licence Periods) Amendment Bill 2013

Debate resumed from 6 June 2013, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MR HANSON (Molonglo-Leader of the Opposition) (12.11): The Canberra Liberals will support the Justice and Community Safety Legislation (Red Tape Reduction No 1—Licence Periods) Amendment Bill 2013. This bill increases the maximum licence or registration period from one year to three years for a range of industries. It also extends the already existing flexibility that allows the currency of relevant licences and registrations to continue until a decision is made in relation to renewal, even though that might mean a licence or registration extends beyond the three-year period.

I note that the three-year period is a maximum and that ORS can decide on a shorter period if circumstances warrant. Further, I note that some licences and registrations that carry an inherent risk to public safety, public health or other considerations will remain at 12 months. I thank the Attorney-General for his advice that these are licences issued under the Prostitution Act 1992 and the Tobacco Act 1927.

This is a small step in the right direction for a government that for the past 12 years has been more interested in increasing the regulatory burden for small business in this city than it has been in reducing it. It has taken the government 12 long years to learn to listen to the pleas of the business community for less regulation, less red tape and lower compliance costs. It seems that it is only now when business in the ACT is at a low ebb with only gloom in view and a massive burden of regulation and red tape that this government has been forced into a position where it is looking at red tape reduction.

Madam Speaker, this government is trumpeting its business-friendly approach to regulation, as they view it. Let me say that the businesses that I talked to across the spectrum do not view it that way. But I acknowledge that this bill is a welcome step. It is certainly not a giant leap and I am not holding my breath, but we will be supporting this legislation.

MR RATTENBURY (Molonglo) (12.13): This bill will allow a variety of businesses across the ACT to purchase licences or pay for registrations for a three-year period when previously they could only do so for one year. The idea is that this will make life a bit easier for these businesses. They will not need to spend the additional time and cost every year on this extra administration.

It is a proposal that is welcomed by the business community. I made contact with the chamber of commerce. I was told that the chamber supported the changes and that this type of red tape reduction is a step in the right direction. Indeed, the recommendation came out of the Red Tape Reduction Panel that the government has been running. Several months ago before this bill was tabled I met with business representatives who independently raised with me the issue of licence renewals and the administrative burden they can cause. I will be pleased to let them know that this bill is being passed today.

As the explanatory statement points out, the registration or licence periods are not altered where there are public safety, health or other considerations that justify an annual assessment. This is a sensible approach. I hope that these things, minor as they are, will help support businesses in Canberra to get on with their business in a more efficient way. I believe that there are further changes in the pipeline as a result of ongoing work of the Red Tape Reduction Panel and I look forward to seeing those further proposals as they come forward. But for today the Greens will be supporting this bill.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (12.15): I am pleased to speak in support of the Justice and Community Safety Legislation (Red Tape Reduction No 1—Licence Periods) Amendment Bill 2013. The government is committed to creating a diverse and successful private sector and an environment in which local businesses can thrive and certainly generate employment in the city.

It is fantastic news that, based on the employment figures released by the ABS 45 minutes ago, we have an all-time record level of employment in the Australian Capital Territory; 211,600 people are in employment and our unemployment rate has now dropped to 3.6 per cent. It is the lowest in the country. Removing red tape and unnecessary burden on business is one way that we can continue this impressive jobs story.

This commitment from the government was an initiative of our business development strategy—growth, diversification and jobs—that I released in April of last year. As members may be aware, as part of that strategy I have convened a Red Tape Reduction Panel to identify regulations that impose unnecessary burdens, costs or disadvantages on business activity in the territory and also to recommend ways to remove and improve outdated and unworkable regulations.

The committee has representatives from across government and the Canberra business community, including the Council of Small Business, the ACT and Region Chamber

of Commerce and Industry, and the Canberra Business Council. At this stage of a long-term reform agenda, the focus of the panel has been on improving efficiencies in response to concerns raised by industry.

The government is also receiving information and concerns directly from individuals and individual businesses through the fix my red tape portal, which was launched in January this year. This is informing the program of work for the Red Tape Reduction Panel. Fix my red tape, like its municipal issues predecessor, fix my street, is a one-stop shop for the business community to identify any red tape that affects or impedes their ability to do business in the territory.

The first tranche of reforms which have come out of these processes are already being implemented and include the abolition of motor vehicle registration stickers and the provision of e-lodgement of rental bonds. There have also been several reviews undertaken across government to alleviate the compliance burden on businesses in the territory. These include reviewing licence terms to move away from annual renewals wherever possible, a process that has resulted in the amendment in this bill.

Madam Speaker, as Mr Corbell has outlined, among those that will benefit from this amendment are motor vehicle repairers, employment agents, second-hand dealers, travel agents and car market operators. This amendment means that individuals and businesses in those industries will save time and effort as they no longer need to apply for annual licence and registration renewals.

Earlier this year I was also pleased to announce that at least two red tape reduction bills will be supported each year to address reforms identified through the work of the panel. The work is continuing on building a pipeline of red tape amendments to be progressed through these bills. However, it is important to note that not all red tape reduction requires legislation, with some initiatives simply requiring clearer guidelines and processes.

The scope of reducing red tape is not just limited to business. The ACT government is committed to reducing red tape for the community sector in the territory as well. As part of the government's community sector reform program, we have made a number of steps forward this year in reducing red tape for that sector. Earlier in the year at the first meeting of the community sector red tape reduction forum, which was attended by about 70 leaders from the community sector, I asked for frank and thorough feedback about where the red tape is for the sector and its impact.

At the same time I announced that the ACT government will from this point forward require contracts of the Community Services Directorate to report only once per year instead of every six months. This practical red tape reduction initiative was part of the work being undertaken by the government's community sector reform program and is one of the practical measures that the government has implemented this year to support the great work that community organisations do in the territory.

The government is also continuing work to amend relevant ACT legislation to ensure that charities and not-for-profit organisations registered in the ACT will not have to duplicate requirements already met through the Australian Charities and Not-for-

profits Commission, the ACNC. This work is also resulting in red tape reduction for community sector organisations that are required to register with the ACNC, enabling organisations to shift resources used for administrative functions to front-line service delivery.

An example of this is the changes the government made at the end of the last financial year to the Associations and Corporation Regulation 1991. Incorporated associations are now only required to appoint an auditor registered under the Corporations Act 2001 if their gross receipts are greater than \$1 million per annum. This simple change to audit regulations has doubled the threshold before an incorporated association is required to appoint an auditor and has the potential to deliver \$400,000 in savings each year across the eligible community sector organisations in the territory. The doubling of the current threshold to \$500,000 has not changed since the 1990s and brings the ACT into line with the thresholds being required by the ACNC.

In conclusion, all of these changes, including the amendments in this bill today, are continuing the government's commitment to supporting the development of a strong non-government sector in the ACT. We will continue to work with business leaders, community sector leaders and stakeholders to create a more efficient and a more effective environment in which our economy can thrive. I commend the bill to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (12.22), in reply: I thank members for their support of this bill. As my colleague Mr Barr has indicated, the bill reflects the government's intent to ease the regulatory burden and reduce unnecessary red tape for ACT businesses. The bill does this by extending the maximum term for a number of licences or registrations issued by the Office of Regulatory Services and extends the maximum period for those licences or registrations from the current one-year limit to a maximum three-year period.

These reforms will assist business by reducing the amount of time they need to spend on red tape or other regulatory compliance activity. They are part of a broader program that Mr Barr has indicated is an ongoing priority for the government. The red tape reforms already being pursued or put in place by the government include the online fix-my-red-tape feedback tool designed to give individuals a mechanism to identify any red tape that affects or impedes their ability to do business in the ACT; the abolition of motor vehicle registration stickers for light vehicles from 1 July; the introduction of electronic lodgement of rental bonds; streamlining signage requirements for business; minimising the need for multiple police checks; and streamlining approvals and licensing processes for outdoor dining areas.

This bill will build on all these reforms by ensuring that individuals and businesses in a wide range of activities no longer have to undertake often time-consuming processes of application and reapplication for annual licence or registration renewals. Among the many industry sectors that will benefit from this bill are motor vehicle repairers, real estate agents, travel agents, second-hand dealers, employment agencies and car market operators.

These are valuable reforms and for consumers it means faster, easier access to services and saving time which can be better spent with friends and family. For business it means simplified processes, saving them time and money that can be reinvested in the growth of their business. The bill is yet another way in which this Labor government is creating a leaner, more efficient regulatory environment as a key driver for business growth. 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.

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 12.25 to 2.30 pm.

Questions without notice

Government—executive contracts

MR HANSON: My question is to the Chief Minister. Chief Minister, earlier this week you tabled a set of executive contracts. You noted at the time that a number of those contracts were overdue for tabling. You did not note, however, that some of them were unsigned by the executive and were not dated at all. Chief Minister, what is the employment status of an executive who has an unsigned contract?

MS GALLAGHER: I thank Mr Hanson for the question. I will have to go back and have a look at the contracts that were not signed. I did look through a number of them. This issue has arisen because I think Mr Hanson identified an issue around a particular employee's employment contract. If it relates to a particular employee, I am aware of a couple that were not able to be located in Shared Services and were later recovered from the employing agency. It may be to do with that issue around not being able to find a contract, so a copy of the contract may have been issued for the purposes of tabling only. But I would have to take further advice on that.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Thank you, minister. When you are doing that, can you also confirm what the employment status is if the contract is both undated and also overdue?

MS GALLAGHER: Yes, I will take that on notice in relation to the unsigned contracts.

Mr Hanson: Any of the unsigned contracts that you tabled—

MS GALLAGHER: Yes.

Mr Hanson: which were unsigned, overdue and—

MS GALLAGHER: In relation to being overdue, there is no time specification in the Public Sector Management Act about the tabling of contracts, as I understand it. This is one of the issues that I have been speaking to the Chief Minister and Treasury Directorate about since I became aware that there were a number of contracts that had not been tabled and my lack of tolerance for that situation to continue.

Part of the issue is that whilst I believe they are overdue, there is no time requirement for tabling. I think that probably needs to be looked at. Directorates have been reminded of the transparency and accountability role that that particular clause plays and the rights of the Assembly to have that scrutiny role of the executive contracts. So I will be looking at this further, but in relation to the specifics, I will take it on notice.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Chief Minister, whilst I understand that you may not be able to answer this immediately, could you let us know what retrospective effect, if any, does an unsigned, undated and overdue contract have on the termination entitlements of an executive?

MS GALLAGHER: I will take that on notice. Again, I think the issue has arisen because of my direction to agencies that all current contracts that have not been tabled in the Assembly needed to be tabled during this sitting period. That led to a large amount being tabled on Tuesday with some more to follow. I think we got a question on notice from Mr Hanson around a particular employee. It was in response to that question that I was advised that there were contracts that had not been tabled. Not that that breached any requirement, but they were outstanding, and I issued a direction to the Head of Service that all of those contracts needed to be tabled. As I understood it, some of them could not be located at the time, and that may have led to a copy being issued to be tabled, but I will clarify that by the end of question time.

MADAM SPEAKER: Mr Doszpot, a supplementary question.

MR DOSZPOT: Chief Minister, a question again, what is the longest period in arrears that overdue contracts have been given retrospective effect?

MS GALLAGHER: I am not sure that there have been any having retrospective effect. There is an issue around them being tabled with a performance agreement in place. There is no retrospectivity here. I am cleaning up a failure of the public service, basically, that has been identified by Mr Hanson in relation to one employee.

When I did some further digging, I found out that there were a number of outstanding contracts that had not been tabled, not that there has been any breach of legislation, but I think there has been a failure in the public service to observe that part of the Public Sector Management Act. This is a tidying up exercise that is going on.

Government—executive contracts

MS LAWDER: My question is to the Chief Minister and relates to unsigned, undated and overdue executive contracts tabled earlier this week. Chief Minister, what advice did you seek as to whether those contracts comply with the Financial Management Act and the Public Sector Management Act, and will you table that advice? If not, why not?

MS GALLAGHER: I have probably answered this in the sense that I am seeking to tidy up the outstanding tabling of a number of executive contracts. That work is underway and I have asked that all current contracts be tabled by the end of this sitting period. In relation to the Public Sector Management Act, there is no time requirement for tabling. Maybe that is something the Assembly wants to look at. It is something that I am taking further advice on. And I have not had drawn to my attention any concerns around the Financial Management Act.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Chief Minister, did you seek any advice as to whether those contracts comply with federal workplace laws and requirements, and will you table that advice? If not, why not? Can I clarify—it is about not having their signed, dated contracts rather than the tabling of them.

MS GALLAGHER: Sorry, could Ms Lawder repeat the question?

MADAM SPEAKER: Could you repeat the question? Sometimes the sound is not great.

MS LAWDER: In relation to having an unsigned, undated contract, Chief Minister, what advice did you seek as to whether those contracts comply with federal workplace laws and requirements? Would you table that advice if you received it? If not, why not?

MS GALLAGHER: I understand that advice has been sought around this matter. I have discussed it with the Head of Service around the tabling and requirements of the executive contracts. My understanding is that all contracts are valid and enforceable.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Chief Minister, were you aware that there were unsigned, undated and overdue executive contracts that needed to be tabled prior to receiving the question on notice?

MS GALLAGHER: No, I was not. Indeed I table executive contracts almost every sitting week. I had not had the issue brought to my attention that there were outstanding ones. Because I table them every sitting week, I had perhaps mistakenly presumed that that was bringing up to date executive contracts. And to a large part it was. But, as it turned out, there are outstanding contracts. I issued a direction to the

Head of Service and the Public Service Commissioner, who understood fully that I felt that the Assembly had been let down in terms of an important accountability measure and that it needed to be fixed up very quickly.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Can you now assure the Assembly that we have received all appropriate contracts, that you have tabled them all, or are there any outstanding?

MS GALLAGHER: I understand there are some outstanding. I said in my tabling speech on Tuesday that I was endeavouring to have all current contracts brought up to speed and tabled in the Assembly by the end of this sitting fortnight.

ACT public service—disability employment strategy

MR WALL: My question is to the Chief Minister. Chief Minister, the 2012 *State of the Service* report states, in relation to the employment of people with a disability in the ACT public service, that as at 30 June 2012 people with a disability were represented by a headcount of 375. In the *ACT public service employment strategy for people with a disability* published in 2011, the figure targeted to be reached by 2013 was 506. That is a difference of 131 employees. Chief Minister, can you explain why you are still so far away from the disability employment targets, as set down by your predecessor Mr Stanhope?

MS GALLAGHER: The reason behind setting targets is that you have a goal against which to measure yourself and to focus steps on achieving those targets. We did and we have I think led the way in many ways in implementing a diversity framework in the ACT public service and seeking to achieve the targets as they are set out.

I do not have the specific data in front of me, but we did touch on this during the estimates process in relation to employment of particular groups within the ACT public service. I think good steps are being taken to increase the numbers of people who have a disability working within the ACT public service, and we will continue to do that.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Chief Minister, given that the 2012 figure is 66 positions below target, are these figures just another aspirational target for your government to achieve?

MS GALLAGHER: They are a target that we are seeking to achieve but there is nothing wrong with aspirational targets either. A part of what you do when you diversify your workplace is make sure that you have a fixed target that directors-general and people making employment decisions can focus on and that you seek to reach that target. Just because you might not reach it does not mean you have been a failure. You can laugh, Mr Wall. I do not know what you find funny about that.

Mr Wall: I am concerned that you have not reached the 2011 target which you set.

MS GALLAGHER: That is not funny either. We are talking here about increasing opportunities for people who have a disability to work in the workplace, who find it incredibly hard to get employment opportunities within a whole variety of workplaces.

Opposition members interjecting—

MS GALLAGHER: I am not going to take any lectures or mocking from those opposite on rights for people with a disability, I can tell you.

This government has done more in investment in opportunity for people with a disability than any government that has come before us, and we will continue to do so. For example, at the Belconnen enhanced community health centre we are looking at the cafe opening under a social enterprise hub model. That is the leadership governments can show when they create opportunity. While we might not directly employ them, we are creating opportunity for people. That is something we are proud of.

I have been involved in securing employment for people with a disability within ACT public service workplaces. It does present challenges and you do need to look at the way you support people. Sometimes you have to change the way work is performed to enable those opportunities to arise.

Yes, we have got a long way to go to meet our target but at least we have got a target. At least we are not out sacking 14,000 people like conservatives around the country. I can tell you what, there is not much focus on employment for people with a disability in other state government public services. And we do it. *(Time expired.)*

MADAM SPEAKER: A supplementary question, Dr Bourke.

Members interjecting—

MADAM SPEAKER: Order! Dr Bourke has the floor.

Mr Barr interjecting—

MADAM SPEAKER: Mr Barr.

DR BOURKE: Chief Minister, could you tell us more about the RED framework, which is the overarching policy that surrounds this particular employment strategy?

MADAM SPEAKER: Dr Bourke, I did not hear the initial part of your question because Mr Barr was talking. Could you repeat the question?

DR BOURKE: Terrible, isn't it?

MADAM SPEAKER: Yes, it is, and I would like to hear the question.

DR BOURKE: Thank you, Madam Speaker. Chief Minister, could you tell us more about the RED framework, which is the overarching document over the top of—

Mr Smyth interjecting—

DR BOURKE: This man is mocking me. On a point of order, Madam Speaker, if I am going to stand up and ask questions and be mocked by the opposition while I am doing it, that seems unparliamentary to me.

MADAM SPEAKER: I have no idea—

Mr Smyth: May I address the point of order, Madam Speaker? Mr Barr was making gestures and jokes across the chamber which, yes, you are right, I should not respond to. So if I am responsible for mockery then the great instigator of the mockery sits on the member's own bench.

MADAM SPEAKER: I did not see what was going on because I was trying to hear Dr Bourke, and I find it easier to hear people if I am looking at them. So I did not hear what was going on. Dr Bourke, could you repeat the question?

DR BOURKE: Let us try again, Madam Speaker. Chief Minister, could you tell us more about the RED framework, which overlays the top of this particular employment strategy?

MADAM SPEAKER: Thank you. RED was the thing that I could not hear. Chief Minister.

MS GALLAGHER: Dr Bourke alludes to the RED framework, which is the respect, equity and diversity framework, which is all about creating good workplaces to work in and ones with positive cultures. It does have a specific focus on employment strategies for people with a disability and Aboriginal and Torres Strait Islander people.

I understand there will be more work done in relation to how Aboriginal and Torres Strait Islander people and the employment strategies around that are working. It was done through extensive consultation and research to underpin it. It is not only around creating diverse workplaces but a big emphasis with RED officers in each designated workplace is around ensuring respectful workplaces. It is a bit of a shame that it is not implemented in this chamber, probably in the building either. The RED framework does not get a high priority here. But it is all about ensuring that positive workplace culture and no bullying, no harassment, and that people are treated with respect and dignity. Again, that is not something we see very often in this chamber, particularly from those opposite. Perhaps that is something the Assembly might have a view on—whether or not the RED framework needs to be employed in this chamber.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Chief Minister, how do you expect the employment prospects of people with a disability to improve in the private sector when your own public service cannot lead by example?

MS GALLAGHER: I reject the question outright; I think the public service does lead. Go and visit some of the places where people who have a disability are working in the ACT government. They are enjoying opportunities they would not necessarily enjoy in the private sector. I know work is being done to encourage employment in the private sector with payroll tax amendments that will be introduced to encourage that, and we look forward to the private sector following our lead. The ACT government leads the way. I imagine the commonwealth is there as well, but the public sector leads the way. It always has and it always will.

Insurance—third-party

MS BERRY: My question is to the Treasurer. Can the Treasurer please advise what have been the recent changes in the compulsory third-party insurance market in the ACT which have increased competition?

MR BARR: I thank Ms Berry for the question. I am sure that members would be aware that there have been some significant changes in the ACT's compulsory third-party insurance market. On 15 July, three new brands began offering CTP insurance in the territory—AAMI, Apia and GIO. They join the NRMA, which until this date had been the only CTP provider in the territory.

AAMI, Apia and GIO were each granted licences effective from 1 July 2013 to offer CTP insurance to ACT motorists. I can advise members that it is the first time since 1979 that territory motorists have had a choice of CTP provider. Motor vehicle registration renewal notices will now include information about a range of CTP providers. There is no doubt that the introduction of competition brings the obvious benefit of choice for Canberra motorists.

Competition will also offer greater opportunities for innovative insurance products, more investment and employment in the territory and, I think perhaps most importantly, Madam Speaker, new thinking about how people injured in a motor vehicle accident might be rehabilitated and returned to health. The new insurers have developed a reputation in other jurisdictions for providing injured people with more direct pathways to rehabilitation.

I understand, and there has been a fairly aggressive marketing campaign to date, that they are also offering rebates on their premiums to certain categories of drivers, which is a great cost of living benefit to many local motorists.

The government remains committed to further reform of the CTP sector. I am confident that the, albeit limited, reform that has occurred in recent years has been instrumental in bringing competition to the ACT marketplace but further reform is required to put more downward pressure on CTP premiums in the territory. The arrival of new insurers is great news for local motorists. I am pleased that this development has eventuated but there is still a pressing need for further reform in this area.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Treasurer, what are the specific benefits of increased competition in the ACT CTP market for Canberra motorists?

MR BARR: There are three specific advantages for local motorists: choice, quality and price. Canberrans will now be able to take advantage of the whole suite of insurance products from the different providers, and certainly there is an opportunity now for Canberrans to shop around the insurance market to find the package of insurance products that best suits their needs.

In terms of quality, the new entrants have consistently represented themselves to be primarily concerned with rehabilitation and the return to health of people injured in motor vehicle accidents. In terms of competition, price competition will certainly be an important element for Canberrans. There has been a degree of commentary to date on the different pricing points and rebates that have been offered by the new entrants, but, when combined with further reform in this area, we will, I believe, be able to get significant improvements both in health outcomes for those who are unfortunately injured in motor vehicle accidents but also see some downward pressure on premiums. This is an important reform agenda for the government and one that we will continue to pursue.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Treasurer, how do these recent changes assist with Canberra's cost of living?

MR BARR: The cost of premiums is certainly a significant concern for motorists and for the government. The current premium for an average family vehicle ranges from \$598.20 with AAMI, \$596.20 with APIA, \$590.20 with the GIO to \$572.20 with the NRMA. Effective from 15 July, the average premium across the providers was \$590.70. Under our CTP law, premiums must fully fund the present and future liabilities claims. This is a basic requirement under both commonwealth and territory law.

The government has been actively seeking to control the cost of premiums for several years, and the government's attempt last year to bring meaningful reform to this area did not succeed. A small advance was made but there was a real opportunity that was lost to reform our system.

But it is my view that there is a very strong case for a further modernisation of our scheme. And as part of the ACT's commitment to the national disability insurance scheme, the ACT government is committed to the introduction of the national injury insurance scheme, starting on 1 July 2014. This scheme will meet the needs of those who suffer a catastrophic injury in a road crash, irrespective of fault.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Treasurer, could you tell us more about any plans for further reforms to the CTP market in Canberra?

MADAM SPEAKER: I think he might have just done that.

DR BOURKE: I ask for more.

MR BARR: Achieving competition in the market was the first step of reform. The next step is to achieve a better deal for ACT motorists by focusing on early treatment, rehabilitation and return to health. In light of the national disability reform agenda, it is now logical for the government to consider options to provide a greater focus on return to health, including on a no-fault basis. With its focus on early treatment and rehabilitation, the no-fault model in Victoria has been shown to significantly improve outcomes for those injured in motor vehicle accidents by removing legal disputes from the equation, which, as we have seen in the ACT, leads to delays in treatment.

The government is actively exploring a number of options in relation to CTP reform, including the Victorian model. We certainly note the interest of New South Wales in examining a similar scheme and we will be looking to work closely with New South Wales and Victoria to deliver a better scheme for people in this region.

The government aims to deliver better value for ACT residents by ensuring that a greater percentage of the ACT premium dollar goes back into the treatment and rehabilitation of motor accident victims. The time has passed where the focus of CTP schemes is on the concepts of fault and wrongdoing.

Planning—Amaroo

MRS JONES: My question is to the Minister for Housing. Minister, as you are aware, there are at least eight unfinished and abandoned homes in Amaroo. I have received feedback from numerous residents about the number of homes and the impact on their lives. It would appear that they have never been completed, have boarded windows, temporary fencing around them, some of which has been breached, and they have been like this for many years. One of these houses is directly next to a children's park and has 41 panes of broken glass facing the park. What has been done since this issue was last raised on 15 May this year?

