



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**EIGHTH ASSEMBLY**

**25 FEBRUARY 2014**

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**Tuesday, 25 February 2014**

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

## **Petitions**

*The following petition was lodged for presentation, by **Mr Coe**, from 210 residents:*

### **Roads—Spofforth Street—petition No 7-13**

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

The following residents of the ACT draw to the attention of the Assembly the ongoing traffic issues in Spofforth Street, Holt. The installation of speed humps has moved traffic from Spofforth Street into neighbouring streets which has caused serious safety concerns.

Your petitioners, therefore, request the Assembly to call on the Government to (1) remove all the speed humps in Spofforth Street, (2) allow traffic to resume its normal flow and appropriately police the streets, (3) after at least 12 months, assess the traffic, and (4) then, and only then, consider what measures might be appropriate to manage traffic flow.

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

## **Ministerial responses**

**The Clerk:** The following responses to petitions have been lodged:

By **Mr Corbell**, Minister for the Environment and Sustainable Development, dated 16 December 2013, in response to a petition lodged by Mr Wall on 18 September 2013 concerning a proposed large scale solar generator plant at Uriarra.

By **Mr Rattenbury**, Minister for Territory and Municipal Services, dated 20 February 2014, in response to a petition lodged by Ms Lawder on 26 November 2013 concerning pedestrian safety on McBryde Crescent, Wanniasa.

By **Ms Burch**, as Acting Minister for the Environment and Sustainable Development, dated 24 January 2014, in response to a petition lodged by Ms Gallagher on 26 November 2013 concerning Mount Majura Nature Reserve.

By **Mr Corbell**, Minister for the Environment and Sustainable Development, dated 15 January 2014, in response to a petition lodged by Mr Barr on 26 November 2013 concerning a petrol station site in Weston Creek.

By **Mr Corbell**, Minister for the Environment and Sustainable Development, dated 16 December 2013, in response to a petition lodged by Mr Wall on 27 November 2013 concerning a proposed large scale solar generator plant at Uriarra.

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

### **Uriarra Village—proposed solar farm—petition No 2-13**

*The response read as follows:*

Thank you for your letter of 18 September 2013 about Petition No. 2-13 lodged by Mr Andrew Wall MLA on behalf of Uriarra residents.

OneSun Capital 10MW Operating Pty Ltd (OneSun) was one of two successful applicants in the regular stream of the ACT Large-scale Solar Auction conducted this year. The Solar Auction is separate to the independent development application (DA) process conducted under the *Planning and Development Act 2007*.

The Solar Auction made it clear that the identification of suitable land, and associated risks in obtaining development approval for a solar facility, were the responsibility of the proponent. In making a favourable assessment of OneSun's Solar Auction proposal for feed-in tariff support, the Territory did not make any warranty or representation about the successful implementation of its proposal. The identification of suitable land, and associated risks in obtaining development approval for its proposal, were the responsibility of OneSun. OneSun will not receive any feed-in tariff payments unless it receives development approval for its proposal and successfully completes its construction.

The ACT Planning and Land Authority within the Environment and Sustainable Development Directorate is responsible for independently assessing DAs lodged under the Act. The construction of a solar farm for the block identified by OneSun is a permissible use for the zone the block is located in. While the authority has the power to not allow a proposed use of a site through the DA assessment process, it does not have the power to reject a DA without first undertaking an assessment when the proposed use is permitted in the applicable zone. The Act and the Territory Plan set out a variety of matters to be considered when deciding on a DA. Relevant matters for consideration may include environmental, social, economic, heritage, glare impacts, the objectives of the zone, suitability of the land and bushfire hazard management. The impacts on the rural character and amenity of surrounding land uses may also be considered. Formal assessment of the suitability of proposals is conducted on a case by case basis.

The Government does not propose to create any specific rules pertaining to the allowable proximity of solar farms to residential areas in the ACT. The reason for this is that the separation needed between a solar farm and a residential area is variable depending on factors such as topography, vegetation, the height and orientation of proposed structures and the type of solar power generation being proposed. The Act and the Territory Plan have been designed to ensure that the merits of each proposal are carefully considered before reaching a decision on a DA.

If and when received, a DA for the OneSun proposal will be publicly notified under the Act for at least 15 working days. Notification will include letters to adjoining and adjacent lessees, signage on the site, an advertisement in the *Canberra Times* and information on the Authority's website. This provides an important opportunity for people with opinions to provide comment to the Authority. All written comments received by the Authority during the public notification period will be carefully considered.

Further information about the DA process can be found at: [http://www.actpla.act.gov.au/topics/design\\_build](http://www.actpla.act.gov.au/topics/design_build).

### **Roads—McBryde Crescent—petition No 3-13**

*The response read as follows:*

The ACT Government notes the petition submitted by the petitioners, tabled by Ms Lawder MLA on 26 November 2013, and makes the following comments:

- Trinity Christian School, located on McBryde Crescent, was recently the subject of an active investigation into traffic and pedestrian safety on roads in the vicinity of the school by Roads ACT.
- Trinity Christian School, like most schools in the ACT, provides carparking and pick up and set down arrangements within the school's grounds. The 40km/h school zone provided on McBryde Crescent, covering the frontage of the school including the access to the car park and bus zone area is provided by Roads ACT and supports these arrangements.
- Pedestrian crossing facilities, such as the underpass west of the school near Laurens Street and the pedestrian refuge island on McBryde Crescent near Bromley Street, were provided by Roads ACT to enhance the safety of pedestrian and cyclists' movements of the school's students and the community at large.
- Roads ACT has been working with the school community to develop further options for improvement. Stage 1 of these improvements includes the provision of a children's crossing at the existing pedestrian refuge island on McBryde Crescent near Bromley Street. In discussions with the school's Principal, this children's crossing has now been provided during the school holidays in preparation for Term 1, 2014.

Parking restrictions were also proposed for Bromley Street to improve traffic flow during school peak times. These will now be provided given that the consultation with residents has been completed.

- Roads ACT is continuing to work with the school to improve safety and traffic management during school times.

**Planning and Development Act—variation to the territory plan No 182—  
petition No 4-13**

*The response read as follows:*

Thank you for your letter of 26 November 2013 to Mr Simon Corbell MLA, Minister for the Environment and Sustainable Development regarding petition No. 4-13 received by the Assembly about the land use status of Block 1329 Canberra Central. As Minister Corbell is currently on leave, I will be responding on his behalf.

I can confirm that part Block 1329 Canberra Central (Paddock 5) is included in draft variation to the Territory Plan number 297 (DV297) following a request from the Conservator of Flora and Fauna in 2008. DV297 intends to vary Paddock 5 from special purpose reserve to nature reserve.

The ACT is not opposed to rezoning the block to nature reserve, but wishes to ensure that any potential offset capability is recognised for the purpose of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy.

The Environment and Sustainable Development Directorate anticipates commencing public consultation for DV297 in the second half of 2014 once assurance is received from the Commonwealth Department of the Environment that the site could be counted as an offset.

I trust that this information is of assistance.

**Weston Creek—petrol stations—petition No 5-13**

*The response read as follows:*

Thank you for your letter of 26 November 2013 advising of the lodgement of a petition for an additional service station in the Weston Creek area.

The Government is undertaking a master plan for the Weston Group Centre and as part of that process, has consulted extensively with residents and stakeholders on the issues for the centre and the wider district. The issue of a single service station for the district has been raised through that process and is one that is being considered as part of the master planning that is underway.

Achieving the best outcomes for residents and the successful operation of an additional service station site needs careful consideration and there are a number of sites in the area that could be suitable for such a development. Some of the matters that require examination include: individual site constraints; site servicing and access; traffic flow and potential traffic impacts; commercial feasibility; convenience for local residents; and market appetite and timing of release of a site.

The Environment and Sustainable Development Directorate which has responsibility for delivery of the master plan is working with the Economic Development Directorate on this issue and a number of sites have been identified

that could accommodate an additional service station. The Economic Development Directorate is finalising a feasibility study to identify a preferred site.

It is expected that the draft master plan will be released for public consultation in the early part of 2014 and a preferred site for an additional service station will be included in that process, to allow community input and comment. Following that input and in the context of the Weston master plan, the Government will decide the appropriate site for an additional service station and put in place the measures to ensure it can be delivered. This may likely include a rezoning of land such that release of a site should not be anticipated before the end of 2014.

The Government understands the importance of this issue to Weston Creek residents and is working to deliver an additional service station in as timely a manner as possible and in a way that will best serve the needs of Weston residents.

### **Uriarra Village—proposed solar farm—petition No 6-13**

*The response read as follows:*

Thank you for your letter of 27 November 2013 about Petition No. 6-13 lodged by Mr Andrew Wall MLA on behalf of Uriarra residents.

OneSun Capital 10MW Operating Pty Ltd (OneSun) was one of two successful applicants in the regular stream of the ACT Large-scale Solar Auction conducted this year. The Solar Auction is separate to the independent development application (DA) process conducted under the *Planning and Development Act 2007* (the Act).

The Solar Auction made it clear that the identification of suitable land, and associated risks in obtaining development approval for a solar facility, were the responsibility of the proponent. In making a favourable assessment of OneSun's Solar Auction proposal for feed-in tariff support, the Territory did not make any warranty or representation about the successful implementation of its proposal. OneSun will not receive any feed-in tariff payments unless it receives development approval for its proposal and successfully completes its construction.

The planning and land authority within the Environment and Sustainable Development Directorate is responsible for independently assessing DAs lodged under the Act.

The Act and the Territory Plan set out a variety of matters to be considered when deciding on a DA. Relevant matters for consideration may include environmental, social, economic, heritage, glare impacts, the objectives of the zone, suitability of the land and bushfire hazard management. The impacts on the rural character and amenity of surrounding land uses may also be considered. Formal assessment of the suitability of proposals is conducted on a case by case basis.

The Government does not propose to create any specific rules pertaining to the allowable proximity of solar farms to residential areas in the ACT. The reason



for this is that the separation needed between a solar farm and a residential area is variable depending on factors such as topography, vegetation, the height and orientation of proposed structures and the type of solar power generation being proposed. The Act and the Territory Plan have been designed to ensure that the merits of each proposal are carefully considered before reaching a decision on a DA.

Once the DA is formally lodged (that is the DA passes the initial administrative completeness check and fees are paid) a DA for the OneSun proposal will be publicly notified under the Act for at least 15 working days. Notification will include letters to adjoining and adjacent lessees, signage on the site, an advertisement in the *Canberra Times* and information on the Directorate's website. This provides an important opportunity for people with opinions to provide comment on the DA. All written comments received during the public notification period will be carefully considered as required by the Act.

Further information about the DA process can be found at: [http://www.actpla.act.gov.au/topics/design\\_build](http://www.actpla.act.gov.au/topics/design_build).

## **Minister Burch**

### **Motion of no confidence**

**MR HANSON** (Molonglo—Leader of the Opposition) (10.03), by leave: I move:

That this Assembly no longer has confidence in Minister Burch.

It is a very serious issue to call for a minister to be stood down, and this opposition does not do so lightly. This is not motivated by ideological differences but by the minister's repeated acts of very poor judgement, ongoing maladministration and constant failure to accept responsibility.

This minister has been responsible for a long list of actions that have successively caused embarrassment, have caused offence and have been damaging to this government but, more importantly, have been damaging to the people she is charged with the responsibility of caring for in our community. Mistakes will happen, Madam Speaker. But this minister has made far too many for far too long. She has lost the respect of almost every group for which she is minister, has lost the faith of many in the community and she has lost the confidence of the Liberals in this Assembly.

There comes a point where this parliament has to say that enough is enough. After I have spoken, my colleagues will outline in more detail what is a damning litany of failures across Ms Burch's portfolios. But some of that long list includes breaches of law and abject failures in childcare and protection, bullying at the CIT, failures at Bimberi and the minister disrespecting the staff, allegations of bullying in disability, concerns in the ACT arts community and a chaotic closing of the Women's Information and Referral Centre.

Two recent issues that highlighted this minister's incompetence are her highly offensive tweet about the federal education minister and the mishandling of the Fringe Festival that led to members of our multicultural community saying that they were insulted.

Let me first turn to the offensive tweet. Madam Speaker, this minister is now known nationwide for one of the most inept and offensive acts ever conducted by a member of parliament anywhere in the country. Retweeting such an extraordinarily offensive and abusive message about the federal education minister is not just beyond the norms of political conduct. It is practically beyond belief. Teachers have told us that if they had behaved as the minister had done and retweeted such vile and offensive material they would have been severely disciplined, if not sacked.

The criticism not only comes from us but from almost every observer of this debacle. As the federal education minister said himself, “If I’d done that, before my head hit the pillow on Thursday night I would have resigned or been sacked.” The Minister Assisting the Prime Minister for Women said, “Ms Burch’s behaviour indicated she lacked the judgement required to discharge the responsibilities associated with her position. Politics may be a rough game, but there is a basic standard of human decency which Ms Burch seems to lack.”

Madam Speaker, I have spoken with a number of federal and interstate colleagues, and let me assure you that her credibility as a member, let alone the chair of the ministerial council on education, is shot. This is not made any better by Joy Burch’s delayed and stumbling excuse for sending the tweet—that she had pressed the send button instead of the delete button.

Many of us use Twitter in this place, as do representatives of the media. Joy Burch had previously tweeted or retweeted 1,116 times. We all know that her excuse is nonsense and a lame attempt to cover up what was an abjectly stupid and abusive action. What sort of example has this set? What culture now permeates the minister’s directorates? How does this minister address cyberbullying in schools when she engages in it herself? Sadly, Madam Speaker, causing insult and offence is a skill at which this minister excels.

As Minister for Multicultural Affairs she cannot seemingly comprehend how someone dressing up as a Nazi and then stripping in the middle of the National Multicultural Festival might be insensitive, insulting and offensive to a great many people. Who of those opposite, I ask, will stand in this place today and say that they condone this act and support the process that led to it?

Do not discount the insult this has caused, Madam Speaker—not to me, not to Mrs Jones, but to members of our multicultural community. Diana Abdul-Rahman, the chair of the Canberra Multicultural Community Forum, spoke out for the multicultural community following this stupid act. Let me quote what she said on ABC radio:

It insulted quite a few people along the way, definitely the German community and of course our friends in the Jewish community, it is just simply unacceptable.

What happened on the weekend had nothing to do with multicultural community and nothing to do about free speech. Ms Abdul-Raman continues:

Those who made the decision that allowed that to happen should be made accountable and we should know who they are.

She further said:

It has nothing to do with multiculturalism and, in fact, it was insulting and it insulted quite a few people, and I think it insulted people's sensibilities, people's sense of dignity, I think, at a level also.

Madam Speaker, it is extraordinary that the minister is so oblivious to the offence that she has caused and seems to try and brush it aside as humour. It is clear that this act of stupidity did cause offence. My conversations with a number of very prominent identities in the multicultural community make it very clear that they have lost confidence in the minister responsible.

This was entirely predictable. The minister ignored due process and appointed Jorian Gardner as the director of the fringe. Mr Peter Williams, who ran the event last year, had raised concerns in the media about lack of process through which he was not even approached by the government to tender for the festival. He realised he had lost his job when he heard Mr Gardner was being given \$20,000 by the minister to run the festival without any competitive process.

Let me quote from an editorial in the *Canberra Times* of 3 July last year titled "Due process left at the Fringe" which makes it clear how entirely predictable it was that Ms Burch's appointment of Mr Gardner would lead to controversy. The editorial states:

It will be fascinating to see if controversy-prone Jorian Gardner gives Arts Minister Joy Burch any cause to regret the decision to hand him control of next year's Fringe Festival. The ACT government has committed \$20,000 annually over four years to support the fringe event alongside the Multicultural Festival, as well as in-kind support, infrastructure and public liability insurance.

Ms Burch's decision to abandon the competitive elements of selection process and appoint Mr Gardner—who founded the original festival in 2004—has been questioned by the organisers of the 2013 festival. In response, Ms Burch's spokesperson said the festival director's job did not have to be open to all comers because funding has been switched from ArtsACT to a separate item in the ACT budget. Be that as it may, the money still comes out of the pockets of territory taxpayers. As such, Ms Burch has a duty—

I repeat: "Ms Burch has a duty"—

to ensure that it is disbursed according to merit and in a transparent fashion. However far Mr Gardner's qualities ... stood out, observing due process might have been a wiser option.

That quotation is from an editorial of the *Canberra Times* in July last year. The minister was warned. By her actions, by her poor judgement, the minister is entirely responsible for the insults caused to the multicultural community. She alone appointed

Jorian Gardner and was publicly warned of the extreme risk of doing so and was warned by us in this place where she expressed full confidence in Mr Gardner.

She funded this event from a public purse and she appointed the director without due process. She promoted this activity as part of the Multicultural Festival and she failed to ensure that the acts of the Fringe Festival would, at the very least, not cause offense. When the multicultural community were insulted, and we know that they were, instead of an apology she brushed aside their concerns. At every single step she failed. As the chair of the multicultural forum says—and I again quote her:

Those who made the decision that allowed that to happen should be made accountable and we should know who they are.

We know who they were. We know who made that decision and we know who should be held accountable. Sadly, there is more. I will let the shadow minister comment in detail but there is simply no way we can escape the fact that this minister abjectly failed the most vulnerable in our society and she will not accept responsibility.

The ACT Labor government was warned through the Vardon review of the care and protection system that there is a critical lack of quality placement options for children and young people needing care and protection in the territory. Two years ago the Public Advocate slammed this minister saying that Care and Protection had breached the law 24 times which had a serious and detrimental impact on children for whom the Director-General has responsibility. Madam Speaker, it breached the law 24 times. The minister's appalling response was not to address the problem. It was to get her own lawyer to disagree with the finding.

These results, these failures and this minister's behaviour are a disgrace. In other parliaments—in any other parliament, in fact—she would have been removed or replaced. We know the real reason that that has not occurred. It is not that the Chief Minister has full confidence in her minister but she simply has no choice. Frankly, that is not a test as to whether a minister should stay in place in the executive.

The test of this place as to whether there is any accountability for ministers who broadcast the most disgusting and vile abuse about federal ministers or any accountability of ministers who cause insult to the multicultural community is whether there is any repercussion for ongoing abject failures of process and policy that leave children in homes with no heating, no bedding and glass on the floor.

The test is whether there is any response for a system that breaches the law 24 times. The test is whether we maintain confidence in a minister who gives \$20,000, without due process or any oversight, to an event that includes a Nazi stripper in the middle of a multicultural festival and does so against all warnings. The test is one of what standards we accept in this parliament. It is a test not only for the minister but for the Chief Minister and for Mr Rattenbury.

Ms Burch has embarrassed the territory. She has embarrassed the government and she has embarrassed herself. She now has a national profile and it is not a good one. But the test should not be the ridicule that she has faced in the media but the standards that

the Chief Minister requires of her ministers through the code of conduct. Madam Speaker, the ACT Ministerial Code of Conduct 2012 makes it very clear what is required of the ministers in this place. I will quote from the Ministerial Code of Conduct:

Ministers in the ACT government are rightly expected to uphold and demonstrate the highest standards—

The “highest standards,” Madam Speaker—

of personal and professional conduct.

I ask any of us here whether they can honestly stand in this place and say that this minister has met that test. Has she displayed the highest standards of personal and professional conduct? It goes on:

Ministers must act lawfully with integrity, probity and respect for others.

I ask again, given her actions—be it retweeting, be it the insult caused to the multicultural community, be it the disrespect she showed to staff at Bimberi—can any of us stand in this place and show that the minister has acted with the respect of others? The code goes on to state:

Ministers must not dishonestly or recklessly attack the reputation of any other person ...

Madam Speaker, what Ms Burch did with her tweet against a minister of the federal parliament can only be described as reckless and she has been in breach of this code. She has recklessly attacked the reputation of another person.

The minister has failed to uphold the code of conduct on every level and she has abjectly and repeatedly failed. If the Chief Minister or any of those opposite believe that Joy Burch’s actions are consistent with the code of conduct, then we may as well shred that document now. It has been rendered worthless. The Chief Minister knows this. The Chief Minister knows that if roles were reversed she would be demanding the removal of any such train wreck of a minister. If it were any other parliament they would insist on it.

In this parliament and in our party there is absolutely no doubt that this minister must go. I know that the Chief Minister will fail the people of Canberra in this task but we will not. The minister must go and we will keep pursuing that until she does. (*Time expired.*)

**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) (10.18): I thank Mr Hanson for bringing this on and beginning the new year in such a way, giving me an opportunity to respond to some of the comments raised and to sit and listen to other comments as they come forward, but also an opportunity to show how I am just getting on with the job as opposed to you over there.

You have come in here on the first day of the Assembly sitting with an opportunity to say to Canberra what your vision is, what you choose to put in front of the Canberra community for the future. Instead, you have come here with this slight and attack on me. I have been quietly getting on about business. Just this week, for example, I launched the “Bullying. No Way!” campaign to make sure that kids and schools across the country have a safe environment within their school. There was a nation-leading launch here for Kulture Break—an Australian curriculum-aligned online dance program that was developed here by our very own community members. That is leading. That was part of what I was involved in this week.

The Chief Minister and I launched fresh tastes, which provides a safe, healthy environment for kids where we will remove sugary drinks and put in cool water for our kids at school. I went to a Catholic dinner. While you are trying to say community groups have no faith in me, Mr Doszpot, if you had arrived on time you would have seen that the Catholic community do indeed have faith in me. On Saturday night, I was supporting the launch of DonateLife Week, which is an incredibly important activity to be involved in. And on Monday, yesterday, I was launching the literacy and numeracy statement that in public schools teachers will be in the top 30 per cent. That is good policy, forward-looking policy that will benefit our kids.

Just last night I was at the Ricky Stuart Foundation launch. They are raising money—good money from good Canberra folk—around respite services in the community. You are saying that people in the community do not have faith in me. Again, I beg to disagree. In fact, in the Ricky Stuart Foundation program last night, it was written that the Ricky Stuart Foundation had had very positive discussions with Minister Burch and senior officials, and that they are confident that this program will go to fruition and be a success.

On the important matter of how we ensure quality teachers for our students, in today’s paper the Australian Education Union not only backs a new literacy and numeracy test for qualified teachers but thinks there is more work to do. The union has said that the announcement that the government will only hire government school teachers in the top 30 per cent of the general population was an important step forward in recognising and valuing the teaching profession. Again, that is in contradiction to your statements about having no support from the community. They are clearly wrong. I have received letters from the independent schools association and from the Catholic school authority making clear statements of support to me.

Let me go through some of the other points that you have raised. Let me go to the tweet. There is no doubt—I have been straightforward in this—that that was a mistake. It was an absolutely shameful mistake, but it was a mistake. What do you do when you make a mistake? You stand up, you admit it, you accept it, you make an apology, and you do all you can for that. There is a comment, and it is an old adage, that he without blemish should throw the first stone. You yourself admitted that mistakes happen. As you were getting to the end of that, I think you said that it is a test of somebody about how you respond. There was an up-front apology—very clear, absolute—and contact with Mr Pyne’s office. I do not know what else someone can do when such a mistake has happened. Let us be very clear: it was a mistake. It is something I am deeply sorry for, and any offence caused I regret absolutely and deeply.

Let us go to some of the other comments that you have made. You mentioned breaches of law. I find it quite extraordinary that you continue to say in here that there were breaches of law. Yes, the Public Advocate's report made comment. But the chief government solicitor said that there was no breach. The Public Advocate is on public record as accepting that advice. The only ones who want to hang on to ill-informed history are the Canberra Liberals. Let us make no mistake: there was no breach of the law, and that has been confirmed through the GSO. If you want to continue to harangue over that, that is all for your own negative purpose.

You make comment around Bimberi. If you have not had a look at the youth justice blueprint that sets a path for the community over the next 10 years in this, you should look at it. You would see that that is a very significant piece of work. The benefits of the reforms and the changes I have made within youth justice and in Bimberi are having an effect. I have stood in this place, in response to a question in question time, outlining the absolute clear reduction in the number of detainees, the reduction in the number of young people held in remand, and the significant reduction—I think it is 40 per cent—of Aboriginal young people in remand under the reforms that I have put in.

Again, go to your mark. It is a test. It is a test about what you do to improve programs. I will stand by my record in youth justice.

*Mr Hanson interjecting—*

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

**MS BURCH:** I will stand by my record in youth justice that, through the blueprint and through the reforms that I have put in place at Bimberi, the young people of this city are reaping the benefit. They are supported through youth justice. They are supported to get education and training opportunities that were not there before.

Let us go to care and protection. Absolutely I have stood in this place and had the Auditor-General and the Public Advocate go through our care and protection study. But look to every other state. Look to every other state that has a critical and forensic review of their care and protection system. What do you see? You see reports that highlight areas of improvement. We are no different. We are no different from any other state. Look to Queensland. Look to Victoria. Look to New South Wales. Care and protection is a tough business. I encourage you to get a better understanding that it is not black and white. This is core human decisions of a human service. Yes, we have had that report. Some of it was a bit hard. But again, go to your comment. It is a test about how you react. What did we do? We put in significant reforms. Again, the Public Advocate has been on record as saying that those reforms have made a difference, that there has been success.

Let me go back to Bimberi and the Children and Young People Commissioner's review of that. The commissioner has recently written to CSD indicating that reforms underway meet all expectations. You had a report from the Human Rights Commission outlining improvements that needed to be made. Here we are, two or three years down the track, and what does the commission say? It says that it meets all

expectations. Again, go to your test, Mr Hanson; go to your comment. It is about it being a test about how someone stands and makes the improvements that are necessary.

Now let us go quickly to the fringe. Yes, I made a decision to appoint Jorian Gardner as the artistic director for the fringe. It was in my delegations and it was my executive right to do so. I made that decision. Contrary to you over there, we over here actually make executive decisions each and every day. Not every decision is public; not every decision is for a public tender. Just think of the mechanics of government. If you are talking about a public tender process, a competitive process for any value, what is the value? Is it \$5,000 that I have also provided through arts to an organisation because they came to me and they had a program that was worthy of support?

*Mr Hanson interjecting—*

**MS BURCH:** I am just stating the obvious.

*Mr Hanson interjecting—*

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

**MS BURCH:** I am just stating the obvious, that decisions are made. Why did I make that decision? You yourself have accepted and recognised that Jorian Gardner started the Fringe Festival in 2004. Is he without controversy? No. Are fringe festivals without controversy? No. They would be a very dull fringe if they did not take you to the end of artistic controversy. Is it my right to censor art? Is that what is coming from you—that now a minister has to censor every performance that any dollar of mine goes towards? Is that what you are saying? I find that extraordinary. We hire an independent artistic director for the fringe. The conditions are in a deed of grant. The acquittal and the formal process about meeting those conditions are articulated in a deed of grant, and Jorian Gardner has met those requirements under the deed of grant.

Do you think that I would have reference to every performance, whether it is the National Multicultural Festival or the Fringe Festival? There are 3,000 performances. Do you want me to go through every performance, to know every act that is going to go on? Do you want me perhaps to get a translation of the Russian Cossacks singing to make sure that that did not offend a single person in this community?