MR RATTENBURY: I will need to seek some advice on that to provide Mrs Jones with a completely accurate answer.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Perhaps the minister for planning can explain what steps the government can take to fix this community concern?

MR CORBELL: I think Mrs Jones meant to direct that question to me in the first instance because it relates to lease compliance matters on private residential leases. It is private residential leases that I assume Mrs Jones is referring to. The government continues to take a very active program of compliance and enforcement with these properties. There are a range of circumstances that mean these matters can become protracted. As I have previously indicated, these can include circumstances such as

death or serious illness within a family or the owner or owners of these properties, significant financial hardship or other circumstances that need to be taken into account by the government.

But the government is taking a proactive approach to addressing failure to complete properties or develop land in a timely manner. Members would be aware that the government has recently been successful in resuming a property and resuming a lease in the west Belconnen area for a similar circumstance of undeveloped land. The government is also pursuing resumption of leases in a number of other instances at this time. So we are undertaking an assertive program of enforcement and compliance, and I expect to be in a position to announce in due course further results from that program.

I am very happy to take on notice the specifics of the sites that Mrs Jones refers to and provide further information to the member.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, why has the government let this issue drag on for so many years?

MR CORBELL: The government has not let the issue drag on. The facts are that the legal rights and entitlements of leaseholders have to be engaged, often through the judicial process, to ensure enforcement. People have rights. People have property rights and people have the right to have these issues tested in court. Therefore the government is frequently engaged in formal legal action with leaseholders to achieve compliance. But as I think the government has been able to demonstrate, we have been successful in achieving compliance. We were successful in obtaining a landmark decision from the ACAT recently which allowed us to formally resume a lease from a person who had not developed their land for close to a decade. We will continue this proactive program to achieve enforcement on other sites as well.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, do you have concerns about community safety arising from the abandoned sites?

MR CORBELL: The government is able to take steps in relation to community safety where those matters arise and we continue to keep a close eye on those matters.

Bushfires—preparedness

MR SMYTH: My question is to the minister for emergency services. Minister, the Auditor-General's report on the ACT's bushfire preparedness noted that the government was in breach of the Emergencies Act 2004 for not making explicit, in the strategic bushfire management plan, all resources needed to meet the objectives of the plan. Additionally, an answer to a question taken on notice during the estimates period and received on 9 July 2013 noted that the government did not consider disclosure of emergency services requirements and capability information "appropriate for public

release”. Minister, in maintaining this position, what advice did you take so as to satisfy yourself that you were complying with the Emergencies Act 2004 with regard to the strategic bushfire management plan?

MR CORBELL: I take advice from my officials on all of these matters.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, in light of the Auditor-General’s findings, will you now be releasing the relevant requirement and capability information? If yes, when? If no, why not, and what is the government hiding?

MR CORBELL: The government has made public all the relevant documentation on these matters. The government will not be releasing these other papers that Mr Smyth refers to, for the reasons that I previously stated in an answer to a question on notice to Mr Smyth.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Minister, what similarities have you observed between the Auditor-General’s findings and recommendations and those of Commissioner McLeod, Coroner Doogan and the Victorian royal commission in relation to previous bushfire events?

MR CORBELL: I think there is a marked difference because what we have from the Auditor-General is a conclusion that the government has a robust bushfire management framework in place to protect our community. The Auditor-General has concluded that we have a robust arrangement for the management of bushfires in the ACT. The Auditor-General has gone on to say that there have been significant improvements in the arrangements for bushfire management in the ACT compared to the circumstances we faced just over a decade ago.

I take that as a very strong endorsement from the Auditor-General of the very significant work that has been done. If you go through and read in detail the Auditor-General’s report you will see that time and again she concludes that we have a robust framework that meets the requirements of the Emergencies Act and that is a well-advanced and well-developed framework for managing the risk of bushfire in our community.

Does the Auditor-General conclude that there are a number of areas where there is a need for further improvements, often in terms of documentation? The answer to that is yes, and we welcome those audit findings. That is a normal part of the audit process, to identify areas where documentation and evidence can be improved and record keeping can be improved to demonstrate that performance has occurred.

But I would say that in relation to a number of those recommendations, the conclusions drawn because of a lack of documentation do not mean that the activity has not actually been done. In fact, quite the contrary; the activity has been done but the Auditor-General felt that the record keeping in relation to a number of those activities was inadequate.

That is a fair comment from the auditor and we will strengthen the audit trail to address those issues. But this is a strong report from the Auditor-General and an endorsement of this government's efforts in bushfire management. (*Time expired.*)

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, what is the feedback that you have received from your directorate on the operation of the bushfire management plan after the last bushfire season?

MR CORBELL: I thank Ms Porter for the question. We have seen very good implementation of the strategic bushfire management plan following the most recent bushfire season. We continue to see a high level of delivery of key elements of the plan through the land management agencies—in particular, the Territory and Municipal Services Directorate. We have seen some very large controlled burns occur across the territory—notably, a very large burn in Namadgi national park which has made a significant contribution to helping our land managers to manage the bushfire risk in that part of the ACT.

Overwhelmingly, what we have also seen as a result of the most recent bushfire season is that as a government, as a community and as an emergency services organisation, we have learnt the lessons of 2003. That cannot be demonstrated in any better way than by the fact that, where we saw multiple lightning strikes spark fires in Namadgi national park, and in the lead-up, in about 48 hours before, there was a major north-westerly wind change coming through the ACT, there was a rapid and aggressive attack on those lightning strikes by our emergency services, parks brigade, volunteer brigades and ACT Fire and Rescue. As a result, those fires were brought under control and extinguished before the dangerous north-westerly and highly elevated fire conditions arrived.

That, more than anything else, demonstrates that as a community, as a government and as an emergency services organisation, we have learnt the lessons, and we have put in place measures to deal with fires before they become too big, before they become too dangerous and before they become impossible to control.

Health—adult mental health unit

MR DOSZPOT: Madam Speaker, my question is to the Minister for Health. Minister, I refer to a response to a question taken on notice from Mr Smyth during the estimates committee process that advised that the cost of the new dining table for the adult mental health unit was \$30,900 for a custom-made wooden table. Can you please explain why the table would cost \$30,900?

MS GALLAGHER: Because it was custom designed to specifications required for the acute mental health unit.

MADAM SPEAKER: Mr Doszpot, a supplementary question.

MR DOSZPOT: Minister, what other options were examined for tables for the adult mental health unit, and was steel construction an option?

MS GALLAGHER: I understand that different materials were considered and that the wood was chosen because it met the requirements of safety for the residents and staff of the adult mental health unit. Yes, metal and other types of materials were considered as part of the procurement process, and all relevant procurement processes, including the provision of quotes, were sought for the design of the table.

I would say that the table has done exactly what we sought that it would do in that it is not able to be lifted and used as a weapon.

Mr Smyth: It broke.

MS GALLAGHER: No, it did not break. Somebody attempted to rip it out of the floor and throw it and they were not able to do it.

Mr Hanson: That was the purpose of it, so that it would not break.

MS GALLAGHER: Yes. But they were not able to use it as a weapon and throw it at staff. So it actually did the job. It was pulled out of the floor. It was not able to be lifted, which was one of the very clear requirements of it.

Mr Smyth: It broke. Something obviously is not working.

MS GALLAGHER: Yes, it needed to be fixed, as did other—

Opposition members interjecting—

MS GALLAGHER: We are all highly skilled on specific furniture making for mental health units. The requirement was that it be heavy and fixed to the floor so that it could not be used and picked up and hurled about as a weapon. And that is exactly what it has done.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, how important is it to ensure safety is paramount in these procurement processes?

MS GALLAGHER: I thank Mr Gentleman for the question. As members would be aware, it is a unique workplace where, through the design of the adult acute mental health unit, we have sought to specifically address the deficiencies in the previous unit at the psychiatric services unit. Part of that was to create an environment and an amenity that is probably second to none in the mental health inpatient units across the country. Many visitors have come to have a look through the unit specifically because it established a new standard in care. We are very proud of the fact the unit was able to do that.

Part of that is making sure that furniture is as close to the home environment as possible to create a feeling of home, particularly for people who have to spend extended periods of time in the unit. It does not look like a hospital. In terms of where people can eat their meals, we have sought to create an expansive area where people can come out of their rooms and have their meals in a nice environment. Mr Smyth, I am sure you visited the previous psychiatric services unit, and it is nothing like that, and it was all designed with a particular focus on lifting the standards of amenity, which I think is completely acceptable.

One thing all of us should sit here and reflect on when we perhaps criticise and perhaps poke fun at expenditure on furniture is: what would you want for your kids? What would you want for your wife? Because that is who is living in the adult mental health unit. That is what happens. Would you want your partner to sit down and have a meal in a nice environment when they are undertaking therapy, or would you like them to be treated as they were treated in the psychiatric services unit? I know Mr Hanson never misses the opportunity to put something out and to have fun with it, but the reality is: what would you want for your loved one?

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson! Mrs Jones has the floor with a supplementary question.

MRS JONES: Given this investment in infrastructure, what is the warranty period on such a table?

MS GALLAGHER: That would be set out in the arrangements with the contract. If that is not available online, I will seek to provide that information for you.

Health—mental health

MS PORTER: Madam Speaker, my question, through you, is to the Minister for Health. Minister, in relation to the report *Obsessive hope disorder: reflections on 30 years of mental health reform in Australia and visions for the future*, which was released on 6 August 2013, could the Minister inform the Assembly of the report's findings in regard to the progress of mental health reform in the ACT?

MS GALLAGHER: I thank Ms Porter for the question. It follows on in the area of mental health, and I am sure people have been able to look at the *Obsessive hope disorder* report which did look back over 30 years of mental health reform in Australia and provide a report on where they believe mental systems are up to. It is a comprehensive review of mental health reform. It consists of three documents, the summary report, the perspectives report and the technical report.

Given the ACT's significant achievements in mental health reform over the past decade, I was invited to contribute a perspective piece to the report, reflecting on my experience as health minister and the government's work in providing different, new and improved treatment and care options for some of the community's most vulnerable citizens.

The ACT is mentioned favourably in the introduction to the report:

The example set by the Australian Capital Territory, as a somewhat discreet system, clearly shows that with strong and sustained political leadership, new investment, effective public administration and genuine engagement with the community, transformation of services can advance well within two terms of government.

This is what an independent analysis of the mental health service system is saying about the ACT. It also shows that the ACT is the fourth highest in per capita spending on mental health, the third highest in per capita spending on community mental health services not including the community, non-government sector and the highest for spending on community sector mental health overall.

The report also notes that the ACT had the best figures for seven-day follow-up following discharge from hospital and the lowest readmissions to hospital within 28 days of discharge. And that goes to the quality of care that is provided in the inpatient facility. The ACT was the only jurisdiction to achieve the COAG action plan 2006-11 agreed target of 75 per cent for seven-day follow-up discharge.

This shows the significant work that is underway in the mental health system. It shows that, with some commitment, new investment—and it did require significant investment of dollars—and a commitment of staff, you can improve a mental health system over a relatively short period.

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Minister, what else does the report highlight specifically as mental health initiatives that the ACT has put in place?

MS GALLAGHER: I thank Ms Porter for the question. The appendix highlights a number of mental health initiatives that have been delivered through the review period—the three step up, step down residential facilities, which cover adolescent, youth and adult; the new Canberra Hospital adult mental health unit and the mental health assessment unit; the work that has been done on the review of the Mental Health (Treatment and Care) Act; the mental health community policing initiative; and housing initiatives, including the housing and accommodation support initiative, also known as HASI.

I think what you also take from the report is that, while it is generally positive about the mental health reform that has taken place in the ACT, it is important to acknowledge that the purpose of the report was to highlight the need for mental health reform to remain at the forefront of national government work and consciousness through the COAG process.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, could you tell us what are the next steps for mental health reform in the ACT?

MADAM SPEAKER: The Minister for Health, Ms Gallagher, can do that so long as she does not announce new policy.

MS GALLAGHER: Thank you, Madam Speaker, for your direction. In December 2012 COAG endorsed the road map for national mental health reform and tasked the National Mental Health Working Group with developing the first implementation plan for the road map. The implementation plan will become the fifth national mental health plan and will be endorsed by COAG as a whole-of-government document.

The ACT government has laid out a clear plan for our investment in mental health, both through the election commitments we made and through the parliamentary agreement with the Greens for the Eighth Legislative Assembly. These investments over the life of the Assembly include a further investment in a community-based after-hours crisis assessment team, and investments in community mental health, both clinical and the community sector. The budget that will be passed next week implements that commitment. There will be more adolescent, adult and older persons mental health inpatient beds, the building of a secure mental health facility, further work around suicide prevention, intensive rehabilitation and the very important area of young people's mental health services.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, how has the government fostered engagement and collaboration with the mental health sector?

MS GALLAGHER: I thank Mr Gentleman for the question. A very important part of delivering reform in the mental health sector is to engage very closely with carers and consumers around their involvement in the delivery and design of new mental health services and even the reform of existing ones. So we have a very detailed consumer participation and carer participation framework that operates within mental health. Consumers and carers participate in 100 per cent of ACT Health's mental health committees. We also have the ministerial advisory committee on mental health that I chair that brings together community organisations, carers and consumers to sit round the table with me and talk around what the priorities are in the formulation of policies and also in terms of key financial investments they would like to see. All of this makes a difference.

I think we have a very collaborative, engaged and cohesive mental health system that in many other jurisdictions is highly fragmented. I do not think we have here the problems we see in other places, and that is down to the goodwill that exists between the clinicians that work across the public and community-based systems and the work that goes in to support people who have a mental illness living in our community.

Children and young people—youth support and transition team

DR BOURKE: My question is to the minister for children and young people. Minister, the youth support and transition team commenced operation in January 2012 following a period of consultation to develop the service model. Can you update the

Assembly on the progress of the youth support and transition team and their work within OCYFS?

MS BURCH: I thank Dr Bourke for his interest. Back in 2011-12 the ACT budget provided \$2 million over four years to establish a case management service to work with young people in the care of the director-general who were transitioning from out-of-home care. The youth support and transition team provide targeted support to young people while they are in care and up to the age of 25 to establish their future living, education, health, recreational, social and family arrangements.

The team commenced in January 2012 and has provided direct support and assistance to 121 young people since that time. The support offered to a young person begins through planning meetings to develop their transition plan and to ensure ongoing support and assistance to implement and review their plan up to the age of 25.

The team is comprised of four full-time staff who specialise in working with young people around the provision of support, advice and advocacy. The team aim to begin communicating with young people from the age of 15. The department has established a children and young people information system that provides regular updates and alerts on the ages of young people in care and gives the team an opportunity to start planning their engagement with these young people as they begin their transition from out-of-home care.

The team has also developed collaborative working relationships with the Youth Law Centre, Centrelink, CIT, Anglicare Youth Services, House With No Steps, the Youth Coalition, Youth Housing, Aboriginal Legal Services and Barnardos, and has had significant involvement in Youth Week activities and events.

Some of the support provided by the team include developing living skills such as budgeting, cooking and cleaning. Whilst they may be basic activities that many of us take for granted, these seemingly small steps provide a solid foundation for future independence and autonomy for these young people.

Help is also provided to find suitable accommodation to pursue further education and employment opportunities and to locate and reconnect with family members and other significant people in their lives. Additionally, brokerage funding can be obtained to support transition for items such as furniture, educational resources, whitegoods or enrolment in specific courses, and supports to access priority services from key agencies such as Health and Housing.

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Minister, what are some of the outcomes from this team?

MS BURCH: There have already been many positive outcomes from the team, including 37 young people obtaining independent accommodation and establishing their own place to call home. Four young people have commenced university studies, including degrees in computer engineering and medical science. One has engaged in an overseas gap year program before commencing university studies.

Sixteen young people have obtained qualifications such as security licences, childcare certificates and disability support certificates. Further, two young people are undertaking study to obtain a security licence and first-aid certificate. Through these very tangible and positive outcomes, many of our young people have gained employment using qualifications and skills attained through their transition planning.

Additionally, the team have supported four young people while residing at the AMC or Bimberi to help them with their transition back into the community. The team has received numerous commendations from parents, young people, members of the community and professionals for the excellent service provided to young people and the benefit that future planning has for them as they consider their lives outside the system of out-of-home care.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Minister, what is the future direction and planning for the youth transition team?

MS BURCH: Evidence supports the need for a targeted focus on young people as they begin thinking about their future as young adults outside the scope of the care and protection system. Many of us have had experiences with parents, teachers and career counsellors or friends talking to us from a young age about what our future holds—will we go to university or get a trade or get a job? Indeed, many of us have had these conversations with our own children at various stages in their lives.

The government is committed to ensuring young people within the care and protection system get the same opportunities and have the same chances to pursue their own individual aspirations. The youth support transition team will continue to work closely with the community sector to improve outcomes of young people transitioning from care.

Discussions have commenced on work with Barnardos to develop a youth transition position—this was identified within the recent budget—in the community to enhance support to young people transitioning from care. The youth support transition team is but one building block in the lives of these young people, and we know there is more work to do. We are committed to continuing this valuable work.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, how important is it to develop transformational programs such as this for our young people in the ACT?

MS BURCH: I thank Ms Porter for her interest in this. It is actually a vital piece of work, as these young folk move from the out-of-home care system, where they have often been disconnected from their family. We know that many pieces of research will say that they have less-than-ideal outcomes in securing further education, employment and secure housing. So the transition team plays an absolutely vital role in making sure that these young people have the opportunities and the security that many of us aspire to for our own families, and these children are no different.

Transport—light rail

MR COE: My question is to the Minister for Environment and Sustainable Development. Minister, Infrastructure Australia said in response to the ACT government's submission:

The case for favouring light rail over bus rapid transit has not been ... made, especially when the submission itself points to the strong economic performance of a bus rapid transit option.

What economic analysis has been undertaken regarding the ACT government's light rail project that supports construction of light rail over other modes?

MR CORBELL: Of course IA reached that conclusion because the government's submission did not ask them to choose between light rail or bus rapid transit. The submission that we made to IA instead asked them to support us in further developing the business case in relation to both options. That is what the IA submission does.

In relation to Mr Coe's specific question—which is what economic analysis has been undertaken—quite a bit, actually. Quite a lot. It is worth highlighting that the report by URS, which was the *City to Gungahlin transit corridor: concept design report*, concluded that while BRT is a cost-effective option, LRT generates the best overall outcome for Canberra. So, to answer Mr Coe's question directly, that is the type of analysis that has been undertaken.

Do the Liberals truly think they are going to drive more residential development close to the city centre along key transport corridors if people still get the same old service when it comes to buses? Or are we going to be able to change the way people view public transport in our city and drive an increased and enhanced level of investment in our city along that corridor through a new light rail network? This government knows what those choices are and what the best outcome for our city is, and there is no doubt that light rail is the best choice for our city in the long term. That is why the government has made the commitment to build this project.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, what expressions of interest from the private sector have been given to the government for investing, not simply constructing but investing, in the form of a public-private partnership?

MR CORBELL: There have been a number of expressions of interest in both construction and investment in this project. It is not appropriate for me to disclose the commercial nature of those proposals, nor indeed the identity of those proposals at this time. The government is still at an early stage in the development of the governance and engagement process that we will put in place with the private sector. But the government has received a number of unsolicited proposals from the private sector and we are currently in the process of resolving how we will engage with those parties in a fair manner and in a manner that has all due regard to the appropriate probity and governance arrangements that would be needed for those circumstances.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, what advice has Treasury given to you about this project?

MR CORBELL: The Under Treasurer is represented as a member of the capital metro board, which reports to me, and I receive extensive advice from the board and all of its members.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, how much money will be spent before the project is shovel-ready?

MR CORBELL: The government has set out the program expenditure for the coming 12 months—indeed, for the coming two years—in the budget papers that are now before the Assembly. As the project is further developed and as further costs are quantified, they will be dealt with, as is appropriate, through the appropriation process.

Roads—safety

MR GENTLEMAN: My question is to the Attorney-General. Attorney, I note the first ACT road safety report card 2012 was tabled earlier this week. What actions is the ACT government undertaking to contribute to road safety in the territory?

MR CORBELL: I thank Mr Gentleman for the question. I was pleased to release the ACT road safety report card earlier this sitting week. That report card concludes that the ACT has a lower rate of deaths against all of the national high-level outcome measures, including road fatalities per capita, with 3.2 fatalities per 100,000 people, compared with 5.8 road fatalities per 100,000 people nationally. This is a pleasing outcome but it does highlight that, unfortunately, all too often we still see tragedy on our roads.

For that reason, the government continues with a very proactive program to improve safety on our roads and, in particular, to target dangerous, reckless or hooning behaviour on our roads, which I know is of great concern to a number of members of this place, as I know it is to many members of the community more broadly. That is why, in my most recent special direction as Minister for Police and Emergency Services, I have given a direction to the Chief Police Officer to continue a special area of focus on road safety, in particular to deal with antisocial and dangerous driving behaviours.

This is a priority in our budget as well. There is a further \$5 million in the current budget before the Assembly right now to expand our road safety operations team. This is about putting more police on the street to deal with dangerous and antisocial driving behaviour.

The deployment of further RAPID camera technology vehicles and additional police to staff those vehicles means we can do more to tackle antisocial and dangerous

driving on our roads, whether it is speeding, whether it is burnouts, whether it is racing—all those behaviours that are of concern to the community, drink driving, drug driving. All of these are matters that can be addressed through improving the resources available to our police. This funding means four additional dedicated vehicles, with the RAPID camera technology deployed, to further strengthen the road safety operations team.

The government will also continue with work to improve the way our graduated licensing scheme operates, recognising that we still see too many novice drivers ending up with speeding offences or with other dangerous or antisocial driving offences. As a result, we are looking at how we restructure that licensing scheme to improve the education available to young drivers and reduce the prospect that they end up with a speeding ticket, end up with some other charge being faced in court, because of their poor driving behaviour. And we want to reduce the overrepresentation of novice drivers in ACT road crash data.

We are also going to continue rewarding good drivers. In the most recent budget we are providing a discount on licence renewals for those drivers who have maintained a clean driving record. People who have not incurred penalties for speeding or demerit points on their licence for a set period will receive a 20 per cent discount on their renewal fee for their driving licence as a way of sending some positive signals as well as some sanctions for drivers to do the right thing.

These are the types of measures the government is putting in place as part of our ongoing effort to improve safety on our roads and make the travelling public safer. *(Time expired.)*

MADAM SPEAKER: Supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, can you please outline for the Assembly how initiatives such as RAPID are contributing to road safety?

MR CORBELL: I thank Mr Gentleman for the supplementary. As I have previously indicated in my answer, we are expanding the road safety operations team to deliver more RAPID camera capability into ACT Policing. Members may be interested in understanding the scope and capacity of this system. Between 1 July last year and 30 April this year, a total of 830,852 vehicles were identified and scanned in the ACT. When you consider that the size of the ACT public and private vehicle fleet is smaller than that, you can understand the capacity of the camera technology to scan vehicles on multiple occasions.

Between 1 July last year and 30 April this year, ACT Policing issued 1,160 traffic infringement notices as a result of the utilisation of the RAPID camera technology. That equates to an average of one detection or ticket issue for every 716 vehicles scanned. That can include everything from driving unlicensed and unregistered, to having outstanding fines, to speeding and a whole range of other offences.

This really demonstrates the capability of the RAPID technology. We know that we can safely move away from registration stickers being required on vehicles because

we have a much more accurate picture through the use of the RAPID technology than we would ever have from having the sticker on the window. It is another demonstration of this government's commitment to investing to help keep our roads safe.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, why is it that action items 14 and 15 were missing from the road safety report card?

MR CORBELL: Regrettably I do not have that information in front of me but I am happy to take the question on notice and provide an answer to the member.

MADAM SPEAKER: Ms Porter, a supplementary question.

MS PORTER: Minister, how will the government's alcohol interlock scheme contribute to road safety?

MR CORBELL: I thank Ms Porter for her supplementary question. Alcohol continues to pose a very significant problem on our roads with too many drivers continuing to be caught drink driving. In the 12 months to the end of March this year almost 1,350 people failed a random roadside breath test and 22 per cent of those were repeat offenders. This highlights why we need technology such as alcohol interlock to help tackle that recidivist behaviour we see from some drivers on our roads.

Alcohol interlocks will ensure that drivers convicted of having a blood alcohol concentration of 0.15 or higher—three times the legal limit—must have an alcohol interlock fitted. That means they cannot start their cars unless they are sober. This program is going to be an important intervention in helping people stay on track once they have dealt with their drinking behaviours to make sure they do not drift back into dangerous behaviours. At the same time, it helps keep the general driving public safe, it helps keep pedestrians safe, and it helps keep cyclists safe because it means there is less chance of repeat drink-drivers getting back behind the wheel.

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

Supplementary answers to questions without notice Government—executive contracts

MS GALLAGHER: Madam Speaker, earlier in question time I said there were no time lines set for the tabling of executive contracts. I have inadvertently misled the Assembly. Section 79 of the act requires contracts to be tabled within six sitting days of them being made.

The confusion has arisen—in my head anyway—because in the case of contracts requiring a performance agreement, that requirement is not met until the performance agreement is completed and returned, for which no time frame is associated. It has proven to be the conclusion of those arrangements which has been the most

significant reason for the delay in finalising executive contracts. I apologise to the Assembly.

The issue of performance agreements is not spelt out in the Public Sector Management Act. There is also no penalty for not tabling executive contracts, and that is an issue I have raised with the directorate. In relation to whether there is a validity of contract, section 80 of the Public Sector Management Act deals with that matter.

Schools—after-school care

MS BURCH: Madam Speaker, some questions were asked yesterday in relation to after-school care. There are 90 programs in the ACT offering before and after-school care. These are located at both government and non-government schools. Some of these programs also offer vacation care. Each program is approved for a different number of places, and approved places for before and after-school care programs currently range from 22 places up to 150. A total of 6,318 places are offered in before and after-school care programs.

Public Accounts—Standing Committee Membership

Motion (by **Mr Smyth**) agreed to, pursuant to standing order 223:

That Mr Coe be discharged from the Standing Committee on Public Accounts and Ms Lawder be appointed in his place.

Paper

Mr Assistant Speaker presented the following paper:

Committee Reports—Schedule of Government Responses—Seventh Assembly and Eighth Assembly as at 6 August 2013.

Legislation program—spring 2013 Paper and statement by minister

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education): For the information of members, I present the following paper:

Legislation Program—Spring 2013.

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

Leave granted.

MS GALLAGHER: Madam Speaker, I am pleased to present the government's legislation program for the spring 2013 sittings. In doing so, I outline a far-reaching set of bills which go to the heart of the platform on which we were re-elected last October—a true Labor platform of fairness, equality, opportunity and transformation.

Nine months into this term, the government has made excellent progress on advancing our vision for the ACT. Seventy per cent of our election commitments are commenced in the budget, we are delivering on the parliamentary agreement, and we are bringing forward important legislative reforms in areas of human rights, marriage equality, justice and safety in the workplace, economic reform and red tape reduction.

We are proud to be the jurisdiction that others look to as a leader in legislative reforms, particularly in the area of human rights and equality for all. We will proudly, once again, be the first government to bring forward legislation that delivers equality for same-sex couples—legislation that promises them the right to marry. This is a reform that a growing proportion of Australians, including the Prime Minister, want made. It is a matter of time. We would prefer to see the federal parliament legislate for a nationally consistent scheme, but, in the absence of this, we will act for the people of the ACT.

The Marriage Equality Bill 2013 will enable couples who are not able to marry under the commonwealth Marriage Act 1961 to enter into marriage in the ACT. It will provide for solemnisation, eligibility, dissolution and annulment, regulatory requirements and notice of intention in relation to same-sex marriages. The government is determined to remove discrimination against same-sex couples and their families. With this legislation we will state loud and clear that all people have equal rights in our society and are treated equally by our laws.

During the spring sittings the government will also introduce the Births Deaths and Marriages (Transgender) Amendment Bill 2013, which will give effect to the government's response to the Law Reform Advisory Council's beyond the binary report. The bill will create full recognition and equality before the law for transgender Canberrans and provide the right to privacy and reputation.

The government is equally determined to make sure the cultural rights of Aboriginal and Torres Strait Islander people are covered by our laws and respected in our community. Canberra is a city that celebrates diversity of cultures, faiths and ethnic backgrounds. The Human Rights Amendment Bill 2013 will amend the Human Rights Act 2004 to make it clear that Aboriginal and Torres Strait Islander people have the right to enjoy and maintain their culture, including their language, kinship ties and special relationship with land and waters. The bill will also show the clear support of the ACT government for proper recognition of Indigenous Australians in the constitution.

Canberra is also a city that believes in fairness for those with disabilities or medical conditions, which is why the government will amend important legislation to improve equality and opportunity for these people. The Payroll Tax Act Amendment Bill 2013 will honour a commitment we made during the election last October. It will provide a \$4,000 payroll tax concession to medium and large businesses which employ a recent school leaver with a disability. The national conversation around disability care has shown that one of the greatest opportunities we can provide for a person with a disability and their family is the opportunity to be a full part of the community and to enjoy independent lives. This policy will increase opportunities for young Canberrans with a disability to achieve those things, and it will deliver some very high quality employees to local businesses.

One other key piece of legislation to target equal rights in these sittings of the Assembly is the Mental Health (Treatment and Care) Act Amendment Bill 2013. The bill will align mental health legislation with national and international reforms and with the ACT Human Rights Act.

During the spring sittings, the government will also continue with a concerted set of legislative reforms that improve safety and justice in the workplace. Safety at work should not be a gamble, and whilst the government cannot supervise every worksite, we can put in place the strongest possible regulatory framework and a legal system that responds when industrial cases need attention. That is why the government will introduce the Construction and Energy Efficiency Legislation Amendment Bill 2013 (No 2). The proposed bill will amend a number of existing acts to reform the regulatory framework of the construction industry. The bill has been developed in response to past investigations into building quality in the ACT and to the full review of the Building Act which is underway and will result in more reforms during this term of government.

The Magistrates Court (Industrial Proceedings) Amendment Bill introduced today by Mr Corbell is also a central part of this agenda. For the first time the ACT will have a specialised industrial court to hear and determine work safety matters and worker's compensation claims up to the current Magistrates Court jurisdictional limit of \$250,000. With a dedicated magistrate, the industrial court will become a highly central point of knowledge and specialisation in industrial accidents and compensation.

During the spring sittings the government will continue with the economic reform agenda, which is continuing the process of growth and diversification, improving business conditions and creating a fairer and more efficient tax system. The Red Tape Reduction Omnibus Bill will bring forward recommendations from the red tape reduction panel and will honour the commitment we made last July to progress this agenda through progressive changes that the business community has identified.

The red tape reduction panel continues to consult with businesses and not-for-profits on the changes the government can make to support a diverse and prosperous private sector in Canberra. Measures to reduce red tape will be a regular feature of our legislative program during this term of office. All these bills are designed to improve equality, fairness, safety, opportunity and optimism in the community, and all reflect the core values of this government.

The program demonstrates a full program of bills to bring to the Assembly, and I commend the spring 2013 legislation program to the Assembly.

Papers

Ms Gallagher presented the following papers:

Trans-Tasman Mutual Recognition Act, pursuant to section 7—

Trans-Tasman Mutual Recognition (Commonwealth Regulations)
Endorsement 2013 (No 1)—Notifiable Instrument NI2013-282, dated 16 June
2013.

Trans-Tasman Mutual Recognition (Commonwealth Regulations) Endorsement 2013 (No 2)—Notifiable Instrument NI2013-283, dated 16 June 2013.

Education funding reforms—Report to the ACT Legislative Assembly, pursuant to the resolution of the Assembly of 8 May 2013.

Ms Gallagher presented the following paper:

Gene Technology Act, pursuant to subsection 136A(3)—Operations of the Gene Technology Regulator—Quarterly report—1 January to 31 March 2013, dated 29 May 2013.

Financial Management Act—instruments Paper and statement by minister

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services): For the information of members I present the following paper:

Financial Management Act, pursuant to section 18A—Statement of authorisation of expenditure from the Treasurer's Advance in 2012-2013—Amended to include authorisation dates.

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

Leave granted.

MR BARR: I present a summary of the total authorised expenditure for the Treasurer's advance. The document was first presented on Tuesday. The shadow treasurer requested some additional information in relation to the date on which each instrument was authorised. I am happy to provide such information, and do so for the shadow treasurer now.

Papers and statement by minister

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services): For the information of members I present the following papers:

Financial Management Act—Instruments, including statements of reasons, pursuant to—

Section 14—Directing a transfer of funds within—

ACT Local Hospital Network, dated 17 June 2013.

Economic Development Directorate, dated 24 June 2013.

Section 15—Directing a transfer of funds between output classes within the Chief Minister and Treasury Directorate, dated 28 June 2013.

Section 16—Directing a transfer of appropriations from—

Economic Development Directorate to Commerce and Works Directorate, dated 27 June 2013.

Environment and Sustainable Development Directorate to Economic Development Directorate, dated 21 June 2013.

Section 17—Varying appropriations relating to Commonwealth funding to—

Housing ACT, dated 24 June 2013.

Canberra Institute of Technology and Education and Training Directorate, dated 27 June 2013.

Community Services Directorate—

Dated 28 June 2013.

Dated 30 June 2013.

Education and Training Directorate—

Dated 21 June 2013.

Dated 28 June 2013.

Dated 28 June 2013.

Environment and Sustainable Development Directorate, dated 28 June 2013.

Health Directorate, dated 28 June 2013.

Justice and Community Safety Directorate, dated 27 June 2013.

Territory and Municipal Services Directorate—

Dated 18 June 2013.

Dated 28 June 2013.

Section 18A—Authorisation of expenditure from the Treasurer's Advance to—

Economic Development Directorate, dated 24 June 2013.

Education and Training Directorate, dated 24 June 2013.

Justice and Community Safety Directorate, dated 24 June 2013.

Territory and Municipal Services Directorate—

Dated 17 June 2013.

Dated 24 June 2013.

Section 19B—Varying appropriations related to—

Commonwealth Grants—

Disability Care NP—Community Services Directorate, dated 13 June 2013.

Hepatitis C Settlement Fund—Health Directorate, dated 28 June 2013.

Education and Training Directorate, dated 17 June 2013.

Emergency Services Funding—Justice and Community Safety Directorate, dated 13 June 2013.

Implementing Water Reform in the Murray-Darling Basin National Partnership—Environment and Sustainable Development Directorate, dated 28 June 2013.

Parliament House Walk National Partnership and the Majura Parkway National Partnership—Territory and Municipal Services Directorate, dated 28 June 2013.

Provision of Fire Fighting Services to Commonwealth Buildings—Justice and Community Safety Directorate, dated 28 June 2013.

Reward for Great Teachers National Partnership—Non Government Schools—Education and Training Development Directorate, dated 28 June 2013.

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

Leave granted.

MR BARR: As required by the Financial Management Act 1996, I have tabled a number of instruments issued under sections 19B, 18, 17, 16, 15 and 14 of the act. Advice on each instrument's direction and a statement of reasons must be tabled in the Assembly within three sitting days after it is given. So I have tabled a total of 30 instruments today.

Section 19B of the act allows the authorisation of expenditure of certain commonwealth grants. This package includes eight instruments under the act: \$23.51 million for the Majura parkway national partnership and Parliament House Walk national partnership; \$4.612 million for the provision of firefighting services to commonwealth buildings; \$4 million for emergency services funding; \$1.444 million in net cost of outputs and \$581,000 in expenses on behalf of the territory for various new education national partnership programs; \$500,000 for the DisabilityCare national partnership; \$98,000 for implementing water reform in the Murray-Darling Basin national partnership; \$37,000 for the great teachers national partnership; and \$33,000 for the hepatitis C settlement fund.

Section 18 of the act provides for the Treasurer to authorise expenditure from the Treasurer's advance. This package includes five instruments signed under section 18. The first instrument provides an increase of \$6.2 million in net cost of outputs appropriation for the Territory and Municipal Services Directorate to reimburse a range of costs associated with the delivery of ACTION services and workers compensation premiums.

The second instrument provides an increase of \$2.1 million in net cost of outputs to the Economic Development Directorate for sportsground irrigation. The third instrument provides \$1.771 million in net cost of outputs to the Justice and Community Safety Directorate for costs relating to Corrective Services, additional judicial services, Remuneration Tribunal determinations, and \$873,000 in expenses on behalf of the territory for legal expenses and compensation payments.

The fourth instrument provides \$1.686 million in net cost of outputs to the Territory and Municipal Services Directorate to address a range of additional costs, and the fifth

instrument provides \$311,000 in expenses on behalf of the territory for an increase in per capita grants to non-government schools in 2012-13.

Section 17 of the act enables variations to appropriations to be increased for any increases in existing commonwealth payments by direction of the Treasurer. This section includes 12 instruments which relate to the territory receiving additional commonwealth funding for the following: \$7.132 million for various national healthcare payments; \$6.015 million for the trade training centres schools national partnership; \$652,000 for the national disaster resilience program; \$508,000 to certain concessions for pensioners and senior card holders and national reciprocal transport concessions national partnerships; \$450,000 for the water for the future national partnership; \$378,000 for the national affordable housing specific purpose payment; \$292,000 to the Canberra Institute of Technology and \$125,000 to the Education and Training Directorate for the national skills and workforce development specific purpose payment; \$233,000 for the early childhood education universal access national partnership; \$147,000 for the joint group training program national partnership; \$104,250 for the nation building program national partnership; \$103,552 for the black spots program national partnership; and \$83,968 for the national disability services specific purpose payment.

Section 14 of the Financial Management Act allows for the transfer of funds between appropriations when endorsed by the executive. This package includes two instruments. The first instrument transfers \$3.5 million from net cost of outputs appropriation to the capital injection (controlled) appropriation within the ACT local hospital network 2012-13. I note for the benefit of the Assembly that this instrument, inadvertently, does not contain the signature of a second minister. I am advised that this is a technical oversight that has no impact on the total appropriation to the LHN, nor the appropriation of any other agency. The second instrument transfers \$2.158 million from capital injection (controlled) to net cost of outputs for the Economic Development Directorate for various projects.

Section 16(1) and (2) of the Financial Management Act allows the Treasurer to authorise the transfer of appropriation for a service or function to another entity following a change in responsibility for that service or function.

This package includes two instruments that are budget neutral. The first instrument facilitates the transfer of \$366,000 in net cost of outputs from the Economic Development Directorate to the Commerce and Works Directorate. The second instrument facilitates the transfer of \$310,000 in capital injection (controlled) from the Environment and Sustainable Development Directorate to the Economic Development Directorate.

Section 15(1) of the FMA states that the executive may, in writing, direct that funds within the same appropriation allocated for the provision of different classes of outputs be reallocated in relation to those classes of outputs. This package includes one such instrument. This instrument allows the Chief Minister and Treasury Directorate to reallocate \$166,000 in net cost of outputs from output class 2, financial and economic management, to output class 1, government strategy, to align with output class reporting requirements.

Additional details regarding all instruments are provided in the statement of reasons accompanying each of the instruments I have tabled this afternoon. I commend all 30 instruments to the Assembly.

Climate Change, Environment and Water—Standing Committee (Seventh Assembly)
Report 8—government response

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (3.59): For the information of members, I present the following paper:

Climate Change, Environment and Water—Standing Committee—Report 8—*Inquiry into Current and Potential Ecotourism in the ACT and Region—Government response*, dated August 2013.

I move:

That the Assembly take note of the paper.

I am pleased to table the government's response to the report by the Standing Committee on Climate Change, Environment and Water into current and potential ecotourism in the ACT and region. The government has agreed to five of the committee's recommendations. The government's position has been formed following extensive consultation across each of the ACT government directorates.

Before outlining the government's position, I would like to briefly provide some context on the role for ecotourism in the territory and the surrounding region. Opportunities to engage with the natural environment not only provide motivation for domestic and international travel but also play an important role in improving environmental awareness and behaviour amongst travellers. Ecotourism Australia describes ecotourism as "ecologically sustainable tourism" with a primary focus on experiencing natural areas, fostering environmental and cultural understanding, appreciation and conservation. In many cases the term "ecotourism" is used interchangeably with "nature-based tourism".

The ACT and surrounding region offers a range of products and experiences that provide opportunities for visitors and the community to engage with the environment. These include Namadgi national park and of course Tidbinbilla, which is located at the foothills of the heritage-listed Australian Alps.

The latest visitation figures indicate that in the 12 months to March 2013, over 270,000 domestic overnight visitors took part in outdoor and nature-based activities during their visit to the ACT. When looking at international visitors, over 70 per cent took part in outdoor and nature-based activities during their Australian trip.

Therefore, in recognition of the ongoing importance of the ACT's significant natural assets, I will now briefly outline the key action items that have been agreed to following the standing committee's report. Ecotourism and nature park assets will be given a higher profile within future tourism marketing campaigns for the ACT and surrounding region. Work in this regard is already underway following Australian Capital Tourism's inclusion of the Tidbinbilla nature reserve experiences in the successful human brochure campaign and through the development of a 12-month partnership prospectus to maximise opportunities for leveraging off key destination marketing activities.

Increased promotion of tourism and ecotourism opportunities was a recommendation of the report on the annual and financial reports for 2011-2012 from the Standing Committee on Public Accounts. As part of the government's response to that report, I undertook to update the Assembly by the last sitting day in August 2013 on the outcome of my directorate's discussions with Indigenous representatives to assist with the promotion of tourism and ecotourism opportunities.

I would like to take the opportunity to update the Assembly now. The Economic Development Directorate has actively participated in discussions with the Aboriginal and Torres Strait Islander Elected Body regarding options for advancing ecotourism opportunities and exploring the role of traditional owners in showing their country to tourists. This will continue as part of the implementation of the recommendations from this latest inquiry. For example, this includes opportunities for the promotion of existing Indigenous experiences to visitors to the ACT, integration of Indigenous experiences into relevant ACT government programs and considering the potential for Indigenous business development in the tourism sector.

The ACT government will continue to contract community groups on the basis of merit to provide ecotourism services and will maintain and further enhance working relationships with those groups into the future. This is exemplified by the ongoing association with Conservation Volunteers Australia, which is now providing volunteer interpretive services at new sites in the Tidbinbilla nature reserve and, for the first time, also includes a site in the Namadgi national park.

Turning back to action items arising from the report by the Standing Committee on Climate Change, Environment and Water, the ACT government will promote and facilitate certification by Ecotourism Australia for ecotourism operators in the ACT. Tidbinbilla nature reserve and Birrigai at Tidbinbilla are currently the only ACT ecotourism operators certified by the Ecotourism Association of Australia.

Being an ecotourism accredited provider provides a number of tangible benefits to operators and also aligns with TQUAL, Australia's national tourism accreditation framework that identifies quality tourism products. The ACT government will engage, both as a participant and as a facilitator, in partnerships which characterise the best instances of ecotourism in the country. By way of example, the ACT government will continue to enhance engagement with the Australian Alps national landscapes working group to maximise the value of the national landscapes program to the ACT. Managed by Tourism Australia and Parks Australia, the national landscapes partnership aims to achieve environmental, social and economic outcomes for Australia's most significant natural areas and their surrounding regions.

The ACT government will consider ways to support the provision of environmental and sustainability education to the ACT's ecotourists, including the training of ACT ecotourism providers to deliver this education. And as I mentioned earlier, the partnership with Conservation Volunteers Australia delivers a number of education programs, including professional development through the volunteer interpreter program and the discover our wild side program, which enable visitors to discover Tidbinbilla's leading role in breeding the critically endangered brush-tailed rock wallaby and the northern corroboree frog.

The development of the centenary trail and the recent opening of the National Arboretum will provide new opportunities for the provision of interactive educational experiences for visitors, while the role of traditional owners in showcasing their country will also be considered.

Finally, consideration will be given to creating a new nature park in the northern part of the ACT in order to conserve local woodland and environments and expand the ACT's nature park assets. It will be important to make an informed decision in considering this recommendation, including canvassing all of the relevant issues such as legislation, biodiversity values, management implications and planning.

I will close this afternoon by reinforcing that the tourism industry currently contributes \$1.65 billion to the territory economy and is one of the territory's largest private sector employers, supporting 16,000 of our record 211,600 jobs. The potential for ecotourism in the ACT not only provides the capacity to grow the value of tourism to the economy but also, and importantly, provides the opportunity to achieve tangible social and environmental results for the territory. I commend the government's response to the Assembly.

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

Papers

Mr Corbell presented the following papers:

Electoral Act, pursuant to subsection 10A(2)—Report on the ACT Legislative Assembly Election 2012, dated July 2013.

Planning and Development Act, pursuant to subsection 242(2)—Schedule—Leases granted for the period 1 April to 30 June 2013.

Planning and Development Act 2007—call-in powers Papers and statement by minister

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development): For the information of members, I present the following papers:

Planning and Development Act, pursuant to subsection 161(2)—Development application No. 201222415—Blocks 1414, 1472, 1634 and 1635 Tuggeranong, Blocks 13 and 14 Section 117 Conder, Blocks 10 and 12 Section 682 Theodore and Block 4 Section 683 Theodore—

Statement regarding exercise of call-in powers, dated 1 July 2013.

Notice of Decision, dated 1 July 2013.

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

Leave granted.

MR CORBELL: On 14 June this year, as the Minister for the Environment and Sustainable Development, I directed under section 158 of the Planning and Development Act 2007 the Planning and Land Authority to refer to me development application No 201222415. This DA sought approval for, among other things, the proposed construction of the Royalla solar PV generating facility and associated lease variation to permit the development. On 14 June this year I decided to consider the development application, and on 1 July this year I decided to approve the application using my powers under section 162 of the Planning and Development Act.

In deciding the application I gave careful consideration to the requirements of the territory plan and the advice of the Australian Valuation Office, the Conservator of Flora and Fauna, the Environment Protection Authority, the Emergency Services Agency, the Health Directorate, the ACT Heritage Council, lease administration in the Environment and Sustainable Development Directorate, the National Capital Authority, the Office of Regulatory Services, the Territory and Municipal Services Directorate, Treasury, and ActewAGL—water, electricity, gas—as well as the Planning and Land Authority as required by the legislation.

I also gave consideration to the representations received by the Planning and Land Authority during the public notification period for the development application, which occurred between 12 April 2013 and 6 May 2013, and the response to those submissions by the development proponent.

As a result, I imposed conditions on the approval of the development application that require, among other things an environmental assessment and remediation, water management, sediment and erosion control, rectification works in the event that glare poses any real threat to public safety, verge management and temporary traffic management.

The Planning and Development Act requires specific criteria in relation to the exercise of the call-in power. I have used my call-in powers in this instance because I consider the proposal will provide a substantial public benefit to our community. In particular, the proposal will help reduce greenhouse gas emissions and improve the city's environmental performance. This development is the result of a clear and transparent process and will support the implementation of action plan 2 a new climate change strategy and action plan for the ACT, as well as the ACT planning strategy.

The proposal from FRV, which was successful in the fast-track stream of the large-scale solar auction, will contribute to an approximate reduction of 560,000 tonnes of carbon emissions over the 20-year generating life of the project and produce renewable energy equivalent to the power the needs of approximately 4,400 Canberra homes. The development of this facility will support sustainable economic growth in the territory while showing leadership in addressing the challenges presented by a change in climate.

The ACT's large-scale solar auction was developed in the context of action plan 2, the territory's greenhouse gas reduction strategy. Successful proposals under the large-scale solar auction process will directly contribute to the greenhouse gas emission reduction targets set out in AP2. Actions 12 and 13 of AP2 relate to developing large-scale renewable energy generation to achieve a target of 90 per cent of the territory's electricity consumption being sourced from renewable energy by 2020.

Energy supply emission reductions through the development of renewable energy generating capacity account for 73 per cent of the reductions the territory will need to reach by 2020 to achieve its legislated greenhouse gas reduction targets. This means renewable energy will do the heavy lifting of the territory's greenhouse gas reduction effort, and developments like FRVs are an important early step in the achievement of this important public policy objective.

AP2 targets approximately 1.5 million tonnes of annual greenhouse gas reductions by 2020 through renewable energy generation. To achieve this, the territory will need to develop approximately 690 megawatts of renewable energy generating capacity. To date we have developed around 32 megawatts of rooftop solar generating capacity and the current large-scale solar auction program will add a further 40 megawatts to this by 2015. Subject to a review of the large-scale solar auction framework that will be completed by the end of this year, the government will undertake more large-scale renewable auctions. While the first auction has focused on solar in the ACT, future auctions may focus on wind and potentially biomass in the Australian capital region as well as solar and other renewable energy sources as they become commercially viable.