I can tell you that 250,000 people came through. Some 18,000 people went to the fringe. That is a success. Some 18,000 people went to the fringe. Some 250,000 people went through the festival. There were 380 stalls and nearly 3,000 performers. If you think that, throughout all of that, everyone had no comment of a negative nature to make, you are living in goo-goo land, because there will always be views around participation in acts and other things.

I will not stand by and allow the artistic integrity and the freedoms that are attached to the fringe to be censored by me or, indeed, by this house here. If you are so offended by people getting dressed in Nazi uniform, what did you go do with Gary Humphries when he participated in *The Producers*, which had that skit *Springtime for Hitler*?



And we all know that Mel Brooks also did that. Perhaps we do know what you did with Gary Humphries. Gary Humphries made the ultimate sacrifice. For being in *The Producers*, Gary Humphries was kicked out of preselection and kicked out of the Senate. If that is your level of standard, I think that is incredible.

Let me mention a quote: “We live in a free society and it is important that artists express themselves freely.”

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson!

**MS BURCH:** “We live in a free society and it is important that artists express themselves freely.” Do you agree or disagree with that comment?

**Mr Hanson:** Madam Speaker, I acknowledge that I have made a number of interjections—

**MADAM SPEAKER:** Are you making a point of order?

**Mr Hanson:** The point of order is under standing order 42, Madam Speaker. The minister is required to address her comments to you, not to other members. If she is going to continue to address her comments to me, it does make it difficult for me not to respond.

**MADAM SPEAKER:** I was going to draw that to members’ attention at the conclusion of Ms Burch’s speech. This is a serious matter, and I was not going to interrupt the debate for small points of order. I was going to do that. Can we stop the clock, please. I cannot turn back the clock. I can stop the clock, which has been stopped, Ms Burch. Now that we have stopped the debate, I will make the observations that I was going to make at the end of the debate.

Standing order 42 requires members to address the chair. Ms Burch, you have consistently throughout your remarks failed to address the chair but have addressed the opposition. I was not going to pull you up because of the seriousness of the debate.

On the matter of interjection, at the beginning of Mr Hanson’s comments Mr Barr started to interject and I called him to order. Thank you, Mr Barr, for coming to order. Since then I have called members of the opposition to order on a number of occasions, and you have not come to order. If interjections continue, I will start issuing warnings and I will start taking names.

**MS BURCH:** With the time left, I will move on to cover a few other things. That quote, by the way, was from Malcolm Turnbull. You may be interested to know that, Madam Speaker.

Let us refer to CIT. I have stood in this place. The Public Service Commission has reported that there was no systemic bullying found at CIT. There is no doubt that some people were hurt and aggrieved, but there was no systemic bullying. Let us be very clear that that is on the public record.

You made mention of WIRC. I fully expect Mrs Jones to stand and talk about WIRC and say that there is no plan. What about “What’s on for women” for 2014? The only thing we have done with the service is change the address. Quite frankly, if that means that more people—people living in Belconnen, Tuggeranong and Gungahlin—have access to women’s services, I will stand here and take that criticism. I am quite happy to stand here and take that criticism.

Let me go back to some of your comments about behaviour in this place. I remind people that Mr Coe and Mrs Dunne were forced to repay \$3,000. The Canberra Liberals were forced to repay \$10,000 of community grants. Do I need to remind you of the breach of the Electoral Act, Mr Hanson? And the list goes on. The common koel is to be eradicated; there is a member over there. Mr Doszpot cannot even pick up his own pen to write a travel report. So do not stand here and think that the blame is only on this side.

I will stand by my record, and my record tells me that I am making good programs, that I am serving this community well. (*Time expired.*)

**MADAM SPEAKER:** Before I call other members, I reinforce the comments that I have just made: this is a serious matter and I expect the house to conduct itself seriously. I will not brook any interjection. I also remind members again of the provisions of standing order 42.

## Visitor

I would like to acknowledge the presence in the gallery of the former member for Brindabella and former minister Mr Hargreaves. Welcome back to the Assembly.

## Minister Burch Motion of no confidence

**MR DOSZPOT** (Molonglo) (10.35): I rise today to speak to Mr Hanson’s motion of no confidence in Minister Burch. The sad reality is that there is now a long litany of bad decisions, appalling process and woeful judgments across a number of portfolios. Each of these matters has raised serious doubts; each goes far beyond the mere cut and thrust of normal political discourse; each moves into the realm of genuinely damaging and dangerous behaviour.

The issues we are discussing today are serious and they are repeated. The failures have occurred in sensitive portfolio areas and involve important matters that simply cannot be repaired after the fact; they can only be prevented. Together they show not just a pattern of failure but a pattern of wanton refusal to address or even recognise these failures or to take steps to rectify them. It is this reckless refusal to accept responsibility that has led to the only choice available to prevent continued harm from being done by this minister. If the minister herself or the Chief Minister will not act to rectify these failures, we will.

In the education and disability portfolios for which Ms Burch has responsibility there have been glaring examples. Any of the issues raised today are cause for a censure, but all of these combined leave only one choice—that is, this minister must be removed before she does any more harm.

The area within education that I will concentrate on this morning is CIT and the handling by Ms Burch as education minister of the serious allegations of systemic bullying detailed in the report of the review of allegations of workplace bullying and other misconduct at the Canberra Institute of Technology.

As I said at the time, the minister's response to this report was glib, tokenistic and shameful. Worse, the response has added to the pain and suffering of people already at breaking point. The minister, through her clumsy and simplistic response, added further angst to people who were waiting for recognition of their dire circumstances.

Recommendation 1 of the CIT report states that the CIT should acknowledge and apologise for past failures in the management of a small number of areas within CIT. Neither of these happened. The minister in her response advised that the CIT has acted swiftly and delivered a sincere apology. That swift apology was years in the coming, and the level of sincerity is not for the minister to determine; it is for the victims to assess. Judging from the many letters I have received from the complainants, they are far from satisfied, and neither am I.

The minister also said the complaints were just from a small number. I certainly do not regard 42 complaints as just a small number. Indeed, when I asked the education directorate how many similar complaints they had received from a staff of around 5,000, the answer was around 10 such complaints per annum. Forty-two complaints from a staff of 700 should have set alarm bells ringing. But again this morning Ms Burch is still telling us about a small number. Nothing was done for years.

The minister then made matters worse when she urged the community to support CIT. Where was the call to the community to support the staff? Where was the commitment to find those responsible and deal with them? To save her own skin this minister ignored the health, welfare and reputation of the 42 current and former employees of CIT who suffered under the bullying and mismanagement they complained about. While 42 individuals were brave enough to speak up, I understand the original number of complainants was around 70.

This simplistic attitude typifies and highlights Minister Burch's lack of comprehension of the serious issues that are her responsibility. She does not seem to understand that she is the minister for education and that her responsibility is to all staff, teachers, students, everyone within the directorate and the CIT and not just to a section or, indeed, just the executive. She has claimed the process has been used with genuine commitment and goodwill. Is genuine commitment and goodwill truly demonstrated when management took seven months to respond to the claims? Seven months, Madam Speaker!

What is even more astounding is that the remainder of the minister's comments on the CIT report would lead us to believe that all matters are now resolved. Let me be clear: they are not. Several matters—nearly one-quarter of the original complainants, including some that involve allegations against current serving senior managers—remain under investigation years after being raised.

I do not accept that the minister's response is acceptable or credible. The reason so much guilt falls to this minister is that there is no way she could not have been aware of the problems. These problems originated under Mr Barr's term; they continued under Minister Bourke and finally culminated in a report handed down on Minister Burch's watch.

WorkSafe ACT had already delivered a stinging critique of CIT management, as did the former education minister, Dr Bourke, when he issued an improvement notice, both of which were necessary because CIT simply did not accept that it had a problem. As far back as 2009 under Minister Barr this was a well-known and canvassed issue. Dr Bourke's actions need to be recognised. After many calls from the opposition he was the first education minister to at least start the process of scrutiny. Minister Burch's response in contrast is based entirely on self-preservation—it is all bluff and bluster as this minister fails time and again to deal with the issues in her portfolio.

I repeat, Madam Speaker, these are not issues relating to pure politics; they are serious and damaging to real people, their health and their very livelihood and under this minister their feeling of being ignored and disrespected has continued. This was not and never has been a small number of complaints; these were not and never have been "just some issues" and they were not and never have been properly dealt with.

Throughout my advocacy and highlighting of the CIT issues of concern this minister has maintained a blustering and belligerent attitude that is both rude and reprehensible. She has gone so far as to try to deflect my criticism of her actions by accusing me of being anti CIT. Just for the record, as a former member of CIT Advisory Council I am very proud of the CIT and the contributions of the many committed staff over the years, and I have listened to all sides.

This minister's transparent political ploy does nothing to address the real issues or, sadly, prevent the same problems occurring in the future. Indeed, I continue to be appalled at this minister's lack of empathy or ability in dealing with this issue. I am not convinced that some of the victims have yet received the appropriate recognition of their trauma, and I will do everything I can to make sure that their number is not added to.

Sadly, as we are hearing today, this is only one of many examples that highlight her inability to maintain ministerial office. It is time someone took responsibility for Ms Burch's actions. We call on the Chief Minister to do so. If we continue to paper over what is a serious structural flaw, the problem will get worse. This is an absolute and undeniable truth.

Chief Minister, I have been approached by many of the 42 complainants and they all echo their disappointment and frustration with the process that started with so much promise but ended in abject disappointment. They all want the following questions answered: which are the small areas that the report admitted to and what actions are being taken against the perpetrators? How can this report possibly have been the final report when there are so many more cases still under investigation? Why are the same managers that treated their complaints so lightly and mismanaged the past complaints originally the same managers and delegates responsible for now implementing the recommendations from the Kefford report?

These are all fair questions and a sad reflection on the promised new era of openness and respect. When will somebody either from the CIT or the government face the complainants and offer a personal apology to them for their treatment, not through a so-called letter of apology that was seven months in the making and which the majority have angrily rejected, but a personal, face-to-face response? It is the least that these people deserve.

Chief Minister, I urge you to take action before these problems get worse. There can be only one recourse—the removal of the current minister for education. Chief Minister, I ask you to listen not just to us but to the voices of the 42 complainants and the many other committed staff at CIT who are now more reluctant than ever to come forward.

For our part, the Canberra Liberals will continue to expose the failure to protect people in their workplace environment and will not hesitate to hold to account those found to be responsible. We cannot allow the bullies to win and prosper, and there remain too many victims who believe the bullies have won. In this case the minister is one of the bullies, and she should be removed from office because of it and her many other failings.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (10.45): I welcome the opportunity to strongly defend the record of Ms Burch this morning in this place. I reflect briefly on the fact that after a three-month break the first item of business is to pick on each other and score political points as opposed to actually concentrating on the things that matter to the people who have elected us to this place, including working on priorities for the city as we face perhaps some of our most difficult years for some time. I wonder whether it plays into the community's disengagement from the political processes that the number one priority for the Canberra Liberals is what happened at the Fringe Festival.

Having said that, I am very pleased to defend the record of Minister Burch. I work with Minister Burch day in, day out. I see the work she does in her portfolio and how hard she works. I see the connection she has in the community. In relation to some of the comments from the opposition around anonymous criticisms of Ms Burch's performance, I meet many of the stakeholder groups that Minister Burch works with and not one of them has raised an issue with me around their concerns with Minister Burch in the portfolio or the relationships they have with her. In fact, it is absolutely

the opposite. I am happy to name some of those organisations. All of the peak education groups, for example, speak very highly of the minister and her performance in that portfolio. The same goes for many of the community groups and the disability section. They again speak very highly of the relationships she has created in those areas.

When I reflect on the last three months that the government has been working away with the Assembly in adjournment, I look at some of the projects Minister Burch has been working on, including implementing the national disability insurance scheme, the single biggest change that is being implemented across the community sector. That is a massive change and Minister Burch leads that work for the government, and we are leading it for the country. In fact, we are the first jurisdiction that will be all in the scheme in the next couple of years, and many other jurisdictions are looking to the leadership that Minister Burch is showing in that portfolio from a whole-of-population point of view. Mr Hanson may scoff, but that is actually the case.

As to implementing the agreement we have with the commonwealth over the national schools reform agreement, including the needs-based funding application both for the government and non-government sectors, again, Minister Burch is leading that work for the government. Another project is running the most successful Multicultural Festival this city has ever seen with more than 250,000 people attending a weekend's festivities in Civic and, dare I say, running probably the most successful Fringe Festival the community has ever seen.

I think there is probably a clear line down the centre of this place when it comes to those who attended the Fringe Festival—a Liberal-free zone could have been another name for it. I do not consider myself a fringe dweller, but I attended the Fringe Festival and some of what I saw was confronting and in your face and not what I would see on a day-to-day basis. But I also acknowledge that that is part of the work of a Fringe Festival—to challenge, to entertain and to have freedom for artists to perform in such a way. From what I could see that night, it was incredibly popular.

Not one complaint about the burlesque performance was made to me until a couple of MLAs who did not attend started running this as a media issue for a particular purpose and probably got the result they wanted—having a bit of a culture war starting, promoting that behind the scenes and managing to take some of the positive outlook of the Multicultural Festival and trash what had happened that weekend. It is not working. Yes, some people did not enjoy that performance, but is that a reason to sack a minister, curtail artistic freedom in the city and have ministerial intervention in artistic performance, whether it be the fringe or the Multicultural Festival or, dare I say, community festivals, about what is and what is not appropriate for the community to see? That is not something this government supports. It is not something we have ever supported and it is not something we will support in the future. In terms of the fringe as an issue relating to Ms Burch's competence as a minister, I simply do not accept it.

The Liberal Party are wrong. I have to say that the opinion piece was the best *Sunday Canberra Times* article I have read in perhaps 10 years—it took me a lot longer to read the *Sunday Canberra Times* last Sunday. I do not think politicians in this place should get into the habit of exercising their moral judgement around what constitutes

art and artistic freedom in this city. We should be worried that that is a position being espoused by the opposition.

In relation to the retweet of an offensive tweet, Ms Burch and I met following that and I accepted Ms Burch's explanation of the mistake that was made. I have also accepted that she has taken every step available to her to rectify that mistake.

When I make judgements about the measure of a minister, I look at a whole range of things: I look at their performance; their work ethic; the passion and interest they bring to their portfolio; I look at the strategic direction they set in terms of mapping out a way of delivering in their portfolio area within the financial resources and the capability of the ACT government; I look at implementation of government priorities and how that fits within the workload of the minister; I assess it on connections with the community; and I assess it in adherence to the ministerial code of conduct.

In relation to the ministers code of conduct—and it will be interesting when concerns are raised about members breaching the members code of conduct—it does not require a minister to resign or be sacked because a mistake is made. That is not what the ministerial code of conduct is about. I know there will be varying interpretations and that the Canberra Liberals will have a far different view on interpreting the ministers code of conduct than they will on interpreting the members code of conduct when it applies to their own.

Mistakes are made—I have made mistakes and every single one of my colleagues on this side will have made a mistake in the performance of their duties, just as I imagine each one of you will have if we are incredibly honest with ourselves. The important thing is what you do about those mistakes and how quickly you respond to them.

In relation to the retweet, as I understand it, within minutes of having it drawn to her attention the tweet was deleted. It is the effort you go to to apologise for the offence that is caused. Ms Burch has done that in terms of contacting Minister Pyne's office and seeking to speak with Minister Pyne himself. When she was not able to, she relayed a very sincere apology to his chief of staff. It is the effort to ensure that you get across the technology so a mistake like that will not happen again. It is fronting up to the court of public opinion—the community—and saying, "Yes, I made a mistake, and this is what I've done since." There is nothing further Minister Burch could have done beyond coming in here and standing in this place, taking every media request made of her and explaining what happened. That is the measure of an individual; not that mistakes will not happen.

In relation to the tweet, it was a mistake. In relation to the other areas Mr Hanson has outlined, I simply do not accept them as reflecting poorly on Minister Burch. I think she works incredibly hard in very challenging portfolios that many of us in this place would not actively seek out because of how hard that work is, and she rises to the challenge every single time.

**MRS JONES** (Molonglo) (10.55): I rise today to support this motion of no confidence in Minister Burch. I am here to concentrate on the things that matter to vulnerable women in the ACT and the goodwill of the multicultural community in the ACT.

Ms Burch has let some of our vulnerable women in Canberra down with the closure of the Women's Information and Referral Centre, and to suggest that it is simply a rebadging of a location is not accurate. Last year, on this minister's watch, the Women's Information and Referral Centre was closed, without proper consultation and without proper planning.

The departmental website is now hosting a five-page explanation justifying the closure of the centre which maintains the same position that I have taken in relation to this matter from the beginning—that there was not a comprehensive plan for another form of service delivery, and that the outcomes for women most in need in Canberra are not being put front and centre.

From this justification published on the departmental website, we know that various courses are being rolled in together. No-one yet knows if or how exactly some of the services will be delivered. The words “over the next 12 months” are used several times in the website explanation to describe the processes of planning for better online services and making decisions about the running of groups and sessions for women in need.

The website says that they need to have staff trained to understand how to deal with disclosures in the outer reaches of the electorates in Belconnen and Tuggeranong. It also says that there will be a requirement for a private and safe space for women to access WIRC services being provided in the Theo Notaras centre, but I am not sure if they will be able to find it.

The website also says that consideration is being given to creating outreach sites in the three child and family services and the housing central access point, and that the outreach sites could have signage, information stands and specific workers—existing staff—trained and able to respond to the requests for information. But in the meantime who will these women go to and how will they find out about options when they search for assistance online, in the phone directory or by word of mouth?

The phone number for the Women's Information and Referral Centre, which the minister assured us in December would be transferred to the Office for Women, now rings out unanswered. This is not just a change of address. Courses such as “thinking Thursdays” and “financial literacy for women” I believe are not being offered. There is a gap in services for vulnerable women in need in the ACT, and it feels like an abandonment of our most vulnerable.

On another issue, last year, for the first time in 17 years, the Women's Day awards were not awarded. From information explained by the minister at the time, it appears to have been because the date to start the process was missed. The minister has been the Minister for Women since 2009, I believe, and yet she did not know until it was too late that the department had not begun the process of advertising for nominations.

It, in and of itself, was not the worst faux pas. However, it was discouraging for those women who work in the delivery of services or charitable organisations on behalf of women in the ACT that the awards were axed for a year just because the minister did not notice that the process had not commenced. One woman working in the sector at the time said:



We work our guts out day in day out and its some kind of chance we get to put our peers forward and acknowledge the work they do. We were very disappointed and thought, damn this is an important one.

It was, and it was missed because of the inability of the minister to know what is happening on her watch. It was a shame.

Minister Burch also has responsibility for, as we have mentioned, one of the largest events in the Canberra calendar in the Multicultural Festival, and of course the added Fringe Festival. We have just experienced the 18th Multicultural Festival in Canberra. Honestly, I can say it was a good event. Some stallholders had concerns, and I have been pursuing them, and of course it was held on very hot days, and although we have high expectations of ministers in the government, we do not expect the minister to be able to change the weather.

However, despite the generally very good experience of the National Multicultural Festival, a cloud has been cast upon the event by the unprincipled handing over of the fringe as a part of the National Multicultural Festival to a director known to the general community as having questionable judgement, and considered in the arts community as being poorly trained and unsophisticated. His strengths and weaknesses are well known. He was appointed without process. How was his appointment ever going to foster an environment that would help the multicultural community or the arts community to flourish in the ACT? The appointment, without a competitive process, smacked of shady deals and was quite unjustifiable, and this was raised with the minister at the time of the appointment.

A fringe festival is meant to be related to the main event; some would even say that it should complement the main event. Fringe festivals were born out of the experience of the Edinburgh Fringe Festival, which was an opportunity for those who could not be on the main stage to perform in a low-cost environment. It should be a chance for others who cannot be a Timomatic on the main stage to get a gig and show their talent. The performances, if they are to be directed and carefully selected, should have a narrative that complements the main event. Acts should at least be given the chance to be a part of a general interest process, if not a tender process, to open the event up to all of Canberra's many talents.

It is my understanding that the Canberra centenary events missed out on the use of the vast well of home-grown talent here at times because of the lack of a scoping study of what capacity the ACT arts community has, and the events for last year were the poorer for the lack of that. There should be some cultural guidelines for acts so that they are appropriate for the time and place of their performance. If Canberra taxpayers are going to fork out for such an event, they have a right not to be overly offended or embarrassed by the content.

Last year there was a burlesque performance in the same location in Civic. It was inside a tent which was closed, and everybody who went along knew what they were getting into. It was very clear to people what the guidelines for that event were. And some really enjoyed the event.

Because of what has happened, I was contacted by several attendees who were a little shocked and upset by the content of the opening night acts, and some people got up and left. Simply because the minister or the Chief Minister have not been contacted by people who felt upset does not mean that they do not exist, and it does not mean that they do not matter. But this was almost to be expected, because it was the well-known modus operandi of the director who was given the job without due process. One member of the Canberra arts scene said his work is usually base, unsophisticated and embarrassing.

Honestly, give me a break. If this minister really believes that nipple tassels, a Hitler stripper and fake public acts of indecency have somehow enhanced or assisted the celebration of our multicultural community or the arts in Canberra then this is a sad indictment of the minister. How embarrassing. The fact that this is not blindly obvious to the minister is the very issue here.

There should have been an acknowledgement that this director, with a long litany of previous poor judgement, should not have been given this directorship without a competitive selection process. What is more, the minister should have expected an outcome like this and should have acted to ensure that the inevitable offence was not incurred.

I asked her several times after the appointment if she was checking on the work of this director, and she assured me that she was. If the minister is unable or unwilling to take responsibility to control the outcomes in her own area of responsibility on her watch then it is not fair on her that the Chief Minister and the Deputy Chief Minister continue to expect her to perform in a way that she cannot. It is just not right.

**MR RATTENBURY** (Molonglo) (11.02): I will not be supporting this motion today. I think—

*Opposition members interjecting—*

**MADAM SPEAKER:** Order!

**MR RATTENBURY:** the Liberal Party outlined the seriousness of this by the fact that the first I read about it was in the *Canberra Times* this morning, on my front driveway when I picked up the paper. I am one of those who still gets the paper delivered. The fact that there was no discussion about this in advance points to the nature of this motion and whether there is a serious discussion to be had or not.

Turning to some of the matters that Mr Hanson and his colleagues have raised, if I reflect on the Fringe Festival, there certainly have been a range of views expressed to me directly, and also across the community, and those views are quite varied. Some people have conveyed to me their sense of concern about the appropriateness of the show. Equally, I have seen other well-put views about artistic expression and the fact that this show was not necessarily offensive at all. I will cite some of those examples, because I think it is instructive for the Assembly to share in some of the views that have been put out there.

I am sure other members received a press release from former Katter party Senate hopeful Steven Bailey regarding this matter. Mr Bailey's press releases do vary in quality.

*Mr Coe interjecting—*

**MADAM SPEAKER:** Order!

**MR RATTENBURY:** But on the merits of this matter he raised quite an interesting point. He stated in his press release:

It is a sad irony that the Canberra Liberals have attacked the ACT Fringe for producing a piece of burlesque with Nazi references, as one of the very hallmarks of Nazism was to restrict and punish those who created art deemed unfit by the regime. Art considered unfit by the Nazi regime was called entartete kunst translated into English as 'degenerate art'. To condemn those who produce art on the basis of their own ignorance, as Giulia Jones and the Canberra Liberals have done, is to repeat the same kinds of mistakes of the Nazi regime.

That was Mr Bailey's view. Members may also have seen the letter to the editor by a former colleague of mine, Amanda Bresnan. I think she made some very well-considered points. She said:

Something as horrendous as Nazism has been addressed through comedy and satire many times.

The popular and Oscar winning movie and stage show *Cabaret* was set in Berlin during the rise of the Nazi party and includes an MC in drag performing a kick-line routine with cabaret girls—which then becomes a Nazi goose-step; and the MC singing *If You Could See Her* to a person dressed as a gorilla with the line "if you could see her through my eyes she wouldn't look Jewish at all".

Jewish writer-director-actor Mel Brooks is most famous for the movie and stage show *The Producers* featuring the song *Springtime For Hitler*; and for the song *To be or not to be* where he is dressed as Hitler doing a Nazi-inspired rap routine along with dancing girls dressed as Nazis.

Ms Bresnan went on to say:

In the Oscar-winning film *Life is Beautiful* Roberto Benigni plays a father who uses humour to protect his son in a concentration camp.

*Hogan's Heroes* was a TV comedy about a German prisoner of war camp. *Seinfeld* had the Soup Nazi episode.

Ms Bresnan's point in her letter to the editor is that humour, ridicule and satire are very important ways for people to deal with horror and tragedy.

It also brings me to the irony of the freedom commissioner. One of the federal Liberal government's first acts was to appoint Tim Wilson as the new Human Rights Commissioner. He had to resign from the Liberal Party to take up the position.

Mr Wilson will be formally known as the “freedom commissioner”, and has said he is determined to refocus the commission on the task of defending freedom of speech as a human right. One of his agendas—and this is also an election promise of the Abbott government—is to repeal the part of the Racial Discrimination Act that makes it illegal to offend and insult based on race. These are known as the Bolt laws, as Andrew Bolt was found to have breached them in 2011 in one of his articles. Mr Wilson said of these anti-vilification laws:

Irrespective of what any individual thinks about how this part of the Racial Discrimination Act has been used in the past, it should be repealed. It fundamentally undermines the human right to free speech.

The relevant part of the Racial Discrimination Act which Mr Wilson and the Liberals have vowed to repeal is section 18C. It says it is unlawful for someone to do a public act that is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or group of people, and the act is done because of the race, colour, or national or ethnic origin of the other person or of some or all people in the group.

What an irony that this is the exact claim the local Liberals are now trying to prosecute. At the federal level, the Liberals want to repeal the protections against racial vilification, and yet today they are trying to prosecute a case for racial vilification. When the federal government—

*Mr Coe interjecting—*

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

**MR RATTENBURY:** When the federal government and the new freedom commissioner have their way, this section will not even exist, and people who may be racially vilified will not even have a remedy under the Racial Discrimination Act. There is an exact debate about whether or not the material at the Fringe Festival breached that provision, but the very point I wish to make is that it is important that those protections are in place so that matters like this can actually be tested.

As I said earlier, some people have expressed to me concerns about the appropriateness of the show. Those people have raised very reasonable points. For example, is the Multicultural Festival the best place for the Fringe Festival or should it stand in its own right? I think that is an interesting discussion to have. The Multicultural Festival is a huge event in its own right. The Fringe Festival was very popular in its own right, and some people have said to me that they wish it was on a separate weekend, because they could not get to everything they wanted to on the Multicultural Festival weekend.