When generating by mid-2014, FRV's solar farm will be the largest photovoltaic solar farm in Australia. The feed-in tariff price of \$186 per megawatt hour that will be paid to FRV is significantly lower than the solar industry expected the large-scale solar auction would deliver. Its low price will mean that electricity consumers in the territory will not pay a cent more than they need to achieve significant greenhouse gas abatement through large-scale solar generation. The cost of FRV's feed-in tariff to electricity consumers will also continue to reduce over time as wholesale electricity prices continue to increase. Reverse feed-in tariff auctions are new to Australia, and FRV's proposal demonstrates that the auction process can deliver competitive renewable energy generation through a well-designed scheme.

The use of my call-in powers in this instance enables the timely commencement and completion of the proposed solar farm development by FRV. Section 161(2) of the Planning and Development Act 2007 specifies that if I decide an application, I must table a statement in the Assembly not later than three sitting days after the day of the decision.

Therefore, today, as required by the act, I have tabled a statement providing a description of the development, details of the land where the development is proposed to take place, the name of the applicant, the details of my decision for the application and the reasons for my decision.

National Environment Protection Council Act—review Paper and statement by minister

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development): For the information of members, I present the following paper:

National Environment Protection Council Act, pursuant to subsection 63(4)—Third Review of the National Environment Protection Council Acts (Commonwealth, State and Territory)—Report, dated December 2012, incorporating the National Environment Protection Council response, dated April 2013.

Paper

Mr Corbell presented the following paper:

Petition which does not conform with the standing orders—Intersection of Morshead Drive and Menindee Drive leading into Clare Holland House—Safety of the roundabout—Ms Gallagher (180 signatures).

***ACT closing the gap report 2013* Ministerial statement**

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (4.17): I present the following paper:

ACT Closing the Gap Report 2013—ministerial statement, 8 August 2013.

Today I rise to present the *ACT closing the gap report 2013*. This report is a consolidation of the programs and initiatives the ACT government has implemented to assist in closing the gap on disadvantage experienced by members of our city's Aboriginal and Torres Strait Islander community. It builds upon the inaugural report tabled last year to include valuable information on the expenditure and service usage data for programs.

I would like to acknowledge the work of Dr Chris Bourke MLA who, as former Minister for Aboriginal and Torres Strait Islander Affairs, was pivotal in the inaugural report and laying the foundations for subsequent work. This information is, of course, the first step of consistently evaluating our progress and the tools that will get us to our targets.

Throughout the compilation of the report, Aboriginal and Torres Strait Islander Canberrans provided plenty of feedback, advice and ideas. A key example of this is when the Aboriginal and Torres Strait Islander Elected Body met with the ACT government to advise on what information was most valuable to local Aboriginal and Torres Strait Islander communities and how the data could be incorporated.

Through these discussions, additional information was gleaned and included in the report. This includes information on the demographics of ACT Aboriginal and Torres Strait Islander communities, an overview on the ACT budget, and a message from the chair of the Aboriginal and Torres Strait Islander Elected Body, Mr Rod Little, who shares his perspective on the outcomes of the report.

The *ACT closing the gap report 2013* found that when compared nationally, Aboriginal and Torres Strait Islander Canberrans are more likely to have higher levels of education and training, greater participation in the workforce, lower rates of unemployment and to own or be purchasing a home.

However, positive national comparisons cannot hide the fact that when compared to the rest of the ACT, we have a long way to go. It also found that Aboriginal and Torres Strait Islander Canberrans access health services less frequently than those in most other jurisdictions and that Aboriginal and Torres Strait Islander people from the surrounding region will cross the border to use ACT services and programs.

Significantly, the *ACT closing the gap report 2013* demonstrates the government's commitment to closing-the-gap building blocks and highlights new initiatives which are addressing the closing-the-gap partnerships. This is highlighted through the inclusion of performance data on the objectives, outcomes, output and performance measures that all governments have committed to achieve as part of the Council of Australian Governments' closing-the-gap targets.

When reading through the report, it is important to remember that the information in it is intended as an analysis of progress on meeting the targets. For example, the *ACT closing the gap report 2013* indicates improvements in the areas of education, particularly reading, and the attainment of year 12 qualifications. In the ACT, the year 12 or equivalent attainment rate was 71.1 per cent in 2011 and the gap closed by 4.4 percentage points from 2006. The result of 71.1 per cent is above the progress point of 69.8 per cent on the trajectory to meeting the target of 80.7 per cent by 2020.

There is still more work to be done but these are impressive figures. Indeed, we are gearing up to deliver ongoing improvements through the new Office of Aboriginal and Torres Strait Islander Affairs within the Community Services Directorate. This new unit brings together different policy and service functions into a reinforced core unit that will increase cultural awareness and competency throughout the directorate.

I urge all of my colleagues to read the *ACT closing the gap report 2013* to see examples of the exciting and innovative programs and initiatives that have been implemented to help on the journey to closing the gap. This report provides the beginning of a bigger conversation—an opportunity for us to reflect on what works and how we can continue to improve the lives of Aboriginal and Torres Strait Islander people in the ACT.

As Minister for Aboriginal and Torres Strait Islander Affairs, I recognise that closing the gap is a generational target but I am confident that this resource will help guide ACT service delivery in the right direction. I move:

That the Assembly takes note of the paper.

Debate (on motion by **Mr Wall**) adjourned.

DR BOURKE (Ginninderra), by leave: I thank Mr Rattenbury for tabling the latest close the gap report, which is an important accountability measure. I welcome his genuine commitment to advancing the interests of Canberra's Aboriginal and Torres Strait Islander community. This year we celebrated the fifth anniversary since the new Federal Labor government under Prime Minister Kevin Rudd delivered the long-awaited apology to the stolen generations for the forced removal of Indigenous children. It was a profound and cathartic moment for the Aboriginal and Torres Strait Islander community, and for the nation.

I mention it now for two reasons. Firstly, it was a defining moment for our country and Indigenous affairs. The apology was one of the first items of business for the new Labor government. Secondly, it shows the importance of reconciliation and working with the Indigenous communities to achieve change. That same year in Yirrkala, Galarwuy Yunupingu, representing the Yolngu people of north-east Arnhem Land, presented Prime Minister Rudd with a bark petition calling for recognition of Australia's first people in the Australian Constitution, a call I think all here support.

That bark petition recalled the bark petitions the Yolngu presented to the Australian parliament fifty years ago, which we commemorate this month. These bark petitions were a call for recognition, respect and control of their future, the salient points of the United Nations Declaration on the Rights of Indigenous Peoples.

The work to close the gap contributes to the ongoing work of reconciliation. Closing the gap it is not an end in itself and achieving it is not an end to the need for ongoing reconciliation. As I said in my inaugural speech in this Assembly, reconciliation will be the nation-building task of this century, a nation building that redefines what is Australia and what it means to be Australian. It is nation building that is about respect for our common humanity, respect for our fellow human beings and what we all bring to our community.

I was an active member of the steering committee for the grassroots close-the-gap campaign from 2007. I value the strides we are making here in the ACT and Australia to close the gap in life expectancy but also in the social determinants of health, education, employment and housing to build more opportunities for a long, productive, fulfilling and valued life.

That said, the latest *ACT closing the gap report* published a few weeks ago marks continuing progress in many areas. The report includes an introduction from Rod Little, the chair of the ACT's groundbreaking Aboriginal and Torres Strait Islander Elected Body. Mr Little particularly mentions the value of the estimates-type hearing

the elected body holds with directorates, the very effective Aboriginal justice agreement and the close-the-gap agenda. The report notes several highlights, including the need for continuing collaborative, cooperative and constructive partnerships.

Compared to the national averages, Aboriginal and Torres Strait Islander Canberrans are better educated, more likely to have a job, be better paid and more likely to own their own home. However, the gaps between Aboriginal and Torres Strait Islander Canberrans and the Canberra average are closing and opening in different areas.

For example, the report notes that from 2006 to 2011 the gap in the unemployment rate in the ACT decreased but the labour force participation gap increased. In post-school qualifications, the gap decreased in the ACT. In year 12 or equivalent attainment from 2006 to 2011, the gap closed by over four per cent, as noted by the minister, and we are well on target to closing this gap by 2020. This is great news and I also commend the range of initiatives in this year's budget assisting Aboriginal and Torres Strait Islander Canberrans to achieve their aspirations.

Our progress to close the gap in the ACT detailed in this report is noteworthy. It is one part of the whole reconciliation effort to build a nation, an Australia without shame, embarrassment or the anger of dispossession.

Same-sex marriage—legal recognition

Discussion of matter of public importance

MR ASSISTANT SPEAKER (Mr Gentleman): Madam Speaker has received letters from Ms Berry, Dr Bourke, Mr Coe, Mr Doszpot, Mr Gentleman, Mr Hanson, Mrs Jones, Ms Lawder, Ms Porter and Mr Smyth proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Dr Bourke be submitted to the Assembly, namely:

The importance of legally recognising same-sex relationships in the Canberra community.

DR BOURKE (Ginninderra) (4.27): Thank you, Mr Assistant Speaker, for the opportunity to talk about one of the fundamental recognitions in our society—the recognition of a relationship between two loving adults who are committed to sharing their lives with each other in the long term.

If those two people happen to be male and female then they can formally have that relationship recognised as a “marriage” under the commonwealth Marriage Act 1961. If, on the other hand, those two people happen to be two men, or two women, the state denies them the right to have that relationship formally recognised as a “marriage”.

A same-sex couple are treated the same way as a married couple for the purposes of, for example, social security, access to housing or in proceedings in the Family Court in relation to children. So what is it then that makes it acceptable for us to deny a same-sex couple the formal recognition of their relationship by allowing them to marry?

If we were to argue that the recognition of same-sex couples already exists in a way that is akin to marriage then we must ask ourselves why we place so much significance on a heterosexual marriage. Many heterosexual couples live in de facto relationships, yet no-one would ever deny them the opportunity to have such a relationship formally recognised through marriage, nor do we celebrate the marriage to a lesser extent because they move to formal recognition of an existing legal relationship.

The depth of feeling, love and commitment between same-sex couples is no different from that felt by opposite-sex couples. It is for these reasons that the ACT government is committed to joining an increasing number of jurisdictions around the world legislating for inclusive marriage laws, regardless of sex or gender.

I understand the ACT Lesbian, Gay, Bisexual, Transgender and Intersex Community Council discussed this matter at their meeting last week on Friday, 2 August. The council is very supportive of this government's stance on legally recognising same-sex marriage and acknowledges the government's achievements so far in removing discrimination on the basis of sexuality and gender identity.

As I speak, governments and communities around the world are working to end arbitrary discrimination against same-sex couples. At least 15 countries have now legislated to allow same-sex marriage. In other countries, such as the United States of America, individual states have legislated to allow same-sex marriage.

Closer to home, New Zealand recently legislated to allow gay marriage. On 19 April 2013, the New Zealand Marriage (Definition of Marriage) Amendment Act was passed. The public gallery was overflowing, and the applause from the parliamentary chamber was deafening. The bill was passed by a resounding 77 votes to 44 votes. The debates surrounding the passage of this historic bill highlighted that we need to learn from history—that from the Nuremberg laws to the South African Immorality Act, marriage laws have continually been used as a tool of disenfranchisement and oppression.

In the words of my New Zealand colleague Louisa Wall:

This is not about church teachings or philosophy. It never has been. It is about the state excluding people from the institution of marriage because of their sex, sexual orientation, or gender identity, and that is no different from the actions taken in these historical examples.

In the United Kingdom the Marriage (Same Sex Couples) Bill was granted royal assent on 17 July 2013 and will come into force in 2014. Since December 2011 marriage equality bills have been introduced into five state parliaments—New South Wales, South Australia, Western Australia, Tasmania and Victoria—as well as in the federal parliament. Although these bills have been defeated in most jurisdictions, in some cases only narrowly, the fact that so many bills have been introduced indicates a growing constituent push for marriage equality.

New South Wales now looks set to consider legislating for marriage equality following the tabling on 26 July 2013 of the report by the New South Wales Legislative Council social issues standing committee on same-sex marriage in New South Wales. The New South Wales Premier, Barry O'Farrell, has come out in support of a conscience vote for the bill. He is widely quoted as saying:

My view—a view that I've come to in recent years—is that as a Liberal who believes that commitment and family units are one of the best ways in which society is organised, I support the concept of same-sex marriage.

With great and growing examples of international leadership, we must at last support and defend the principle that there is no justification for the prohibition of marriage based on sex or gender.

The ACT Labor government has already taken significant steps towards establishing legal recognition of same-sex couples. The ACT government has pursued legal equality for same-sex couples steadily and strategically over recent years.

The first Civil Unions Act was passed on 19 May 2006. This act provided a scheme for a couple, regardless of their sex, to enter into a formal union with the same rights and obligations as in a marriage. The civil union scheme was intended to deliver functional equality under ACT law for couples who either did not have access to marriage under the commonwealth Marriage Act 1961 or who preferred not to marry.

As members will recall, the commonwealth disallowed this act on 13 June 2006 because it “bore a marked similarity to the commonwealth’s scheme for the regulation of marriage”, and “appeared to undermine marriage, attempted to circumvent the Marriage Act, and may have created ambiguity between civil unions and marriage”.

Following this, the ACT government introduced a civil partnerships scheme in 2008, with the enactment of the Civil Partnerships Act 2008. Under this act, civil partnerships were legally recognised relationships that could be entered into by any two adults, regardless of their sex. In this way, it afforded similar rights to those under the first Civil Unions Act.

On 1 November 2011 the commonwealth passed the territories act. This act repealed section 35 of the self-government act, which allowed the Governor-General to disallow an ACT law, including the Civil Unions Act 2006. The territories act presented the first real opportunity for the ACT to provide for couples excluded from marriage under the commonwealth act in legislation that would not be subject to disallowance, other than through an act of the Australian parliament. The ACT took this opportunity, and introduced the Civil Unions Bill 2012 on 8 December 2011. The act was passed on 22 August 2012 and commenced on 11 September 2012.

The parliamentary agreement for the Eighth Legislative Assembly included a commitment to legislate for marriage equality in the ACT. The Attorney-General, Simon Corbell, has recently publicly committed to presenting a marriage equality bill 2013 that will realise formal recognition of the right to marriage equality for all people in the ACT, without discrimination.

The existing Civil Unions Act 2012 allows people who are unable to marry under the commonwealth Marriage Act 1961 to enter into a legally recognised union that is treated for all purposes under territory law in the same way as a marriage.

The content of the marriage equality bill will be consistent with bills tabled in other Australian jurisdictions, including South Australia, Western Australia, New South Wales, Victoria and Tasmania. These bills share five key, common features: first, all same-sex marriages must be performed by a celebrant authorised by the relevant jurisdiction's marriage equality act; second, each party must consent, be an adult and not be lawfully married under the Marriage Act 1961; third, each bill specifies the period prior to the intended ceremony by which a notice of intention to marry must be lodged; fourth, each bill specifies the process for dissolution and annulment of a same-sex marriage, including the appropriate court; and, fifthly and finally, each bill contains regulatory requirements concerning celebrants and how they must be authorised to perform same-sex marriages, as well as their obligations with respect to lodging documentation for the register.

This bill provides recognition that all people are entitled to respect, dignity, the right to participate in society and to receive the full protection of the law regardless of gender or sexuality. Central to these principles is section 8 of the Human Rights Act 2004, the right to recognition and equality before the law, without discrimination of any kind.

The best possible outcome would be for national equality—a national scheme that provides for and recognises marriage, regardless of sex or gender. In the absence of such a law, the ACT government is committed to providing for marriage for people who are not eligible to marry under the Marriage Act.

Over 1,700 Canberrans, including many of my fellow Ginninderrans, identified themselves as a partner in a same sex-couple in the last census. In Canberra, these same-sex couples as a proportion of all couples were 1.1 per cent, the same as Sydney, and a higher percentage than other capital cities and higher than the national average.

As with heterosexual couples, not all same-sex couples might want, or feel the need, to marry, but like heterosexual couples, same-sex couples should have the right to make this decision for themselves. It is not for a government to tell same-sex couples what they can or cannot do, or that they cannot legally marry.

MR HANSON (Molonglo—Leader of the Opposition) (4.39): I thank Dr Bourke for bringing this matter before the Assembly. Reading the title of the matter of public importance, it is “the importance of legally recognising same-sex relationships in the Canberra community”. I would certainly agree with the importance of the legal rights of people who are in same-sex relationships. I welcome the fact that there are laws in that regard that allow people in same-sex relationships to have the same ability in terms of things like wills, in financial matters and so on, as do people in heterosexual relationships. I think that is a very important and fundamental point.

I would add as a note that this was something that was fairly consistent in the military long before it took place within civil society, where couples, gay couples, were able to move into married quarters together and so on. So I think that is a pretty important point. I took it that that was the point Dr Bourke was going to be making today, on which we could have had a unanimous position here in the territory and certainly in this Assembly.

It is a point that I have certainly given some thought to, and it is a different aspect from that of marriage, which is not referenced or commented on in the title of the matter of public importance. On this side of the chamber we also have a very clear position on that, in that the Marriage Act is a federal act and we should have a nationally consistent approach. Just as we have taken that approach to euthanasia under section 23 of the self-government act, I think that it is appropriate that it is something that is dealt with federally. Certainly, with the ACT being such a small jurisdiction and this being such a small parliament, it is not the place to make these laws.

I question very strongly whether we would actually have the ability to do that. As Barry O'Farrell has said, even if laws are passed, they will be subject to some degree of appeal in the High Court. I am not sure that we really want to be in a position where we are going down that path and that process.

There are mixed views about same-sex marriage in the Liberal Party. I think that is well documented federally, and it is the case in the ACT. Within the Liberal Party here, there are a broad range of views as to whether it should be something that we should have in Australia or not. But ultimately, what we all agree with here on this side of the chamber is that it is a federal issue. That is a very consistent position that we have held for some time.

Again we seem to be debating something that belongs in the federal domain. We did that this morning with Mr Rattenbury's motion about refugees, and we are again talking about gay marriage, which is in the federal sphere. I think that it would be better for this place to focus on what it should be doing well, rather than trying to get into the business of the federal government and trying to lecture them on what they should be doing, which is essentially the intent of Mr Rattenbury's motion and I guess it is what Dr Bourke is getting at today.

With respect to this debate, obviously it is something that we do pay attention to. I reflected on a relationship that I had with a gay couple. When I grew up in the UK I used to get Christmas cards and birthday cards as a child from Uncle Mike and Uncle Ian. I did not really reflect on the meaning of that; it was just something that was. Uncle Mike and Uncle Ian are a gay people who have been in a relationship for 43 years. They actually visited Canberra within the last few years, whilst I have been a member of this place, and I took them on a tour of the Assembly. So they have been in this place and we have talked about a number of these issues.

Knowing that this debate would be brought into the Assembly this year, I wrote to them and said, "What's your view on this stuff? You've been in a same-sex

relationship for 43 years; you have probably got an opinion.” They have said it is okay if I quote them, so I will selectively quote what they said. I will leave the family, tedious bits about what we have been doing on the latest holidays alone, but I will quote the relevant bits:

Hi Jeremy,

Our desire to enter into a civil partnership (which we did, day 2 of the Bill being given Royal Assent) was simply to ensure that we safeguarded two matters. One, that our relationship was put on an equal financial footing to heterosexual couples in all respects, and two, to ensure that each would be legally accepted as the next of kin of the other. Neither of us was particularly interested in the ceremony or anything related to it, we simply wanted to ensure that we were treated as equals, in all respects, to married couples. Beyond this we are not the least bit interested in getting married. Being older we believe and accept that marriage is formalizing a relationship between two people one male and one female. Furthermore our personal view is that we do not see any advantage in getting married as it would not in any way enhance our relationship.

I accept that that is just one view—two views, I suppose, but they have the same view—and when I wrote to them I said, “I accept you might have different views on this; I don’t want to cause a squabble.” But they came back with the same view, which is probably quite fortunate.

I read that to make the point that there are a broad cross-section of views in our community, and that includes people who are gay—people who have been, as in the case of Uncle Mike and Uncle Ian, in a relationship for 43 years. As we move forward with this debate, we should not let this become something that becomes polarising, and we should make sure that there are a variety of views.

A consistent view amongst everybody I have spoken to, be they gay or heterosexual, is that everybody should have the same legal defence, the same legal protections, whether it be about their estate or about their financial dealings at the moment.

I do not imagine that this is the last time that we will be talking about this issue in the Assembly. I think it should be. I am very happy to put our position on the record, and I will do so repeatedly. I am very happy to emphasise the point about the legal protections. But I do believe, strongly, regardless of the views that I hold or that others hold within the Liberal Party, that these are debates we should have in the federal parliament, just as the debate we had this morning about refugees should have been held in the federal parliament.

I thank Dr Bourke for bringing this forward so that we can emphasise our point about legal protections. I think that is important, and it is good that we all share that view. But with regard to the points that he made about marriage, I think our position is quite clear.

MR RATTENBURY (Molonglo) (4.47): I thank Dr Bourke for bringing this very significant topic to the ACT Assembly. As a Greens representative, I am particularly

keen to speak in favour of same-sex marriage, in favour of equal love, and about the Greens' long and proud history of standing up for gay and lesbian Australians and advancing the equality campaign right across Australia and, indeed, across the world.

Marriage equality is about treating everyone fairly and with respect, regardless of their sexuality or their gender identity. It is about recognising the love felt between two people of the same sex, a love that is no less strong or real than love between two people of different sexes. It removes a structural discrimination in Australian society that is unjust and should not exist and that every day causes pain and heartache for thousands of Australians.

Since the Assembly last met, there has been another breakthrough in the global campaign for marriage equality, with Britain passing laws in July to allow same-sex couples to get married in England and Wales. The Conservatives, Labour and Liberal Democrat leadership all backed the government bill. This came exactly one month after French President Francois Hollande signed a bill legalising same-sex marriage.

Of course, we all remember the footage from New Zealand in April of its parliament spontaneously breaking into song after the vote, which made New Zealand the first country in the Asia-Pacific region and the 13th country worldwide to legalise same-sex marriage. Among the highlights was Greens' MP Mojo Mathers who received a rousing applause after she told the house how her daughter went to her first formal with her girlfriend last year. She said:

Like countless other young women, she hopes for love, marriage, children and a house with a white picket fence. All of those options are available to her older sister. To see them have equal rights before the law is very important to me.

This evening in Sydney my federal and New South Wales colleagues are hosting the New Zealand Green Party co-leader, Metiria Turei, in an evening to celebrate the success of the marriage equality campaign in New Zealand. Same-sex marriage is now legal in Argentina, Belgium, Britain, Canada, Denmark, France, Iceland, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden and Uruguay, and same-sex marriage is also allowed in nine US states, Washington DC as well as parts of Brazil and Mexico.

As we all know, of course, despite the positive movement all around the globe, same-sex marriages are still not permitted in Australia. But there is a wave of support for marriage equality growing throughout Australia. Two out of three Australians now support marriage equality. Eighty per cent of young people support marriage equality. The majority of Christians support marriage equality. Four out of five Labor voters and a majority of conservative voters all support marriage equality.

I would like to acknowledge the positive comments already made by our newest member, Ms Lawder, in her inaugural speech this week. I was buoyed to hear her say that she believes in advancing the rights of Canberrans in the gay and lesbian community.

However, marriage equality is not just a federal issue. We can make a difference right here in the Legislative Assembly, a very important difference, to the lives of real Canberrans who are every day facing real discrimination. We can also make a significant difference to the federal debate. This is how things change. It starts with leaders, often leaders in states and territories.

Fortunately, it has also become clear that, in a legal and constitutional sense, the ACT is empowered to make laws for marriage equality and, in doing so, we are not intruding into the federal jurisdiction. The government has legal advice—and, indeed, Mr Corbell has made this advice public—to support this. The advice was from Stephen Gageler QC, who is, of course, now Justice Gageler of the High Court of Australia.

As I mentioned, the Greens have a long and proud history of standing up for gay and lesbian Australians and advancing the debate on marriage equality. It has been a long and persistent fight. Way back in 1996, 17 years ago, Senator Bob Brown became the first openly gay member of the parliament of Australia.

In the following year, 1997, Christine Milne, as leader of the Tasmanian Greens in minority government, achieved gay law reform—and that was a Liberal minority government, I might add—through her private member's bill to decriminalise homosexuality. It is hard to believe but it is true that Tasmania criminalised homosexuality until 1997. Then it went from having the worst laws in the commonwealth in relation to the severity of punishment for and discrimination against gay, lesbian and transgender people to having the best laws.

In the federal parliament the Greens senators have fought tirelessly for marriage equality throughout their entire time there, not just through Senator Brown. I recall in 2007 and 2008 Senator Kerry Nettle introduced legislation to amend the definition of “marriage” to include same-sex couples. Senator Sarah Hanson-Young continued this in 2009, introducing the Marriage Equality (Amendment) Bill as her very first bill in the parliament. A later version of her bill went to a Senate inquiry, and the amount of submissions received set a record in parliamentary history. It received 79,200 submissions.

That committee strongly supported that the bill should be amended and passed into law. Senator Hanson-Young amended that bill and reintroduced it this year. It now sits there tabled, ready to be passed into law whenever the federal parliament will support it. I should note, as well, that Senator Hanson-Young has also introduced legislation that would recognise foreign marriages for same-sex couples in Australia. Currently an Australian same-sex couple married overseas in one of the many countries that recognise same-sex marriage cannot have that marriage recognised in Australia. Essentially, they must leave their marriage at the customs gate.

This bill was debated in the Senate in June. It failed but, notably, a Liberal senator, Senator Sue Boyce, crossed the floor to vote in favour of the bill. I think that was a very noble move for Senator Boyce to follow her conscience on that issue.

I will not go into the efforts that have been made in other Australian states by the state Greens, but they have been substantial, with equal marriage bills in the Victorian, South Australian, New South Wales, West Australian and Tasmanian parliaments.

Here in the ACT I am proud to say that we are making very positive ground on marriage equality. Members who were here last Assembly will recall that in 2009 I introduced civil ceremonies legislation as a way to advance this cause. Unfortunately, that only lasted a few weeks before the threat of being overruled by the federal government drove amendment to the ACT legislation. Of course, since then, the federal parliament has passed a Greens' bill that removes the federal veto power over the territories—a great win for democracy and for the ability of the ACT to make decisions over its own future as we head into our second century.

I want to make the point that point 3 of the parliamentary agreement between the ACT Greens and ACT Labor promises to legislate for marriage equality. I congratulate the local Labor Party for their strong commitment to this reform, evidenced partly, of course, by Dr Bourke bringing this matter to the Assembly today. It will not be long before we have the opportunity in this chamber to consider the issue of marriage equality when legislation is presented, as outlined in the spring program presented earlier today by the Chief Minister.

I do urge all members in the chamber to think about this issue carefully, to look into their consciences, to consider the thousands of submissions from people in the ACT and across Australia calling for marriage equality and to think about the people they might know who are gay or lesbian and who, like all of us, are sons or daughters, brothers or sisters, friends and members of our community and who all feel love just as strongly and legitimately as anybody else.

It is heartening to see that many MPs are listening to what the community is telling them and are starting to see marriage equality as a matter of basic fairness. I know the federal Labor Party has changed its party platform in support of legalising same-sex marriage while allowing a conscience vote. I hope it will not be long before we vote on this issue in our current ACT parliament.

It is time to remove marriage discrimination forever in the ACT and, indeed, around Australia. It is a basic human right for every person to have their love recognised by marriage if they so choose, regardless of their sexuality or gender identity. Like thousands of people around Australia—it seems, from what the polls tell us, the majority of people—that is a day I am very much looking forward to.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (4.56): I also thank Dr Bourke for bringing this discussion to the floor of the Assembly today. As Dr Bourke and Mr Rattenbury have indicated, the government is in the process of establishing legislation, the drafting of legislation, to establish a same-sex marriage scheme here in the ACT, and of course this is consequent upon the failure of the federal parliament to resolve this question and the almost certain probability that the federal parliament will

remain deadlocked on this issue for some time, for as long as the federal coalition does not permit a conscience vote of its members on the floor of the House of Representatives and the Senate.

But setting that question to one side, I was pleased to hear the comments of Mr Hanson in relation to the diversity of views that exist around the issue of same-sex marriage, and that is a very legitimate point to make. There is a diversity of view on this question. But what that observation underlines is that that is the whole point of same-sex marriage law. No-one is compelled to enter into a marriage. No-one is compelled to enter into a same-sex marriage. But people should be entitled to the choice of doing so. It may very well be the case.

I have no reason to doubt the story that Mr Hanson told about the same-sex couple that are close to him and his family and their views on this matter. And that is a view that does exist amongst some couples. But equally there are other couples who have a different view and who find it discriminatory and objectionable that they should be excluded from the capacity to formalise their relationship in a form of marriage which accords them a status equal with a status already available to heterosexual couples.

If the federal parliament is unable to enact a law, then it is entirely legitimate for the states and territories to enact law. And it is worth highlighting some of the history around this. Until the mid-1960s, there was no commonwealth Marriage Act. Instead, marriage, from the time of federation onwards until the mid-1960s, was enacted under state law, and that residual right still rests with states and, consequently, with territories. It is not beyond power on the part of the states and territories to legislate for same-sex marriage.

That position is backed up by the legal opinion that I have released from Stephen Gageler and David Jackson who highlight that it is a very real possibility that states and territories can enact same-sex marriage laws and not encounter the constitutional bar of inconsistency with a commonwealth law. And I encourage members who have not read that opinion to do so, because it is an opinion written by two eminent QCs and it clarifies well the issues around inconsistency and to what extent it is feasible for states and territories to legislate in this space.

In summary, states and territories, in our view, can legislate in this space, because the commonwealth Marriage Act does not cover the field. It only relates and applies to heterosexual couples and, therefore, any scheme that applies to same-sex couples is outside of the field covered by the commonwealth Marriage Act. But I encourage members to read that opinion, because it does highlight in good detail why the government has come to the conclusion that it has.

I was interested too to hear Mr Hanson's comments again about the couple close to him and his family and how they were seized of the opportunity to enter into a civil partnership. Of course, it is worth reflecting that less than a decade ago there was significant opposition to such schemes in this country and, indeed, internationally. These things were never taken as a given. Reform had to be argued. The fight had to be had to get those reforms so that people could take advantage of those legal rights.

Here in the ACT, of course, we have a proud history of—and this Labor government has a longstanding commitment to—legal recognition of people who are in same-sex relationships. The Civil Unions Act, disallowed by the Howard government in 2007, and the Civil Partnerships Act, which had to be modified and compromised upon to avoid a further disallowance, were fights that were important, because they reiterated the basic principle that people in same-sex relationships are deserving of equal recognition before the law and are deserving of their relationships being solemnised, brought into being in exactly the same manner available to heterosexual couples. There is no difference. Sexuality should not be a basis on which we choose to create different legal structures, and that is why ultimately same-sex marriage is so important. And for those reasons the government will be pursuing this scheme.

Will it be subject to a challenge? It may be. But that can be said of many laws that are considered by parliaments here and right around the country. But the government has a clear basis for choosing to enact such a law. It has a detailed advice and opinion by respected legal minds on this question. We have been there before in our pursuit of both civil unions and civil partnerships legislation, and we will be there again when it comes to the attempt to establish a same-sex marriage scheme for same-sex couples in our community.

MS BERRY (Ginninderra) (5.03): Today the Australian labour movement, a movement of which I am proud to be a member, knows that workers should not be discriminated against because of who they love, either in their workplaces and also more broadly in our community. But it has only been through the hard work and leadership of many of our members and supporters that we have got to where we are today with regards to marriage equality. It has always been the case that same-sex attracted people deserved equal recognition and protection under the law; but it has not always been the majority view of the community.

Arriving where we are today—where a majority of Australians support equality—has been achieved through the work of a broad cross-section of our community who engaged their friends, neighbours and colleague in a conversation about the need for change. In the early stages of this conversation it was individuals who engaged their families and put this issue on the table. I think most members in this place would know of Ivan Hinton and his family. They exemplify how we came to see the exclusion of same-sex couples from the civil and cultural institution of marriage as discrimination. Ivan and his family are ordinary Canberrans who want to recognise and celebrate the extension of their family in the same way they have for generations. They do not discriminate based on the gender of their family members, and their acceptance highlights the current inadequacies of our laws.

Leadership was then taken by parliamentarians like my colleagues in this place, every one of whom on the Labor side support marriage equality. They had the courage to take up the cause of families like the Hinton and stand up against discrimination as a matter of principle. The ACT Labor government has always led the way on this issue, and we have been joined over time by Labor governments in Tasmania and South Australia, by our Prime Minister and, most recently, by the premier of the New South Wales parliament, who truly knows how broad the support for this issue has become.

It is clear Labor have always understood the importance of removing discrimination, but we also understand the need to bring the community with us. It is for this reason that it is so important that the other branch of the Labor movement—the unions—have empowered their members to take this issue out into the community. When 11 New South Wales and ACT unions representing over 300,000 members came together to form the unions for marriage equality campaign, they empowered their members to take this issue where it belongs—out to the sectors of the community who did not yet understand how marriage discrimination was affecting their workmates and, by extension, their community.

In thousands of conversations across the country unionists engaged their colleagues, their neighbours and their families about this discrimination that many of them had never considered before. It does not surprise me that when people could see that discrimination, they wanted to end it. The Labor movement—the party and the unions—will always fight for fairness. The vast majority of union members and members of the Labor movement and the majority of our community know marriage equality is fair and that it is the right thing to do.

Discussion concluded.

Gaming Machine Amendment Bill 2013 (No 2)

Debate resumed from 6 June 2013, on motion by **Ms Burch**:

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (5.06): Okay.

MS BURCH (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (5.07), in reply: Sorry, Mr Assistant Speaker, but I was under the impression that Mr Rattenbury would be talking on this bill, but he is not here so we will proceed. I cannot not be as quick as those opposite, but I will endeavour to do what I can. The Gaming Machine Amendment Bill 2013—

Mr Rattenbury: Are you closing?

MS BURCH: I am closing the debate.

Mr Rattenbury: I realise that. It will teach me to leave the chamber.

MS BURCH: It will. The Gaming Machine Amendment Bill 2013 No 2 amends the commencement of the automatic teller machine withdrawal limit provisions in sections 28 and 29 of the Gaming Machine Amendment Act 2012 to align with commonwealth legislation which takes effect from 1 January 2014. Under amendments introduced by the GMAA, which are scheduled to commence in September this year, the territory's Gaming Machine Act 2004 would provide for a

withdrawal limit of \$250 per card per day for ATMs located in gaming machine premises, subject to a number of identified exemptions. These exemptions cover the Canberra Racing Club, licensed premises operating 20 or fewer gaming machines and licensed premises authorised to operate class B machines.

The exemptions were negotiated in good faith, but despite ongoing negotiations between the ACT and commonwealth governments, the exemptions are inconsistent with and will not be valid from the commencement of the commonwealth's National Gambling Reform Act 2012, or the NGRA. The NGRA provisions will also prevail over territory law in relation to a number of other aspects, including the limit applying to a gaming day versus a 24-hour period and the liability for breaches.

As I said in introducing this bill, I am committed to the exemptions and I am also committed to ensuring that any situation which leads to confusion is addressed as a matter of urgency. We will continue to explore proactively with the commonwealth opportunities for maintaining the exemptions in addition to addressing the remaining inconsistencies. This bill allows further time for that to happen. As well as avoiding confusion around the differing commencement dates, a February 2014 start will also provide industry with additional time to ensure they are compliant with the new requirements.

I will briefly mention again that the provisions of this bill will only affect the commencement of the ATM withdrawal provisions and not the remainder of the GMAA, which has already commenced. I thank the Standing Committee on Justice and Community Safety and also officials from the Economic Development Directorate for their support in developing this bill, and I commend Mr Smyth for his succinct response to the bill. I commend the bill to the chamber.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1

MR RATTENBURY (Molonglo) (5.10): I will make a few brief remarks. I must say that I am really not sure what to say about this bill in some regards because I believe we should be absolutely clear that there is no reason whatsoever for it. There is no reason why the ATM limit cannot commence as currently required by the act. Saying that commonwealth law in any way requires or that it is even conducive to this delay in my view is disingenuous. The commonwealth law is entirely consistent with the current act. In fact, the commonwealth act contemplates differences and explicitly creates the capacity to deal with the issue. We have already given poker machine operators a long time to adjust to the new regulation, and every poker machine operator that is subject to the withdrawal cap under the ACT act will be subject to the cap under the commonwealth act. For the record, I simply state that the Greens do not support the exemptions and, similarly, we do not support any similar commonwealth exemptions.

Let us remember that this is a proven mechanism to combat problem gambling. We know from the experience in Victoria, which last year implemented rules to ban ATMs altogether, that this measure works and that the harms of problem gambling are reduced by this simple measure. There is simply no excuse for delay in introduction of the laws, and I ask all members to read the research produced by the ANU that shows just how serious the harms from poker machines are in our community. I also ask members to remember that we are the ones who are responsible for the perpetuation or the cessation of those harms. The Greens oppose this bill today.

Clause agreed to.

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

Question put:

That this bill be agreed to.

The Assembly voted—

Ayes 16

Noes 1

Mr Barr	Ms Gallagher	Mr Rattenbury
Ms Berry	Mr Gentleman	
Dr Bourke	Mr Hanson	
Ms Burch	Mrs Jones	
Mr Coe	Ms Lawder	
Mr Corbell	Ms Porter	
Mr Doszpot	Mr Smyth	
Mrs Dunne	Mr Wall	

Question so resolved in the affirmative.

Bill agreed to.

Legislation (Penalty Units) Amendment Bill 2013

Debate resumed from 6 June 2013, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (5.18): Although the principle of the Legislation (Penalty Units) Amendment Bill 2013 is sound, it does raise some concerns. As you are aware, I foreshadow that I will be proposing that the bill be referred to the JACS committee for consideration as part of its inquiry into sentencing in the ACT.

The bill serves two purposes: firstly, it seeks to increase the value of penalty units from \$110 to \$140 for individuals and from \$550 to \$700 for corporations. Secondly, it seeks to require the Attorney-General to review the penalty values at least every

four years. The penalty units system introduced in 2001 is a simple and efficient system which applies to all legislation that imposes financial penalties. It does away with the previous system, which was to set penalties in each piece of legislation, thus requiring multiple amendments every time they changed.

As we see from today's bill, a change in penalties requires only one simple bill, the effect of which automatically promulgates to every related piece of legislation. This means that the government can review the penalty values easily and regularly and it enables them to keep pace with inflation and community expectations as well as to ensure the preservation of suitable and adequate deterrence for law-breakers.

However, whilst the efficiency of its intent is good, the government's application has been tardy. Instead of taking the opportunity to review the penalty values regularly, perhaps using CPI as a basis—thus allowing the values to keep pace with inflation—the government has made only one review previously, in 2009, since the system was introduced in 2001.

At that time the unit values were increased by 10 per cent, or around three times the then inflation rate. Another four years down the track and we are seeing only the second review in 12 years with another substantial increase—this time by almost 30 per cent. The government determined this increase by going back to 2001 and applying the annual consumer price index to the unit values at that time. In effect, and this is typical of this government, it has once again had to play catch-up because it simply does not understand the concept of efficiency.

What message is the government sending to law-breakers? As each year goes by with no changes to penalty values, the relative cost of committing crime actually gets cheaper. I must, therefore, ask just how seriously this government takes crime deterrence in the ACT. Given that this bill represents only the second review of penalty unit values in 12 years, is its purpose to bring those values up to date so that the punishment better fits the crime or is it simply an opportunity for this government to raise a bit more revenue for its struggling budget?

In relation to the amendment requiring the Attorney-General to review the penalty values at least every four years, I will ask a simple question: if a simple CPI amount is the underlying principle to be applied, why is it being reviewed every four years rather than more frequently? The government's view is that they have included an amendment for review every four years. This is considered an appropriate interval as it will allow cumulative CPI impacts for movements in the value of other jurisdictions' penalty unit values to assist in making substantive penalty unit adjustments rather than the more marginal adjustments that would be likely based on an annual review. Perhaps that is appropriate.

The government also seeks to justify a once-per-term review on the basis that the commonwealth has adopted a similar approach. It is, therefore, useful to take guidance from the practices adopted elsewhere, but those processes and practices may not actually be applicable in the ACT. A four-yearly review may not be the best approach for the ACT.

Where does that leave us? On the one hand, there is an option where the government could be making more frequent updates to this based on CPI so that, I guess, the price of justice keeps the same in real terms; or there is the option of every four years, which might be simpler to administer. What I do notice is that there is a review into sentencing practices in the ACT currently occurring. I will quote what you, Mr Assistant Speaker, as committee chair, said in announcing the inquiry:

Sentencing is an issue which cuts across the justice system, and this gives the committee a chance to take a snapshot of the system as a whole.

That review has unanimous support across this place. Financial penalties are an integral part of the justice system with regard to sentencing and quite properly then should be integral to the committee's review. We do know that the government has sat on its hands over the last 12 years in relation to sentencing, penalties and the like and that this is a reactive approach that the government is taking. The fact that the government has proposed this to be every four years indicates that there is obviously no degree of urgency. I think the fact that since 2001 we have only seen one review, in 2009, makes it difficult to see that in terms of justice there is any great urgency for these penalty units to be adjusted.

As I foreshadowed, I will be moving that this matter be referred to the JACS committee. But sadly I do not think that that will have the support of the government, because they have embedded these new fees and charges—the new penalty amounts—in the budget. They need the cash. I think there is no doubt that this is a government that is scratching around for cash to pay for projects like light rail. I think that this is an opportunity missed. I think it is something the government should have considered. It is something they should have incorporated within the review that is being done by the committee.

As we have seen from the disdain with which they treat committees in this place in respect of the way they are structured, again we see an issue where a committee has been given a job to do and the government is essentially just going to ignore the committee and barge ahead anyway because it needs the money to fill up its budget. I now move:

That the Legislation (Penalty Units) Amendment Bill 2013 be referred to the Standing Committee on Justice and Community Safety.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (5.25): The government will not be supporting this proposed referral by Mr Hanson. There is no real justification for such a referral. This bill provides for a review mechanism of the penalty unit regime. That is a similar review mechanism to that which has recently been adopted, for example, by the commonwealth.

It is not the case to suggest that there is no urgency at all to this bill. The government has projected revenue in the budget based upon the revised penalty units regime. Any

delay in the implementation of the bill will obviously have some impact on revenue. Equally, while the government does not see this primarily as a revenue raising measure, it is important to observe that it nevertheless does have budget implications.

Furthermore, there is nothing to stop the standing committee in its inquiry into sentencing looking at the penalty unit regime. It does not require a referral of this bill for the committee to address such a question. Indeed, I would in any event encourage the standing committee to consider the question of penalty units as part of its broader review and inquiry into sentencing. But referral of this bill is not needed for that investigation to occur. Indeed, such investigation may assist in any further amendments to this bill once it is enacted by the Assembly. So the government does not support this referral by Mr Hanson today.

MR RATTENBURY (Molonglo) (5.27): I seek your advice, Mr Assistant Speaker. Is it appropriate for me to speak to the bill and the committee referral at the same time? Perhaps I will just make my comments in one go. The Greens will support the Legislation (Penalty Units) Amendment Bill. However, I have some comments regarding the future government process concerning the increase of infringement notice penalties, which I will get to in a moment.

The value of a penalty unit is defined in the ACT's Legislation Act. Currently it is \$110 for individuals and \$550 for a corporation. The value of the penalty units is the basis for determining statutory fines. For example, the basic littering offence in the territory's Littering Act is 10 penalty units. This means there is a maximum penalty available of \$1,100 for individuals and \$5,500 for a corporation.

For offences such as littering, however, or similar regulatory offences such as parking fines or traffic offences, the fines are usually given through infringement notices. Currently, for example, an on-the-spot fine for a littering offence is \$60—this is for cigarette butts, ticket stubs et cetera—and \$200 for general littering. These infringement notice penalties are set out in regulations and are traditionally about one-fifth of the maximum penalty amount.

It is appropriate that the amount of a penalty unit increases from time to time. This bill would increase the value of a penalty unit for an individual by \$30 and for a corporation by \$150. This is an increase of approximately 27 per cent. By increasing the amounts of a penalty unit, all the various offences across the statute books are increased consistently in proportion. This is an acceptable change to make and it does not interfere with the current sentencing review being undertaken by the JACS committee. That committee may look at the relative severity of penalties between offences, but increasing penalty units does not affect that.

The increase is in line with the consumer price index as applied since 2001. Since 2001 there has been one increase to penalty units—in 2009. As Minister Corbell explained when tabling the bill, the increase proposed in the current bill would put the ACT in the mid-range for Australian jurisdictions that use the concept of a penalty unit. It will make ACT penalty units for an individual in the ACT equivalent to those of the Northern Territory and Victoria. It increases our penalty units above those in New South Wales and Queensland.

As I mentioned, increasing the penalty units essentially increases the maximum penalty available, but it does not increase the amount for infringement notice penalties. If infringement notice penalties are increased, this will be done later through regulation. At this time I think it is important for me to put my position on the record, which is that I believe at this time it would be inappropriate for the government to make corresponding increases to infringement notice penalties through these regulations.

This is especially so given the recommendations in 2012 from the Targeted Assistance Strategy Panel. The panel is an expert group drawn from the ACT community which reported on strategies to help support Canberrans facing financial pressures. Their report provides recommendations for the government to provide targeted assistance to those in need. The panel was chaired by the Reverend Gordon Ramsay.

One of the recommendations of the main report asked the government to make available flexible payment options for ACT government fees and fines. This was a significant part of the report. In fact, the report included an entire appendix on this topic with several recommendations. The government is still working to implement the recommendations in relation to all government fees and fines.

One key aspect, however, has been completed. This is the new flexible payment system for traffic and parking infringements. It has now come into effect, starting in May this year. It sets up options for extensions of time to pay, payment by instalment, work and development orders and the possibility of waivers of penalties. It ensures that a once-inflexible system now takes special account of people who are at a special disadvantage or who might be facing severe hardship.

This was achieved through legislation introduced by the ACT Greens last year. The legislation was passed with the support of the Labor Party. I think it is a shame the Liberal Party did not support this new scheme and that they declared a position that they did not support any kind of waiver. I do worry that they will not support future reforms to mitigate hardship that Canberrans may face when faced with fines or fees. I worry also that they would have the government never entertain the idea of a waiver. What about people who are, for example, severely disabled or even homeless?

Given that the fees and fines that are of concern to the Targeted Assistance Strategy Panel are largely made up of the infringement notice penalties, my suggestion is that the government waits before it increases any infringement penalty fines through regulation, despite the fact that penalty units have increased.

I did write to Mr Corbell and Ms Gallagher asking that they consider this approach and that they wait until they have done further work on the recommendation in the Targeted Assistance Strategy Panel before increasing infringement notice penalties. This does not need to be the case for traffic fines obviously, as a flexible payment system is now in place.

I have received indication from the Attorney-General that he is agreeable to this approach and I thank him for that feedback. I think it ensures that in respect of any increases—they may well be warranted; I do not dispute that point—which may put people in a particularly difficult situation, the flexibility is there to pay.

I recall that we discussed this previously. It is, I think, a good approach because rather than have somebody simply default on a fine and possibly end up in jail, there is the opportunity to do things like put in place a payment plan. I think this is a better outcome for the community on a range of measures, including the fact that the government will ultimately get more revenue and we will spend less money in the justice system.

Having made those remarks, I think I will not be supporting Mr Hanson's suggestion that this be deferred in the Assembly. As I noted in my earlier comments, I do not think this approach interferes with the current inquiry being undertaken by the JACS committee because the committee may look at the relative severity of penalties between offences. But with the penalty units changing, that relativity will not change at all. I think, as Mr Corbell has just outlined, the committee is free to continue to look at matters around penalty issues without needing to defer this legislation. So I will not be supporting that referral and I will be supporting the bill today.

Question put:

That the Legislation (Penalty Units) Amendment Bill 2013 be referred to the Standing Committee on Justice and Community Safety.

The Assembly voted—

Ayes 8		Noes 9	
Mr Coe	Ms Lawder	Mr Barr	Ms Gallagher
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury
Mrs Jones		Mr Corbell	

Question so resolved in the negative.

MADAM DEPUTY SPEAKER: The question now is that this bill be agreed to in principle.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (5.37): I will speak briefly to close this debate. This bill is an important reform. First of all, it brings our penalty units amounts closer into line with penalty units in most other Australian states and territories, including the commonwealth.

Secondly, it provides for a statutory review mechanism. A statutory review mechanism is a valuable reform which will allow the government and the Attorney-

General of the day to ensure that the penalty unit regime is consistent with current economic circumstances and relative dollar values. I thank members who are supporting this bill, and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

Motion by **Mr Corbell** proposed:

That the Assembly do now adjourn.