That is a fair debate to have and it may actually address some of the questions where people felt that content of the Fringe Festival was perhaps not the right content for the Multicultural Festival, which is very family oriented. I think that is a reasonable discussion to have. I think the Fringe Festival is perfectly appropriate. I think that it is important we have events like that, because it caters to a range of artistic tastes in the community.

The other suggestion put to me was that there might be better demarcation of the Fringe Festival as part of the Multicultural Festival. Should there be a clearer sense that you are walking into something that is perhaps a bit more edgy than the rest of the Multicultural Festival? Again, that is a fair to discussion to have, but that is very different from the sort of content that has been put forward about Minister Burch this morning and trying to link her directly and responsibly for the content of the Fringe Festival.

With respect to the article by Jorian Gardner in Sunday's paper, which I am sure we all saw, I certainly thought it improved the Sunday *Canberra Times*, knowing that normally the Sunday *Canberra Times* is a pretty quick read, but it was actually worth stopping to read that article. I think Mr Gardner made some very good points and he made the case very clearly about the fact that Minister Burch was not responsible for the content of the Fringe Festival. I think that goes to the heart of the motion today.

Turning to the tweet which has been referred to today, I certainly think that was a regrettable tweet. It was certainly not a tweet I would have sent. And I do not think that the original tweet from the original author was appropriate for that matter, either. But Minister Burch has been very clear that her retweeting of it was a mistake. She has apologised for that. I think it is quite appropriate for her to do so. We all make mistakes at times and I think the true test of character is how one responds to those mistakes. I accept Minister Burch's apology on that matter and I think that should be the end of that matter.

In terms of the other matters that have been raised by the Liberal Party this morning, they have all been addressed in previous Assemblies. My colleagues and I have addressed those on previous occasions and I do not intend to address them any further today.

*Mr Doszpot interjecting—*

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

**MR RATTENBURY:** Having made those few remarks, I affirm my view that I will not be supporting the motion.

**MR SMYTH (Brindabella) (11.11):** When one reads the ministerial code of conduct in the light that the Chief Minister cast on the conduct document earlier in this debate, the document is worthless: it is a matter of interpretation; it is the way you look at it. Well, this is the code of conduct by which we should all judge the ministers in this place. If you run through particularly section 3, "Ethical principles for ministers", there are nine or so different principles and on just about every one of them Ms Burch fails.

It is not just about the Fringe Festival. There is a bit of an obsession on the far side with the Fringe Festival. I think it shows how touchy they are. But when you go through the litany of failings that this minister has had in the time of her ministership, they are extraordinary. On childcare centres and childcare costs there is a whole

number of issues where this minister is not in control of her portfolio. Of course, there was the retweeting of the message with the c-bomb in it. Again, initially it was denied: it was an accident; she did not know what she was doing; it went off in her handbag. In the end, the truth outed; she had done it. But initially, let us face it, there was denial that she had.

This minister has no idea regarding the implementation of the NDIS. Indeed, the ACT has dropped off as one of the test sites. It has been put back because we have got a minister here who cannot deliver. The closure of the Women's Information and Referral Centre occurred but she could not explain why it was necessary and what was put in place. There was use of ALP marketing material at schools. The cover your ears and go "La, la, la, la; I don't want to hear that" when she was at Bimberi are not signs of a minister who is across her brief or should be entitled to remain in the position. And, of course, there were 24 breaches of law during her time as the person responsible for care and protection.

We have got the CIT bullying issues. Every portfolio this minister touches something goes wrong. Of course, there are the delays in completing the Tuggeranong 55 Plus Club, where even the president of the club likened the delays to elephants giving birth. Indeed, there is the issue now surrounding the Tuggeranong Community Arts Association and the minister's handling of that process. Every portfolio this minister is given she screws it up.

Now, let us look at the appointment of the head of the Fringe Festival. We had a process for the 2013 festival which the minister herself said was a huge success. "The fringe is back in Civic Square" was the call, and then those people got sacked without any courtesy or without any process. That is the problem with this minister. Four years after the chair lost the job and got the Fringe Festival cancelled amid funding disputes and disagreement over risqué content, he was reappointed. Burch brings him back with a procurement process that lacks any probity. She pretty much gave the guy the job without any due diligence. Recall that the Fringe Festival director applied to run the fringe in 2013 through a competitive arts funding process and was unsuccessful. He was unsuccessful against those that ran it in 2013 that brought it back to Civic. The media reported that he then lobbied the minister directly for the 2013-14 job and he got the job.

What sort of process is that—\$20,000 a year over four years and \$20,000 in-kind support for infrastructure and public liability insurance? Funding was deliberately placed as a separate line item in the budget intended to allow for more flexibility in employing the director. At the time Ms Burch made the public statement: "We are keen to bring the flair and edge that Mr Gardner brought to Civic Square." Well, why did he not get that through the process that delivered the 2013 Fringe Festival to two other individuals? She announced the appointment citing "the successful return of the festival in 2013". Yes, but that was delivered by Mr Peter Williams and Mr Nick Byrne. They were the successful return, but then they lost out because there was no process.

Now, you would have thought the people who successfully delivered the project would at least get another crack at it, but that was not the case. In fact, they did not

even get a chance to sit down and be at the table and they did not hear from the minister. They found out from others that they did not get the job. The fundamental point the minister is missing here is that it is not about the flexibility to hire who you want. It is about using taxpayers' dollars wisely. Where is the objective merit? Where is the transparency? She settled for a festival director towards the end of last year who faced arrest for missing his court date not once but twice, who lost his job at a radio station for distastefully commenting that the former Prime Minister was "upskirted" by a "penis cam" in a cabinet meeting.

When you appoint somebody like this, what do you get? You get Nazi strippers—that is what you get—because it is about this minister's lack of judgement. It was interesting to read the editorial in the *Canberra Times* last year. The editorial said:

It will be fascinating to see if controversy-prone Jorian Gardner gives Arts Minister Joy Burch any cause to regret her decision to hand him control of next year's Fringe Festival.

I think that little prophecy was self-fulfilled. Fast-forward to when the *Canberra Times* wrote their story, and what was the minister's response? "No comment". I would not have much to say about my process if I had run a process like that either.

This is a serious issue. It is about a litany of failures across the entire time that this minister has been a minister, and against the criteria in the code of conduct she fails on just about every criterion. Integrity: "Ministers must act according to the highest standards of personal integrity and probity". Where is the probity in the appointment of somebody without any process? Fail. Honesty: "Ministers must act honestly at all times and be truthful in their statements." Members have heard the minister's statements. They can judge her against those statements. Diligence: "Ministers must be diligent in the performance of their duties and fulfil their obligations to the highest standards."

Let us read that litany again in terms of diligence. Was the minister diligent when we had all the problems with childcare centres and childcare costs? No. Was she diligent retweeting that message? No. Has she been diligent about the NDIS? No. When she closed the Women's Information and Referral Centre, was that diligent? No. When she put out ALP marketing material in school bags, was that diligent? No. Covering her ears and going "La, la, la, la" when she did not want to hear something, was that diligent? No. The way she acted with care and protection, was that diligent? No. The delivery of the Tuggeranong 55 club—was that diligent? No.

Let us move to the latest issue, the Tuggeranong community arts centre. We asked this minister a question and her answer on what was happening at Tuggeranong community arts was: "My initial conversation with the Arts Directorate was to ensure that compliance for contractual arrangements is in place and we are satisfied with that." So do nothing; nothing to see here. What is happening with Tuggeranong community arts? It has gone from bad to worse. Indeed, I understand two former members of the board have now written privately and confidentially to the minister. What did she do with that private and confidential document? Apparently it is out there for all to see and hear. Instead of talking to the two individuals who put the

document to her, she gave it to the people that they had complained about to get their view. That is probity, that is fairness, that is good process. That is this minister and she does it all the time.

My understanding is that two long-term staff members who were sacked may have cost something like \$65,000 to the Tuggeranong Community Arts Association—taxpayers' money being spent on something that need never have occurred because this minister does not govern her portfolio wisely. Indeed, there are now, I am told, allegations of bullying. You have got the unfair dismissal claims and that there was an unreasonable and demanding attitude during the interview process by a representative of ArtsACT, who I assume was there representing the minister and the organisation who railroaded the committee. The majority of the three members of the Tuggeranong Community Arts Association on that panel did not vote for the person who got the job. But apparently the person the minister sent down there had the influence that the person did get the job.

So there is an issue there. These people, when they said their confidentiality was breached, I am told, were told, "Well, go and talk to the Privacy Commissioner." That is the sort of minister you have in place, Chief Minister. There is a litany across her entire time as a minister of failure. There is a total disregard for the principles of Westminster that she is responsible for. According to all of the case over there from those opposite who spoke, she is not responsible for anything: it is unfortunate or it is an accident or she is learning from her mistakes. How long does it go on for, and how much longer do the people of the ACT pay for her mistakes before she is removed?

Run through the list—integrity, honesty, diligence, transparency: "Ministers must make their decisions and actions as open to scrutiny as is possible". Well, explain the appointment of the Fringe Festival director without any process. Accountability: "Ministers are accountable for their own behaviour and the decisions and actions of their staff." Are you accountable for your positions? Will you do the right thing and resign, minister? No, because you do not take accountability for anything.

Fairness: "Ministers must act fairly and apply the principles of natural justice in their decision making." Where are the principles of natural justice to Mr Williams and Mr Byrne in your decision when they brought the successful fringe back to Civic Square, but you then gave the gig to somebody else? Where is the fairness in that?

Respect: "Ministers must display respect for all peoples in their conduct." Where is your respect for Mr Byrne and Mr Williams? Responsibility: "Ministers must use the powers of office responsibly". On every objective in this document, this minister has failed and must go. (*Time expired.*)

**MADAM SPEAKER:** Before I call Mr Barr, there are a couple of matters I want to raise. I had a conversation with Mr Rattenbury. I ask Mr Rattenbury to withdraw a quote that he quoted in his comments, a quote that equated by my hearing—and when I read the text it verified my hearing—members of the Canberra Liberal Party with Nazis. I ask the minister to withdraw the comments, which I know he was repeating.



**MR RATTENBURY:** Yes, Madam Speaker, I am happy to withdraw the comments, as I certainly have no intention of doing what you have described. They simply reflect community views. But I am happy to withdraw.

**MADAM SPEAKER:** Thank you.

## Visitor

**MADAM SPEAKER:** Could I now acknowledge the presence in the gallery of former Deputy Chief Minister and member of this Assembly, Mr David Lamont. Welcome back to your Assembly.

## Minister Burch

### Motion of no confidence

**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) (11.22): When the Canberra Liberals raised the issue of the Fringe Festival matter I took it that they had no understanding of satire. Madam Speaker, having listened to the last 90 minutes, I think maybe I misjudged the Canberra Liberals. Perhaps they do understand satire, and their performance this morning indicates just that.

I agree with one thing Mr Hanson said in relation to this matter. Enough is enough. Too much of the Assembly's time has been wasted this morning. It is time we got on with the business of the day, the business that this community expects us to get on with. Minister Burch has the full confidence of her colleagues and of this side of the house, and this motion ought to be dismissed for the political stunt that it is.

**MS LAWDER** (Brindabella) (11.23): My colleagues have covered many topics today, so I rise to talk only about two subjects—child care and Care and Protection Services—both of which fall under the responsibility of Minister Burch and both of which demonstrate her serious failings as a minister.

I start today with child care, a responsibility of this minister, where there are numerous failings. Not only are we the most expensive jurisdiction for child care in the country, but also we fail to meet many of the national benchmarks. The 2014 report on government services shows that the ACT has a long way to go.

Here in the ACT, child care generally accounts for about 12 per cent of gross income after subsidies, while the Australian average is much lower at eight per cent. Many ACT residents are now paying as much as \$100 a day per child for this service, and these costs have doubled in the last six years alone.

We are not even up to scratch. In May last year the first report card of the Australian Children's Education and Care Quality Authority was released and it showed that, of the 51 centres assessed in Canberra, 35 failed to meet even one of the seven criteria. The criteria focus on education, health and safety and the physical environment,

among other things. So from this we can see that this minister has led us to a situation where we have the most expensive child care, coupled with some of the lowest standards in the country.

Then, Madam Speaker, I move on to Care and Protection Services, a department that is responsible for the care and protection of our most vulnerable citizens, the children who are at risk in our society. I am not the first, nor would I be the last, to say that child protection in the ACT has failed many and needs drastic improvements. The systemic culture of cover-up and bandaid fixes has allowed the service, which is supposed to protect our children, to fail time after time.

Madam Speaker, as you know all too well, the Public Advocate's interim report into the emergency response strategy for children in crisis in the ACT was released in October 2011. This report made recommendations to address the organisational and systemic changes in response to what was considered the deficiencies which existed in the care and protection service. The Public Advocate said:

My investigations revealed that there may be many more cases of systemic deficiencies and practice failures than I dare to think.

This was back in 2011. Then we had the release of the full Public Advocate's report in May 2012, which stated that the problems are exacerbated by the broader systemic deficiencies within the care and protection service. The disastrous state of the child protection service in the ACT became known to everyone. It became clear that the hardworking and dedicated front-line staff within care and protection continued to battle against a system that failed to support them, despite their efforts.

In March 2013, we saw the release of the Auditor-General's report into the Care and Protection Services. It became public knowledge that this minister did not even have suitable records for the children she was responsible for. According to the Auditor-General, Minister Burch's department could not tell you on any given day where the children were that were in their care. Who would have thought that would be too much to ask?

The Auditor-General stated that the records being kept by Care and Protection Services were poor, inaccurate and out of date. In fact, it came to light that some children who were put into long-term care by Care and Protection Services would potentially never—that is, never—receive a visit from a case worker. There was no follow-up at all. The actions and whereabouts of the children were unknown to officials—they were not checked on at all—and no-one would have known if they were being treated correctly.

I have not even mentioned the ACT Children and Young People Death Review Committee report which was released late last year. The statistics in that report showed that 20 per cent of the children that died in the ACT over the five-year period were either known themselves to Care and Protection Services or one of their siblings was. That is the potential for one in every five child deaths to be avoided. They were known to authorities and action could have been taken.

We are also aware of many cases reported in the media where young children have lost their lives due to the failure of authorities to act. It is these stories that show the statistics are more than just numbers; they are real lives, of very vulnerable children.

There was also the story of a baby girl who had been put into foster care without the father having any knowledge at all of the situation. He had in fact reported his daughter and wife as missing and was still not contacted by care and protection officials. It was the Children and Young People Commissioner who said the father should have been contacted to see if he was a suitable placement option, but this did not happen. The father of this baby was kept in the dark.

I have even received correspondence just this morning from constituents who heard of this no confidence motion and wanted to give me further information on why they believe the minister has failed in care and protection. There is case after case of the failings in care and protection.

If you look at Minister Burch's press releases you would be forgiven for thinking all was now hunky-dory in care and protection. But I would like to remind everyone today it was only last month that the report on government services revealed that in fact the ACT lags in child protection. We spend less. We spend less not because we are more efficient but because we are delivering poorer outcomes. Each and every one of the children under Care and Protection Services is a valuable but oh so vulnerable life. We must be doing absolutely everything in our power to ensure the safety of our children. We need to look after them in the same way we would like our own children to be, but I am sad to say that this is not always the case.

In our system of government, ministers take responsibility for their department's actions. Today this minister needs to take responsibility for the failings in her department. Several speakers from across the chamber have spoken today about this motion, referring to it as being politicising and attempting to sensationalise events in the media rather than a genuine attempt to address matters in this place. To this I have just three words: pot, kettle, black.

**MR WALL** (Brindabella) (11.31): This motion provides me with an opportunity to place on the record my long-held concerns about the mismanagement and lack of oversight Ms Burch has for her directorate, particularly Disability ACT. In my view this minister is a minister that is not across her brief. She is out of her depth and she is completely and utterly propped up by her directorate and her staff.

With just on four months remaining until the ACT transitions to the NDIS trial, there has been a complete absence of appropriate information provided to individuals or service providers. Much of the communication that has occurred has suggested that the directorate has everything under control and that more information will be provided at the appropriate time. Time is running out to alleviate the uncertainty that exists within the sector and the uncertainty created by the lack of information and the lack of direction from this government and, in particular, this minister.

I have witnessed her in very public forums being continually prompted and coached by officials from her directorate who are sitting in the front row to ensure that she is saying the right thing and, on occasion, there have been instances where directorate staff have stepped in to answer questions on the minister's behalf simply because she is not across her brief. Over the past 15 months I have watched and listened to this minister dance around the hard stuff. Madam Speaker, when it comes to governance and policy in the disability sector there is a lot of hard stuff to deal with.

Last year I asked the minister a pretty straightforward question around the transition to the NDIS and how it would affect respite services within the territory. The answer was as follows:

The question is about how we continue to measure respite bed nights. It would be something that would be factored into the service provision depending on who is delivering those respite beds. That is, there is still an interest in the community about making sure that there are the number of beds available. The reduction in bed nights, though, reflects that there is often a growing and strong interest in respite in the home and outside, going to a traditional centre-based respite centre, Mr Wall. I know: I lost it halfway through that, Mr Wall; I am sure I will come back.

Madam Speaker, this answer is consistent with the tenor of all correspondence that has come from this minister and her directorate. It consists of predominantly fluff and absolutely no substance. I have said it before in this place and I will say it again today: expectations are high in the disability sphere. Expectations are very high that the NDIS will be the magic bullet that will solve financial and service delivery issues for those with a disability. Those expectations have been built by both the previous federal Labor government and also this current ACT Labor government. However, the minister has done very little to manage those expectations and I fear that disappointment is going to follow.

It does, however, get much more serious than this. In October last year a number of Disability ACT employees resorted to the drastic measure of contacting the media about what they see as the lack of oversight of this agency. Their concerns came from the badly-handled closure of three respite houses here in the ACT. Families and carers who relied upon the respite centres did not know about the closure until the day after the government made an announcement to the media. In their opinion and firsthand experience, there is a concerted effort to keep everything under the radar and protect their lacklustre minister. I would like now to quote from a letter that begins by stating:

Everything you have heard about Disability ACT is true. It is a toxic sinking ship with only the rats aboard.

The bullying and waste that has gone on in this government unit is beyond anything you could imagine.

The letter goes on to say:

Administrative errors have seen Disability ACT fall deep into debt. One Director talks about it quite openly as the reason for not replacing staff that leave. You have one person doing three jobs. Staff are taking personal leave for stress. And they are stressed. This environment is hell.

Everything is being done under the radar. We are told not to tell carers that Joy Burch was coming to a forum regarding the respite closures. It is all secrets and lies. Protect the Minister is the mantra. But who is protecting the clients? The vulnerable?

Joy Burch will never be held accountable.

Madam Speaker, “protect the minister” is the mantra. That one sentence says it all. This minister is out of her depth and so unable to manage her portfolio that her directorate is left to run it for her, all the while being conscious of protecting her. But as we have heard from my colleagues this morning, this is not a new way of operating. This minister has operated like this for a long time. This minister has form. A sad turn of events that is well documented both in this place and in the media is the minister’s poor handling of the youth justice system in the ACT.

In 2010 the then shadow minister, Mrs Dunne, my predecessor, first starting hearing complaints and concerns from staff at Bimberi. It emerged that staff were subjected to poor working conditions including chronic staff shortages, high staff turnover, frequent lockdown situations, verbal and physical abuse, and assaults. The list goes on.

To make matters worse, the employees that had suffered abuse, both physical and mental, had received no adequate follow up treatment or counselling. Who was in charge of presiding over this appalling situation? Why, it was, again, Minister Burch. This minister’s inability to manage her directorates does not simply result in minor administrative blunders. It impacts directly on the lives and the welfare of those who work in and who are in the care of her directorates.

Madam Speaker, recently this minister oversaw the defunding of youth drop-in centres in favour of an outreach model. This went against the advice of many stakeholders in the community and saw some organisations closing their centres. Others that had the ability hashed together resources and alternate funding to maintain these services only to then later experience a boom in demand as young people began travelling, in some cases great distances, to organise activities that are provided in a safe and appropriate setting. Whilst there is some merit to the outreach model, outreach is awfully difficult to carry out when there are no longer any structured places for young people to congregate. In this space I anticipate that a backflip is looming.

Ms Burch has a history of promoting her political party in some very inappropriate places. I recall an instance of her handing out Labor Party membership forms on a school visit. When the minister demonstrates such a poor lack of judgement personally it is not surprising that she has simply turned a blind eye to the use of a government Facebook page to promote Labor Party propaganda.

The Youth Advisory Council last year shared on its Facebook page a post directly from the ALP site. This was not a government message but instead a political message. It consisted of both members of this Assembly as well as federal Labor members in a photo waving banners promoting the Labor Party. While this post was made by the Youth Advisory Council in October—a council that is funded by ACT taxpayers to represent a broad range of views held by youth in the ACT—the inaction by this minister or the directorate to ensure that proper procedures are followed when using social media resulted in one member of the advisory council having to resign as she no longer believed that her views were welcomed on a council that has a clear partisan bias.

This minister has to go. She has a long demonstrated history of incompetence. She has lost the confidence of many in the community. She has lost the confidence of staff within her directorates and she has now lost the confidence of many within the Assembly.

**MR COE** (Ginninderra) (11.39): Madam Speaker, I intend to speak on the theme which each of my colleagues has touched on. It was drawn out very well by Mr Wall. This is really about judgement. Judgement in politics perhaps could be described in this way: what is the minister's view before she has had advice, before she has had advisers in her ear, before she has been given the dot points, before she has been given the cheat sheet, before she has been given all the information which her department and her staff provide her?

To be honest, I think it would be a worry. I really would wonder about what advice or what decisions she would make had it not been for departments constantly putting information before her. It goes to the point: what is the point of having this minister if simply the department's or the staff's views are always going to get up? You may as well give that same advice to another minister.

I would bet that when Minister Burch has a submission she wants to take to cabinet, everybody else there just follows down the dot points on the sheet of paper which the minister is reading from. They could have easily given the same presentation that the minister with carriage of the bill has done herself.

The fact is this: what ministerial oversight does Ms Burch give to her portfolios and give to the decisions that she makes? It would seem to me that her staff would run the show. I am sure there are people up on level 2 watching this on the CCTV now who are perhaps nodding their head or maybe even rolling their eyes. But the fact is that the staff in Ms Burch's office run the show, and that is a worry. The minister needs to run the show. The minister is the one who is elected. The minister is the one who is accountable to this place and also the electors of the ACT. It is the minister that must be making the decisions.

Mr Rattenbury took this debate in a different direction with regard to the Fringe Festival. There is a debate to be had about the artistic merits of what was presented at the Fringe Festival. But the issue that the Assembly opposition is raising today, given that the minister intervened in this process, given that the minister has her fingerprints

all over the appointment of the director and the Fringe Festival itself, is that it is therefore reasonable to expect that she had some form of ministerial oversight over the events which took place there. It is reasonable to expect that.

If she is going to make decisions and, in effect, use discretionary money to make appointments based on her personal opinion, it is right and proper for us to scrutinise the minister, and it is right and proper for her to be across her brief and to be across where each of those dollars is going.

This is not about censorship. Censorship would be to go and stop someone doing something somewhere else. That is not what this is about. This is about whether taxpayers' dollars were appropriately expended and whether the minister, who personally authorised the expenditure, was across what she was spending the money on. There is quite a serious distinction between censorship and using public money to pay for something. They require totally different levels of scrutiny. We are not advocating for censorship here. We are advocating for some sort of scrutiny from the minister.

It goes back to my earlier point, that this minister is not capable of running her department. She is not capable of running her office. She is not capable, I am sure, of taking a brief to cabinet. Therefore, is it any surprise that these issues keep happening? It will happen again. In a month, three months or six months' time, we will be in here asking questions again about another cock-up, another error, another lack of ministerial oversight, because the core issue here is a lack of judgement.

We have the care and protection issues, the handing out of Labor Club membership forms to kids at Campbell high, the Twitter debacle and the implausible excuse she gave afterwards, the Fringe Festival debacle and all the other issues. But by far and away I believe the biggest issue is her inability to manage her directorate and her office on a day-to-day basis.

Who knows what other problems are occurring on a day-to-day basis that we do not know about? Who knows what other issues her staff constantly have to patch up? Who knows how often and how severe are the situations which she causes which could create an extremely undesirable situation either for the taxpayer or for individuals for whom her decisions take effect?

This is a very serious issue. I do sympathise with the Chief Minister, because she has got a tough decision when it comes to appointing cabinet ministers. I think that actually appointing Minister Rattenbury was a blessing in disguise. It was a blessing in disguise for her because it meant that at least you have someone who is across his brief as Minister for Territory and Municipal Services and the other portfolios.

Whether we disagree with him or not, we would not disagree that he is across his brief. It is the same for other ministers here, except for Ms Burch. It is that inability to undertake core ministerial work which we think leaves this government, and in turn all ACT citizens, vulnerable to bad decisions.

**MR HANSON** (Molonglo—Leader of the Opposition) (11.46), in reply: I thank everybody for their contributions. Madam Speaker, let me start with a quote from Jon Stanhope. In 2001, as the opposition leader, in the lead-up to the election, Jon Stanhope said:

Governments must be scrutinised. They must be accountable. That is a role of oppositions, and it is a role that is particularly necessary as governments become lazy, arrogant, aloof and accident prone.

There is much I did not agree with Jon Stanhope on, but in this regard I do agree with him. At the outset, let me make the point that this opposition will continue to hold this government to account. We have a duty to do so on behalf of ACT taxpayers. We will do it effectively and we will do it relentlessly because, as Jon Stanhope pointed out, there is a time when governments do become arrogant.

*Mr Corbell interjecting—*

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

**MR HANSON:** They become lazy, they become aloof and they become accident-prone. The minister Joy Burch has all of those characteristics. She epitomises what is wrong with this government. As I said at the outset of my speech, and as Mr Coe just made the point, this is not about ideology. This is about incompetence. This government should not tolerate incompetence.

We disagree with Mr Rattenbury on many things. I disagree with Mr Corbell, Mr Barr and Ms Gallagher on many things. That is not the issue. They are debates that we have in this place that are right and proper. This is an issue of competence and of letting down our community. Ms Gallagher, when she spoke, attempted to be dismissive of the actions that we are taking here today, that no-one had complained, that this is just a waste of time. People have complained. This has caused offence. There has been enormous damage that has been caused across various sections of the community, as has been outlined by members of the opposition.

But if you think there are no concerns, if you think that these are just issues raised by the opposition, let me again quote—I note there has been no reference to it by those opposite—from the chair of the multicultural forum in the ACT, who represents our multicultural community. She said:

It insulted quite a few people along the way, definitely the German community and of course our friends in the Jewish community, it is just simply unacceptable.

Those who made the decision that allowed that to happen should be made accountable and we should know who they are.

It has nothing to do with multiculturalism and, in fact, it was insulting and it insulted quite a few people, and I think it insulted people's sensibilities, people's sense of dignity, I think, at a level also.