Winnunga Nimmityjah Aboriginal Health Service

MR GENTLEMAN (Brindabella) (5.39): I rise tonight to advise members of the celebration of the 25th anniversary of Winnunga Nimmityjah, our Aboriginal health service that actually extends beyond the ACT to clients right throughout New South Wales down to the coast and back. The Winnunga Nimmityjah health service is a community-controlled primary healthcare service operated by the Aboriginal and Torres Strait Islander community of the ACT. In the Wiradjuri language, “Winnunga Nimmityjah” means “strong health”. The service logo is the corroboree frog, which is significant to Aboriginal people in the ACT.

The anniversary was held last month, and I acknowledge the chair of Winnunga Nimmityjah, Judy Harris, and Julie Tongs, the CEO, who I have known for some 35 years. Dr Bourke attended the anniversary as well as Minister Rattenbury, and Mr Wall was there as well. It was a fantastic event to celebrate the achievements of Winnunga Nimmityjah over the years.

In its annual report Winnunga advises they have 676 community members and have provided 4,451 services through the social health team, including a 90 per cent immunisation rate for the children that attend through that service. The only sad side to the anniversary event this year was, of course, the passing of Dr Pete last year, and he is sadly missed by the service. But I am sure they will make up for his service with new doctors coming in.

The Winnunga Nimmityjah service provides for GP and nursing, midwifery, immunisations, health checks, men’s health, women’s health, child health, hearing health, dental, physiotherapy, podiatry, dietician and nutrition advice, psychiatrists, counselling, diabetes clinic, drug and alcohol services and quit smoking services.

It was great to see the celebrations at the event. There was a fantastic birthday cake and entertainment from Indigenous groups. Angry Anderson was there as well to help celebrate that fantastic anniversary.

VIEW clubs

MRS JONES (Molonglo) (5.41): I rise today to commend the women of the VIEW clubs for the great work they do within our community both here and in our region and across Australia. VIEW—which stands for Voice, Interests and Education of Women—was first started in 1960 by the Smith Family as a service to women. It was founded at a time when women were somewhat more limited in their life choices. Today nearly 22,000 women of all ages belong to VIEW clubs in Australia. The good women of VIEW meet regularly across Canberra developing valued friendships but also with the clear objective of raising funds to support the Smith Family. Funds are specifically used to help disadvantaged Australian children by unlocking opportunities through education and learning.

I was pleased to co-host a community event with the wonderful ladies from the VIEW clubs across Canberra, and I would like to thank them for their dedication and hard work. I acknowledge the tireless work of Margaret Gooch, national councillor; Angela Yorston, President, Belconnen VIEW club; Nicole Kennedy, Vice-President, Belconnen VIEW club; Lee Carter, President, Canberra City VIEW club; Susan King, Vice President, Canberra City VIEW Club; Jill Alexander, Vice-President, Canberra VIEW Club; Donna Hurdle, President, Gungahlin Day VIEW club; Betty Dellow, Vice-President, Gungahlin Day VIEW club; Jan Feldtmann, President, Gungahlin Evening VIEW club; Gai Hawes, Vice-President, Gungahlin Evening VIEW club; Lynne Grayson, Vice-President, Tuggeranong Day VIEW club; Rosemary Taylor, President, Weston Creek VIEW club; Jan Roberts, President, Woden VIEW club; and Val Black, Vice-President, Woden VIEW club.

As their statements say:

VIEW women are seriously committed to providing educational opportunities for disadvantaged Australian children and their families, and have great fun while actively contributing to their local communities.

VIEW women ultimately support the Smith Family, which is a great Australian charity. Anyone wanting to know more about VIEW clubs should visit www.view.org.au. A big thank you to the women of VIEW for their tireless service to those in need in our city and our region.

Canberra Homeless Connect

MS LAWDER (Brindabella) (5.44): Acknowledging once again that this is national Homeless Persons Week, I would like to bring to the Assembly's attention Canberra Homeless Connect, which took place today. I attended, along with Minister Rattenbury. I would like to acknowledge the people and organisations which support this valuable initiative.

This was the second annual Homeless Connect in Canberra, and I would like to make special mention of the wonderful Chris Stokman of the early morning centre at Pilgrim House, on Northbourne Avenue. Chris has pulled this event together for the

second year in a row. It is an enormous effort and a great achievement for it to be as successful as it is. Of course, Chris does not do it alone. May I also congratulate the other organisers, and the many volunteers on the day.

Canberra Homeless Connect is a one-day community initiative that brings together people who are experiencing or at risk of homelessness with the services and support they need in one place on one day. It started off in San Francisco back in 2004, and it now operates in cities all over the world.

On one day a year many and varied services get together to assist those who are in need of their support. Whether it is housing, health care, legal services, dentistry, clothing, underwear and footwear, hairdressers or vets, there are countless goods and services which are provided for these vulnerable people on this one day in one location at no charge.

Today at Canberra Homeless Connect I would like to acknowledge the following organisations for the support they have given to this initiative and for being involved: St Vincent de Paul, Red Cross, Cataldo's, Mercy Association, Shoes for Planet Earth, Argyle Housing, FirstPoint, Citizens Advice Bureau, the Smith Family, ACT Hepatitis Resource Centre, MAX Employment, Ted Noffs Foundation, the Department of Human Services—including Centrelink and Australian Hearing, Communities@Work, Street Law, PILCH legal services, Uniting Church Canberra City and the early morning centre, as well as many other organisations who pulled the event together.

The event was a great success. The only downside to it all is that it demonstrates just how many people in Canberra need that help. I would like to thank all those who came to a reception here at the Assembly on Tuesday night and donated new, unused underwear for us to contribute to Canberra Homeless Connect, as well as Pioneer Training, Homelessness Australia and Greenhills Conference Centre for their donation of new, unused underwear.

I would like to encourage you all here to keep your eyes open for this event next year and do whatever you can to be involved and to help spread the message of this invaluable initiative.

Racism

DR BOURKE (Ginninderra) (5.46): Race is the trump card of Australian politics. The only condition is that it must be played face down. In Australia we call this “dog whistling”. The Americans are more prosaic—they call it “racial messaging”. Whatever you call it, the purpose is to tap into the power of racism without being called a racist.

Take, for instance, “stop the boats”—a dog whistle if ever there was one. No reference is ever made to the racial origins of the refugees on boats coming to Australia. But hang on; if these were whites fleeing a collapsing South Africa, do you think the mantra would be the same? When they beached at Cottesloe, wouldn't they be greeted by sizzling barbecues and overflowing eskies?

Most white Australians cannot or will not acknowledge the racial message behind “stop the boats”. Australians do not want to be seen as racist. Our social norm, our shared sense of appropriate behaviour and our Australian values demand that we are not racist, that we do not oppress or belittle people because of their race. Yet, the desire to not look racist drives some people to preface the most appallingly bigoted remarks with, “I’m not a racist but,” as if the denial of the bleeding obvious is going to fool anybody.

The truth is that we are all prejudiced about people who are different from ourselves. Prejudice is simply our unthinking judgement about another’s race, religion, sexual preference, gender or other difference. In the case of race, it is what we do about our prejudices that make us racist or not.

The general shock and horror at recently reported outbursts of racist language on sporting fields and public transport demonstrate that most Australians, when they think about it, abhor racism, yet they are unable to recognise the racist dog whistle which plugs straight into their in-built prejudices. For the 10 per cent of Australians with ancestors from outside Europe, the racial message is as obvious as a slap in the face.

Australia has form on racism, in our history, our laws and our politics. One of the major forces which encouraged the states to federate and form a commonwealth was the desire for a white Australia—a policy we did not reject completely until 1973. Our constitution, the rule book for our country, includes several racist powers—powers which allow the commonwealth to make laws about any race, laws that can be discriminatory or beneficial. The Australian Constitution also permits states to ban any race from voting—something no other country in the world allows.

You might think that the commonwealth’s Racial Discrimination Act passed in 1975 could provide protection. Well, it does, except when the commonwealth parliament suspends its operation, as it has done twice so far.

White Australians need to recognise the racial message in a dog whistle, decide where they stand and act accordingly. If we ignore the racial framing of “stop the boats”, dog whistling on race will continue to be a part of our politics.

Jack Charles v The Crown

MR SMYTH (Brindabella) (5.50): I want to speak tonight about a play I was very privileged to see at the Canberra Theatre—it ran from 17 to 19 July—called *Jack Charles v The Crown*. On the night I was there Mr Wall was there, and I think he would agree with me that it was a very entertaining story. It is the story of an Aboriginal Australian, and it is his life. The show grew out of a documentary called *Bastardry*. *Bastardry* looked at this man’s life, and the outline to the documentary says that Jack Charles was an addict, a homosexual, a cat burglar, an actor and an Aboriginal. It probably could have added the word “prisoner”, as he has spent a large amount of his life in jail. To foster a 30-year addiction, he was a cat burglar and he did a number of burgs.

It is a remarkable show. Jack has been seen by all of us at one stage or other. If you are as old as my parents are and watched *Bellbird* in the 60s and 70s you may know he was the first Indigenous person to appear in *Bellbird*. He was the fully naked Bennelong who was dragged centre stage at the Sydney Opera House when that play was performed. He has appeared in films, TV stories and hundreds of plays, including *Chant of Jimmy Blacksmith*, *Bedevil*, *Ben Hall*, *The Marriage of Figaro* and was, as I have said already, the subject of Amiel Courtin-Wilsons' award-winning documentary *Bastardry*. He was awarded the prestigious Tudawali award at the Message Sticks festival in 2009 honouring his lifetime contribution to Indigenous media.

It is a fascinating story. It was put together by director Rachael Maza whose father set up the Ilbjerri Theatre Company, and then she took over. As soon as she had seen the story she said that this certainly had to be made into a film. She had, in fact, seen Jack as the young Bennelong and went and spoke to him. She said:

Jack's story is not dissimilar to many other Aboriginal people who were victims of past Government policies. He was stolen from his family at three months and placed in a boys' home, where he would endure years of abuse. He then spent the majority of his adult life doing "burgs" and "doing time" to feed his addiction. There is no doubt in my mind that all of this got in the way of what would have been a truly brilliant career on stage and screen. Melbourne-born and bred, a true Gentleman, generous in spirit, warm of heart, sharp of wit ... Jack Charles is a true Elder! It is such a great honour and privilege to work so closely and intimately with one of Australia's great living legends.

The front of the flyer says:

This fleet-footed, light-fingered one-man show is a theatrical delight and a celebration of black Australia's dogged refusal to give up on getting on.

It was, in fact, a one-man show with a three-man band, and credit goes to the co-writer, Jack Romeril from Dramaturg. He assisted Jack in putting the show together. The three-man band was Nigel Maclean, the musical director as well as guitar and violin, Mal Beveridge, who played the bass, and Phil Collings, who was on percussion. It really was a very, very good show.

But I think it is best to just read Jack's artist biography. I apologise for a certain word that is in it, but I think it is important to read it as he wrote it:

Born in 1943, Jack was well and truly a child of the Stolen Generation. He spent many of his formative years in the boys' homes of Melbourne, which he took on with his usual laconic outlook. "It was all right by me—I was happy to assimilate. The only trouble was I wasn't ever going to fit in. I'm fucking brown, mate."

MADAM DEPUTY SPEAKER: Stop the clock. Mr Smyth, I know you forewarned me about this word.

MR SMYTH: Yes.

MADAM DEPUTY SPEAKER: But according to the *House of Representatives Practice*, you may not use such a word, even in a quotation. I ask you to withdraw it.

MR SMYTH: I will withdraw it. I spoke to the Clerk before this and he said that was open to interpretation. In a way, that is the whole sentiment about this. We want to sanitise this story, and we want—

MADAM DEPUTY SPEAKER: Just withdraw.

MR SMYTH: I have already withdrawn. I withdraw.

MADAM DEPUTY SPEAKER: Thank you very much, Mr Smyth.

MR SMYTH: And that is the problem. That is him speaking his words. They are not my words; they are his words. That is how he saw life.

MADAM DEPUTY SPEAKER: Yes, and the *House of Representatives Practice* says you may not even use it in a quotation.

MR SMYTH: Well, reps practice should get changed. We do change things from time to time.

In 1972 he founded the first Aboriginal theatre company called Nindethana and he has performed with the cream of Australia's actors, directors and writers, including Geoffrey Rush, Neil Armfield, John Romeril and Tracy Moffat. It was a truly wonderful night. It was a great honour to be there. That you could go through what this man's been through in his life and still have a sense of humour is an absolute credit to him and an indication of just how wonderful the human race is and how much all of us could learn. If you ever get the chance to see *Jack Charles v The Crown*, I commend you to do so.

Schools—Canberra

MR DOSZPOT (Molonglo) (5.55): I have had the great pleasure in recent weeks of visiting a number of Canberra schools as part of my travels around all schools in the ACT. In each of these schools I have met some very impressive principals, teachers, other staff and students. What has particularly been brought home to me is the very wide range of opportunities and schooling choice for Canberra families. Whether they choose to enrol their child in a public school or in one of the non-government schools, each school in whatever category, government or non-government, has their own unique features, their own emphasis on what it is they see as most appealing and what is of most importance to their community.

There are so many great stories to be told, so many great teachers in both sectors and so much history in education to look back on. When I was elected to the Assembly, I was determined that I would seek to represent the concerns of all Canberra families in respect of education, and I have gone to great length to ensure that I speak for all schools in Canberra. In the past 11 years, I cannot in all fairness say that all ACT ministers for education in this place have done that.

How easy it is to talk so positively about all of our schools. The beautiful art deco buildings and sense of history that Ainslie North Primary School projects—not complaining that their school is not the most modern or whether it has the best heating. The minute you walk into their outstanding foyer and are greeted by a very proud principal you sense how excited they are to be teaching in a place so full of Canberra history. You see the wonderful artefacts such as the punishment book—and I apologise if that is not its correct title—that lists, in beautiful copperplate hand, the various crimes committed by students over the decades. That, of course, was in a different time, and how things have changed since then. I dread the day when all learning will be from Wikipedia. Of course, that was in a different time, and things have changed since then.

The same school has a beautiful library with a ceiling almost three times the normal, and reputedly also has a resident ghost. It boasts among its former pupils a number of sporting heroes, including James Hird. Its canteen is a beautiful example of how parents can be truly engaged with the school, and the fathers' curry days are very popular by all accounts.

Weetangera Primary School has a beautiful new area for all sorts of activities, with a heap of ideas for making their outdoor areas even better. Their new flight simulator computer room will surely produce top pilots or astronauts in years to come, if they do not produce a swag of multilingual interpreters through their language programs.

Florey Primary School is justifiably proud of its new science facilities and its EALD program, Canberra Primary School of its support for National Tree Day and Forrest Primary School has embraced the International Baccalaureate program. At Majura primary they have a wonderful garden that not only teaches the pupils about growing things and cooking food they have produced, but it is also a place of contemplation for students under stress.

Each of these schools is unique in their own way, but have a common theme, with dedicated teachers and amazing pride of the staff in the students and their accomplishments, however big or small.

My interest in school librarians and teacher librarians should be well known, and of course it is one thing I look for in every school I visit. It is disappointing that about one in three ACT government primary schools does not have a librarian. Here in Canberra we have a very strong and dedicated group of teacher librarians who will continue to battle the fallacy that now that schools have access to online learning and e-books their work is done. Anyone can type a word into Google, but without proper guidance in the early years especially, students will not develop the skills to gain background knowledge to delve into the substance of a topic. I dread the day when all learning will be from Wikipedia via the internet.

I thank all the schools that have hosted me when I have visited them. I also thank the education directorate and their various area coordinators for their support. But I have to say that I am disappointed with the ministers for education—and there have been four of them so far during the past five years—who have tried to make it as hard for me as possible to complete these visits.

I remember in the very first year, five years ago, one of Andrew Barr's advisers saying to me after my 20th visit, "Well, that should do it," and he was most annoyed when I indicated, "That doesn't do it. I'm visiting all schools in Canberra." After five years, I think it would be a great credit to the current education minister if she took off the shackles and let me do my job in the way it should be done.

Australian Institute of Architects—ACT chapter

MR COE (Ginninderra) (6.00): I rise today to speak about the important work of the Australian Institute of Architects. According to the institute's website, the AIA exists to advance the interests of members, their professional standards and contemporary practice and to expand and advocate the value of architects and architecture to the sustainable growth of our community, economy and culture. The institute has over 10,000 members, is a member association of the International Union of Architects and is represented on the International Practice Commission.

The ACT chapter represents the interests of architects in Canberra and is actively involved in making submissions about ACT and national issues. The ACT chapter of the institute has a number of associated committees and forums which deal with matters such as continuing professional development, public affairs, sustainability, education, heritage planning and honours.

The ACT chapter is managed by the chapter council, including the president, Tony Trobe, the immediate past president, Sheila Hughes, council members Alastair MacCallum, Murray Coleman, David Clarke, Andrew Smith, Natalie Coyles, Janet Thomson, Dominic Pelle, Bronwen Jones, Michael Jasper and Chris Millman.

On 22 June, I was pleased to attend the 2013 ACT architecture awards. I would like to place on the record my congratulations to all the award winners. The art in architecture prize went to Gallery House by Phillip Leeson Architects. The BCA Certifiers Mervyn Willoughby-Thomas renovation award went to Dickson House by Marcus Graham, architect. A commendation went to Roberts House by Dennis Formiatti, architect.

The Canberra medallion went to 2 and 4 National Circuit precinct by Fender Katsalidis. The COLORBOND award for steel architecture went to Canberra College Performing Arts Centre by BVN Donovan Hill. The commercial architecture awards went to the East Hotel by Cox Architecture and 4 National Circuit precinct by Fender Katsalidis. The education prize went to St Joseph's Early Childhood Learning Centre by Paul Barnett Design Group. The enduring architecture award went to Parliament House by Mitchell Giurgola and Thorp 1988.

The heritage architecture award went to 2 National Circuit by Fender Katsalidis. The INLITE light in architecture prize went to St Mary Mackillop College chapel by Collins Caddaye Architects. The W Hayward Morrison award for interior architecture went to St Mary Mackillop College chapel by Collins Caddaye Architects. The interior architecture awards went to 2 National Circuit by Fender Katsalidis and the East Hotel by Cox Architecture. The Romaldo Giurgola award for public architecture went to Village Centre, National Arboretum in Canberra by Tonkin Zulaikha Greer.

The public architecture awards went to Canberra College Performing Arts Centre by BVN Donovan Hill and St Claire's College training centre by Collins Caddaye Architects, and the Australian National University national computational infrastructure facility by METIER3 Pty Ltd. The Malcolm Moir and Heather Sutherland award for residential architecture (houses) went to Knobel House by Anthony Knobel, architect. The residential architecture award went to Gallery House by Phillip Leeson Architects, and a commendation went to Rodway House by TT Architecture. The residential architecture (multiple housing) commendation went to Bridge Point by Colin Stewart Architects. The small project architecture award went to Roberts House by Dennis Formiatti, architect, with a commendation to Krawarree House by Strine Design and O'Connor additions by Allan Spira, architect.

The ACT sustainability award went to Knobel House by Anthony Knobel, architect, and the Sir John Overall award for urban design went to 2 and 4 National Circuit precinct by Fender Katsalidis. The urban design award went to Manuka oval sport lighting by Cox Architecture and the Realm precinct by Colin Stewart Architects.

I would like to congratulate all the winners on their achievements and also place on the record my congratulations to the ACT chapter board and all those involved in organising the awards. For more information about the Australian Institute of Architects, I recommend members visit the institute's website at www.architecture.com.au.

Building awards

MR WALL (Brindabella) (6.04): I rise this evening to pay tribute to the finalists and the winners of the 2013 Master Builders and Cbus excellence in building awards. The awards are a positive highlight of the year for the building and construction industry in the ACT, which continues to meet ongoing challenges and provide significant opportunities for employment and economic growth for our city. The awards not only showcase some of the excellence that is achieved through the building industry locally, but also encourages other companies to lift the bar in their future projects.

I wish to congratulate the following individuals and business award winners: Jordan Lohse for the apprentice of the year; Luke Manenica for cadet of the year and Peter Jamieson for the University of Canberra student of the year.

I also congratulate Guy Gleeson Building, Rork Projects, Easycare Landscapes, Digit Landscapes, dsb Landscapes, DZ Designs Landscapes and Construction, Tailor Made Builders, Rosin Builders, MMM Interiors, Simplicity Kitchens, Capital Veneering, Constructive Building, Build Professionals, Brother Projects, Preferred Builders, Paul Tilse Architects, Karin McNamara Design, Meire Constructions, Shaw Living, R Developments, Architects Ring and Associates, RAM Construction, Blackett Homes, Kasperek Architects, Delnas Metal Roofing, Select Custom Joinery, Antos Constructions, Hindmarsh Constructions, Ambe Engineering, ECON WALL, GEOCON, PBS Building, Lend Lease Retirement Living, Custom Steel Frames, BlueScope Steel, A Plus Plumbing & Building Services, Construction Control, Cord Civil, Project Coordination (Australia), GOTOVAC Homes, Classic Constructions,

Renaissance Homes, Better Building Services, TT Architecture, Sugar Designs, Stonemad Masons, Monarch Interior Solutions, Erincole Building Services, Hewatt, Ward Civil & Environmental Engineering, Woden Contractors, Guideline ACT, BMD Constructions, Today's Homes & Lifestyle, Bellegarde Constructions, ISIS Group Australia, Manteena, AMC Design & Management, Total Project Construction, Munns Sly Moore, Abode Construction and Development, Dowse Norwood Architecture and DNA Architects.

Again, I would like to place on the record my congratulations for all those that nominated and participated in the awards project. I wish them all the very best for the coming 12 months.

Question resolved in the affirmative.

The Assembly adjourned at 6.06 pm until Tuesday, 13 August, at 10 am.

Answers to questions

Economic Development Directorate—organisational chart (Question No 73—revised)

Mr Smyth asked the Minister for Economic Development, upon notice, on 28 February 2013:

- (1) Can the Minister provide a current organisational chart of the Economic Development, Policy and Governance Division, including information on (a) organisational structure, (b) number of staff (full-time equivalent (FTE) and headcount), (c) corresponding pay grades and (d) position titles.
- (2) Can the Minister provide an organisational chart of this division prior to implementation of “One Government” initiatives, including information on (a) organisational structure, (b) number of staff (FTE and headcount), (c) corresponding pay grades and (d) position titles.

Mr Barr: The answer to the member’s question is as follows:

- (1) (a) The organisational structure for the Economic Development, Policy and Governance Division is at Attachment A.
- (b) Number of staff as of the last pay in January 2013 for the Economic Development, Policy and Governance Division was: FTE = 58.28 and Headcount = 59.

Classification	(b) FTE	(b) Headcount	(c) Salary Range	(d) Position Titles
ASO1	1	1	\$40,974 - \$45,283	Administrative Assistant
ASO4	2	2	\$58,870 - \$63,917	Administration Officer Business Support Officer
ASO5	4.68	5	\$65,660 - \$69,623	Client Liaison Officer Project Officer Policy Officer Administrative Support Officer
ASO6	9	9	\$70,913 - \$81,460	Publications Project Officer Project Officer & FOI Coordinator HR Officer Business Development Officer Executive Assistant
SOGC	19.8	20	\$89,786 - \$96,809	Business Manager Senior Policy Officer Senior HR Advisor Client Manager Assistant Manager Project Manager

SOGB	7	7	\$106,086 - \$119,426	Directorate Liaison Officer Manager HR Manager Senior Project Manager Media Manager Manager, Governance
SOGA	10.8	11	\$123,208	Senior Manager
Executive	4	4	\$161,550 - \$238,936	Deputy Director-General, EDPG Executive Director, Business Development Executive Director, Ministerial, Cabinet and Policy Director, Workforce and Governance
Total	58.28	59		

(2). No, as the Economic Development, Policy and Governance Division was not in existence at this time.

(A copy of the attachment is available at the Chamber Support Office).

Roads—driving offences (Question No 111)

Mr Wall asked the Minister for Police and Emergency Services, upon notice, on 14 May 2013:

- (1) How many drivers have been charged with dangerous driving offences, including reckless driving and burnouts in (a) 2011, (b) 2012 and (c) 2013 to date.
- (2) In which suburbs did the offences referred to in part (1) occur.
- (3) How many vehicles have been impounded or confiscated as a result of charges referred to in part (1).
- (4) What is the (a) longest and (b) shortest period of time a vehicle has been confiscated or impounded as a result of offences referred to in part (1).
- (5) How many drivers have been fined as a result of offences referred to in part (1).
- (6) What is the total amount of revenue collected from fines as a result of the offences referred to in part (1).