There is no apology, no mention of that from those opposite. They just tried to disguise this, as Mr Rattenbury did, as some debate about art and about free speech. Let me be very clear, Madam Speaker: this is not about art. This is not about freedom of speech and it is not about Jorian Gardner. This is about decisions that have been made by this minister that have led, as I just quoted, to insult caused to our multicultural community. It is about due process, it is about use of funds and ultimately it is about judgement. It is about the judgement that has been lacking from this minister repeatedly and the consequential effect that that has caused on so many in our community.

Today we have members from CIT that have come to listen to this debate, people who have been bullied at times and who have not been listened to, who have not been heard, who have been ignored by this government. I commend Mr Doszpot for his tireless efforts in giving many of these people, many of the 42 who were bullied, a voice, because they have not been listened to by this government. It is like the many people in Care and Protection, the insult caused to our multicultural community, the situation in Disability—as outlined in the letter that was read out by Mr Wall—the women that came into this place and signed the petition for the Women’s Information and Referral Centre that Mrs Jones was advocating for and the people at the Tuggeranong Arts Association who have been treated so poorly by this government.

These are the people that we represent. When Ms Gallagher and Mr Barr dismiss this as just simply opposition for opposition’s sake or a waste of time, these are the people that they then dismiss. We will not allow these people to be dismissed. We will continue to fight for them.

Madam Speaker, we did not move to have this debate lightly. There is much that needs to be done in this place in terms of legislation. There is much to be done in terms of action for our community, and we will engage in all those debates. We will respond to this government and we will engage as we do cooperatively on many, many issues. But there is a line. There is a threshold. There is a threshold of competency. There is a threshold of decency. When that is crossed, this government needs to respond because ultimately it is the members of our community that have been let down. If the government will not respond, if the Chief Minister will not act when action is required, we will. We will continue to pursue this minister and we will continue to pursue this government for any action that they have taken that lets down our community.

As Jon Stanhope said in 2001, and I will finish with this, that is the role of oppositions. It is a role that is particularly necessary as governments become lazy, arrogant, aloof and accident-prone.

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.

## **Justice and Community Safety—Standing Committee Scrutiny report 14**

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

Justice and Community Safety (Legislative Scrutiny Role)—Standing Committee—Scrutiny Report 14, dated 18 February 2014, together with the relevant minutes of proceedings

I seek leave to make a brief statement.

Leave granted.

**MR DOSZPOT**: Scrutiny report 14 contains the committee's comments on five bills, 10 pieces of subordinate legislation and four government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## **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 relating to statutory appointments in accordance with continuing resolution 5A.

I wish to inform the Assembly that during the applicable reporting period—1 July 2013 to 31 December 2013—the standing committee considered 14 statutory appointments. For each of these appointments, the committee advised the minister it had no recommendations to make.

In accordance with continuing resolution 5A, I present the following paper:

Planning, Environment and Territory and Municipal Services—Standing Committee—Schedule of Statutory Appointments—8th Assembly—Period 1 July to 31 December 2013.

## **Taskforce on students with learning difficulties—progress report**

### **Statement by minister**

**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), by leave: I am very pleased to report to the Assembly on the progress towards implementation of recommendations of the Taskforce on Students with Learning Difficulties.

My report to the Assembly responds to the motion passed in the Assembly that I report here in February 2014 on progress towards implementation. Members of the Assembly will recall that the task force was established to provide the Minister for Education and Training with recommendations for assessment and support for children and young people in ACT public schools with learning difficulties.

The final report of the task force was submitted in 2013. The report identified 14 strategies under three key recommendations: a consistent, systemic approach; building staff capacity; and building partnerships with families. The ACT government has agreed to all of those recommendations.

In September of last year a full-time project officer was appointed for a 12-month period to support the implementation of the recommendations of the task force. I draw members' attention to the covering message from the chair of the task force, Ms Irene Lind. The message from her was:

The recommendations and strategies presented in this report provide a strong clearly articulated direction to build on the already high standard of professional practice in ACT public schools.

The message provides advice that:

... the recommendations emphasise the need for all teachers and school leaders to develop and demonstrate understanding and knowledge to meet the needs of students with learning difficulties.

In response to this clear message from the task force, the focus has since been on acceptance of the recommendations and implementing quality professional learning that will give our teachers the skills and understanding to support students with learning difficulties.

The task force also noted that students who are gifted and talented and who also have learning difficulties were not identified in the directorate's gifted and talented policy. The task force suggested that the inclusion of how to meet the needs of these students in the policy acknowledges that learning difficulties are apparent across a range of students. I can report to the Assembly that this action is now complete.

The needs of students who are twice exceptional—that is, students who are intellectually gifted but who also have a disability or learning difficulty that potentially masks their true potential—are now reflected in the updated gifted and talented students policy that will be launched shortly. The policy now requires that an individualised learning plan will be developed and implemented for each and every twice exceptional student here in ACT public schools.

Extensive work and consultation took place in updating that policy. To ensure the policy is recognised as leading practice, the directorate engaged the services of a highly qualified educator in gifted and talented education to provide the professional input to the update of the policy. The directorate undertook an extensive community consultation process to ensure that the policy reflects a broad range of views from parents, community organisations and the teaching profession. With the input from parents and stakeholder groups and professional advice from the expert, I am confident that ACT public schools will be a leader in the provision of support from the special group of students that comprise our gifted and talented students.

As I said, the focus has been on developing a professional learning package that will enhance the skills of our teachers in learning difficulties. Professional learning is the foundation on which we build support for students who are struggling with their learning. We know that skilling the teaching force improves outcomes for students. Significant resources have been injected into a professional learning program that will, over time, build the skills of our teaching workforce.

All ACT public schools have identified a staff member—a “representative expert”, so to speak—who is attending an extensive professional learning program. This professional learning program will cover the understanding of learning difficulties, intervention strategies to support students, evidence-based studies and using inclusive technology tools.

To ensure broad-based experience and professional input, the program is being supported by professionals within the directorate, such as school psychologists, literacy and numeracy officers, the University of Canberra and Dyslexia SPELD ACT. Follow-up sessions will cover implementing assessment tools, collecting data and how this learning experience is being used to develop capacity within schools. Through the workshops, schools will share knowledge, make connections and support one another. To ensure that knowledge and experience are shared, a learning difficulties professional learning online page has been developed. The purpose of this page is to share resources and to complement the workshops. Online resources include videos of each workshop, including handouts, web links and online surveys. Forums were open during the workshops to enable teachers to share ideas and teaching strategies and interventions. This is a significant step towards building expertise across the workforce as knowledge is shared and spread. The partnership with parents and carers is also a focus in implementing support for students with learning difficulties. Some of the workshops will be open for parents and carers.

Ongoing work includes a partnership with the ACT health and community services directorates. As an example, the Education and Training Directorate is working with Therapy ACT to develop effective strategies to meet the needs of students with language disorders.

In summary, a solid foundation in the provision of professional learning has been built. Professional learning underpins the recommendations in relation to a consistent systemic approach to learning difficulties and partnerships with families. The professional learning currently being undertaken is addressing the broad issues of understanding learning difficulties. This will lead to an enhanced system approach and stronger partnerships. Progress towards the implementation of the recommendation is pleasing. The work of the task force is guiding some significant work towards meeting the needs of a vulnerable group of students in ACT public schools.

## **Courts Legislation Amendment Bill 2013**

Debate resumed from 28 November 2013, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR HANSON** (Molonglo—Leader of the Opposition) (12.02): The Canberra Liberal opposition will be supporting the Courts Legislation Amendment Bill 2013. This omnibus bill makes a range of non-controversial amendments to five acts that manage the court system in the ACT as well as the Births, Deaths and Marriages Registration Act.

I see no need to comment on the individual elements of this bill other than to acknowledge that they create efficiencies in our court system. Some examples of this are the amendments to the Magistrates Court Act and the Supreme Court Act which create a more streamlined system for dealing with summary offences associated with indictable offences. These amendments enable the Magistrates Court to transfer relevant summary offences to the Supreme Court.

In his presentation speech, the Attorney-General noted that these particular amendments were made following representations from the Director of Public Prosecutions. Others were recommended by the general president of the ACT Civil and Administrative Tribunal. I commend the work of these court officials, as well as that of public servants generally, who identify practical and effective measures to improve our laws and their operations in the territory. I encourage all public servants to be on the constant lookout for such opportunities. They are the ones at the coalface; they see the pitfalls and the gaps. We in this place should listen to them and pass legislation where it is appropriate to do so.

We will be supporting this bill.

**MR RATTENBURY** (Molonglo) (12.04): I am happy to support the Courts Legislation Amendment Bill on behalf of the ACT Greens. It makes several changes across the statute book to improve the efficiency of ACT courts and tribunals. The regular refinement of the legislation governing the ACT's judicial process is a worthy exercise in the quest for a well-functioning judicial system and as practical matters arise that need to be addressed. Professionals who work in the system also regularly make suggestions for improvements based on their day-to-day experiences.

The first change in the bill will allow the Magistrates Court flexibility to dispense with unnecessary formalities in the interests of justice, such as when the parties consent to a committal. Committals in the ACT are already fairly flexible following amendments made in 2008. Witnesses are not called in committal hearings unless an application is made that satisfies the court that it will be in the interests of justice. Looking at the most recent Bar Association newsletter, I see that the legal community has expressed its support for the further flexibility that will come from the change in this bill. The Director of Public Prosecutions suggested the changes, and in an article in the newsletter he notes that the regime for committals in the ACT generally works well but there are instances where both parties consent to a committal for trial taking place. In that situation it will be convenient for the court to have the power to dispense with any formal requirements which may otherwise delay the process.

I did raise an issue with Minister Corbell about the scope of this provision. I note that the revised explanatory statement now clarifies that the court can dispense with one or more provisions in part 3.5 in the interests of justice, which places a positive obligation on the court to exercise a jurisdiction only in appropriate cases.

Another change allows the Magistrates Court to refer summary offences related to an indictable offence to the Supreme Court so that they can deal with them at the same time. This is an efficiency measure that will help reduce double handling of summary charges. The Supreme Court retains the power to remit an action to the Magistrates Court for determination after the trial or sentence is complete. The DPP and the legal profession are also supportive of the change to facilitate portability of matters between the Magistrates Court and the Supreme Court.

The bill makes several minor changes to the operation of the ACT Civil and Administrative Tribunal, ACAT. These were recommended by the general president of the tribunal. Clause 12 of the bill will remove a 12-week time limit for a tribunal interim order to expire. As the explanatory statement notes, the 12-week limitation was intended to encourage the timely completion of hearings. Unfortunately, in practice, the 12-week time frame is problematic, sometimes out of the tribunal's control, and can result in applicants needing to reapply for interim orders and therefore pay additional costs.

There are several other changes to the ACAT which I will not detail here, but I am satisfied that they are appropriate changes to improve the efficiency of the tribunal and to clarify its operation.

The bill amends the Coroners Act to ensure that an inquest must be held into the death of a person who dies within 24 hours after medical intervention. Previously, the limit was 72 hours. This brings the ACT into line with South Australia, the only other jurisdiction with a time limit. As the minister has pointed out, we have a high rate of coronial inquests in the ACT compared to other jurisdictions. I agree that a coronial investigation can be traumatic for the loved ones of the deceased person, so there is an interest in reducing unnecessary inquests. I should note—and I thank the JACS Directorate for its clarification on this point—that this 24-hour limit will not interfere with existing requirements for an inquest to be carried out in any potentially

suspicious circumstances. If a person dies as a result of a medical, surgical or dental operation or an invasive medical or diagnostic procedure, a coronial inquiry will still be required.

The bill also changes the requirement for an inquest to be held into the death of a person who dies not having been attended by a doctor at any time within a period commencing three months before the death. This period will increase to six months, which again reduces the amount of coronial investigations and allows for circumstances where a person suffered from a potentially life-threatening disease which would adequately account for the death. The changes to the Coroners Act are consistent with recent recommendations from a review of ACT coronial and post-mortem processes and practice.

Lastly, I note that the bill repeals sections 291C(3) and (4) of the Magistrates Court Act. The sections purported to limit the grounds of review of a Magistrates Court decision. These types of “privative clauses” are likely to be invalid and I welcome the fact that the government is removing them.

In conclusion, I am happy to support the passage of this bill.

**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) (12.09), in reply: I thank members for their support of this bill. Before I proceed with my concluding comments, I table a revised explanatory statement to this bill.

This bill makes a number of sensible and practical changes to several pieces of ACT legislation to improve the efficiency of the Magistrates Court, the ACAT and our coronial system. Following representations from a number of key justice stakeholders including the DPP, the Government Solicitor, and the President of the ACAT, as well as plaintiff lawyers, the government has proposed this bill to amend the Magistrates Court Act, the Supreme Court Act, the ACT Civil and Administrative Tribunal Act, the Coroners Act and the Births, Deaths and Marriages Registration Act.

I will briefly take the opportunity to highlight again a number of key amendments in the bill. The first, which includes a mechanism for summary criminal matters related to serious indictable matters to be referred to the Supreme Court, will reduce double handling in our court system and improve the overall operation of the justice system. Often an accused person charged with an indictable offence is also charged with related summary offences or simple backup charges arising from the same facts. When this happens, the backup or related charges remain in the Magistrates Court pending resolution of the indictable matters in the Supreme Court.

Related summary offences as a result of this bill will now be able to travel with the indictable matters to the Supreme Court. They will then be dealt with on the basis of the evidence presented in that court in relation to the indictable offence and any additional evidence given with the leave of the court. This, I think, is an important reform. It will reduce double handling, provide for a simple transfer of matters, and will improve the utilisation of court time.

In response to plaintiff lawyers' concerns about the transfer of proceedings from or to the Supreme Court, an amendment to section 268 of the Magistrates Court Act will clarify that the statutory test for a transfer of proceedings applies at the time a transfer is made. This clarification will remove the risk of a challenge to an order transferring a matter to the Magistrates Court, and remove any doubt about applicable procedures.

The government is also making a number of practical amendments to the ACT Civil and Administrative Tribunal Act. Following a recent Supreme Court ruling on costs, an amendment will clarify that the tribunal has powers to award incidental costs, other than the filing fee for the application. When the tribunal decides an application in favour of the applicant, it is only fair that it is able to award other incidental costs which the applicant may have incurred in bringing the application forward.

An amendment to section 48(2)(a) will allow the tribunal to award incidental costs, including any other fees incurred by the applicant, that the tribunal considers necessary for the application. These other fees would include, for example, company or business name search fees, subpoena filing fees or hearing fees.

Also, following a request from the general president of the tribunal, an amendment to remove the unworkable and unhelpful 12-week time limit for a tribunal interim order to expire will help improve the overall operations of the tribunal. Where the tribunal is unable to hear a matter pending the resolution of other criminal matters in the Supreme Court, the applicant has to reapply for interim orders every 12 weeks until the criminal matters are decided. This leads to unrealistic filing timetables and additional costs on applicants. This is an important reform and one which will further streamline the process for all parties.

The government is also making several important amendments to the Coroners Act to reduce the number of unnecessary coronial inquiries into deaths and to improve autopsy practice in the territory. These changes will deliver important community benefits to ensure that deaths only undergo coronial investigation and full autopsy for good reasons and then only to the extent that it is strictly necessary to obtain the information the coroner requires.

The proposed changes to the act are consistent with legislative recommendations made in the final report of the recent review of ACT coronial and post-mortem process and practice, which was provided to the Chief Coroner and my directorate by Dr Charles Naylor, Chief Forensic Pathologist from Queensland, in August last year,

The review was commissioned by the courts and tribunal administration to improve current coronial and post-mortem process and practice in the Coroner's Court and in the ACT Forensic Medicine Centre. That review revealed that over 16 per cent of ACT registered deaths underwent coronial investigation in 2011. This is the second highest coronial death investigation rate in the country.

The two factors influencing this high rate are the reporting requirements in section 13 relating to healthcare deaths and non-suspicious natural deaths being reported due to the lack of a cause of death certificate. To ensure that deaths only undergo coronial



investigation for good reason, the first amendment to section 13 will change the requirement for an inquest to be held into the death of a person that occurs after medical intervention so that the trigger for the inquest is a death within 24 hours and not 72 hours after the intervention as at present.

The ACT is the only jurisdiction in Australia other than South Australia that currently has a time limit requiring an inquest into deaths occurring within a stated time frame after a medical procedure. This amendment brings the ACT into line with the 24-hour time limit currently in place in South Australia.

Our coronial system will continue to maintain its capacity to pursue an investigation and autopsy in any potentially suspicious circumstances. A coronial investigation will still be required if a person dies as a result of a medical, surgical or dental operation or an invasive medical or diagnostic procedure.

The second amendment being proposed to tackle the high rate of unnecessary coronial inquests is to change the requirement for an inquest to be held into the manner and cause of death of a person who dies without having seen a doctor within three months to a death where a person has not seen a doctor within six months.

The extension of time will address those instances where a person dies without having seen a doctor for longer than three months and yet it is well documented that the person suffered from a potentially life threatening natural disease which would adequately account for the death and where there were no suspicious circumstances.

To ensure that an autopsy occurs only to the extent that is strictly necessary to obtain the information the coroner requires, the final amendment to the dictionary in the Coroners Act includes a new definition of “post-mortem examination”. The new definition makes clear that a post-mortem examination can also include other types of physical examination other than the dissection of the body, such as an external examination including taking skin or other samples or a post-mortem examination using a CT or MRI scan.

A full autopsy may be required on occasions but is not always necessary to meet the needs of the coronial process. The coronial process and the suggestion that it is necessary for a death to go through a full autopsy can be traumatising and disturbing for the families of people who have passed on. By limiting the deaths that are subject to this invasive process, the impact on families in our community is reduced. Avoiding unnecessary coronial investigation is fundamental to respecting the dignity of the deceased and minimising the impact on their families when they are at a very vulnerable time.

An amendment to the Births, Deaths and Marriages Registration Act 1977 further ensures that deaths only undergo investigation for good reasons. The bill will allow a doctor, other than a treating doctor, to issue a cause of death certificate if the doctor is able to form an opinion about the probable cause of death based on information about the deceased person’s medical history and the circumstances of the death. This will prevent a death becoming a matter for coronial investigation simply because a person’s usual doctor is on an extended leave of absence from work or otherwise unavailable.

This amendment will maximise the appropriate issue of cause of death certificates to avoid the need for pointless, unnecessary and often traumatic coronial investigations. As a package, these changes make an important contribution to the valuable work already being done at all levels of the court system to improve processes, streamline operations and improve outcomes for the community. I thank members for their support of the 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.

## **Construction and Energy Efficiency Legislation Amendment Bill 2013 (No 2)**

Debate resumed from 28 November 2013, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR COE** (Ginninderra) (12.20): The opposition will be supporting the Construction and Energy Efficiency Legislation Amendment Bill 2013 (No 2). This is the second omnibus bill to revise the Building Act and other pieces of legislation that apply to the construction industry. The bill before us today contains amendments to the Building Act 2004, the Construction Occupations (Licensing) Act 2004, the Construction Occupations (Licensing) Regulation 2004, the Electricity Safety Act 1971, the Electricity Safety Regulation 2004 and the Energy Efficiency (Cost of Living) Improvement Act 2012.

Regarding the Building Act 2004, the builder advises the events relating to building work that involve handling asbestos or disturbing friable asbestos. The new offence in sections 42A(2) and (3) applies to builders, asbestos assessors and asbestos removalists who carry out building work which fails to comply with the requirement contained in section 42. The existing strict liability offence with its accompanying defence is removed from this bill and replaced with a knowledge or recklessness requirement. The relevant maximum penalty is significantly increased to 500 penalty units or five years imprisonment or both. This penalty is justified by the seriousness of the offence and the potential impact of exposure to asbestos.

The new offence contained in section 42A(5) applies to any person carrying out building work and imposes a maximum penalty of 300 penalty units or three years imprisonment or both in cases where an intention to contravene section 42 can be proven.

The new offence contained in section 42A(6) imposes the same maximum penalty to the owner of the land in cases where intention to have the work carried out in

contravention of section 42 can be proven. This bill also clarifies the current legislation relating to completion of building work in response to a recent Supreme Court decision.

Regarding the Construction Occupations (Licensing) Act 2004 and Construction Occupations (Licensing) Regulation 2004, the bill amends matters relating to rectification orders and occupational discipline. The maximum penalty for intentionally failing to comply with a rectification order is now 10 times the previous penalty to reflect the seriousness of the offence and expense that may be involved in the rectification work. The bill also recognises that there are cases where it may be inappropriate to issue a rectification order to the entity responsible for the construction work. This bill allows the registrar to take occupational discipline in relation to a licensee while at the same time make an application for an occupational discipline order from ACAT.

Regarding the Electricity Safety Act 1971 and the Electricity Safety Regulation 2004, the bill amends the requirements for rectification of unsafe wiring and makes it clear that if an entity is not licensed, qualified, authorised or does not hold the relevant skills or experience required to rectify the wiring, it must arrange and pay for an appropriately qualified person to complete the work. The bill also amends the minimum energy performance standard and energy labelling requirements to reflect the introduction of the commonwealth Greenhouse and Energy Minimum Standards Act 2012.

Regarding the Energy Efficiency (Cost of Living) Improvement Act 2012, the bill amends the requirements for annual retailer compliance reporting. The amendments will reduce reporting requirements for retailers that do not operate in the territory.

In conclusion, the opposition will support the bill. We hope the amendments it contains will make it easier for those in the construction industry who want to do the right thing. However, it is incumbent upon the government to ensure that those in the sector understand that these changes will be going through the Legislative Assembly today, and the government should ensure that information about these changes is conveyed to all registered operators in the ACT.

The opposition recognises the vital role the construction industry plays in Canberra. We will pay close attention to the implementation of these new provisions to ensure they simplify processes rather than add further red tape to an already heavily regulated industry.

**MR RATTENBURY** (Molonglo) (12.24): The Greens will support this bill today. I am pleased to see many of the improvements in this bill before us today, including to the Construction Occupations (Licensing) Act, to other building and construction acts as well as to the Energy Efficiency (Cost of Living) Improvement Act.

ACTPLA's continued to work to ensure a high quality of building and development as well as safe workplaces is very important. I note that there are also a range of provisions in this bill that streamline the reporting requirements for electricity retailers to make it simpler to comply with legislation, especially if they are not involved in undertaking energy efficiency activities.

This is a fairly lengthy and detailed bill so I will try not to go into too much detail today. In relation to the Building Act, there are a few noteworthy amendments, including clarifying the ability to request new or existing structural engineers certificates and a number of building certification clauses. This is in response to the Supreme Court case on the 2010 Barton Highway bridge collapse whereby the existing legislation needed interpretation and clearer directions and abilities.

It also clarifies and tightens up clauses to ensure that all relevant people take due responsibility in regard to building work involving asbestos. This includes a range of appropriate penalties for licensees, builders, and asbestos assessors and removalists. This is very important as more and more older houses with friable asbestos are being redeveloped or demolished. Asbestos is not something builders and others in the industry can be complacent about.

The third area is ensuring that builders meet the Building Code and creating appropriate offences in this area. In relation to the Construction and Occupations (Licensing) Act, there are a few noteworthy amendments including increasing the maximum penalty for intentionally failing to comply with a rectification order as well as allowing for additional considerations. It also allows for another builder to undertake the rectification work in cases where the contractual relationship has broken down or where the previous builder has demonstrated substantial failures. Thirdly, it gives the construction and occupations licensing registrar a broader range of options in relation to occupational discipline for licensees.

In relation to the Electricity Safety Act, the key amendment relates to giving inspectors the power to give directions to rectify unsafe electrical installations including requiring appropriate written information about the installation or work. This could be an expert report or independent certification.

I note that the MEPS, or minimum energy performance standards, used to be the national standard used to rate energy efficiency of equipment and was based on Victorian standards. This has now been transferred to central responsibility and since October 2012 has come under the commonwealth Greenhouse and Energy Minimum Standards Act 2012 or GEMS. This bill repeals our dependence on those Victorian MEPS standards and reflects the transfer to the GEMS act. I note that there is still scope for the ACT to require higher GEMS standards for appliances than the commonwealth if that were desired.

Finally, on the Energy Efficiency (Cost of Living) Improvement Act 2012, the amendments address a range of issues associated with making it easier to comply with the legislation, particularly tier 2 retailers. The intent here is to streamline the reporting process and clarify some of the compliance measures; make adjustments to reporting periods to 10 working days; create a process for tier 2 retailers to pay an energy savings contribution to achieve their energy savings obligation, and an amendment to clarify the application of penalties as they apply to shortfalls.

The amendments are administrative in nature and have likely come about due to the operation of the bill highlighting some issues. It is a reasonably complicated act in terms of its operation and it is not surprising that there have been some teething issues identified with its administration over the past 12 months.

This bill does quite a few other minor or technical things in relation to building and construction occupations which I did not mention but, overall, the Greens support the bill and look forward to a higher standard of responsibility and workmanship across the construction sector as a result.

*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 12.28 pm to 2.30 pm.**

### **Questions without notice**

#### **ACTEW Corporation Ltd—management**

**MR HANSON:** My question is to the Chief Minister. Chief Minister, what process has been undertaken to appoint the new chair of ACTEW and when do you expect the new chair to be appointed?

**MS GALLAGHER:** I believe that it will go to cabinet in the next couple of weeks—the appointment of a permanent chair.

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

**MR HANSON:** Yes, Madam Speaker. Chief Minister, will you guarantee that there will be a fair and transparent process in appointing the next ACTEW chair or will you undertake the same approach as your colleague Ms Burch who appointed the director of the Fringe Festival without any due process?

**MS GALLAGHER:** My understanding is that all chairs of ACTEW, from all governments, have been appointed by the shareholders through a cabinet process. I am not seeking to change that in this instance. I did, following the departure of Mr John Mackay, indicate a preference to go to an advertised position for the chair. However, with the departure of Mr Mark Sullivan as the chief executive of ACTEW, I do not want ACTEW to be in the position where there is an acting chair and an acting chief executive for any length of time. As such, the Deputy Chief Minister and I have determined that the appointment of a permanent chair is a priority for the organisation and that will be done in accordance with the process that has been followed by previous governments in appointing the ACTEW chair.

*Mr Smyth interjecting—*

**MS GALLAGHER:** Not that I will respond to interjections, Madam Speaker, but just to cover off another issue: I have not been as concerned about an acting chair whilst we have had a permanent chief executive. We are now in the position where we do

not have a permanent chief executive or a permanent chair. It is within our area of responsibility that we can appoint a permanent chair and provide that stability to ACTEW and that is what we will be doing.

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

**MR SMYTH:** Chief Minister, is it the intention of the government to appoint Jon Stanhope chair of ACTEW when he returns to Canberra?

**MS GALLAGHER:** I am not going to speculate on the appointment of the chair of ACTEW. It is a matter that the shareholders have agreed upon, and it will go to cabinet for consideration in the next couple of weeks. I really do not think it is in any way dignified to be bandying around individual's names in this place and asking me to rule them in or out. The decision has been taken prior to Mr Smyth's question being asked. So for the record, when it is announced, just remember that. It will go through a cabinet process.