Mr Corbell: The answer to the member's question is as follows:

- (1) ACT Policing has provided the following information using the offences listed below as 'dangerous driving offences'.

A.C.T. - AID/ABET/COUNSEL/PROCURE BURNOUT
A.C.T. - BURNOUT VEHICLE
A.C.T. - DRIVE KNOWING OTHER MAY BE MENACED
A.C.T. - DRIVE WITH INTENT TO MENACE
A.C.T. - FURIOUS/RECKLESS/DANGEROUS DRIVING
A.C.T. - NEGLIGENT DRIVING - OTHER THAN DEATH/INJURY
A.C.T. - NEGLIGENT DRIVING- OCCASIONING DEATH OR G.B.H
A.C.T. - ORGANISE/PROMOTE/TAKE PART IN RACE - VEHICLE
A.C.T. - PERFORM BURNOUT IN VEHICLE

Burnouts (only) apprehensions 01 January 2011 to 31 December 2013*

Source: PROMIS as at 20 May 2013

	2011	2012	2013*
Total	22	27	24

Source: AFP operational reporting as at 20 May 2013

Dangerous driving apprehensions (includes reckless driving and burnouts) 01 January 2011 to 31 December 2013*

Source: PROMIS as at 20 May 2013

	Date apprehension created		
	2011	2012	2013*
All	104	120	51

Source: AFP operational reporting as at 20 May 2013

More information regarding these offences can be found in the *Road Transport (Safety and Management) Act 1999*.

- (2) ACT Policing general duties and ACT Traffic Operations members routinely patrol all suburbs of Canberra as part of the Suburban Policing Strategy (SPS). This strategy encompasses residential areas, schools as well as commercial and shopping districts and range from high visibility vehicle and foot patrols to direct engagement with community members. The intention of these patrols is to ensure police presence is maintained in order to deter anti-social and criminal behaviour, including unsafe driving behaviours.

Burnout apprehensions 01 January 2011 to 31 December 2013* by suburb of offence

Source: PROMIS as at 20 May 2012

Suburb	2011	2012	2013*	Total
AMAROO	0	0	1	1
BANKS	0	0	1	1
BELCONNEN	5	0	2	7
BONNER	0	1	2	3
BONYTHON	0	1	0	1
CALWELL	0	0	1	1
CASEY	0	0	1	1
CHAPMAN	0	0	1	1
CHARNWOOD	1	1	0	2
CONDER	0	2	0	2
COREE	0	1	0	1
CURTIN	1	1	0	2

DICKSON	1	0	0	1
DUNLOP	1	1	0	2
FRANKLIN	0	1	0	1
FYSHWICK	0	1	1	2
GARRAN	0	1	0	1
GREENWAY	1	1	0	2
GUNGAHLIN	2	1	0	3
HAWKER	0	1	2	3
HOLT	1	0	0	1
HUME	0	1	0	1
KALEEN	1	0	1	2
KAMBAH	1	2	3	6
LATHAM	0	1	0	1
LYNEHAM	0	1	1	2
MACGREGOR	0	0	1	1
MACQUARIE	1	0	0	1
MAWSON	1	1	0	2
MCKELLAR	0	0	1	1
MITCHELL	0	1	1	2
NGUNNAWAL	0	1	0	1
OCONNOR	1	0	0	1
PHILLIP	2	2	2	6
RICHARDSON	1	0	1	2
THARWA	0	1	0	1
THEODORE	0	1	0	1
WANNIASSA	0	1	1	2
WESTON	1	0	0	1
Total	22	27	24	73

*Includes data to 19 May 2013 only

Source: AFP operational reporting as at 20 May 2013

Dangerous driving apprehensions (includes reckless driving and burnouts) 01 January 2011 to 31 December 2013* by suburb of offence

Source: PROMIS as at 20 May 2013

Offence suburb	Date apprehension created			All
	2011	2012	2013*	
ACTON	0	1	1	2
AINSLIE	2	2	1	5
AMAROO	1	0	0	1
ARANDA	2	0	0	2
BANKS	0	0	1	1
BARTON	0	1	0	1
BELCONNEN	9	3	2	14
BONNER	0	2	0	2
BONYTHON	0	4	0	4
BRADDON	1	3	1	5
BRUCE	0	2	0	2
CALWELL	1	0	1	2
CAMPBELL	0	3	0	3
CANBERRA (CITY)	0	0	1	1

CAPITAL HILL	1	1	0	2
CASEY	0	0	1	1
CHAPMAN	1	2	1	4
CHARNWOOD	3	1	1	5
CHIFLEY	0	2	2	4
CHISHOLM	0	1	0	1
CITY	3	3	1	7
CONDER	0	1	1	2
COOK	0	1	0	1
CURTIN	1	2	1	4
DEAKIN	1	2	3	6
DICKSON	2	2	0	4
DOWNER	1	1	0	2
DUFFY	0	0	1	1
DUNLOP	2	2	0	4
EVATT	0	1	0	1
FADDEN	0	1	0	1
FISHER	2	1	0	3
FLOREY	3	2	1	6
FORDE	0	1	0	1
FORREST	0	0	1	1
FRANKLIN	0	1	1	2
FYSHWICK	3	1	2	6
GARRAN	0	2	0	2
GIRALANG	0	1	0	1
GORDON	3	2	1	6
GOWRIE	2	2	1	5
GREENWAY	2	2	1	5
GRIFFITH	0	1	1	2
GUNGAHLIN	4	1	0	5
HARMAN	0	1	0	1
HARRISON	1	0	0	1
HAWKER	0	1	0	1
HOLT	2	2	0	4
HUGHES	0	0	1	1
HUME	1	1	0	2
ISAACS	1	0	1	2
ISABELLA PLAINS	1	1	0	2
JERVIS BAY	3	0	0	3
KALEEN	1	1	0	2
KAMBAH	5	7	1	13
KENNY	1	0	0	1
KINGSTON	1	1	0	2
KOWEN	1	0	0	1
LATHAM	0	2	1	3
LYNEHAM	0	1	0	1
LYONS	0	0	1	1
MACARTHUR	1	0	0	1
MACQUARIE	3	2	1	6
MAJURA	3	1	2	6

MAWSON	1	2	1	4
MCKELLAR	2	0	0	2
MELBA	0	1	1	2
MITCHELL	0	4	0	4
NARRABUNDAH	1	0	1	2
NGUNNAWAL	1	1	0	2
NICHOLLS	1	0	1	2
OAKS ESTATE	0	1	0	1
OCONNOR	1	1	0	2
PADDYS RIVER	1	0	0	1
PAGE	1	0	0	1
PALMERSTON	0	1	0	1
PARKES	1	0	0	1
PEARCE	0	1	0	1
PHILLIP	3	3	4	10
PIALLIGO	0	2	0	2
RED HILL	0	5	0	5
REID	1	2	1	4
RICHARDSON	1	1	0	2
RIVETT	0	0	1	1
RURAL	1	0	0	1
SCULLIN	1	0	0	1
STROMLO	1	0	0	1
SYMONSTON	1	1	0	2
THEODORE	1	0	0	1
THROSBY	0	1	0	1
TORRENS	1	1	0	2
TURNER	0	0	1	1
WANNIASSA	4	2	1	7
WARAMANGA	1	0	0	1
WATSON	0	1	0	1
WESTON	2	5	2	9
WRIGHT	0	1	0	1
YARRALUMLA	1	1	0	2
Total	104	120	51	275

*Includes data to 19 May 2013 only

Source: AFP operational reporting as at 20 May 2013

- (3) Vehicles seized by ACT Policing are lodged at the Exhibits Management Centre (EMC) in Mitchell, ACT.

Number seized vehicles lodged at EMC

01 January 2011 to 28 May 2013*

	2011	2012	2013*
SEIZED VEHICLE	22	29	32

- (4) The law requires that when a vehicle is seized a prosecution is to commence within 28 days. The law also requires the seized vehicle to be held for 90 days unless an order to release the vehicle beforehand is issued by the Court or granted by the Chief Police Officer, this outcome is fairly common.

Occasionally owners leave their vehicle at the EMC well past the seizure period. In 2012, a vehicle remained at the EMC for 5 months which was the longest period recorded for a vehicle remaining at the EMC after seizure. Vehicles are occasionally seized and prosecution subsequently commenced by way of a Traffic Infringement Notice (TIN), therefore requiring the vehicle to be released. In 2012, a vehicle was held for 2 days, the shortest period a vehicle was held at EMC.

- (5) The table below refers to the number of Traffic Infringement Notices (TINs) issued to drivers:

Number of TINS issued for burnouts - 01 January 2011 to 31 December 2013*

Violation	2011	2012	2013
AGGRAVATED BURNOUT	6	3	1
BURNOUT	102	93	29
NEGLIGENT DRIVING	179	171	65
ORGANISE/PROMOTE/TAKE PART IN RACE WITH ANOTHER VEHICLE	12	10	4
Total	299	277	99

*Source: AFP operational reporting as at 4 June 2013

Number of TINS issued for burnouts, negligent driving and organise, promote, participate in race - 01 January 2011 to 31 December 2013*

	2011	2012	2013
Offence City	4	3	2
ACTON			
AINSLIE	1	0	1
AMAROO	1	2	0
ARANDA	3	2	1
BANKS	2	0	0
BARTON	1	0	1
BELCONNEN	11	11	8
BLACK MOUNTAIN	1	0	0
BONNER	0	0	2
BONYTHON	2	2	0
BRADDON	5	9	0
BRUCE	3	3	3
BURRA CREEK	1	0	0
CALWELL	3	5	3
CAMPBELL	1	1	0
CANBERRA CITY	0	1	1
CASEY	2	0	0
CHAPMAN	0	2	0
CHARNWOOD	7	2	0
CHIFLEY	0	1	1
CHISHOLM	3	3	1
CITY	20	11	3
CONDER	8	6	1
COOK	1	0	1
CRACE	0	1	0
CURTIN	5	1	0

DEAKIN	0	0	2
DICKSON	3	4	2
DOWNER	1	1	0
DUFFY	1	0	1
DUNLOP	2	3	2
EVATT	2	4	0
FARRER	0	2	1
FISHER	1	1	0
FLOREY	5	2	1
FLYNN	2	1	1
FORDE	0	1	0
FRANKLIN	1	2	1
FRASER	2	3	0
FYSHWICK	8	10	0
GILMORE	1	2	0
GIRALANG	3	2	1
GORDON	2	3	0
GOWRIE	0	1	0
GREENWAY	16	7	3
GRIFFITH	2	0	1
GUNGAHLIN	9	10	3
HACKETT	2	2	0
HALL	0	1	0
HARRISON	2	1	2
HIGGINS	3	1	0
HOLDER	0	4	0
HOLT	3	2	1
HUGHES	1	0	1
HUME	8	8	0
ISAACS	0	1	0
ISABELLA PLAINS	3	3	0
JERVIS BAY	1	1	1
KALEEN	2	4	2
KAMBAH	11	9	7
KENNY	1	0	1
KINGSTON	0	4	3
LATHAM	0	4	0
LAWSON	1	0	0
LYNEHAM	6	4	3
LYONS	0	2	0
MACARTHUR	0	2	0
MACGREGOR	4	3	0
MACQUARIE	3	2	0
MAJURA	9	5	0
MAWSON	3	1	0
MCKELLAR	0	1	2
MELBA	1	0	0
MITCHELL	4	3	1
MONASH	1	1	2
NARRABUNDAH	4	4	2

NGUNNAWAL	5	2	1
NICHOLLS	2	2	0
OAKS ESTATE	0	1	0
OCONNOR	1	1	0
OMALLEY	1	0	0
OXLEY	1	1	1
PADDYS RIVER	0	1	0
PAGE	2	1	1
PALMERSTON	3	1	1
PARKES	4	3	1
PEARCE	1	0	0
PHILLIP	9	12	0
PIALLIGO	2	4	1
PIERCES CREEK	0	1	0
RED HILL	3	2	1
REID	2	1	0
RICHARDSON	4	2	1
RIVETT	1	0	1
ROYALLA	1	1	0
RURAL	1	0	0
RURAL DISTRICT BELCONNEN	1	0	0
RUSSELL	1	4	1
SCULLIN	0	1	1
SPENCE	2	2	0
STIRLING	1	0	1
STROMLO	1	0	0
STROMLO FOREST	2	3	0
SYMONSTON	2	3	1
THARWA	0	2	0
THEODORE	2	2	1
TORRENS	3	1	0
TURNER	3	0	1
WANNIASSA	9	11	2
WARAMANGA	2	2	0
WATSON	2	9	0
WESTON	2	2	2
WESTON CREEK	2	0	0
WRIGHT	0	0	1
YARRALUMLA	2	1	3

Source: AFP operational reporting as at 20 May 2013

(6) The table below refers to the dollar value of TINs issued to drivers:

Dollar value of burnouts (based on TINS only) 01 January 2011 to 31 May 2013*

Violation	2011	2012	2013*	Total
BURNOUT, NEG driving and RACE	93565	86797	30268	210630

*Source: AFP operational reporting as at 4 June 2013

**Business—red tape reduction
(Question No 125)**

Mr Smyth asked the Minister for Economic Development, upon notice, on 16 May 2013:

- (1) For each of the Fix My Red Tape Online Feedback Tool elements namely, business assistance, business names and associations, gambling, lotteries, raffles and racing, labour regulation, liquor licenses, workplace health and safety, other, payments, plant and equipment operator licenses, security licenses, workers' compensation, can he provide the (a) number of red tape issues received and (b) numbers of red tape resolved.
- (2) Will the Minister provide a list of issues (a) identified and (b) resolved.

Mr Barr: The answer to the member's question is as follows:

The table at **Attachment A** outlines the number of incidents that have been received and resolved through the Fix My Red Tape website as at 16 May 2013, as well as a summary of the matter and action taken in relation to it.

EDD will be undertaking a post implementation review in the next couple of months which will also explore opportunities for greater exposure for the Fix My Red Tape website, including social media.

The Government is continuing to engage with the business community directly, including through regular meetings of the Red Tape Reduction Panel. The Panel is comprised of representatives from the Council of Small Businesses of Australia, the ACT and Region Chamber of Commerce and Industry, the Canberra Business Council, the Office of Regulatory Services (ORS) and the Economic Development Directorate (EDD). A representative of Clubs ACT is also participating on the Panel for the next six months as the Panel focuses on reforms in the clubs and hospitality sector.

In addition to the Fix My Red Tape website a number of initiatives have been implemented since the establishment of the Red Tape Reduction Panel including:

- **Motor vehicle registration labels** - It is expected that registration labels will no longer be required for light vehicles from 1 July 2013. Light vehicle owners will continue to receive registration renewal notices and registration certificates, however they will be no longer be required to display a registration label on their vehicle.
- **Longer licence terms** – The Justice and Community Safety Legislation (Red Tape Reduction No. 1 - Licence Periods) Amendment Bill 2013 was tabled in the Assembly on 6 June 2013 and proposes amendments to various licensing provisions. The amendments are expected to be implemented by the end of 2013 pending passage of the Bill. The amendments extend the maximum term (from one year, amended to three years) for a range of licences and registrations issued by ORS.
- **E-lodgement of rental bonds** –The Government is currently undertaking a procurement process to replace the existing rental bond business system. The design of the new system has been specifically identified as requiring the implementation of online lodgement and refund of bonds. The potential implementation timeframe will be determined through the procurement process, but is not anticipated to be finalised until the end of 2014.

The Panel is also currently investigating reforms to streamline the approvals and licensing process for outdoor dining.

(A copy of the attachment is available at the Chamber Support Office).

Parking—authorities (Question No 127)

Mr Coe asked the Attorney-General, upon notice, on 5 June 2013:

How many Parking Authorities are there under s 75A (2) of the Road Transport (Safety and Traffic Management) Regulation 2000, broken down by directorate.

Mr Corbell: The answer to the member's question is as follows:

The Road Transport Authority has declared twenty two (22) Parking Authorities under s 75A (2) of the *Road Transport (Safety and Traffic Management) Regulation 2000* to establish and operate a ticket parking scheme for a stated area. The Parking Authorities are:

- Screensound Australia Block 1 of Section 21 Acton;
- Canberra International Airport within the district of Majura;
- NDH Nominees Block 23 of Section 55 Belconnen;
- Magic Projects Block 13 of Section 45 Belconnen;
- Sports Centres Australia Pty Ltd Block 7 of Section 3 Bruce;
- Benjamin Nominees (ACT) Pty Ltd Blocks 2, 3 and 4 of Section 43 and Blocks 2 and 7 of Section 50 Belconnen;
- Karamaree Pty Ltd Block 76 of Section 65 Belconnen;
- Chief Executive of ACT Health Blocks 9 and 10 of Section 53 and Block 1 of Section 58 Garran and Block 4 of Section 1 Bruce;
- Calvary Health Care ACT Block 1 of Section 1 Bruce;
- Westfield Shopping Centre Management Co. (A.C.T.) Pty Limited Block 2 of Section 64 and Block 9 of Section 17 Phillip;
- Stockland Property Management Pty Ltd Block 12 of Section 45 Belconnen;
- Owners of Unit Plan 2272 Block 19 of Section 86 Belconnen;
- Link Corporate Services Pty Ltd Block 3 of Section 45 Turner and Block 3 of Section 34 Dickson;
- Wilson Parking Australia 1992 Pty Ltd Block 19 and 20 of Section 63 City;
- Ezipark Pty Ltd Block 13 of Section 81 and Block 1 of Section 177 Phillip;
- KDN Group Pty Ltd Block 21 of Section 17 Greenway;
- Morris Property Group Block 13 of Section 9 Barton;
- Perin Property Group Pty Ltd Block 2 of Section 32 and Block 2 of Section 31 Dickson;
- Acton Developments (A.C.T.) Pty Ltd that part of road reserve of Parkes Way and Marcus Clarke Street adjoining Blocks 3 and 4 of Section 24 City as identified under Spatial Data Management System Licence ID number 2288, and Block 4 of Section 24 City (southern side of the Edinburgh Avenue Access Road) and Block 5 of Section 24 City;

- Woden Tradesmen's Union Club Limited Block 15 of Section 3 Phillip;
- General Manager of the National Arboretum Canberra Rural Block 73 Molonglo; and
- DEMAC Property Pty Ltd Block 16 of Section 3 Phillip.

All Parking Authorities are prepared by Road Transport Regulation within the Office of Regulatory Services and declared by the Road Transport Authority in the Justice and Community Safety Directorate.

Health—food safety (Question No 128)

Mr Smyth asked the Minister for Health, upon notice, on 6 June 2013:

In relation to ACT Food Safety Training Providers, will the Minister provide a list of ACT based Registered Training Organisations offering accreditation for national competency codes (a) SITXFSA101 and (b) SITXFSA102.

Ms Gallagher: The answer to the member's question is as follows:

ACT Health does not have a list of ACT based RTOs who provide the Food Safety Supervisor training. In the ACT, Food Safety Supervisors are required to complete the prescribed national competency units delivered by an Australian Registered Training Organisation (RTO). A number of these RTOs are based in other states and the Northern Territory.

A list of RTOs in Australia that offer the prescribed competency units can be found at www.training.gov.au.

ACT Health website www.health.act.gov.au/foodsafety provides full information about food safety supervisors, including training requirements and how to locate a RTO.

Venue and Event Services—pilot initiatives (Question No 129)

Mr Smyth asked the Minister for Economic Development, upon notice, on 6 June 2013 (*redirected to the Minister for Tourism and Events*):

- (1) Will the Minister provide details of Venue and Event Services pilot initiatives in the 2012-13, 2011-12, and 2010-11 financial years, inclusive of the following services and subunits: (a) Festivals and Events, (b) Events ACT and (c) Territory Venues and Events.
- (2) For each initiative referred to in part (1), will the Minister provide the (a) name of pilot initiative, (b) cost of initiative, (c) source of funding, (d) year commenced and concluded and (e) performance indicators and outcomes.
- (3) If the pilot initiative was adopted as an ongoing Government program, will the Minister provide the (a) name of program, (b) funding allocation for program, and duration, (c) source of funding, (d) year commenced and (e) performance indicators and outcomes.

Mr Barr: The answer to the member's question is as follows:

- (1) There were no pilot initiatives undertaken by Venue and Event Services in the financial years 2012-13, 2011-12 and 2010-11.
 - (2) See response to (1) above.
 - (3) See response to (1) above.
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**Business Development—pilot initiatives
(Question No 130)**

Mr Smyth asked the Minister for Economic Development, upon notice, on 6 June 2013:

- (1) Will the Minister provide details of Business Development pilot initiatives in the 2012-13, 2011-12, and 2010-11 financial years inclusive of the following services and subunits: (a) ACT Business License Information Service, (b) Industry Capability Network, (c) Business Development and Engagement, (d) Business Innovation, (e) Business Programs and (f) Migration and Information Services.
- (2) For each initiative referred to in part (1), will the Minister provide the (a) name of pilot initiative, (b) cost of initiative, (c) source of funding, (d) year commenced and concluded and (e) performance indicators and outcomes.
- (3) If the pilot initiative was adopted as an ongoing Government program, will the Minister provide the (a) name of program, (b) funding allocation for program, and duration, (c) source of funding, (d) year commenced and (e) performance indicators and outcomes.

Mr Barr: The answer to the member's question is as follows:

- (1) (a) ACT Business License Information Service – nil.
(b) Industry Capability Network – nil.
(c) Business Development and Engagement – nil.
(d) Business Innovation – Strategic Opportunities Funding Program .
(e) Business Programs – Entrepreneur Development Fund and Exporting Government Solutions Pilot Program.
(f) Migration and Information Services – nil.

With reference to (1) (d) Business Innovation

- (2) (a) Strategic Opportunities Funding Program.
(b) \$347,000 in 2012-13; \$300,000 is available in 2013-14.

- (c) Implementation of Growth, Diversification and Jobs: A Business Development Strategy for the ACT (2012-13 Budget).
- (d) The initiative commenced in July 2012 and will conclude in June 2014.
- (e) The initiative is supporting four Canberra-based research groups to assist in their development of leading-edge collaborative research projects. Successful applicants were required to demonstrate a strong collaborative and partnering commitment and have financial or in-kind support for their project as well as positive potential economic outcomes for the ACT. The Project Completion Reports, expected in January 2014, will provide a mechanism to evaluate the success of the pilot.

With reference to (1) (e) Business Programs – Entrepreneur Development Fund

- (2) (a) Entrepreneur Development Fund (EDF).
- (b) \$100,000.
- (c) Business advice and support funding.
- (d) Program continues until the funds expended.
- (e) The EDF pilot is a \$200,000 initiative that was established to support the delivery of highly specialised skills transfer into ACT businesses. The funding pool comprises \$100,000 provided by the ACT Government and \$50,000 each sourced from Epicorp and Lighthouse Business Innovation Centre.

The program has received 21 enquiries, which led to 15 applications being received and 12 applicants receiving funding. A review of the program, which has included surveys and face-to-face interviews with fund recipients, is being completed to assess the program outcomes.

With reference to (1) (e) Business Programs – Exporting Government Solutions Pilot Program

- (2) (a) Exporting Government Solutions Pilot Program.
- (b) \$96,838.
- (c) Trade Connect budget.
- (d) Year commenced and concluded: 2011-12.
- (e) The program supported nine ACT businesses with demonstrated capability of delivering innovative solutions in the Australian public sector to develop capability and capacity to export into the US public sector market.

The program delivered a schedule of immersive learning and development activities to help participating companies develop market readiness to sell to the US public sector. The companies participated in a trade mission led by the Minister for Economic Development to Washington DC in November 2011. Two companies have made connections through the program. Five companies have now established a presence in the market to continue to progress opportunities.

Learning from the pilot program laid the foundation for establishing an ongoing program – Centre for Exporting Government Solutions.

- (3) (a) Centre for Exporting Government Solutions (CEGS).
- (b) \$150,000 per year for 3 years.
- (c) Global Connect appropriation.
- (d) Preparatory work commenced early 2012; Centre established March 2013.
- (e) In its first year of operation, the Centre will prepare 8-10 companies for export readiness and to receive further training and mentorship on export market development. Other performance indicators are web visitor indicators and attendance at seminars and networking events.