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

**MR SMYTH:** Chief Minister, is Mr Stanhope in line for any other government employment, perhaps the CEO of ACTEW?

**MS GALLAGHER:** In relation to the chief executive of ACTEW, that recruitment process will be conducted by the board of ACTEW. They have appointed an acting chief executive for a short period of time. I think my understanding is that it might be 12 months. Within that time they will be undertaking a full independent recruitment process.

### **Schools—temperature guidelines**

**MR DOSZPOT:** My question is to the Minister for Education and Training. Minister, in early February, the ACT branch of the Australian Education Union highlighted that at least one Canberra public school was experiencing temperatures above 30 degrees, in excess of AEU guidelines, and called on you as minister to conduct an audit of all schools' cooling systems. Has this been completed, minister? If so, what were the results? If not, why not?

**MS BURCH:** I thank Mr Doszpot for his interest in education. It was raised. We as a community experience very hot periods over the January-February period. It is not policy to have schools have air conditioning in every class, but there are some areas within a school that have air conditioning. It is usually admin and the library. We have faith in our principals and our teachers within schools that they manage their school site and provide the most optimal environment they can for children.

**Mr Hanson:** Madam Speaker—

**MADAM SPEAKER:** Do you have a point of order, Mr Hanson?

**Mr Hanson:** I do. The question very specifically asked whether the minister had conducted an audit in accordance with the AEU's request and asked the minister to clarify whether she has indeed conducted an audit or not.

**MADAM SPEAKER:** On the point of order, I uphold the point of order and ask the minister to be directly relevant, to answer the question in relation to the audit.

**MS BURCH:** Thank you, Madam Speaker. It is my view that there was no need to conduct an audit at the request of the union because, as I have said, we have faith in the executive and the principals of our schools to make sure they do the best for students. It is only a small, short period of time when those extreme weather conditions are felt. As we move through upgrades and rebuilds of our schools, we make sure that we put in as much environmental control as we can in the built form.

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

**MR DOSZPOT:** Minister, are AEU classroom temperature guidelines of between 17 and 30 degrees taken into consideration when classroom designs are being considered for ACT schools?

**MS BURCH:** I would have to take some advice on that, on whether every position that the union has is replicated across our own internal guidelines. But the point to be made is that the union raised this in quite extreme weather conditions. I caught the interview of our director-general in responding to that, and I think she answered it well; that is, we have faith in our teachers; there are cool areas within a school for those extreme conditions; and it is on a school by school basis. If you go to the new Bonner, for example, it rates up to a five or six-star building, which is very different from an older built form. So as we move through these upgrades, it is important that we do an environmental design that accommodates and improves the amenity within the school. Can I also proudly say that we have a position that our schools will be carbon neutral by 2020, which is a good position to have.

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

**MR WALL:** Minister, how many ACT government schools are at risk of not meeting acceptable heating and cooling standards at present?

**MS BURCH:** I have confidence that all my schools provide a good public amenity for their students.

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

**MR WALL:** Minister, what protocols are in place for students if classroom temperatures fall outside the AEU guideline range?

**MS BURCH:** There are a range of guidelines and supporting policies within a school to make sure that the amenity and safety of students are kept at all times.

## **Health—childhood obesity**

**DR BOURKE:** My question is to the Minister for Health. Could the minister update the Assembly on the implementation of the government's commitment to zero growth in obesity and overweight in the ACT community?

**MS GALLAGHER:** I thank Dr Bourke for the question. As members would know, obesity is a major cause of poor health across the ACT community. The 2011-12 ABS health survey showed that 24.6 per cent of ACT children and 63 per cent of ACT adults were overweight or obese. This is an increase on the 2007-08 results of 21 and 58 per cent respectively.

In terms of possible drivers of this problem, the ACT general health survey, over a three-year period to 2010, shows that two in 10 children did one or more hours of physical activity outside of school per day and around 20 per cent were consuming at least six cups of sugary drinks per week.

The ACT government has committed to a range of programs and initiatives to address this upward trend. Many of these initiatives are funded through a partnership between the ACT government and the commonwealth government. The national partnership agreement on preventive health will provide \$8.17 million over the years 2010-18 to support the healthy children and workers social marketing initiatives in the ACT. In addition, the ACT health promotion grants program will disperse around \$2.1 million per annum, refocused on tackling obesity prevention, particularly in children.

As members would know, we have released the towards zero growth healthy weight action plan. This is a whole-of-government approach to combating overweight and obesity and was welcomed by a number of key stakeholder groups when it was launched, including the Heart Foundation and ACT Medicare Local, both of which were involved in the development of the plan.

Shortly after the launch of towards zero growth, the government was awarded the gold medal for obesity prevention by the Australian and New Zealand Obesity Society. This award recognises the ACT as the best performing jurisdiction in relation to obesity prevention activities.

The action plan contains actions to combat obesity grouped into six different focus areas, each of which is the responsibility of a lead agency, and each lead agency has convened an implementation group responsible for enacting and reporting on a plan to undertake actions in their area.

We have already taken steps in the implementation of towards zero growth with new health programs, such as the beat it program, designed for people at risk of developing, or currently living with, diabetes and other chronic conditions. The new bike and ride facility is open at north Weston, and last week we made significant announcements around healthy choices for food and drink in ACT schools.

**MADAM SPEAKER:** A supplementary question, Dr Bourke.



**DR BOURKE:** Minister, could you tell us more about the government's policy in relation to food and drinks in government schools?

**MS GALLAGHER:** Yes, I can, Dr Bourke. On Friday, 21 February I had the pleasure of launching, together with my ministerial colleague Minister Burch, the fresh tastes: healthy food at school program, and we made some additional announcements about sugary drinks in ACT public schools. As mentioned earlier, the statistics are there for all to see. One in four children in the ACT is overweight or obese, including a growing number of kindergarten students. This exposes large numbers of children to the risk of developing serious illness later in life.

I know that parents and carers want their children to be fit and healthy and have that transferring to improving their learning potential at school. We do believe schools can support families and children to have those healthy lifestyles by providing them with support to learn about healthy nutrition and increasing the availability of healthy food and drinks choices in the school setting. This equips children to make those healthy choices.

I have to say I was terribly impressed at Palmerston primary school with the fantastic vegetable gardens that they are growing food out of, and by the new "bay cafe", I think it was called—a new canteen which will only serve healthy food for children, and will reopen for that purpose. This is all part of the partnership—

**Mr Coe:** They did that without legislation. Amazing!

**MS GALLAGHER:** There is no legislation associated with this, Mr Coe, at all. There just will not be sugary drinks sold in ACT public canteens. But the schools are doing an incredibly good job. I did say that last week, in all the public comments I made in terms of the work that the canteen organisations are doing in relation to all of the non-government partners who have come on to support the work of fresh tastes. There were a number of them at the launch. It is all about educating children to make sure that they can have the underpinnings in their education around healthy food. *(Time expired.)*

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

**MS BERRY:** Minister, has the government made any announcements recently on the obesity programs?

**MS GALLAGHER:** In conjunction with the work that we have been doing on fresh tastes, we also announced last week the allocation of the first successful applicants for the \$2.2 million healthy Canberra grants program, which is the former HealthPACT grants program. This is an important round. The \$2.2 million has been awarded to five different organisations as opposed to the past where funding was provided to about 40 organisations for much smaller amounts of money.

The successful applicants are ACT Medicare Local for a program where they will target children and provide guidance to families through education and primary

healthcare services; the Physical Activity Foundation, a fantastic program to encourage riding or walking to school, which will work with individual schools for plans around what works for their schools; the YMCA of Canberra, which will look at exposing 2,500 children attending those YMCA children's services programs with healthy options; the Heart Foundation ACT, which will adopt the live lighter campaign that has been working in WA across a marketing campaign; and Gordon Primary School-Lanyon cluster of primary schools every chance to dance program with Kulturebreak.

These five organisations will get a reasonably good sum of money in order to promote their programs and make a difference to childhood obesity across the ACT.

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

**MR HANSON:** Minister, why does your government say that potentially unsafe temperatures in public schools will not be audited and are a matter for principals but that having children consuming milk and fruit juice is not a matter for principals?

**MS GALLAGHER:** The directorate does have policies that go across the education system, and I do not think that is unusual or different in any way. But there are localised matters such as the impact that a particular event, for example weather, has on individual schools. I know that in the school my children go to, an older school in Canberra, during the heatwave, one child was in a classroom that was pretty warm and one child was in a classroom that was reasonably cool. That goes to the question about principals being best placed to make decisions about how to manage the unusual event of extended periods of heat in the classroom.

In terms of providing systemic guidance around healthy eating policies and programs in ACT schools, again individual schools and individual principals take decisions at the local school level, and that is reflected in the government's work.

In terms of the decision we have taken to phase out sugary drinks, this is something that has been on the table since 2005. From nine years ago, I can find a newspaper clipping from the *Canberra Times* about access to sugary drinks and unhealthy food in the canteens, and maybe talk about what we need to do about that. Nine years later we have got more children who are overweight or obese than ever before in the city. We know that the major contributing factor to that is access to sugary drinks. What are we going to do? Just do nothing? Just let it continue? Not send a message that we have to provide some guidance, support and education to children and their families about access to sugary drinks in schools?

### **Multicultural affairs—Fringe Festival**

**MRS JONES:** My question is to the Minister for Multicultural Affairs. The Chief Minister stated in the *Canberra Times* on 11 February this year that she had "instructed the Arts and Multicultural Affairs Minister to ensure a proper recruitment process is in place for the directorship of next year's Fringe at the Multicultural Festival". She also said:

The Director of the Fringe Festival was appointed without a competitive selection process.

Minister, what steps are you taking to ensure that an appropriate, transparent and competitive selection process is in place for appointing future directors of the Fringe Festival?

**MS BURCH:** I thank Mrs Jones for her question. Just at the outset, let us be very clear that no matter how you try to pitch this, it was within my rights of delegation to make that appointment. I have done that. There was a deed of agreement that articulated his responsibilities and his acquittal and reporting attached to that.

It goes to the point about what will the process be next year. As happens after all events, particularly the National Multicultural Festival, we have a look at it. I am quite happy—more than happy—to consider a recruitment process if that is the right thing to do. So I am quite happy to consider the best options to make sure that the Multicultural Festival is managed the best that we can and continues to be the fabulous event that it is.

Also I remain committed to having a fringe as part of the National Multicultural Festival. It was a success this year. Eighteen thousand people came to be part of that. I am quite happy to go to some of the commentaries that come to me.

**Mr Coe:** What does the Jewish community say?

**MS BURCH:** If I may, Madam Speaker—and I know I should not respond to interjections—

**MADAM SPEAKER:** That would be disorderly.

**MS BURCH:** If I may, then, just randomly offer this bit of information if I can, Madam Speaker: I have spoken to a number of people in the community and they have said to me, once the situation was explained, they understand that this was fringe and this was satire and that no offence was meant.

**Mr Coe:** And it was public money.

**MS BURCH:** With public money. The National Multicultural Festival got founded on public money. So if you want to tag me with the so-called offence of the fringe, then I am quite happy to take your phrase for the success of having a quarter of a million people come in to the city of Canberra and enjoy the Multicultural Festival.

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

**MRS JONES:** Minister, why did you use your powers and when was the decision made to bypass a proper selection process for appointing the director for the 2014 Fringe Festival?

**MS BURCH:** There was no decision to bypass the process. I just made a decision for a different process than what was applied for 2013. It is not a bypass of any process; it was for the latter part of last year when the commitment was made. We made an election commitment to deliver the fringe. This delivered the fringe.

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

**MR SMYTH:** Minister, why, when an expression of interest had been conducted to appoint the directors in 2013, was this process not followed in appointing the director for 2014?

**MS BURCH:** I think you or your colleagues have answered that. Indeed, there were different streams—one had an accepted, traditional method of expressions of interest; one was at ministerial discretion. If that is too complex for you, I apologise.

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

**MR SMYTH:** Minister, what criteria did you use to select the creative director for the 2014 Fringe Festival?

**MS BURCH:** One with a history of delivering a fringe in town. I would have thought that the man who brought that to this city originally back in the mid-2000s was an appropriate selection.

### **Children and young people—care and protection**

**MS LAWDER:** My question is to the Minister for Disability, Children and Young People. Minister, the 2014 report on government services was released in January. It showed that the ACT government spends less on child protection than most other jurisdictions with worse outcomes. Minister, why are we not investing the funds we need in this important area?

**MS BURCH:** On the matter of care and protection, the ROGS shows our investment, but I do not think it covers the whole-of-government investment that we put into this area; nor does it reflect the budgets over the last couple of years where we have invested significant moneys in care and protection. It has gone through major reviews, and we have responded accordingly to that with relevant investment. I refer to the integrated management system to improve record keeping, and the trauma centre that has been established, because we know that trauma associated with kids in care and protection and out-of-home care is significant and affects their long-term outcomes in employment and education opportunities. So we have done what we needed to do but there is always more to do. The development of the out-of-home care strategy that will be released soon will articulate our views.

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

**MS LAWDER:** Minister, is light rail a higher priority for funds than Care and Protection Services for this government?

**Mr Corbell:** Point of order.

**MADAM SPEAKER:** Yes.

**Mr Corbell:** It is not clear to me, even in the manner that Ms Lawder framed the question, that she can ask that question of Minister Burch, given that Minister Burch does not have responsibility for the light rail project.

**MADAM SPEAKER:** Ms Lawder, could you repeat the question, please.

**MS LAWDER:** Minister, is light rail a higher priority for funds than care and protection services for this government?

**MADAM SPEAKER:** On Mr Corbell's point of order, I think that on the face of it that question is not entirely in order. I will give you an opportunity, as the standing orders allow me to do, to rephrase the question.

**MS LAWDER:** Minister, is care and protection a high enough priority within this government?

**MS BURCH:** Any mature, sophisticated government has multiple priorities and means to serve a range of community needs.

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

*Members interjecting—*

**MADAM SPEAKER:** Order, members!

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson, I would like to be able to hear Mr Doszpot's question.

**MR DOSZPOT:** Minister, how many reports and reviews do you need before you fix the systemic issues within Care and Protection Services?

**MS BURCH:** I thank Mr Doszpot for his question, but he continues to highlight his complete inability to grasp the complications of the care and protection system. As I have said in this place before, we have had significant reviews that found areas of improvement. We are getting on with those areas of improvement. I would tick every stream of program improvement with a forensic audit in 12 months or two years time. Clearly, there will be more work to do. That is the purpose of a forensic audit about improved service delivery.

I have absolute faith that the workers in care and protection do the best job they can each and every day. In comments and in response to the two reviews, as I have said

this morning, the Public Advocate is on record recognising the work that we have done. The Official Visitor is on record recognising the work we have done and the improvements we have made.

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

**MR DOSZPOT:** Minister, when are you going to start running this department in a way where we can be confident about the safety of our vulnerable children?

**MS BURCH:** I have confidence; my staff have confidence; the community have confidence.

### **Economy—growth**

**MS PORTER:** My question is to the Treasurer. Could the Treasurer update the Assembly on current economic conditions in the ACT?

**MR BARR:** I thank Ms Porter for the question. I am pleased to advise the Assembly that recent data on employment, economic growth, retail trade, population and housing remain very positive for the territory. Our gross state product rose by 2.7 per cent in real terms in the fiscal year 2012-13, which is above the national GDP growth rate in that same period of 2.6 per cent.

I am delighted to advise the Assembly that the ACT has the lowest unemployment rate of all Australian jurisdictions. Our trend unemployment rate is 3.8 per cent, which is well below the national rate. Incomes in the territory, Madam Speaker, remain the highest in the country. Gross household disposable income per capita in the fiscal year 2012-13 was \$81,314, which is well above the national average of \$44,347.

In the year ending 20 June 2013, the territory's population rose by 8,258, an increase of 2.2 per cent, which is well above the national average. In the construction industry the number of building approvals increased by 27.3 per cent in original terms in the calendar year 2013. This was predominantly driven by apartments and townhouses.

The pick-up in building approvals is indicative of new dwelling investment, particularly in the coming fiscal year, with low interest rates and continuing population growth expected to drive continued investment in new homes. Leading indicators point to some renewed strength in investment in engineering construction to come through in the 2014-15 fiscal year.

In the export sector, ABS data shows that the territory's exports of services in the 2012-13 fiscal year grew to \$1.28 billion, a growth of 3.4 per cent on the previous year. Retail trade has remained strong. Retail turnover increased by 1.3 per cent in seasonally adjusted terms in December, with turnover of just under \$420 million. Year on year to December 2013 retail turnover increased by 3.5 per cent in original terms.

These figures demonstrate the overall health of the ACT economy. However, the economic outlook for the territory has softened mainly due to the ongoing fiscal

constraint by the commonwealth government and uncertainty regarding its future plans. What is important to remember, though, is that the fundamentals of the territory economy are sound. With strong population growth, a workforce that is the best paid and the best educated in the country and a territory government that will continue to support our economy, we are well placed to meet this coming challenge from the commonwealth.

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

**MS PORTER:** Treasurer, what actions is the ACT government taking to support economic growth?

**MR BARR:** Through our comprehensive business development strategy the government is implementing a range of programs and initiatives to support and promote innovation in our private sector. For example, we are fostering innovation among new and growing businesses and helping budding business people and entrepreneurs to turn their ideas into reality.

Last year I launched Invest Canberra, the ACT government's investment facilitation agency, to promote and attract national and international direct investment into our economy. Last week I launched new guidelines to assist interstate and international investors and businesses to invest in Canberra. These new guidelines streamline the facilitation of private sector investment in the territory economy.

The government will continue to step up our program of red tape reduction. We will continue our work to abolish inefficient taxes like insurance and stamp duties, and we will continue to support new business formation through innovative initiatives such as the microcredit scheme that I announced yesterday, to be delivered in partnership with Westpac and the Lighthouse Business Innovation Centre.

**MADAM SPEAKER:** A supplementary question, Dr Bourke.

**DR BOURKE:** Treasurer, what risks are there to economic growth in the ACT?

**MR BARR:** The risks to economic growth in the territory centre almost entirely around the commonwealth government and its ongoing contraction in spending and its levels of employment in our city. Whilst the private sector provides nearly 60 per cent of all employment in the ACT, there are more than 65,000 commonwealth public servants in our city, making up approximately one-third of our workforce.

In addition—as I am sure members understand—there are many other workers and businesses in the private sector, such as contractors and suppliers, who work closely with the commonwealth government and who rely upon the commonwealth government for all or part of their business. As such, the commonwealth has a big impact on our economy. So the Liberals' goal of sacking thousands of public servants, and their desire to cut the role of the commonwealth government, will cause significant damage to our economy.

*Members interjecting—*

**MR BARR:** What did Kevin Rudd do? He increased the size of the public service in Canberra by 8,000 people—from 57,000 in 2007 to 65,000 in 2013. That is what happened in the six years of the federal Labor government.

The Liberal Party will, of course, deliver devastating cuts that will impact on employees and businesses. This will flow through our economy, hitting sectors and businesses, particularly in retail, hospitality and construction. In terms of jobs growth, the Liberals' cuts have the potential to wipe out 3½ years worth of economic growth and jobs growth in this city. Quite simply, when the biggest employer in town decides to cut its workforce, it harms an economy.

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

**MR GENTLEMAN:** Minister, how will the ACT government respond to the risks to our economy?

**MR BARR:** The government is committed to doing everything it can to mitigate the damage caused to the territory economy by the Liberals. The government understands the human toll on individuals and on our society when people are put out of work, and we will be fighting to support jobs in our economy and to support the ongoing economic growth of our city.

To help support the economy, the government is maintaining a strong program of spending on infrastructure and other capital projects. Let us be clear on this: if the ACT government is not investing capital into this economy in the coming few years, it is difficult to see where that investment is going to come from. It is vital that the ACT government continues to play an active role through our capital program and through our budget policy settings to ensure that our economy continues to grow.

Our current levels of revenue and our low levels of debt will allow the government to continue a strong program of infrastructure investment, including the University of Canberra public hospital, the city to the lake project, the capital metro project, the renewal of our public housing stock and the renewal of the Northbourne Avenue corridor. Not only will this help provide facilities that the community deserves and expects; it will also help keep our economy growing and support sectors of the ACT economy that will be hit hardest by the Liberals' cuts.

We will also maintain the size of the territory government. Unlike the Liberal states, we will not be slashing and burning our own workforce. We support jobs; we support economic growth; and we support cutting red tape, getting rid of inefficient taxes. And we support Canberra, Madam Speaker. That is the key difference between Labor and the Liberals. The Liberal Party are the party of recession for the ACT.

### **ACT public service—private employment advertising**

**MR SMYTH:** My question is to the Chief Minister. On 3 February 2014, a New South Wales-registered company, Venue Industry Professionals Pty Ltd trading as VIPeople, advertised for casual staff in the ACT public service whole-of-government



messages. On 18 February 2014, tickets for a commercial theatre production were advertised in the same government email distribution system. Chief Minister, does the government encourage or endorse public servants seeking paid casual employment with private employers?

**MS GALLAGHER:** Mr Smyth, I will have to have a look at the issue you have just raised. In a general sense, do we seek to promote casual employment? No, not necessarily, and there are rules around that for public servants. I do not recall seeing that message. I am happy to follow that up and see what the reasons behind it being on the all staff email are before I can answer anymore. I honestly have not seen it and know nothing about it.

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

**MR SMYTH:** Chief Minister, what commercial arrangements were made with these private companies for advertising which was internally circulated to all ACT public servants?

**MS GALLAGHER:** I will have to take that on notice, too, Mr Smyth, and provide an update to the Assembly.

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

**MRS JONES:** Will other employment agencies or entertainment venues be permitted to advertise in government circulars, and what are the commercial arrangements?

**MS GALLAGHER:** Again, this is not something that has come across my desk, so I will have to take further advice. I thought there were guidelines around advertising through government information channels, but I will take some further advice and come back to the Assembly.

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

**MRS JONES:** Just to get the whole question on the record, if other agencies will not be given permission to advertise in a whole-of-government message, why was an exception made for these two commercial organisations? Maybe you can get back to us.

**MS GALLAGHER:** Yes, I will answer all the questions from Mr Smyth and Mrs Jones in full.

### **Education—teacher recruitment**

**MS BERRY:** My question is to the Minister for Education and Training and refers to reports yesterday about improvements to teacher recruitment to ensure that all new teachers meet the highest literacy and numeracy standards. Minister, what action will the government take to achieve this goal?

**MS BURCH:** I thank Ms Berry for her interest in education and training. Every child in the ACT deserves opportunities provided through an excellent education, irrespective of where they live, their circumstances or where they attend. My message to parents is clear: in our public schools, we will give their sons and daughters the best teachers that there are. The government's focus in education is squarely on teacher quality, and there has been much research and discussion on this, including between education ministers over the last 12 months.

We have great teachers in our public schools, and our student results show that. But it is time to build on that success and to raise the bar on teacher quality. My aim is to ensure that new teachers to ACT public schools have literacy and numeracy levels equivalent to the top 30 per cent of the population. This is the level identified by the Australian Institute of Teaching and School Leadership as necessary to successfully complete their teacher training. The government will develop a literacy and numeracy test that all new teachers will need to pass before they can teach in our government schools.

While there has been debate around raising the ATAR requirements, I am more interested in assessing teachers at the end point of their training rather than at the beginning. This is the lever that I, as an employer into government schools, have to ensure that only the best teachers are recruited into schools. This means testing for high levels of literacy and numeracy on top of the already rigorous recruitment and teacher registration process. I have asked the directorate to advise me on how best this can be done, with a view to having it in place for next year's teacher intake.

The government also supports work at the national level on a nationally consistent standard of literacy and numeracy at graduate level of teacher education. Proposed methods include a national online test that all teacher education students must pass before graduation and a national framework for professional experience to pick up on those elements of literacy and numeracy that cannot be assessed on line.

The work will build on the work already done to implement the Australian professional standards for teachers. All our teachers meet the Australian standards and are registered by the Teacher Quality Institute. The initiative that I announced earlier this week is about lifting the bar and raising the esteem of the teaching profession in our community and making a clear statement to the parents of kids in our government schools that I only want to recruit the best of the best and we will be testing to make sure we get them.

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

**MS BERRY:** Minister, why is it necessary to take this action, and when will it be in place?

**MS BURCH:** As indicated, I want this initiative to be in place next year, for next year's recruits. The research clearly tells us that the most influential in-school factor in student achievement is the quality of the teacher. I have no hesitation in demanding the very best quality teaching in our government schools. I want to say as an employer that new teachers coming into the ACT public school system will be the best of the best.

Over a number of years the government has been addressing the factors that impact on student learning and wellbeing. We have been building new 21st century schools and upgrading existing schools. We employed more teachers to reduce the ratio between students and teachers, and it is one of the lowest in the country. But there is no doubt that quality teaching makes the big difference. The rubber hits the road in the classroom with the interaction between a quality teacher and a student. Students do well when they have very good teachers, not by chance but by design.

This initiative will guarantee that all the teachers we recruit have literacy and numeracy skills at the highest standard and are able to pass on those standards to our students. As Glenn Fowler said this morning on radio:

This is about enhancing the professional status. Now ACT public school teachers when this goes ahead will be the best qualified in the country, will they be the best teachers in the country—well we don't know that yet, but we do know they will be the best qualified in the country and that's an ambition we support.

That is a quote from Glenn Fowler. The best teachers want to work in a public education system that is serious about quality teaching and demands, supports and values excellence in the classroom. That is what this ACT government will deliver.

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

**MR GENTLEMAN:** Minister, what is in place at present to ensure that we recruit the best new teachers?

**MS BURCH:** I thank Mr Gentleman for his interest. Each year the education directorate receives over 700 applications for permanent, temporary and casual teaching places in our public schools. This year 376 new teachers commenced work at the start of the year. The best and brightest teachers want to come and work in our schools because they know they will be recognised for their efforts and achievements.

The government has a strong track record of recognising the talents of teachers. We offer some of the best salaries in the country and provide among the best conditions to attract the best. First-year teachers, for example, have a reduced teaching load to help them develop their skills in the classroom and in their profession. We have a rigorous recruitment process in which each applicant is interviewed and assessed.

Schools are now empowered to recruit teachers at a local level. Principals can identify outstanding teaching students on practicum and offer them permanent employment on graduation. Schools advertise teacher positions and conduct their own merit selection process, supported by the system. Temporary and casual teachers are regularly assessed by schools to ensure the quality of their teaching before being offered further employment. All these measures work in combination to attract quality teachers and ensure that we recruit the best on offer.

By including a literacy and numeracy test, we will build on this foundation and raise even higher the quality of teachers and achievements of students in ACT public schools.

**MADAM SPEAKER:** Supplementary question, Dr Bourke.

**DR BOURKE:** Minister, how does your announcement align with objectives of the Teacher Quality Institute and Australian professional standards for teachers?

**MS BURCH:** I thank Dr Bourke for his question. The ACT Teacher Quality Institute works to build the professional capabilities and standing of all ACT teachers—those in Catholic, independent and public schools. The institute has no direct role in the recruitment of teachers by any employer, but it works to improve the quality of the profession across all stages of the teaching career, from pre-service teachers at university, through accreditation of teacher preparation courses and quality assurance of professional experience in schools, through to in-service teachers, through their registration and continuing professional development.

The institute has effectively integrated the Australian professional standards for teachers into these regulatory and quality improvement frameworks. The standards were developed at a national level after substantial community, professional and government consultation across Australia. There are seven standards describing the knowledge and skills of a teacher at four career stages—graduate, proficient, highly accomplished and lead. The institute is leading the implementation of the standards in the ACT for the profession as a whole. Achievement of graduate and proficient stages is required for all teachers by the institute’s registration processes, and highly accomplished and lead are promoted by the institute’s certification processes.

The development of additional personal literacy and numeracy recruitment criteria for teachers by the Education and Training Directorate will support the quality frameworks of the Teacher Quality Institute and will align with the quality focus of the standards.

### **ACTION bus service—free services**

**MR COE:** My question is to the Minister for Territory and Municipal Services. Minister, the ACT public service whole-of-government message on 19 February stated that ACTION would provide free shuttle services for the AFL football match at Manuka on 20 February. It also said, “In addition, ticket holders and GIANTS members can travel on any ACTION bus across the entire network on the day for free.” At the same time, the ACTION website said, “On Saturday night the UC Brumbies are chartering free buses to their home game at GIO Stadium Canberra.” There was no offer of free all-day tickets. Why do Brumbies ticket holders or members not receive all-day free travel on ACTION, as do GWS members?

**MR RATTENBURY:** I might have to take this question on notice for Mr Coe. Actually, I believe these arrangements—Minister Barr might help me here—are direct contractual arrangements between the sporting organisations and ACTION, which may explain the difference, but I am happy to take the question on notice and check that.

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

**MR COE:** This could be for the Minister for Economic Development: do the GWS charter and pay for ACTION buses to provide free services to and from their games? If not, what is the reason for the different policy?

**MR BARR:** My understanding is that in relation to services direct to the venue, as opposed to route services that run past the venue, there is a contractual arrangement between the hirer of the venue and the bus company. That, generally speaking, has been ACTION but it has not always been. I have certainly seen Deane's buses providing services.

**Mr Coe:** But all-day everywhere free buses?

**MR BARR:** That question will need to be examined. In my view it would appear to require the hirer to have made that arrangement with ACTION, unless there has been a policy decision within ACTION to allow that. Certainly, what I can say, Mr Coe, is that the government encourages venue hirers to put in place appropriate transport arrangements. That has included a very strong encouragement to allow transport to the game as part of the ticket price and for that transport to be free. That is certainly what hirers have been doing. It may well be that GWS or the AFL NSW/ACT, which organised the match at Manuka, have utilised proceeds from ticket sales to provide that bus subsidy for Giants members and those attending the game. I will need to check the details of that and Minister Rattenbury may have some further information from the ACTION end. But it is certainly the case that the hirers of the venues make those arrangements with transport companies.

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

**MR DOSZPOT:** Minister—I presume Mr Barr—continuing on the same line of questioning: what other organisations have the same free travel arrangements with ACTION as do GWS?

**MADAM SPEAKER:** Which minister wants to answer that one?

**MR RATTENBURY:** I will take that. I think that sits within ACTION. As Minister Barr has outlined—and I will check this—sporting organisations generally pay for that; it is a service as part of the conduct of the sporting event. As to other circumstances where there is free public bus transport, a recent example would be the Multicultural Festival. That was done across government. That was a shared arrangement between the Community Services Directorate and the Territory and Municipal Services Directorate. It really is a matter of discussion, I guess, on the nature of the event and the quantity of buses that are being provided. I would be happy to give further information if there are specific examples the opposition would like to know about.

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

**MR DOSZPOT:** Minister, how do sporting organisations register for free all-day services for their members?

**MR RATTENBURY:** I think, as has become clear through the line of questioning, this is the first time that I have become aware of the all-day service being part of the proposition. I will need to check on that. I will come back with the answer to the whole stream of questions on that one and perhaps clarify the situation.

### **Roads—Apperly Close**

**MR WALL:** My question is to the Minister for Territory and Municipal Services. Minister, residents of Apperly Close in Kambah have advised me that recent road surface remediation work on their street has left the road in a worse state than it was before. When will this road surface be returned to good order?

**MR RATTENBURY:** I have not received specific feedback on that particular street. I am happy to take some further advice. What I can say as a general observation is that the nature of the road resurfacing is such that after the resurfacing is first conducted there usually is an excess of aggregate on the surface and, as part of the contracts that Roads ACT has with the contractors that do the road resurfacing, street sweeping will take place at certain times. Over the course of the use of the road, the surface does bed down further. That is, I guess, part of the regular model of road resurfacing and what we see over time is that the surface does become smoother as the aggregate is pressed into the surface.

What we have seen in recent times in some of the extended hot weather periods is that some surfaces did become sticky, for want of a better word. They essentially melted in the heat. Roads ACT has had to undertake repairs in a number of locations. We also know that the behaviour of the bitumen essentially is that it hardens up over a number of years. Where recent works have been conducted there have been, because of the particularly hot weather, some flaws there and repairs are being undertaken.

I do not think that is the case with this particular street in Kambah. I think it might be a case where residents are frustrated by the excess aggregate in the short term, and I can reassure them that the street sweeping will clean that up over time.

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

**MR WALL:** Minister, what communication has taken place between residents and members of the ACT government with regard to the road surface remediation work in Apperly Close?

**MR RATTENBURY:** The normal process for, I guess, communication in the sense you are asking is that signs go up—and members will have seen these—indicating that road resurfacing will take place in a certain area. I am not sure that there is an individual mail-out as there is with perhaps some other projects because resurfacing tends to take place on a larger scale. Then, of course, if members of the public contact Canberra Connect or Roads ACT there will be an opportunity for someone to either reply to their email or perhaps take a phone call, depending on how members of the public contact the government.

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

**MR SMYTH:** Minister, who is responsible for ensuring any remediation work necessary is undertaken and who pays for that additional cost?

**MR RATTENBURY:** As part of the contractual arrangements with the road resurfacing companies, there is a warranty period. I believe it is either 12 months or two years, depending on the exact contract. There have certainly been a number of occasions recently where road surfaces have not performed as required, and the contractor is liable for those repairs. The ACT government does not foot the bill if the problem arises in the warranty period. The warranty period is generally considered adequate for any problems that may arise. As I say, it is generally 12 months, or two years on occasions. I am trying to think of a couple of recent examples. Members may recall that the Federal Highway, just before you reach the ACT border, at the top of the hill where it crosses over the Horse Park Drive-Majura Road interchange, had some problems. That area, for example, was covered under warranty.

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

**MR SMYTH:** Minister, how many other roads across the ACT have been left with further damage as a result of road resurfacing remediation works over, say, the last 12 months?

**MR RATTENBURY:** Just to be clear, I do not entirely agree with the premise of Mr Smyth's question, which is that road resurfacing causes further road damage. I do not believe that is the case. The purpose of road resurfacing is to, obviously, maintain the roads and, particularly, to seal them from further water getting in. That is the primary cause of breakdown of road surface—water seeping in through the surface and causing problems further down. The purpose of the resealing is to provide further waterproofing.

That said, if the question is about how many defects there have been in cases where we have had to claim, have the contractors come back and do further works, I will have to check that. I think it is in the single digits, but I will check that and provide an answer to the Assembly.

### **Transport—light rail**

**MR GENTLEMAN:** My question is to the Minister for the Environment and Sustainable Development. Minister, late last year the capital metro light rail project started to take real shape with the appointment of the senior project team. Could you give the Assembly an update on progress with the project since then?

**MR CORBELL:** I thank Mr Gentleman for his question. It is the case that the government's commitment to deliver the capital metro light rail project is proceeding well in a timely manner and with a significant increase in activities, particularly over the last six months. I am very pleased to say that the government has since its re-election and its commitment to deliver this project commissioned a range of pieces of work to support the development of the final business case and the approach to market for the delivery of this critical project, a project that is going to assist the city to meet

its broader strategic planning objectives to consolidate more urban development along public transport corridors and give people better choices when it comes to transport and their ability to move around the city.

Earlier this year I announced that the global firm EY, previously known as Ernst & Young, have been appointed to develop the final business case for the capital metro agency and to be the project's economic and commercial adviser. EY have advised on many of Australia's most complex and difficult urban transformation projects. They bring enormous amounts of experience to the agency. I welcome their appointment. It is a critical appointment in terms of progressing this project to its next stage.

The final business case will build on previous work and incorporate recent developments that have been undertaken by the government, including work on the city plan, the city to the lake project and the light rail integration study, which was commissioned last year. This business case work by EY will focus in practical terms on how we help achieve the government's vision of a more sustainable, less car dependent city. So it is a critical appointment and I welcome that progress.

Further progress is also being seen in the appointment of the global firm Arup to be the project's technical adviser. We saw a very strong response to the call for tender for the technical adviser to assist the agency with the technical elements of the project, including engineering, design, construction, operations, urban design, maintenance, network integration, land development and safety management.

I am very pleased to say that Arup lead a very strong consortium, including Hassell and Parsons Brinckerhoff, local firms such as Brown Consulting, LANDdata Surveys, Philip Chun Access, SLR Consulting, GML Heritage and DSB Landscape Architects. It is tremendous to see local Canberra firms getting work on this project along with major national and international firms with the expertise we need to drive this critical and transformational project.

It really does highlight the strength of interest from the market in this project that we are getting very credible engagements from firms such as EY and Arup. Arup, for example, have just completed work with the New South Wales government for their light rail project and they bring a significant and capable team of experts to that work.

The government is continuing with a range of other services and projects to further deliver the next stages of this project. It is worth highlighting that both Arup and Parsons Brinckerhoff propose to use their local offices in assistance with the Capital Metro Agency, and we are continuing with other tenders, including for legal services, which will be assessed in the coming weeks.

These are very important bodies of work. We are building a strong and capable team within government and through consultants to deliver this important project. (*Time expired.*)

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

**MR GENTLEMAN:** Minister, are you able to provide more detail about the light rail master plan that you mentioned and its role in the delivery of the project?



**MR CORBELL:** I thank Mr Gentleman for the supplementary. Yes, the light rail master plan is an important body of work as part of the broader capital metro project because it is about the forward planning that we need to do as a government and as a community to highlight possible extensions of the first Gungahlin-to-city link for capital metro. We need to look at further extensions. We need to look at issues around connecting to the parliamentary triangle and to places such as Russell, potentially the airport, and obviously points south of the lake, particularly our town centres south of the lake, Woden and Tuggeranong. These are all important considerations and the light rail master plan is designed to do that.

The government expects to appoint a consultant to undertake this work in late March. Technical analysis, options development and evaluation are expected to take place around the middle of the year. This will involve determining shortlisted routes and network options for a draft plan for community consultation. We will have a range of very important stakeholders as we undertake this work. I know, for example, the National Capital Authority is following this work very closely, but so are business and industry groups and organisations.

It is worth highlighting, for example, that the Canberra Airport Group, one of the major private sector investors in this town, one of the major drivers of private economic activity in this town, are strongly supportive of the capital metro project. They are lobbying for its expansion to the airport. They have taken a very proactive and positive view of the importance of this project. I welcome their interest in the capital metro project. I welcome their advocacy for possible extension. We will continue to work with the airport group and other private sector organisations and lobby groups as we progress this next body of important work.

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

**MR COE:** Minister, why are you undertaking master plan work now, after you have chosen the first leg of the light rail project?

**MR CORBELL:** The reasons behind the selection of the Gungahlin to city route are well known and understood, and are the subject and the result of very detailed analysis that the government has previously laid on the table for all to see. Just to reiterate, for Mr Coe's benefit, it is worth highlighting, of course, that the Gungahlin to city corridor is the fastest growing corridor of any of the transit corridors in Canberra. It is expected to see a rate of population increase which is five times that of any other part of the city. It is one of the most congested corridors in the city and business as usual is not an acceptable response to deal with congestion along the Northbourne Avenue corridor.

If Mr Coe and the Liberal Party are prepared to continue to consign residents of Gungahlin to congestion along Northbourne Avenue then I welcome their advocacy of that to the broader community. But this government has a vision and a plan to address congestion, to improve transit choices for all commuters, those who continue to use their car as well as those who will have the ability to use public transport, as well as those who choose to cycle and walk to work.

We do not want to consign residents of Gungahlin to a car-dependent future. At the moment nine out of 10 journeys undertaken by Gungahlin residents are by private motor vehicle. We want to change that. It is the highest level of car dependence of any part of our city, and that is one of the key reasons why we have chosen this corridor. But we recognise and understand that we need to plan for the future. We need to look at future corridors, and the light rail master planning work will assist us to deliver that.

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

**MS PORTER:** Minister, how can the community keep up to date on the progress?

**MR CORBELL:** I thank Ms Porter for her supplementary. The Capital Metro Agency is moving forward with a proactive community engagement plan to keep residents interested in this project up to date with work on the process. Earlier this year I announced the establishment of a new online presence for the Capital Metro Agency. That capital metro website, [capitalmetro.act.gov.au](http://capitalmetro.act.gov.au), is an up-to-date resource on all of the projects, all of the different elements of work being undertaken by capital metro, and provides opportunities for community feedback.

But the government is not just relying, and capital metro are not just relying, on an online presence. The delivery of a new director of communications and engagement by the agency gives the agency greater capacity to reach out to the community, to attend meetings, to provide briefings, to work with the business community, to work with community organisations, to work with individual residents. That will very much be the commitment. Our new director of communications brings extensive experience from other light rail projects, in particular the Gold Coast project, which had a very complex community engagement framework to work within.

This again demonstrates the seriousness with which the government is approaching this task. We are bringing experienced and credible professionals to the job; we are bringing experienced and credible consortia to the job; and we have a clear time frame to deliver on this project, a project that will be transformative and critical to the future growth and development of our city.

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

### **Supplementary answer to question without notice ACTION bus service—free services**

**MR RATTENBURY:** I was asked about charter services for sporting clubs. I can update members. It does vary by the sporting codes. The Brumbies pay for a one-way transfer to the game from all bus stations across the city but they do not pay for any further services. The Canberra Raiders do the same as the Brumbies, although I understand on a lesser scale—that is, not all stations. GWS, by contrast, pay for the charter and extended free services. I guess their intent is to encourage people onto public transport. GWS pay ACTION per transfer when a person shows their ticket, but they only run a chartered service from the city and Woden to Manuka Oval. I believe that goes to the tenor of the question.

*Mr Coe interjecting—*

**MR RATTENBURY:** I believe question time is over.

## **Assistant Speaker**

**MADAM SPEAKER:** I table the following warrant of revocation and nomination, and paper:

Pursuant to the provisions of standing order 8, I—

1. revoke the nomination of Mr Doszpot as an Assistant Speaker; and
2. nominate Ms Lawder to act as an Assistant Speaker.

Given under my hand on 3 February 2014.

Vicki Dunne MLA  
Speaker  
3 February 2014

Assistant Speaker—Resignation—Letter from Mr Doszpot, dated 22 January 2014.

I wish to personally thank Mr Doszpot for his service to the Assembly as Assistant Speaker.

## **Papers**

**Madam Speaker** presented the following papers:

Auditor-General Act—Auditor-General's Reports—

No. 7/2013—2012-13 Financial Audits, dated 16 December 2013.

No. 8/2013—Management of Funding for Community Services, dated 20 December 2013.

## **Government Agencies (Campaign Advertising) Act—reports Papers and statement by Speaker**

**MADAM SPEAKER:** As required by the Government Agencies (Campaign Advertising) Act 2009, I present the following papers:

Government Agencies (Campaign Advertising) Act, pursuant to subsection 20(2)—Independent Reviewer—Reports—For the period—

1 January to 30 June 2013, dated July 2013.

1 July to 31 December 2013, dated 17 January 2014.

I note that, as required by the act, the independent reviewer had prepared the report for 1 January to 30 June 2013 within the statutory time frames. Unfortunately, the tabling of this report, and its distribution to members of this Assembly, appears not to have been undertaken at the time the report was prepared. The secretariat to the independent reviewer and my office have been unable to determine why this oversight has occurred. Processes have subsequently been put in place to ensure that this does not eventuate in the future.

All of these reports, including the Auditor-General's reports, were circulated to members when the Assembly was not sitting.

## Papers

**Madam Speaker** presented the following papers:

Standing order 191—Amendments to:

Australian Capital Territory (Ministers) Bill 2013 (No. 2), dated 2 December 2013.

Crimes Legislation Amendment Bill 2013, dated 3 December 2013.

Long Service Leave (Portable Schemes) Amendment Bill 2013, dated 2 December 2013.

Payroll Tax Amendment Bill 2013 (No. 2), dated 2 December 2013.

## Executive contracts

### Papers 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 papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

Barbara Reid, dated 21 and 22 January 2014.

Benjamin Smith, dated 21 and 23 December 2013.

Bethan Mitchell, dated 21 and 22 January 2014.

Christopher Collier, dated 8 and 17 January 2014.

John Stenhouse, dated 24 and 28 January 2014.

Kathy Leigh, dated 7 February 2014.

Mark Collis, dated 13 December 2013.

Michael Young, dated 31 January and 3 February 2014.

Patrick McAuliffe, dated 16 December 2013.

Ronald Foster, dated 16 December 2013.

Rosemary Kennedy, dated 18 December 2013.

Sandra Georges, dated 4 February 2014.

Veronica Croome, dated 21 and 22 January 2014.

Short-term contracts:

Anita Hargreaves, dated 21 and 22 January 2014.

Anita Perkins, dated 16 and 17 January 2014.  
Carolyn Grayson, dated 25 November 2013.  
David Matthews, dated 22 November 2013.  
David Matthews, dated 24 January 2014.  
David Parkinson, dated 27 November 2013.  
Elizabeth Beattie, dated 2 and 6 January 2014.  
Elizabeth Sharpe, dated 6 January 2014.  
Geoffrey Rutledge, dated 8 and 14 January 2014.  
Glenn Bain, dated 19 December 2013.  
Glenn Lacey, dated 5 December 2013.  
Goran Josipovic, dated 2 December 2013.  
Greg Corben, dated 2 and 6 January 2014.  
Gregory Kent, dated 13 and 14 January 2014.  
Helen Pappas, dated 11 December 2013.  
Howard Wren, dated 23 December 2013.  
Jon Quiggin, dated 9 December 2013.  
Joshua Rynehart, dated 11 and 12 December 2013.  
Mark Collis, dated 25 November 2013.  
Michael Edwards, dated 12 December 2013.  
Namasivayam Kugathas, dated 28 January 2014.  
Nicole Masters, dated 20 December 2013.  
Patrick Henry, dated 24 December 2013.  
Patrick Jones, dated 10 December 2013.  
Paul Coleman, dated 25 November 2013.  
Peter Murray, dated 29 and 30 January 2014.  
Richard Baumgart, dated 23 and 24 December 2013.  
Richard Woods, dated 18 and 19 December 2013.  
Robert Gotts, dated 3 and 6 January 2014.  
Ross O'Donoghue, dated 12 and 16 December 2013.  
Steven Wright, dated 16 and 17 January 2014.  
Stewart Ellis, dated 19 and 20 December 2013.  
Timothy McNevin, dated 13 and 16 December 2013.  
Tracey Allen, dated 21 and 23 December 2013.  
Vanessa Sutton, dated 20 and 23 December 2013.  
Virginia Hayward, dated 24 December 2013.

Wilhelmina Blount, dated 3 and 5 February 2014.

Contract variations:

Adrian Scott, dated 7 January 2014.

Alison Abernethy, dated 6 and 9 December 2013.

Andrew Parkinson, dated 14 and 22 November 2013.

Brook Dixon, dated 20 December 2013.

Cheryl Sizer, dated 16 and 17 January 2014.

Christine Murray, dated 3 February 2014.

Christine Nolan, dated 3 January 2014.

Coralie McAlister, dated 20 and 23 December 2013.

Daniel Walters, dated 25 November 2013.

Daniel Walters, dated 6 January 2014.

David Parkinson, dated 10 December 2013.

David Parkinson, dated 23 and 24 January 2014.

George Tomlins, dated 16 and 20 January 2014.

Greg Corben, dated 23 December 2013 and 2 January 2014.

Heidi Robinson, dated 10 February 2014.

Howard Wren, dated 18 and 20 December 2013.

Howard Wren, dated 18 and 20 December 2013.

Jacinta George, dated 18 November 2013.

Jeremy (David) Roberts, dated 8 and 10 January 2014.

Kellie Lang, dated 2 December 2013.

Lana Junakovic, dated 17 January 2013.

Leesha Pitt, dated 6 January 2014.

Mark Collis, dated 13 and 16 December 2013.

Michael Bateman, dated 2 January 2014.

Michael Young, dated 17 and 18 December 2013.

Somasundream Jeyendren, dated 14 and 22 November 2013.

Wilhelmina Blount, dated 10 December 2013.

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

Leave granted.

**MS GALLAGHER:** I present another set of executive contracts. These are tabled in accordance with sections 31A and 79 of the Public Sector Management Act which require the tabling of all director-general and executive contracts and contract variations. Today I present 13 long-term contracts, 37 short-term contracts and 27 contract variations. The details of the contracts will be circulated to members.

## Papers

**Ms Gallagher** presented the following papers:

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations, together with statements for:

ACT Civil and Administrative Tribunal Presidential Member—Determination No. 15, dated December 2013.

ACT Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) Community Advisory Council—Determination No. 7, dated December 2013.

ACT Magistrates Court Judicial Positions—Determination No 12, dated December 2013.

ACT Supreme Court Judicial Positions—Determination No 10, dated December 2013.

Capital Metro Project Board—Determination No 6, dated November 2013.

Clerk of the Legislative Assembly—Determination No 14, dated December 2013.

Director of Public Prosecutions—Determination No 13, dated December 2013.

Industry Panel—Determination No 8, dated December 2013.

Part-time Public Office Holders—Determination No 9, dated December 2013.

Retired Master of the Supreme Court—Determination No 11, dated December 2013.

## **Financial Management Act—instruments 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 a statement of reasons, pursuant to—

Section 16B—Authorising the rollover of undisbursed appropriation of—

Chief Minister and Treasury Directorate, dated 17 December 2013.

Community Services Directorate, dated 15 November 2013.

Education and Training Directorate, dated 24 January 2014.

Exhibition Park Corporation, dated 17 December 2013.

Health Directorate, dated 8 January 2014.

Justice and Community Safety Directorate, dated 24 January 2014.

Territory and Municipal Services Directorate, dated 17 January 2014.

Section 18A—Authorisation of expenditure from the Treasurer's Advance to Community Services Directorate, dated 28 January 2014.

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 table a number of instruments issued under sections 16B and 18 of the Financial Management 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. This afternoon I am tabling eight instruments.

Section 16B of the FMA allows for an appropriation to be preserved from one financial year to the next, as outlined in instruments signed by myself as Treasurer. This package includes seven instruments under section 16B.

The first instrument authorises a total rollover of \$360,000 in capital injection, controlled, to the Exhibition Park Corporation for the conference centre and Parkes Room refurbishment program.

The second instrument authorises a total rollover of \$2.621 million for the Community Services Directorate comprising \$84,000 in net cost of outputs, controlled, appropriation, \$508,000 in payments on behalf of the territory and \$2.029 million in capital injection, controlled, appropriations. Due to an oversight by the Chief Minister and Treasury Directorate, this instrument is being presented outside the three-day time frame.

The third instrument authorises a total rollover of \$9.132 million for the Chief Minister and Treasury Directorate comprising \$7.035 million in net cost of outputs, controlled, appropriation and \$2.097 million in capital injection, controlled, appropriation.

The fourth instrument authorises a total rollover of \$11.498 million for the Justice and Community Safety Directorate comprising \$5.05 million in net cost of outputs, controlled, appropriation, \$6.436 million in capital injection, controlled, appropriation and \$12,000 in the capital injection, territorial, appropriation.

The fifth instrument authorises a total rollover of \$13.474 million for the Health Directorate comprising \$310,000 in the net cost of outputs, controlled, appropriation and \$13.164 million from the capital injection, controlled, appropriation.

The sixth instrument authorises a total rollover of \$31.042 million for the Education and Training Directorate comprising \$10.478 million in net cost of outputs, controlled, appropriation, \$438,000 in payments on behalf of the territory and \$20.126 million in the capital injection, controlled, appropriation.

The seventh instrument authorises a total rollover of \$45.637 million for the Territory and Municipal Services Directorate comprising \$1.382 million in net cost of outputs, controlled, appropriation and \$44.255 million in capital injection, controlled, appropriation.



Madam Assistant Speaker, section 18 of the Financial Management Act provides for the authorisation of expenditure from the Treasurer's advance. This package includes one instrument providing an increase of \$1.5 million in the capital injection, controlled, for the Community Services Directorate. This extends the credit facility agreement with Boundless Canberra Incorporated to continue the work of the boundless playground.

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

## **Budget review 2013-2014**

### **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:

Budget 2013-2014—Budget review.

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

Leave granted.

**MR BARR:** I present to the Assembly the 2013-14 budget review prepared in accordance with the Financial Management Act 1996. The review shows that the ACT budget remains in a strong position with a return to a balanced budget in the forward estimates. Economic conditions remain strong, although some have softened due to the uncertainty around the continuing contractions by the commonwealth government. This is also driven to some extent by ambiguity surrounding the outcomes of the National Commission of Audit, the recommendations of which are now expected to inform to some extent the commonwealth government's 2014-15 budget to be delivered in May.

Economic growth is forecast to grow at a quarter of a per cent in 2013-14 as a result of the fiscal consolidation of the commonwealth government, as well as decreasing levels of investment activity. These factors, coupled with moderate private consumption, suggest that below trend growth will continue into the 2014-15 fiscal year.

There are some positive factors for the territory's economic outlook, including population growth and record low interest rates. These factors combined are anticipated to lead to improved household consumption and housing demand in the longer term. However, in the short term, commonwealth job security is anticipated to see cautious consumer spending in Canberra.

The budget review also reflects that, since the publication of the 2013-14 budget and, as I informed the Assembly last year, the release of the Independent Competition and Regulatory Commission's water and sewerage pricing determination has required the government to revise downwards the payments that ACTEW Corporation will make to the estimates for the government in relation to these charges.

This outcome has had a significant effect on the ACT budget and further constrains fiscal decisions by the government. The ICRC pricing determination, along with the amended timing and the payment of commonwealth grants and higher than expected superannuation expenses, have placed pressure on the headline net operating balance in the budget year, as well as in the forward years. Together these adjustments account for nearly all of the increase in the projected deficit for the current fiscal year. It is important to stress, particularly for the benefit of the shadow treasurer, that none of these are policy decisions taken by this government.