Australian Capital Tourism—pilot initiatives (Question No 131)

Mr Smyth asked the Minister for Economic Development, upon notice, on 6 June 2013 (*redirected to the Minister for Tourism and Events*):

- (1) Will the Minister provide details of Australian Capital Tourism pilot initiatives in the 2012-13, 2011-12, and 2010-11 financial years inclusive of the following services and subunits: (a) Australian Capital Tourism, (b) Canberra and Region Visitors Centre, (c) Tourist Enquiries, (d) Business Support, (e) Marketing and (f) Product and Industry Development.
- (2) For each initiative referred to in part (1), will the Minister provide the (a) name of pilot initiative, (b) cost of initiative, (c) source of funding, (d) year commenced and concluded and (e) performance indicators and outcomes.
- (3) If the pilot initiative was adopted as an ongoing Government program, will the Minister provide the (a) name of program, (b) funding allocation for program, and duration, (c) source of funding, (d) year commenced and (e) performance indicators and outcomes.

Mr Barr: The answer to the member's question is as follows:

- (1) Better Place – Installation of a single bollard charge spot at the Canberra and Region Visitor Centre, 330 Northbourne Avenue, Dickson occurred in financial year 2012-13.
- (2) (a) Better Place
 - (b) All costs of electricity used to operate the Charge Spot and the cost of installing the charge spot and associated metering (including wiring) was paid for by Better Place.
 - (c) All costs of electricity used to operate the Charge Spot and the cost of installing the charge spot and associated metering (including wiring) was paid for by Better Place. Better Place is responsible for paying for all electricity consumed

by/through the charge spot. To determine how much electricity is used, their contractor installed a sub-meter on the circuit supplying power to the charge spot. This sub-meter is a brand and model of meter certified for use by the National Measurement Institute in the NEM (National Electricity Market). The meter will be sealed with a tamper-evident seal, will have its remote configuration function disabled, and its LCD display will show the accumulated electricity consumption of the charge spot at all times.

(d) Installation occurred in September 2012 and is an ongoing project.

(e) Better Place has advised that the charge spot has not been utilised to date.

- (3) The Better Place program has not been adopted as an ongoing program at the CRVC. In late January, Better Place announced an orderly wind-down of operations in Australia. Since that time Better Place has continued to run and monitor the network as per normal operations.

The CRVC has been advised by Better Place that on Wednesday 26th June 2013, Better Place Australia will be shutting down its network operations in Australia and ceasing ongoing support to charge spots.

The charge spot is able to continue to function in standalone mode without the need for Better Place systems to support it. The CRVC will assess the cost of maintaining the charge spot without Better Place support before making a decision as to whether to continue to provide the service.

Cotter Dam—cost (Question No 132)

Mr Coe asked the Treasurer, upon notice, on 6 June 2013:

- (1) What is the forecast construction cost of the Enlarged Cotter Dam (ECD), including the breakdown of the (a) Actual Outturn Cost (AOC), (b) Target Outturn Cost (TOC), (c) Gainshare/Painshare amounts and (d) other costs (itemised in detail).
- (2) For the amount referred to in part (1) (c), will the Minister provide the basis of calculation including details of the Quality Pool, Modifiers, KPI and KRA scores (as referred to in Tables 9-3 and 9-4 of the Target Outturn Cost (TOC) Report, Final Issue dated 4 August 2009).
- (3) What scope changes have taken place and what are the associated costs for the ECD.
- (4) Will the Minister provide a reconciliation and breakdown of actual costs against items in the TOC.
- (5) What are the cost savings resulting from the actual excavation being not as deep as advised by ACTEW Managing Director Mark Sullivan in the media (ABC 666 and Canberra Times) on 3 September 2009.
- (6) Does section 3.2 of the Target Outturn Cost (TOC) report [Reference 1] record the following 'Risk Issue' [Item No. ECD-0003]: 'Provision for escalations in price is so large it makes the TOC price unacceptable to client' and does the letter from ACTEW

Managing Director Mark Sullivan to the Minister Simon Corbell MLA as tabled in the Legislative Assembly on 17 September 2009 provide data on cost escalation (Table 2 and the figure on page 8 of the letter) which is given as one of the major reasons for the cost blowout; if so, given that the actual cost escalation is significantly less than that given in the ACTEW letter of 17 September 2009 to Minister Simon Corbell MLA, what are the resultant savings in both the project AOC and the cost to the client ACTEW Corporation.

- (7) Following the TOC review on 20 July 2009, was the TOC estimate 'locked off' and changes to the direct costs made after that date are summarised in Table 2.1.2 of 1) Target Outturn Cost Report, 4 August 2009; if so, what was the TOC at 20 July (2009).
- (8) On 27 April 2012, was ACTEW Managing Director Mark Sullivan quoted on the ABC saying that "We think we're probably going to be up around the \$23million - \$24million in savings from across our projects, other than the dam"; if so, do the savings referred to represent savings in cost to the client ACTEW Corporation or the sum of the differences between the AOC and the TOC for the BWA Alliance projects other than the dam (including any Gainshare/Painshare amounts) and if it is the latter then what is the actual saving to the client ACTEW Corporation; if it is the former, what is the TOC, AOC, Gainshare/Painshare and any other relevant amounts for the other projects.
- (9) What is the total combined capital cost to ACTEW Corporation of the Water Security Projects (ECD, M2G Pipeline, Cotter Pump Station, Tantangara Transfer and all associated projects).
- (10) What are the current and long term impacts on the ACT budget and the ratepayers of the ACT.
- (11) Given that the dam will be amortised over a period of 80 years or more as per advice from Mark Sullivan, what are the total repayments to meet the capital cost of the Water Security Projects over the amortised life of 80 year.
- (12) What are the total additional Operations and Maintenance costs for the Water Security Projects.

Mr Barr: The answer to the member's question is as follows:

ACTEW has compiled the following information by taking staff offline for several weeks.

- (1) Forecast construction cost of the Enlarged Cotter Dam (ECD)

(a) Actual Outturn Cost (AOC)

At this point in time there is only an estimate of the AOC for the ECD and the AOC will not be known until the end of the project. The estimated AOC for the dam including Non-Owner Partner (NOP) fees is estimated at \$342 million excluding flood related costs of \$12.1 million. The table below provides the current estimate of the ECD.

Item	Forecast based on May 2013 ECD Cost Statement \$m
Pre Target Outturn Cost (TOC)	37
ECD Construction inclusive of NOP Fees	342
Fish Studies & Habitat	6
Cotter Precinct	9
Quality Pool	3
Owner's Costs	7
Net Impact of Flood (net of insurance refund)	5
Total	409

(b) Target Outturn Cost (TOC)

The TOC estimate for the construction of the Cotter Dam as agreed in August 2009 was \$263.4 million, with a NOP fee of \$35.6 million, giving a total of \$299 million. The total project cost estimate including pre TOC costs, Fish Studies and Habitat, Quality Pool and Owner's Costs - was \$363 million. The table below provides a breakdown of these estimates.

Item	TOC Budget \$m
Pre TOC	37
ECD Construction inclusive of NOP Fees	299
Fish Studies & Habitat	5
Cotter Precinct	8
Quality Pool	4
Owner's Costs	10
Net Impact of Flood	0
Total	363

(c) Gainshare / Painshare amounts

Under the Bulk Water Alliance (BWA) Program Alliance Agreement (PAA) the NOP fees for the Enlarged Cotter Dam are subject to Gainshare/Painshare under the financial model agreed at the time of signing the TOC. The table below shows a summary of the TOC fee versus estimated position of 'Painshare' at the end of the project. Painshare/Gainshare may be impacted by the resolution of the insurance claims for flood.

Fee	TOC Agreed NOP Fee \$m	Estimated NOP Fee at Project Completion \$m
TOC Agreed NOP Fee	35.6	35.6
(Pain)/Gain adjustment to NOP Fee		29.2
Residual Fee		6.4

d) Other costs (itemised in detail)

The estimated cost of flooding impacts on the project is in the order of \$12.1 million. The claim in relation to March 2012 flooding is still under assessment by the underwriters. There is potential that the NOP submit a scope change request in relation to flood costs which will have a consequential impact on Painshare/Gainshare amounts at the end of the project. ACTEW is currently in discussion with the BWA NOP's regarding the substantiation of a potential Scope Change Claim relating to consequential damages arising from floods not covered by insurances.

(2) The information is shown in the 'Plan' reports that are attached as follows;

(a) Appendix 1- BWA Performance Management Plan (*Application of Performance Modifiers and Key Performance Indicators*)

March 2010; and

(b) Appendix 2- BWA Performance Measurement Plan – Annex D (*Procedure for Measuring the ECD Non Cost Project Performance*) March 2010.

(3) To date there have been no scope changes requested by the NOP on the ECD to date.

(4) The estimated direct costs for the construction of the dam at completion are provided below together with the originally agreed estimates in the agreed TOC in 2009. Note the table does not include the NOP fee component. See response to Question 1(c) above.

Cost Description	Agreed TOC 2009 \$m	Estimated AOC \$m
Overheads	85.5	74.0
Design	15.1	22.2
Abutment and Dam	93.7	146.4
Saddle Dams and Quarry	41.4	43.8
Structures	27.7	48.7
Sub-Total Direct Costs	263.4	335.1
Flood Costs	0	12.1
TOTAL Direct Costs (excluding fee)	263.4	347.2

This table includes an allowance for \$12.1M flood related costs. The 'Net Impact of Flood' after insurance recovery is estimated to be in the order of \$5 million. Note: This table does not include costs associated with the Cotter Precinct or Fish Studies and Habitat. See response to Question 1 above for these items.

(5) The 2005 report on which the early dam cost was based had an estimated foundation excavation volume of approximately 85,000 m³. At the time of approval of the TOC and after extensive additional geotechnical investigation, the estimated foundation excavation volume increased to 159,600 m³.

The actual excavated volume of foundations from detailed survey, excluding saddle dams and access roads, was 165,800 m³.

At the time of the development of the TOC the estimated foundation excavation depth was between 4 -7 metres below natural surface level.

Any cost savings relating to the depth of the excavation of the abutments and foundations of the dam being shallower than initially expected were lost due to the geotechnical conditions encountered on the right hand abutment where the depth and volume of excavation significantly exceeded expectations by up to 15 metres adjacent to the right hand floor's valley interface. Additional concrete (approximately 10,000 m³) was required to fill this additional excavation, and furthermore there were significant project costs added due to the delays caused by the additional excavation and refilling of this zone with concrete - prior to commencement of roller compacted concrete (RCC) placement for the main dam.

All abutment and foundation excavation has now been completed and costs have exceeded the TOC budget amount by \$3.7 million or approximately 25 per cent over budget.

Project delays caused by this additional work on the right abutment foundations were in the order of 6 weeks and the total project cost impact is estimated to have been in the order of \$4 million or approximately 1 per cent of total project budget of \$405 million. It should be noted that comments made by Mr Mark Sullivan on 3 September 2009 were made prior to the commencement of strip down of the foundations for the abutments and dam and identification of final ground conditions.

- (6) Cost escalation data provided in a letter dated 17 September 2009 to Minister Simon Corbell MLA, tabled in the Legislative Assembly on 17 September 2009 was considered accurate at the time of its preparation and provided the context for price movements on the 2005 data, upon which the original cost estimate for the dam was based. The information provided did not indicate the proportional impact of any one price movement on the price of the dam, but was provided to indicate there had been significant movements over the 2005-2008 period on key inputs to the dam costs.

Within the 2009 agreed TOC, an allowance of \$15.4 million (5.6 per cent) of direct costs was made for cost movements on key commodities over the life of the project; namely - cement, fly ash, fuel and reinforcement steel. No separate accounting has been made on this escalation allowance by the BWA. However, based on unit price movements over the life of the project on these key commodities, the full extent of expected escalation has not come to fruition.

Due to significant cost movements in other areas of the project, any savings resulting from lower than expected cost escalation have been consumed as project contingency and there is no identifiable saving in the AOC or final cost to ACTEW as a result.

- (7) Up until the TOC was agreed by the BWA "Alliance Project Management Team" on 26 August 2009 and subsequently amended and approved by the Alliance Leadership Group on 27 August 2009, all summary costs were 'estimates in progress' and could not be described as the completed TOC estimate.

The referenced text from the TOC Report identifies the fact that the Alliance estimators will cease making direct input of estimate data to the estimating software on 20 July 2013. Therefore, 'locked off the estimate' data and all subsequent adjustments to the estimate were recorded on the referenced table which was included in the TOC Report in order to allow tracing of any changes to the estimate.

- (8) As at 30 June 2013, ACTEW Corporation's net share of savings on the major Water Security Projects, other than the ECD, amounts to \$22.8 million. This figure is

ACTEW's net savings after payment of all costs incurred as at 30 June 2013, including AOC and ACTEW owner's costs. The calculation is also net of fees and share of Gainshare paid to the BWA.

- (9) The total combined capital forecast to program completion is \$681.8 million. This consists of the following projects: Enlarged Cotter Dam (ECD), Murrumbidgee to Googong Transfer (M2G), Googong Dam Spillway rectification works (GDS), Tantangara Transfer water licences (TT), Murrumbidgee to Cotter augmentation (M2C), and Cotter Pump Station Suction and Discharge Main Upgrade (SD). Excluded from the total is the design of the demonstration water purification scheme which was not pursued beyond the design phase.
- (10) The current estimates are included in the ACT Budget. These are forecast to depreciate at varying rates depending on the type of asset, but ranging from 60 to potentially 150 years. ACTEW is currently seeking external opinion prior to finalising depreciation rates on the ECD. The ICRC only recently completed its final report and price direction from 2013-14 onwards. The pricing impact is currently being assessed by ACTEW and is expected to be finalised in late August 2013. Until then it is not possible to assess an impact on ratepayers.
- (11) The water security assets will depreciate at varying rates ranging from 60 to potentially 150 years. These assets will be funded via ACTEW's Debt program. The debt over the period will be difficult to estimate as there will be varying interest rates and type of debt over the period. Once repayments and the cost of the assets are valued on a 'net present value' basis the outcome will approximate the total cost of the projects.
- (12) Total additional operations and maintenance costs is likely to fluctuate from year to year and will only be fully known once the ECD becomes operational. However, the 2013-14 expenditure is likely to be in the order of approximately \$568,000.

(A copy of the attachment is available at the Chamber Support Office).

Village Creek Centre—accessibility (Question No 133)

Mr Hanson asked the Minister for Health, upon notice, on 6 June 2013:

- (1) Does the access to the Village Creek Centre referred to in the answer to Question on Notice 94 (2) comply with the Disability (Access to Premises, upon notice, on 6 June 2013: Buildings) Standards 2010 Disability Discrimination Act 1992 (Cth); if not, will the Minister list each non-compliance and the reason for each non-compliance.
- (2) Will the Minister provide a scaled diagram of the area referred to in the answer to Question on Notice 94 (5), indicating the location of the bus stops and disabled access pathways.
- (3) Do the bus stops and disabled access pathways referred to in the answer to Question on Notice 94 (5) comply with the Disability Standards for Accessible Public Transport 2002 (as amended) made under subsection 31 (1) of the Disability Discrimination Act 1992 (Cth); if not, will the Minister list each non-compliance and the reason for each non-compliance.

- (4) Will the Minister list each of the past transport and communication strategies for improving access to the Village Creek Centre referred to in the answer to Question on Notice 94 (6), giving details of each strategy including the options and the date when each option was first looked at.
- (5) Will the Minister list each of the current transport and communication strategies for improving access to the Village Creek Centre referred to in the answer to Question on notice 94 (6), giving details of each strategy including the options and the date when each option was first looked at.
- (6) How have the transport and communication strategies referred to in part (5) been publicised for prospective and new clients of the Village Creek Centre.
- (7) Is each of the findings of the three surveys referred to in the answer to Question on Notice 94 (7) publically available; if so, please detail how each may be accessed by the public; if not publically available, why not.
- (8) In relation to the answer to Question on Notice 94 (8), will the Minister specify (a) who conducted each safety audit, (b) what was the date of each safety audit and (c) what was the area covered by each safety audit.
- (9) In relation to the answer to Question 94 (8), how many (a) older women and (b) women with disabilities were present at each safety audit.
- (10) Were there any aspects of access to the Village Creek Centre which made them feel unsafe; if so, will the Minister (a) list each access issue identified as feeling unsafe and (b) specify what has been done to address the feelings of unsafeness identified by women who took part in the safety audits.
- (11) In relation to the answer to Question on Notice 94 (11), what data is the ACT health patient administration system required to capture.
- (12) In relation to the answer to Question on Notice 94 (11), what is the exact number of clients who accessed the services at Village Creek Centre in the period 1 April 2012 to 31 March 2013.
- (13) Of those clients referred to in part (12), what exact number of clients have made (a) multiple and (b) single visits to the Village Creek Centre and in each category how many were (i) women and (ii) men, with a disability.
- (14) In relation to answers to Questions on Notice 94 (12), (13) and (14), will the Minister supply the latest figures used by the ACT Government for the number of (a) women in the ACT, (b) women with disabilities in the ACT and (c) men with disabilities in the ACT.

Ms Gallagher: The answer to the member's question is as follows:

- (1) The disabled ramp to the building from the car park was verified as compliant with the Disability (Access to Premises — Buildings) Standards 2010 Disability Discrimination Act 1992 (Cth), by Eric Martin and Associates in a report dated 4 March 2013.
- (2) Attached

- (3) The facilities providing access from the existing bus stops on Summerland Circuit to the block boundary are compliant with the Disability Discrimination Act standards. Improvements are currently being made to the amenities at the bus stop sites as part of the Territory and Municipal Services minor works program including new pram crossings. When complete these new works will also be compliant.

The works to upgrade the Tactile Ground Indicators and the cutaway to the road (to remove the lip) at the bus stop with the path adjoining Village Creek Centre were completed and are now compliant with the relevant standards.

- (4)
- (a) The Village Creek Transport Strategy was developed by the Village Creek Steering Committee to provide information and transport options for clients attending the centre after relocation of services to Village Creek. It included information on private vehicles, community transport, community buses, taxis and ACTION buses. This was finalised prior to the relocation of services to the Village Creek Centre in November 2010 and made available to clients as hard copy and also on the ACT Health/Village Creek website. The options were developed through meetings with relevant stakeholders to confirm all types of services available.
- (b) The Village Creek Communication Strategy was also developed as part of the project to relocate services and included individual mail-outs to existing clients, media publicity, scripting for staff, a staff member to remain at the previous Canberra Hospital site to inform anyone unaware of the move, updates to Health Care Consumers Association, Community Services Directorate and ACT Health websites, information sent to staff and referrers, updating all associated correspondence and Yellow/White Page information. Again, this was developed over the course of the Village Creek relocation project.
- (5)
- (a) The Village Creek Transport Strategy has not been altered markedly since the relocation of services to the Village Creek Centre. Staff continue to assist clients with directions and options at the time of booking appointments and the information available on the website is current. Appointments are offered with consideration to the individual transport needs of clients.
- (b) There is no specific communication strategy currently in place as the services at Village Creek have been operating from the Centre since November 2010. As such, all information is provided as business as usual and staff ensure that all correspondence and bookings contain information about the site.
- (6) The Transport Strategy and Communication Strategy plans were not publicised in their entirety as they were developed for internal use. However, elements within the overarching strategy have been and remain available to the public:
- The Communication Strategy was designed to ensure effective notification of the relocation of services to the Village Creek Centre and that all correspondence/information regarding each service was updated and appropriate. Ongoing provision of information on individual services is the responsibility of each service manager/staff member.

- Information on transport options is listed on the ACT Health website. Also, administration staff dealing with clients daily are able to assist with options for clients accessing the centre.
 - There is hard copy information available on site including bus timetables and information about all services delivered from Village Creek Centre.
- (7) The information in the three surveys was not made publicly available as they were undertaken internally in order to measure (a) service access prior to relocation, and (b) service access and methods of transport post relocation. This was not made publically available because:
1. The first survey was undertaken pre relocation as part of the overall Village Creek Project. The results were included as part of the project and used to measure the numbers accessing services pre move and the transport options utilised.
 2. The subsequent survey had a low response rate given the number of participants who were invited to participate but chose not to partake. While this survey provided some useful data, and delivered a similar result to previous surveys, there was not sufficient data obtained to ensure high validity in the statistics collected.
 3. The last survey was undertaken only to inform the response to the women's safety audit undertaken by the Ministerial Advisory Council on Women (MACW) on 5 July 2012 and demonstrated no increase in clients utilising public transport options. The majority of clients still accessed rehabilitation and aged care services via private transport post the relocation of services to the Village Creek Centre. This survey again delivered a low response rate.
- (8) As stated in Question on Notice 94 (8), an external audit was undertaken by Wardlaw and Associates in 2008 of the Canberra Hospital site and identified significant risk in regards to workplace safety. This contributed to the decision to move these services to a purpose designed facility.

A further external workplace safety audit was undertaken in August 2011 post relocation to the Village Creek Centre which found significantly improved work safety systems and environments. This was completed by Kaizen Management Services and made recommendations regarding further improvements in workplace safety, primarily from a governance, planning and education perspective.

In May 2012, the Ministerial Advisory Council on Women (MACW) invited the Minister for Women, Joy Burch, to participate in a women's safety audit of the Village Creek Rehabilitation Centre. Minister Burch participated in an audit on 5 July 2012.

- (9) The work safety audits which were undertaken did not include members of the public as they were undertaken for internal management purposes.

Six women participated in the Women's Safety Audit including three members from Women With Disabilities ACT (WWDACT) and WWDACT representative on the MACW.

- (10) The issues identified in the Women's Safety Audit were the distance from the bus stop to the Centre and that the Centre is not easily visible from the bus stop.

The bus stops on Summerland Circuit are less than 250 meters from Village Creek Centre. This is within the Government's Transport for Canberra Policy (draft minimum coverage standard) that states a distance of stops being within 500 meters of 95% of households. The distance is comparative to other health facilities. For example, the distance is similar from the Ginninderra Medical Centre to the nearest bus stop on Cohen Street, Belconnen.

For customers unable to use ACTION buses, a range of community transport services are available and the Centre works with the relevant community transport provider to negotiate a time and date for transport. Information on transport options has been updated on the Health Directorate website (<http://www.health.act.gov.au/health-services/community-based-health-services/rehabilitation-aged-and-community-care/village-creek-centre/>)

- (11) The mandatory data details that are collected in the ACT Health patient administration system during the patient/client registration process are: Title, Surname, Given Names, Sex, Date of Birth, Country of Birth, Birth Order, Marital Status, Home Address, Preferred Language and Indigenous Status.
- (12) The number of clients who accessed services provided from the Village Creek Centre in the period 1 April 2012 to 31 March 2013 was 8,744.
- (13) Of those clients referred to in part (12), 3,122 clients have accessed services multiple times and 5,622 clients have accessed services a single time.

There is no data captured by ACT Health in relation to a person's disability status.

- (14) The latest figures for the number of (a) women in the ACT, (b) women with disabilities in the ACT and (c) men with disabilities in the ACT, can be located at Australian Bureau of Statistics website (www.abs.gov.au).

(A copy of the attachment is available at the Chamber Support Office).

Legislative Assembly—contractor (Question No 135)

Dr Bourke asked the Speaker, upon notice, on 6 August 2013:

- (1) In relation to the Speaker's answer to 2013 Estimates Question On Notice E13-224, where the Speaker stated that a computer in the Speaker's office "was used by a contractor, contracted by the Canberra Liberals", was the contractor engaged in compliance with the Procedures to engage consultants/contractors outlined in the Legislative Assembly Members' Guide for the Eighth Assembly (pp 87-90).
- (2) Was the agreement authorised by the Clerk.
- (3) Was the use of the Speaker's office by the "contractor, contracted by the Canberra Liberals" in compliance with the provision of Office Accommodation and Facilities outlined in the Legislative Assembly Members' Guide for the Eighth Assembly (p 96).

- (4) Did the Speaker seek advice from the Corporate Services Office or the Clerk or the Assembly's Ethics and Integrity Advisor on this arrangement and was it authorised.
- (5) What work was the "contractor, contracted by the Canberra Liberals" performing in the Speaker's office.
- (6) Will the Speaker answer the questions taken on notice during the Estimates hearings in relation to staff using her office.

Madam Speaker: The answer to the member's question is as follows:

- (1) Unable to answer as the person was not contracted to the Speaker.
 - (2) See answer to (1).
 - (3) Yes.
 - (4) No.
 - (5) See answer to (1).
 - (6) Answers have been submitted to the Chair of the Estimates Committee.
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Questions without notice taken on notice

Supermarkets—Bonner

Mr Corbell (*in reply to a question by Mr Coe on Thursday, 6 June 2013*): The Territory's legal costs were \$60,750 representing \$27,750 (ex GST) for the value of services provided by the ACT Government Solicitor and \$33,000 for disbursements, including counsel's fees of \$31,100.