The 2013-14 fiscal result is expected to be a deficit of \$360 million. The budget is now forecast to return to balance in the 2016-17 fiscal year. The government will continue to maintain a prudent approach to managing the territory's budget, and we will ensure that our budget position is sustainable in the long term to ensure the continued delivery of high quality services.

Future expenditure decisions will be considered concurrently with responsible offsetting savings and a continuing focus on the efficient delivery of government services. This approach means that the territory continues to maintain one of the strongest balance sheets in Australia, as evidenced by key indicators such as net debt and net financial liabilities.

This was again recognised by the international ratings agency Standard & Poors when it reaffirmed the ACT's AAA long-term credit rating in October last year and when it assessed the outlook for the ACT's finances as continuing to be stable. At this point it is worth noting that only Victoria and the ACT currently hold a AAA stable credit rating.

The territory government, though, in contrast to Liberal state governments elsewhere, will not be making deep cuts to our public services that would seriously affect service delivery to our community.

This government remains committed to building and transforming our city. We want to build new public infrastructure that will provide short, medium and long-term benefits to our economy and to our community. The capital metro and city to the lake projects are significant infrastructure investments that will certainly reshape how our city functions and will also generate thousands of new jobs, both through the construction and operating phases.

The University of Canberra public hospital is a significant new investment in the city's health facilities, as are the investments in the Tuggeranong and Belconnen community health centres. The government will also continue to roll out a range of transformative social policy reforms, particularly in relation to the national disability insurance scheme and the national education reforms.

The 2013-14 budget review confirms the territory's fiscal position is strong, but it also recognises that there are pressures arising as a result of decisions of the commonwealth government and of a softening economic outlook for the ACT.

This government considers that the territory is well placed to respond to future potential fiscal shocks and to emerging risks, and we will closely review the sustainability and structure of the budget in the lead-up to the 2014-15 territory budget. I therefore commend the budget review to the Assembly.

## **Financial Management Act—consolidated financial report 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 26—Consolidated Financial Report—Financial quarter ending 31 December 2013.

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

Leave granted.

**MR BARR:** I present to the Assembly the December quarter 2013 consolidated financial report for the territory. This report is required under section 26 of the Financial Management Act 1996. The December quarter headline net operating balance for the general government sector was a deficit of \$94.6 million. This result was \$3.8 million higher than the year-to-date budget deficit of \$90.8 million.

Total revenue for the GGS for the quarter was \$2,177.9 million. This is \$13.6 million higher than the December year-to-date budget of \$2,164.3 million. Major variations in total revenue include: higher than expected taxation revenue of \$24.4 million, which is reflective of the cut in commercial stamp duty that has delivered the anticipated result and more in terms of higher conveyance revenues in the commercial conveyancing area; higher than expected interest income of \$12.6 million as a result of an increased level of funds held under investment; and higher than expected distributions from financial investments of \$12.2 million.

These increases in revenue were partially offset by lower sales of goods and services revenue, as a result of the timing of the signing and commencement of the new cross-border health agreement with New South Wales.

Total expenses of \$2,301.9 million were broadly in line with the year-to-date budget of \$2,298.6 million. The GGS balance sheet remains strong, as reflected in the key indicators of the net financial liabilities and net worth of the territory. I am pleased to commend the December quarterly 2013 report to the Assembly.

## **Planning and Development Act—variation No 308 to the territory plan**

### **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 79(1)—Approval of Variation No. 308 to the Territory Plan—Cooyong Street urban renewal area—Approval of Variation No. 308 to the Territory Plan—Cooyong Street Urban Renewal Area—Braddon sections 52 and 57 and Reid section 7—Zoning changes and changes to the Braddon and Reid precinct maps and codes, dated 10 February 2014, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

Planning, Environment and Territory and Municipal Services—Standing Committee—Report 3—*Draft Variation to the Territory Plan No. 308—Cooyong Street Urban Renewal Area*—Special Report—Government response.

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

Leave granted.

**MR CORBELL:** Today I table variation 308 for the Cooyong Street urban renewal area. Variation 308 rezones land at Braddon, sections 52 and 57, and Reid, section 7. It also changes the Braddon and Reid precinct maps and codes to guide the redevelopment of the land in the future. The variation is primarily intended to facilitate the redevelopment of the Allawah, Bega and Currong public housing complexes, but also involves church leased land, including St Patrick's church.

I would like to point out that variation 308 presents a unique opportunity for a higher density residential redevelopment in a very strategic location with close proximity to the city centre and all of the services and amenity that that provides. In this regard variation 308 is entirely consistent with the government's ACT planning strategy, with its transport for Canberra strategy and with the city planning processes which are currently underway.

Variation 308 also has an interface with the existing low density residential areas of Braddon and the medium density area of Reid. A key consideration of this variation has been how to manage these interfaces.

The draft variation was publicly notified between 28 November 2011 and 20 February 2012, and a total of 137 written submissions were received. The majority of submitters acknowledged the need to redevelop the site to some degree. However, submissions differed in the extent and nature of redevelopment felt appropriate for this location.

The submissions raised various concerns about the height, density and scale of redevelopment proposed across the site. Issues related to overshadowing, overlooking, traffic and parking, loss of existing trees, as well as concerns for residential amenity and garden city values of surrounding residential areas. These concerns have been heard and addressed. A report on consultation was prepared in response to the issues raised. Additional investigations were undertaken, particularly in relation to views, overshadowing and car parking. The draft variation was then revised accordingly.

These changes included: a reduction of building heights across the site, including the area fronting Kogarah Lane; introduction of a plot ratio to guide the ultimate density of the site; inclusion of a statement of desired character to guide the bulk, scale and density of development across the site; stipulation of a nine-metre building setback along Kogarah Lane and a landscape area across section 7 Reid to reduce potential impacts on Kogarah Lane; introduction of a requirement for primary site access to section 7 Reid via a stub road off the intersection of Cooyong and Akuna Streets; and an increase in the number of on-street car parks to be provided.

This variation rezones part of the site to the commercial CZ5 mixed-use zone. This was not well received in submissions. There was concern that the mixed-use zone will draw commercial and city-related uses into the suburbs. The government does not agree. Well-controlled small-scale retail and community uses on this site will achieve three key outcomes. It will retain a range of community uses on the site. It will meet the convenience retailing needs of the residents on the site. And it will activate the key frontages of the development, helping to assist with safety in public places.

A number of public submissions related to St Patrick's church. This issue has been addressed and resolved through the ACT Heritage Council legislation and process. While it had the potential to impact on the ultimate developable area of variation 308, it has no bearing on the actual variation.

Variation 308 was always going to be controversial. Urban infill and intensification projects often are. However, I have always been committed to following it through, mainly because of its planning merits, and also because of the goodwill from the community in recognising the need to redevelop this site.

I acknowledge the concerns of the community in relation to this project, and it was for that reason that I referred this draft variation to the Standing Committee on Planning, Environment and Territory and Municipal Services for consideration in February last year.

Of course, I am concerned and disappointed that the committee as a whole could not report any findings. I am particularly concerned that it took eight months to reach this position. I am also disappointed that community expectations have been raised through the committee process in that they hoped their concerns would be addressed in some practical manner.

We have on many occasions had situations where a standing committee could not agree on all aspects of a draft variation. Often draft variations are challenging and

difficult, but it is not a reason to give up on them. The real value of standing committee inquiries has been identifying points on which they agree as much as on the points where they do not. This common ground has added considerable value to planning outcomes in a range of key territory plan variations over the years. I would hope that all members of the committee keep this in mind in relation to future planning inquiries.

Notwithstanding that there were no formal committee recommendations, I have prepared a government response to the committee report and to the dissenting comments lodged. In doing so, I directed the Environment and Sustainable Development Directorate to revise the draft variation in response to the issues that were raised in that report. I can now advise that, as a result, the building heights for the two taller building elements on the corners of Cooyong Street and Ainslie Avenue have been reduced from 15 storeys to 12 storeys. The plot ratios have also been revised to reflect this reduction in height. I think this is a sensible response to those issues that are being raised, and provides further protections in relation to concerns raised by residents in relation to overshadowing.

This variation represents a significant step forward in achieving the broader objectives of the government's ACT planning strategy and transport for Canberra policy. It means more people will be able to live close to our city centre where they can walk, cycle and use public transport more easily and conveniently rather than relying solely on the use of the motor vehicle. It puts more people close to good urban amenity, like Glebe park. It puts more people close to good retail facilities, close to good commercial and professional facilities, close to good cultural facilities, and it puts more people close to excellent public transport connections.

For all of those reasons it is a sensible and strategic redevelopment proposal, and one to be facilitated through this variation whilst still protecting the beautiful existing residential areas of Braddon and Reid. I commend this variation to the Assembly.

## **Planning and Development Act—variation No 324 to the territory plan**

### **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:

Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No. 324 to the Territory Plan—Industrial Land Supply—Pialligo section 12 part block 2 and section 9 part block 4, dated 10 January 2014, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

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

Leave granted.

**MR CORBELL:** Variation No 324 to the territory plan will enable opportunities for large bulky goods retailing, freight transport, warehousing and distribution operations to be made available to meet current demand in this location. There are currently limited sites large enough within the Canberra urban area to accommodate these uses.

The proposed zoning for the site—IZ2 mixed use industrial—would be consistent with the expanding large-format commercial business node that adjoins the site on the opposite side of Majura Road. The land forms part of a larger precinct—precinct C—identified as suitable for development as employment lands in the eastern broadacre study commissioned by the ACT Planning and Land Authority in 2009.

This variation to the territory plan is made in conjunction with a National Capital Authority amendment—draft amendment 84—to the national capital plan to change the land use policy of the area from broadacre to urban on the national capital plan. As the territory plan must not be inconsistent with the national capital plan, a date following the commencement of amendment 84 to the national capital plan will be set for the commencement of variation 324 to the territory plan if the National Capital Authority approves draft amendment 84.

Draft variation 324 was released for public comment between October and November last year. A consultation notice under section 63 of the act was published on the ACT legislation register and in the *Canberra Times*.

A total of 11 written submissions were received, which included submissions from the Canberra Airport, the Pialligo Residents Association and the Majura Valley Landcare Group. Two submissions were in support of the draft variation, one was general advice from the commonwealth Department of Infrastructure and Regional Development, and eight submissions objected to the draft variation. The objections mainly expressed concern about the future loss of the rural aesthetic surrounding the Majura parkway, the future loss of an attractive approach route to the city and the potential loss of agricultural land in the Majura valley. There were also calls for the development of a Majura valley master plan.

Under section 73 of the act I have chosen to exercise my discretion and not formally refer the draft variation to the Standing Committee on Planning, Environment and Territory and Municipal Services, as I believe the issues raised during the community consultation period have been appropriately considered and that there are no outstanding issues.

To ensure that the territory plan is not inconsistent with the national capital plan, a date following the commencement of amendment 84 to the national capital plan will be set for the commencement of this variation—that is, if the National Capital Authority approve draft amendment 84. I am pleased to table the approved variation to the territory plan and I commend it to the Assembly.

## **Climate Change and Greenhouse Gas Reduction Act—Climate Change Council annual report 2012-13 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:

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 15(3)—Minister's annual reports 2012-2013.

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

Leave granted.

**MR CORBELL:** Today I bring to the Assembly the third annual report on actions taken in exercising the functions under the Climate Change and Greenhouse Gas Reduction Act 2010. As the responsible minister, I am required to report on a number of functions under the act on a financial year basis. These include, but are not limited to, issues relating to climate change; promoting action to meet the ACT's greenhouse gas emission targets; developing, adopting or promoting policies and programs relating to climate change; consulting business and community entities about issues relating to climate change; and supporting public education about climate change.

2012-13 was a very significant year for action on climate change in the ACT. It marked the release of AP2, a new climate change strategy and action plan for the ACT, a road map document that guides how the ACT will achieve its legislated greenhouse gas reduction targets. These targets reflect the urgency for advanced economies and cities, such as those we enjoy here, to make deep emission cuts and embrace the opportunities offered by smart and sustainable economic development.

The government's climate change policy AP2 provides the framework for this change. We will adopt renewable energy alternatives like wind and solar projects both here and in the capital region, achieving 90 per cent of our energy need sources from renewables by the year 2020. Through our transformative investments in public transport we can help reduce traffic emissions and boost urban amenity and economic efficiency. Our focus on energy efficiency in homes and buildings demonstrates that reducing carbon emissions can and does save Canberrans money on their energy bills. These are areas where, over the coming seven years, these deep cuts in emissions will occur.

In parallel to the release of AP2, the 2012-13 financial year also marked the commencement of a number of projects critically important to achieving our greenhouse gas reduction targets, including the first release of capacity under the large-scale solar auction, the commencement of the energy efficiency improvement scheme and the progress of the government's commitment to carbon neutrality in its own operations.



The energy efficiency improvement scheme, or EEIS, is now in full swing with the first compliance here concluding on 31 December last year. As of 20 December last year it is estimated that installers have replaced 152,668 light globes, installed 34,025 standby power controllers and installed 11,966 door seals. This represents over 170,000 tonnes of abatement achieved in Canberra with over 25 per cent achieved in priority low income households.

Remarkable outcomes have also been achieved in the government's pursuit of large-scale solar generation. In September 2012 the government set an Australian benchmark for low cost large-scale solar generation with the announcement that Fotowatio Renewable Ventures will build the Royalla solar farm, a 20 megawatt solar power facility in the district of Tuggeranong, with a feed-in price of \$186 per megawatt hour.

To put this in context, this is less than the retail price of electricity and less than any large-scale solar development supported under commonwealth initiatives to date. Royalla solar farm will also be the largest photovoltaic power station in Australia when it becomes operational. This demonstrates the government's commitment to sustainable energy as well as a capacity to make the transformation to more sustainable energy systems happen right here in Canberra.

Direct benefits of the Royalla solar farm include around 100 jobs during construction, the production of 38,000 megawatt hours of renewable energy each year—enough to power approximately 5,000 Canberra homes—and an approximate reduction of 700,000 tonnes of carbon emissions over the life of the project's operation.

Of course, progress towards our renewable energy target has continued since that time with the announcement of two additional winners in the solar auction. In the second half of 2013-14 I hope to be able to set out the next phase of this investment process as we build on the successes and lessons learned from the solar auction program.

As with any major reform, government leadership by example is also crucial. This is why the government is working to achieve carbon neutrality in its own operations by 2020 through the implementation of the carbon neutral ACT government framework. Endorsed in August 2012, the framework enables and coordinates a whole-of-government approach to achieving carbon neutrality. The framework focuses on embedding sustainability into core business and investing in cost-effective energy efficiency, including through the carbon neutral government fund.

During 2012-13 two rounds of funding occurred. These rounds produced four successful applications with a total project value of \$3.6 million. These projects are now in the implementation stage. They include \$1.7 million to TAMS to upgrade 28 government sites to LED lighting, including libraries and office buildings; \$1.5 million to Education and Training to upgrade to LED lighting at 10 of the highest energy using schools; \$250,000 to EPIC for the upgrade to LED lighting at priority exhibition pavilions; and \$72,000 to Education and Training to upgrade a solar hot-water system at Erindale College and Leisure Centre.

In AP2 the government committed to higher levels of transparency and external scrutiny in action on climate change. This included an assessment of the cost of living impact with a focus on social equity, which I have tabled today with the annual report. It shows that the government is committed to ensuring that the vulnerable in our community are not disadvantaged by the actions we take to address climate change. The cost of living statement shows that it is the lowest income groups in our community—vulnerable families and pensioners—that benefit most from action on climate change.

I am pleased to table this report today, and I commend it to the Assembly.

## Papers

**Mr Corbell** presented the following paper:

Planning and Development Act, pursuant to subsection 242(2)—Schedule—  
Leases granted for the period 1 October to 31 December 2013.

**Mr Corbell** presented the following papers:

### Performance reports

Financial Management Act, pursuant to section 30E—Half-yearly directorate performance reports—December 2013, for the following directorates or agencies:

Capital Metro Agency.

Chief Minister and Treasury Directorate, dated January 2014.

Commerce and Works Directorate.

Community Services Directorate.

Economic Development Directorate.

Education and Training Directorate, dated January 2014.

Environment and Sustainable Development Directorate.

Health Directorate.

Corrigendum.

Housing ACT.

Corrigendum.

Justice and Community Safety Directorate (Attorney-General and Minister for Police and Emergency Services).

Revised.

Justice and Community Safety Directorate (Minister for Corrections).

Territory and Municipal Services Directorate.

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Agents Act—Agents (Fees) Determination 2013 (No 2)—Disallowable Instrument DI2013-297 (LR, 22 November 2013).

Architects Act—Architects Board Appointment 2013 (No 2)—Disallowable Instrument DI2013-309 (LR, 16 December 2013).

Board of Senior Secondary Studies Act—Board of Senior Secondary Studies Appointment 2013 (No 1)—Disallowable Instrument DI2013-280 (LR, 18 November 2013).

Canberra Institute of Technology Act—

Canberra Institute of Technology (Advisory Council) Appointment 2013 (No 4)—Disallowable Instrument DI2013-285 (LR, 21 November 2013).

Canberra Institute of Technology (Advisory Council) Appointment 2013 (No 5)—Disallowable Instrument DI2013-286 (LR, 21 November 2013).

Civil Law (Wrongs) Act—

Civil Law (Wrongs) CPA Australia Limited Professional Standards Scheme 2014 (No 1)—Disallowable Instrument DI2014-5 (LR, 28 January 2014).

Civil Law (Wrongs) Engineers Australia (NT) Professional Standards Scheme 2013 (No 1)—Disallowable Instrument DI2013-317 (LR, 19 December 2013).

Civil Law (Wrongs) Professional Surveyors' Occupational Association Scheme 2013 (No 1)—Disallowable Instrument DI2013-279 (LR, 15 November 2013).

Classification (Publications, Films and Computer Games) (Enforcement) Act—Classification (Publications, Films and Computer Games) (Enforcement) (Fees) Determination 2013 (No 2)—Disallowable Instrument DI2013-293 (LR, 22 November 2013).

Climate Change and Greenhouse Gas Reduction Act—Climate Change and Greenhouse Gas Reduction (Climate Change Council Membership) Appointment 2013 (No 1)—Disallowable Instrument DI2013-316 (LR, 18 December 2013).

Court Procedures Act—

Court Procedures (Fees) Determination 2014 (No 1)—Disallowable Instrument DI2014-1 (LR, 16 January 2014).

Court Procedures Amendment Rules 2013 (No 2)—Subordinate Law SL2013-32 (LR, 19 December 2013).

Crimes (Sentence Administration) Act—

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2013 (No 4)—Disallowable Instrument DI2013-287 (LR, 25 November 2013).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2013 (No 5)—Disallowable Instrument DI2013-288 (LR, 25 November 2013).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2013 (No 6)—Disallowable Instrument DI2013-289 (LR, 25 November 2013).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2013 (No 7)—Disallowable Instrument DI2013-290 (LR, 25 November 2013).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2013 (No 8)—Disallowable Instrument DI2013-292 (LR, 25 November 2013).

Education Act—Education (Non-Government Schools Education Council) Appointment 2013 (No 4)—Disallowable Instrument DI2013-284 (LR, 21 November 2013).

Fair Trading (Motor Vehicle Repair Industry) Act—Fair Trading (Motor Vehicle Repair Industry) (Fees) Determination 2013 (No 2)—Disallowable Instrument DI2013-291 (LR, 22 November 2013).

Firearms Act—Firearms Amendment Regulation 2013 (No 1)—Subordinate Law SL2013-29 (LR, 25 November 2013).

Food Act—Food (Fees) Determination 2013 (No 1)—Disallowable Instrument DI2013-303 (LR, 2 December 2013).

Hawkers Act—Hawkers (Fees) Determination 2013 (No 2)—Disallowable Instrument DI2013-294 (LR, 22 November 2013).

Health Act—

Health (Fees) Determination 2014 (No 1)—Disallowable Instrument DI2014-3 (LR, 23 January 2014).

Health (Interest Charge) Determination 2013 (No 1)—Disallowable Instrument DI2013-305 (LR, 12 December 2013).

Health Records (Privacy and Access) Act—Health Records (Privacy and Access) (Fees) Determination 2013 (No 1)—Disallowable Instrument DI2013-312 (LR, 19 December 2013).

Medicines, Poisons and Therapeutic Goods Act—

Medicines, Poisons and Therapeutic Goods (Fees) Determination 2013 (No 1)—Disallowable Instrument DI2013-301 (LR, 28 November 2013).

Medicines, Poisons and Therapeutic Goods (Fees) Determination 2013 (No 2)—Disallowable Instrument DI2013-311 (LR, 19 December 2013).

Medicines, Poisons and Therapeutic Goods Regulation and Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods (Medicines Advisory Committee) Appointment 2014 (No 1)—Disallowable Instrument DI2014-4 (LR, 23 January 2014).

Nature Conservation Act—

Nature Conservation (Fees) Determination 2014 (No 1)—Disallowable Instrument DI2014-2 (LR, 16 January 2014).

Nature Conservation (Threatened Ecological Communities and Species) Action Plan 2013 (No 1)—Disallowable Instrument DI2013-277 (LR, 14 November 2013).

Nature Conservation (Threatened Ecological Communities and Species) Glossy Black-Cockatoo Action Plan 2013 (No 1)—Disallowable Instrument DI2013-275 (LR, 14 November 2013).

Nature Conservation (Threatened Ecological Communities and Species) Little Eagle Action Plan 2013 (No 1)—Disallowable Instrument DI2013-276 (LR, 14 November 2013).

Nature Conservation (Threatened Ecological Communities and Species) Murrumbidgee Bossiaea Action Plan 2013 (No 1)—Disallowable Instrument DI2013-274 (LR, 14 November 2013).

Nature Conservation (Threatened Ecological Communities and Species) Smoky Mouse Action Plan 2013 (No 1)—Disallowable Instrument DI2013-278 (LR, 14 November 2013).

#### Official Visitor Act—

Official Visitor (Children and Young People) Aboriginal and Torres Strait Islander Appointment 2013—Disallowable Instrument DI2013-325 (LR, 23 December 2013).

Official Visitor (Corrections Management) Aboriginal and Torres Strait Islander Appointment 2013 (No 1)—Disallowable Instrument DI2013-314 (LR, 19 December 2013).

Official Visitor (Corrections Management) Appointment 2013 (No 1)—Disallowable Instrument DI2013-313 (LR, 19 December 2013).

Official Visitor (Disability Services) Appointment 2013 (No 1)—Disallowable Instrument DI2013-326 (LR, 23 December 2013).

Official Visitor (Disability Services) Appointment 2013 (No 2)—Disallowable Instrument DI2013-327 (LR, 23 December 2013).

Official Visitor (Housing Assistance) Appointment 2013—Disallowable Instrument DI2013-328 (LR, 23 December 2013).

Pawnbrokers Act—Pawnbrokers (Fees) Determination 2013 (No 2)—Disallowable Instrument DI2013-295 (LR, 22 November 2013).

Payroll Tax Act—Payroll Tax (Disability Employment Concession) Guidelines 2013—Disallowable Instrument DI2013-324 (LR, 19 December 2013).

Planning and Development Act—Planning and Development Amendment Regulation 2013 (No 1)—Subordinate Law SL2013-30 (LR, 5 December 2013).

Public Health Act—Public Health (Fees) Determination 2013 (No 2)—Disallowable Instrument DI2013-302 (LR, 28 November 2013).

#### Radiation Protection Act—

Radiation Protection (Council Member) Appointment 2013 (No 3)—Disallowable Instrument DI2013-306 (LR, 12 December 2013).

Radiation Protection (Council Member) Appointment 2013 (No 4)—Disallowable Instrument DI2013-307 (LR, 12 December 2013).

Radiation Protection (Council Member) Appointment 2013 (No 5)—Disallowable Instrument DI2013-308 (LR, 12 December 2013).

Radiation Protection (Fees) Determination 2013 (No 1)—Disallowable Instrument DI2013-300 (LR, 28 November 2013).

Radiation Protection (Solariums Prohibition) Amendment Regulation 2013 (No 1)—Subordinate Law SL2013-31 (LR, 19 December 2013).

Road Transport (Alcohol and Drugs) Act—Road Transport (Alcohol and Drugs) Amendment Regulation 2014 (No 1)—Subordinate Law SL2014-1 (LR, 23 January 2014).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2013 (No 6)—Disallowable Instrument DI2013-304 (LR, 9 December 2013).

Road Transport (General) Application of Road Transport Legislation Declaration 2013 (No 7)—Disallowable Instrument DI2013-315 (LR, 18 December 2013).

Road Transport (General) Exclusion of Road Transport Legislation (Summernats) Declaration 2013—Disallowable Instrument DI2013-318 (LR, 18 December 2013).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Regular Route Services Maximum Fares Determination 2013 (No 3)—Disallowable Instrument DI2013-310 (LR, 17 December 2013).

Sale of Motor Vehicles Act—Sale of Motor Vehicles (Fees) Determination 2013 (No 2)—Disallowable Instrument DI2013-298 (LR, 22 November 2013).

Second-hand Dealers Act—Second-hand Dealers (Fees) Determination 2013 (No 2)—Disallowable Instrument DI2013-296 (LR, 22 November 2013).

Stock Act—Stock (Minimum Stock Levy) Determination 2013 (No 1)—Disallowable Instrument DI2013-299 (LR, 25 November 2013).

Taxation Administration Act—

Taxation Administration (Ambulance Levy) Determination 2013 (No 1)—Disallowable Instrument DI2013-323 (LR, 19 December 2013).

Taxation Administration (Amounts Payable—Eligibility—New and Substantially Renovated Homes and Land only—Home Buyer Concession Scheme) Determination 2013 (No 3)—Disallowable Instrument DI2013-320 (LR, 19 December 2013).

Taxation Administration (Amounts Payable—Eligibility—Pensioner Duty Concession Scheme) Determination 2013 (No 1)—Disallowable Instrument DI2013-322 (LR, 19 December 2013).

Taxation Administration (Amounts Payable—Thresholds—Home Buyer Concession Scheme) Determination 2013 (No 2)—Disallowable Instrument DI2013-319 (LR, 19 December 2013).

Taxation Administration (Amounts Payable—Thresholds—Pensioner Duty Concession Scheme) Determination 2013 (No 2)—Disallowable Instrument DI2013-321 (LR, 19 December 2013).

University of Canberra Act—

University of Canberra Council Appointment 2013 (No 2)—Disallowable Instrument DI2013-281 (LR, 25 November 2013).

University of Canberra Council Appointment 2013 (No 3)—Disallowable Instrument DI2013-282 (LR, 25 November 2013).

University of Canberra Council Appointment 2013 (No 4)—Disallowable Instrument DI2013-283 (LR, 25 November 2013).

Work Health and Safety Act—Work Health and Safety Amendment Regulation 2013 (No 1)—Subordinate Law SL2013-33 (LR, 20 December 2013).

#### **Petitions—Out-of-order**

Petitions which do not conform with the standing orders—

Aerial Capital Group—Taxi driver issues—Ms Gallagher.

Canberra's sex offender laws and soft sentencing—Ms Gallagher (13,400 signatures).

**Ms Burch** presented the following paper:

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2013-2014—First quarter (1 July to 30 September 2013).

### **Child care—costs**

#### **Discussion of matter of public importance**

**MADAM ASSISTANT SPEAKER** (Ms Lawder): Madam Speaker has received letters from Ms Berry, Dr Bourke, Mr Coe, Mr Gentleman, Mr Hanson, Ms Lawder, Ms Porter, Mr Smyth and Mr Wall 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 Mr Hanson be submitted to the Assembly, namely:

The importance of affordable childcare in the ACT.

**MR HANSON** (Molonglo—Leader of the Opposition) (4.18): Madam Assistant Speaker, I say at the outset what great pleasure it gives me to say that. Welcome to the chair, and I am sure you will do a very credible job in that position. I hope those opposite are not too rowdy for you this afternoon during the debate.

I rise today on this matter of public importance. It is one of the most important financial issues facing Canberra families aside from their rent or their mortgage. In particular, for large families it can be a significant burden. I refer to the importance of affordable child care. It is an issue we have discussed in this place because it is important to Canberra families, and it is an issue that goes to the heart of many of the cost pressures that young and hardworking families in particular face today.

On reflecting on the difficulty faced by so many young families particularly and in doing my research, I discovered that, of course, it is not a new issue. It is certainly not a new issue for debate in this Assembly; it has been discussed many times. I have looked back to consider what has been said in this place before to see what actions have been taken by this government and what improvements or, sadly, reversals of fortune have occurred under the guidance of Minister Burch.

In 2010 there was some significant debate where there was much discussion about the challenges of young parents juggling the pressures of their young families and keeping their jobs and careers. I particularly highlight the challenges faced by single parents in this regard who face not only the pressures of managing a family by themselves but often increased financial demands in doing so.

In the debate back in 2010 there was great stress on the importance that this plays in the functioning of our economy. The reality is that we need as many women as possible in the ACT to be in our workforce. We want to see that not just for economic reasons but also we want to make sure they have accessibility to our workforce. If families cannot find affordable child care, it is often women who will be required to stay at home to look after the kids. It is getting more expensive, particularly for ACT families, and that is the point.

It is worth reflecting on that debate back in 2010 so that we can see what has happened under Minister Burch over the last three or four years. I reflect on the comments of the then shadow minister, Mrs Dunne, back in 2010:

There are several unique aspects of the ACT economy which make affordable and accessible childcare in the ACT very important. The ACT has the highest workforce participation rate of women in any jurisdiction in the country. The ACT also has a large transient population, particularly with defence families who move to the ACT, who do not have family support networks to assist them with childcare.

These two important factors about our economy mean that there is a high demand for quality childcare in Canberra.

When we reflect on that debate and consider some of the utterances from Ms Burch, I do not think any of us at that stage were or subsequently have been filled with confidence that Ms Burch has any real passion for addressing affordability of child care within the ACT.

There is no doubt, as Mrs Dunne articulated, that this is a significant aspect of most people's budget. I reflect on the time when I was a little bit younger and had a young family what a significant portion of my budget it was and the decision that we had to make in our family as to whether we could make the decision to send kids to child care, what that meant in terms of employment for my wife and whether she would continue to have a job waiting for her if she was not able to go back to work within a prescribed period. These are really difficult decisions that families have to make.

There will always be a cost to child care, but what we should see from this government is more action to make sure it is the lowest in the country and as low as it can be. But what we have seen since 2010—and the situation has got worse—is that child care is definitely not affordable and certainly is not relative to other jurisdictions.

I will quote further from some of the eloquent words of Mrs Dunne that talk about a particular case she used back then, because I think it is a good one:



I am aware of just one family, to take an example, who are on a good income—not a high income but a good income—where the mother works a couple of days a week to keep her skills up while she has three young children in care. She is effectively working for nothing because what she earns pays her childcare fees because they are so high.

That is the point: there are many families out there where particularly the mothers will go back to work after having been out of the workforce perhaps for some time—sometimes going back part time—and where, particularly if they have more than one child, they are essentially working for nothing because they are so desperate to maintain their employment over the longer term and do what they can to pay their mortgages, which is another issue relating to housing affordability that we have discussed many times in this place.

Mrs Dunne said back in 2010:

Well, Ms Burch, it is time that you took responsibility for your portfolio area.

It is worth considering several years on whether the situation has improved, whether the affordability of child care in this jurisdiction has improved or whether it has got worse. What has changed? What has this minister done to make sure that child care is more accessible and more affordable for families and single parents in this territory?

A few weeks ago a regular federal government childcare and early learning report confirmed what, sadly, many young Canberra families already know: childcare costs for Canberra families have doubled over the last six years. I think the predictions of Mrs Dunne back in 2010 have sadly been realised—that is, whilst Ms Burch has been on watch childcare costs for ACT families have continued to go through the roof.

This phenomenon is not hitting all families across Australia equally, and it is important that we compare jurisdictions in this regard. Canberra families are worse off. The same report tells us what Canberra families in many ways already knew—in Canberra childcare costs account for approximately 12 per cent of gross income after subsidies. In the rest of the country, child care accounts for only eight per cent of gross income after subsidies. That is a significant disparity.

The young family in Canberra working hard to pay the rent—rents which are if not the most expensive some of the most expensive across the nation—or their mortgage and struggling with housing affordability is paying 50 per cent more comparatively of their gross income to have their children in child care than anyone else in Australia. That is the legacy of Labor and that is the legacy of this minister. Paying \$100 a day for child care or \$1,000 a fortnight from your pay is crippling for families. As I said before, in many cases, one family member is essentially working for nothing simply to have their child in child care, and it is rapidly becoming unaffordable in the ACT.

Despite the pleas we had from Mrs Dunne back in 2010, under this minister's watch, under Joy Burch's watch, child care has become vastly more expensive and now is more expensive compared to the rest of Australia. It is the most expensive and it is proportionately the most expensive in Australia.

If the cost is not bad enough, it is also becoming increasingly inaccessible. There was a nine per cent increase in demand for childcare places in the ACT last year, which is the largest increase in the country. The demand for long day care increased in the ACT by seven per cent, again, the largest increase in the country. However, approved childcare services only increased by 6.5 per cent over the same period. So on Ms Burch's watch we have seen demands going up but services are not commensurate and the costs are going up more than anywhere else in the country.

What can be done to keep costs down and what has this government done that has caused those costs to rise? Mrs Dunne again gave Ms Burch some good advice back in 2010, and the point is that the childcare industry has become more and more regulated. Obviously we want to see good quality child care. That is important. But there needs to be a balance.

When I was doorknocking in Gungahlin, I knocked on the door of a woman who had spent many years working in child care. She actually was a Labor supporter but she railed against the minister and the changes that she had brought in. She said that far from actually helping, it prevented many young women or women who wanted to work part time or women who found it difficult to find other employment from getting into child care and working in child care.

It had a very negative effect on some people who might otherwise find it difficult to get a job, particularly in today's climate, by preventing them from getting employment and it made it increasingly difficult for people running childcare centres to find staff so they could increase their places and provide the number of hours being sought. She gave a number of examples where university students would come in on university breaks to work in child care but that now the regulation requirements are so restrictive that they cannot get the qualifications for those sorts of jobs in child care, and the costs keep increasing.

There is a balance to be achieved, and the evidence shows this government has got it wrong. The evidence in terms of the increase in costs is clear. Putting the costs up is unfortunate because in many cases it is not a supply and demand equation, it is not an elastic commodity. Many parents do not have a choice in this matter. We can normally discriminate and choose whether we purchase a service. But in the case of child care many people, particularly single parents, simply do not have a choice.

When this government continues to regulate an industry and increase the costs in an industry to a point that it is unaffordable, what happens is that rather than taking their kids out of child care, families go without other commodities and other services. Other things that they might want they will go without. Many young families across Canberra are going without in many areas of recreation, they cannot get a new car and they cannot get a mortgage to buy a house and have to stay in rented accommodation because they simply cannot afford the cost of child care. They are in this catch-22 where they cannot take their kids out of child care.

It is disappointing that after all the warnings in 2010, all the debate that we have had in this place, all the concerns that have been raised with us, under Joy Burch and the

Labor government we have not seen an improvement in the situation; we have seen it worsening. We know this will be an increasing problem in the ACT.

I again implore the minister and the government as they bring in all the regulation and the red tape that they know increase the costs to give some thought to the parents who are struggling to put their kids into child care and the imposition they bear of the massive costs of child care in this jurisdiction. Have some sympathy for them. Unless the government starts to address the imbalance in regulation they have imposed on childcare centres, I fear the situation will get worse, not better.

**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) (4.33): I am glad to see that the Canberra Liberals are actually looking at this topic and the cost of child care. Up until now, you have been missing in action in this place. Yes, you have asked questions, but you started something there about what can be done. I did not hear anything from you about what can be done, so you remain policy absent.

**Mr Hanson:** Point of order, Mr Assistant Speaker.

**MR ASSISTANT SPEAKER** (Mr Gentleman): Mr Hanson, a point of order.

**Mr Hanson:** My point of order relates to standing order 42. Throughout the debate this morning, the minister was warned—well, not warned, but advised repeatedly—to address the chair, not members of the opposition.

**MR ASSISTANT SPEAKER:** Mr Hanson, I will just hold you for a moment. Clerk, would you stop the clock.

**Mr Hanson:** It makes it difficult for members on this side not to interject if the minister continually ignores standing order 42. If you want to have a barney across the chamber, let us bring it on. It would be helpful if the minister were to occasionally address the chair rather than those opposite.

**MS BURCH:** I will address all my comments through you, Mr Assistant Speaker.

**MR ASSISTANT SPEAKER:** Thank you, Minister Burch. If you could.

**MS BURCH:** Through you, Mr Assistant Speaker, I again go back to the fact that there was a heading there of what can be done and there was nothing there. Mr Assistant Speaker, the Canberra Liberals have been policy absent on this area for some time. There have been lots of questions, finger-pointing and all the hoo-ha-ha, but they have not come up with a single solitary contribution on how we manage this. It is absolutely right: childcare costs are important matters for Canberra families. We do have high childcare costs here in the ACT, but when we look at what we can do about that, we recognise the concerns for young families and we do all we can about what we can do for the cost of child care.

There was mention made about the national quality framework. This is something that has been endorsed across every jurisdiction; it is not just for the ACT alone. What can we do? The Canberra Liberals did not have a policy in the last Assembly; they have not had a policy in the election. And they come here with nothing. This was the Canberra Liberals' chance to outline to Canberra families what they could do to reduce the cost of child care, and they delivered nothing.

If you look at the influences in cost, you will see that you could have lower quality. I am not prepared to offer lower quality to Canberra families. You could look to lower wages. Why would you do that when they are already considered to be in the lower paid workforce? You could put in more childcare places. Mrs Dunne, in one of her iterations of this, recognised that if you brought in more childcare places, that could affect the market and reduce cost.

Now, though, let me refer to what work we have done in this place around increasing childcare places.

We have seen substantial growth in the number of places over the past decade. For example, in February last year there were 17,504 approved places in the ACT. This year, in February, we have 19,968 approved places. Just in terms of long day care places, this government has delivered a 94 per cent increase in the number of long day care places since we came into office. Mr Hanson has asked what I have done in this area. Between 2011 and 2014, we have increased the number of long day care places by 2,068. If those over there think that this has been an inert, inactive space in meeting the needs of Canberra families, they could not be more wrong. Almost 700 places came into being last year; this year we expect another 600 places to come on line. That is because of the actions that we on this side of the chamber have taken in responding to the needs of Canberra families.

Additional places continue to come online as a result of the \$11.9 million put aside for infrastructure over the last few years. Upgrades to five education and care centres have been completed, with a further three under construction and one in the planning stage. Other facilities have been refurbished to bring them up to today's standards.

As I said, it is anticipated that a further 600 places will be created this year through the government's clear policies for expanding centres and creating land release.

In the ACT it is also worth mentioning, through you, Mr Assistant Speaker, that the Canberra Liberals focused on cost. This morning, again through the Canberra Liberals, there was an inference about the assessment process and the standards that are coming through there. In the ACT, we have 71.7 per cent of our centre-based cares in the community sector—the highest in the country. The notion there is that, at a high cost, we have over 70 per cent of our services in the community sector. What are the Canberra Liberals implying? That these good community providers are overcharging? Are they charging too much for Canberra families? I think there is a notion that something ought to be done other than increasing the quality of child care and the availability of child care.

The government's investment has helped education and care, almost seeing a doubling, as I have said. There were 335 services providing education and care, as I said, to close on 20,000 children in the ACT, the vast majority supporting workforce participation.

It was with interest that I heard the Canberra Liberals espouse women's participation in the workforce. It is worth noting that the then shadow minister for women, Mrs Dunne herself, said this:

... often women have somewhat of a luxury about whether they are in the workforce or not—a luxury that often does not accrue in the same way to men ... And it is often the case, especially in a town like Canberra where perhaps people are not quite so dependent upon a second income, that women, especially in their middle years and later years, are more inclined to move in and out of the workforce as it suits them ...

That is the view of the Canberra Liberals on women and workforce participation. They come here claiming that our community providers are overcharging families, claiming that this government has not been responding to and supporting Canberra families. I reiterate that from 2011, under my watch, long day care places alone increased by 2,068 places, with 600 more in line. What have the Canberra Liberals got on offer? As usual, it is absolutely a policy-free zone.

Construction on new learning centres in Holder is nearing completion. The directorate officers took a tour of the facility just this morning. This centre will provide an additional 120 places to support Canberra families in Weston Creek and the Molonglo area. It has been built to exceptional quality standards and provides a great environment to support those early learning years.

We have also commissioned a feasibility study into the Civic childhood centre. Demand for places around the city is high, as many parents want to choose their place to work in the city and want child care close to them. The number of family day services has doubled. This means that an unlimited number of family day care educators can be engaged or employed to deliver quality education for the children of Canberra families.

I am aware of a number of private and community providers coming in to establish over the next two years in Gungahlin, Crace, Holt, Amaroo, Casey, Oxley and Macarthur, with land released to support private providers coming in and establishing here in Canberra for families. We have made significant investments in children's services, which is the right thing to do. Again, the Canberra Liberals have not provided any sensible way forward as to what else we can do to provide additional support to Canberra families.

We consider affordability and availability as vital. It is time, in turn, to consider the quality of services and educators that we trust in the day-to-day care of our children. That is why we signed up to the national quality framework. But there is the workforce, in addition to the bricks and mortar, in relation to increasing substantial places—2,000 just in 2011. There is the work we do to support the workforce in

recognition of their value. Workforce participation is increasing. The scholarships that I have put in place have seen an increasing number of workers having a cert III.

Is there anything wrong with expecting high quality care for our children? They are the investment of our future. They are our most precious possession. To think that I would not want them to be exposed to quality education and care is just nonsense. If that is what they have got on offer—to go to the community sector and say, “You are overcharging for your service; you are providing a quality service that is not necessary.”—it is just anathema in relation to what we should be doing for Canberra families.

**MR RATTENBURY** (Molonglo) (4.44): I welcome this matter being brought on as a matter of public importance this afternoon, because it is a significant issue for a range of Canberra families, who do need access to high quality, affordable child care in a range of flexible formats.

I think that for this debate there are three main issues: the cost to families; access to good quality care; and proper remuneration for staff.

When it comes to the cost to families, a recent report from the federal department of education did identify that ACT families are spending a higher percentage of their income on childcare costs than others around the country. It is a couple of per cent above the national average. That is something that we need to have a think about. I am interested to have a discussion about the answers to that. I think I heard Mr Hanson summarise it by saying that the answer was to simply cut the red tape.

I want to talk on the other two issues, which are about the quality of child care and about the remuneration of staff.

A key criticism that has at least been implied in the discussion in this place in recent years has been about the new quality standards that have been implemented for child care. I think that is a very serious discussion to have. Parents do want good quality child care. However, it is also a question of access. One of the challenges faced by families is the flexibility of child care. It is sometimes hard to get the care you need where you need it and on the right day. Recently I saw a new initiative at a federal level to provide childcare centres on weekends for people who increasingly work on weekends. This is the sort of thing we need to be looking at in the future, although obviously the costs of that will need to be considered.

Parents have to put their names on waiting lists as soon as they find they are expecting a child, sometimes at a number of different places. I think that reflects the question of access and the question of demand. There are also questions of flexibility. Families lock in their plans for the year when they sign up at the start of the year; any change to working hours for parents can lead to some real complications in organising child care, with the whole family schedule getting thrown out of order.

I also mention the proper remuneration of staff. The Greens support people working in the childcare sector being fairly paid for the work they do. The Australian Greens have consistently called for an increase in the pay rate for childcare workers and the

phasing in of larger increases to reflect the skill level required in, and the importance of, childcare work. We are entrusting our children, and their early childhood learning and day-to-day care, to the staff who work in childcare centres. It is an incredible responsibility, yet the pay rates are well below the average Australian wage.

One of the ironies about this MPI from Mr Hanson is that we have recently seen significant policy changes from the federal government that are directly relevant in this area, including redirecting funding away from supporting childcare workers. One of the early initiatives of the new Abbott federal government last year was to call for the \$300 million for the early years quality fund to be withdrawn, causing a significant outcry in the childcare sector. In the end, as contracts had already been signed, some of that money was used for salaries, as was intended, but the rest was diverted to training and development programs for teachers. Whilst training and development are important, it is also important that we pay our childcare workers adequately for the important work that they do. The loss of funds going towards salaries meant that some centres indicated that they would need to put up fees to cover increasing salary costs.

The commonwealth has a major role to play in supporting childcare centre managers to both recruit and retain the best possible staff, and to better negotiate the challenges many services are facing in light of the recent national quality framework. What is actually intended by the commonwealth is a little unclear at this stage. It has tabled a bill in the federal parliament that would extend the freeze on the indexation of the childcare rebate, although the bill has yet to be passed. I imagine we will have to wait until the federal budget, and perhaps the outcome of the audit process, to find out what other plans may be in place for childcare support for families.

Also, we have seen a move by the federal government to ask the Productivity Commission to undertake a public inquiry into future options for child care and early learning. They are due to report in October this year. The terms of reference are quite wide and include reviewing alternative models of care as well as the impact of recent regulatory changes, including the national quality framework. It is not entirely clear to me, or those I talk to, where the federal government is going when it comes to its intent on child care, in terms of standards, policy directions and the support that is available, particularly for ensuring that workers get a decent salary.

The Greens, and my federal colleagues, by contrast, have been very clear. We support increasing assistance to child care across the board by raising the base hourly rate for childcare assistance. We also support targeting further assistance to those most at risk and on the lowest incomes, and streamlining payments so that all payments can go directly to the centres.

In the ACT, the Greens support the government's policy to build more publicly funded, community-based and not-for-profit childcare facilities. We need to plan these centres strategically and be really mindful of population movements across the city, changing demographics. It is not about just saying, for example, that Gungahlin is the growth area. It is also thinking about a middle suburb like Curtin, where in recent years we have seen a significant influx of younger families repopulating the suburb. There are others around town, but that is one that springs to mind. The Greens

are committed to both the long-term sustainability of the sector and providing more childcare spaces for our growing population in the city, and for the growing demand which Mr Hanson mentioned in his remarks.

In summary, I would simply say that affordable child care is important. There is certainly agreement in the chamber on that today. When fees are too high, people are discouraged from returning to the workforce. This particularly is an issue for women, although not exclusively for women. The consequence is either not returning to the workforce or perhaps having to rely on less suitable or lower quality child care. They are all issues that are of concern. When services are not accessible, families face challenges in managing their work and home lives, they have reduced flexibility and they are left juggling family schedules. None of these things I have mentioned are good outcomes; we must strive to avoid them whilst ensuring that we have a sustainable sector and one in which the staff are paid a fair salary for the very important work that they do.

**MS BERRY** (Ginninderra) (4.51): I am very happy to talk today on this very important public issue. As we have already heard from Minister Burch, the ACT government recognises just how important it is to the working families of the ACT that they can access quality education and care services for their children. We know that difficulties in accessing services can be a major stress for families when parents are seeking to return to the workforce.

I was very happy to hear Mr Rattenbury say that it is more than just being about having affordable child care in the ACT and that there are two other factors that need to be taken into account—accessibility and quality. In turn, this means we should look at what workers in the sector are paid, so that we can attract and retain quality early childhood educators and carers to the sector.

With respect to accessibility and affordability, we have heard much from Minister Burch about the extensive efforts by the ACT government to establish new places in areas of need. The ACT government has been proactive in helping families to access education and care services and to provide advice to help families make informed choices about their children's early education. In the past we have provided access to information about services through publications, including *Choosing Childcare in the ACT*. These information sources have been replaced with national registers introduced by the national quality framework—a framework that was, as Minister Burch said, adopted by not just the ACT but the whole country, and, indeed, the sector. The registers include information about a service's location, contact details and its quality rating.

The ACT government also supports accessibility through the provision of its emergency childcare program. The program supports the ACT's most vulnerable families during times of family crisis. The program funds a number of emergency care places in education and care services across the ACT for families who need immediate access to care for their children. These places provide a valuable support for families in need.



The emergency care places are often accessed by families seeking other forms of support and who are engaged in early intervention and prevention services. These families can then focus on finding the necessary supports to assist them while their children are cared for in a safe and supportive environment.

Minister Burch also spoke about our commitment to raising the bar in education and care when we signed up to the national quality framework in 2009. ACT families are realising the many benefits of this commitment.

Families will be noticing that their child's service is engaged in a process of continuous quality improvement. It is likely they are preparing for an upcoming quality assessment to be conducted by the children's policy and regulation unit. This assessment will provide very valuable insight into how the service is performing and what more they can do to improve. The ACT government is actively supporting education and care services in this effort. We know our education and care sector is committed and well intentioned, so we will support them in every possible way.

The ACT government has supported the sector through partnering with the Children's Educators ACT Forum to develop the ACT education and care workforce strategy in 2012. The strategy outlined a shared commitment to implement initiatives up to December 2014 to achieve four key objectives: attract new educators; retain existing educators; develop workforce skills; and increase the professional profile of the sector in the community. A number of the initiatives are being implemented, including the awareness campaign which raises the professional profile of the sector and an early childhood scholarships program to develop workforce skills.

The ACT government recognises the importance of valuing and upskilling the existing workforce. In March 2012 Minister Burch launched the early childhood scholarship program. The program is to assist the early childhood workforce to meet the requirements of the national quality framework. The first round of places provided 85 scholarships over two years. A second round is about to open for applications, with 29 spaces available for uptake in 2014. These scholarships are very important for the sector because they recognise that, for quality early childhood educators to be able to provide quality care, they need the support of governments like the ACT government to give them opportunities to improve.

This government also recognises the importance of good wages in attracting and retaining a quality early education workforce, because, to be honest, the pay in the sector is pathetic. Mr Hanson was correct when he said, regarding the conversation that he had, that attracting staff to the sector is really hard. It is very hard because the pay sucks. That is why, unlike the federal government, the ACT government supports the big steps campaign led by early childhood educators through their union, United Voice.

I say "unlike the federal government" because I was shocked to learn today that the federal government is lobbying the Fair Work Commission to reject equal pay for early childhood educators. I have to ask the federal government and those opposite: where do you think good quality early childhood educators are going to come from? This is not Gina Rinehart land, where it is acceptable to pay people a couple of dollars a day. If we want the best start for our children—

**Mr Coe:** Is that what she pays?

**MS BERRY:** That is what she would like to pay. We have to have the best people teaching them, and that requires good wages and conditions.

*Mr Coe interjecting—*

**MS BERRY:** It is funny, isn't it, to laugh at the work that early childhood educators do.

*Mr Coe interjecting—*

**MR ASSISTANT SPEAKER:** Order members!

*Mr Coe interjecting—*

**MR ASSISTANT SPEAKER:** Mr Coe! Ms Berry, please direct your comments through the chair.

**MS BERRY:** Thank you, Mr Assistant Speaker. We need to make sure that for the best start for our children we have the best people teaching them, and that requires wages and conditions, a national quality framework and accessibility to good centres.

*Members interjecting—*

**MR ASSISTANT SPEAKER:** Order members! Ms Berry has the floor.

**MS BERRY:** I thank the Leader of the Opposition for raising this matter of public importance this afternoon.

*Mr Coe interjecting—*

**MR ASSISTANT SPEAKER:** Mr Coe, I warn you.

**MS BERRY:** However, I am disappointed that he had little of importance to contribute to this vital sector. The Canberra Liberals need to stop dividing parents and workers and start thinking about working towards ensuring that we have the best quality early childhood education system that we can deliver.

**MS LAWDER (Brindabella) (4.59):** I rise today to support Mr Hanson on this important matter of the importance of affordable childcare in the ACT. I would like to thank Mr Rattenbury, Ms Burch and Ms Berry for their comments in support of the topic as well.

As the shadow minister for family and community services, it is superfluous for me to say that child care is an issue of great importance to me. I also have five children and 10 grandchildren, so I get a daily commentary about child care in the ACT. In fact I could mention that my latest grandchild was born last week and her parents will now enter into the childcare system themselves. I place on record a welcome to Jayde Nicole Lawder.

Along with rates increases, electricity costs going up and petrol prices at \$1.60 a litre, we have child care hitting \$100 a day. So if you are a mother or a father who wants to return to work, you could be spending at least \$500 a week of your income on child care alone, for one child. And if you have twins or other multiple births or a number of children under school age, there is no volume discount. What is the impact of that on our society? Why is it important for us to ensure we have affordable child care?

Firstly, we do have an interesting demographic here in Canberra. Due to the nature of the work here, we have a large transitory population—defence families and other public servants who move here for employment. That means we have a large number of families with young children who do not always have the ability to get childcare assistance from friends and relatives. We have some families who rely 100 per cent on childcare services.

These families move to Canberra and need to work. They do not have grandparents, brothers and sisters or aunts and uncles who can help them out for a day here and there. They do not have that kind of support. They then need to have childcare options available to them for the entire time they are at work, whether it is part time, full time or shiftwork. It is an expensive venture.

Another thing about the ACT is that we have one of the highest rates of female workforce participation, which indicates that more mothers in the ACT return to work than in other jurisdictions. A huge factor in that decision-making process is the cost of living. Many families cannot afford to have both parents return to work. As Mr Hanson said earlier, childcare costs in the ACT have doubled in the last six years. But if you take into account the increases in other daily necessities across the board—electricity, rent, rates, fuel and food—everything is increasing.

It is not a new revelation that we have the highest cost of child care in the nation. It has been that way for a while. But we really need to take steps to address the situation. We cannot afford for this to continue to increase. Our economy cannot afford it, and our families cannot afford it. It is untenable to be in the position where mothers cannot afford to return to work because childcare costs are holding them back.

Australia already has a smaller proportion of working mothers than a number of other OECD countries, such as Britain, Canada, the US and New Zealand. The Australian Bureau of Statistics predicts that potentially 70,000 Australian women are being kept out of work due to childcare expenses. Given that the ACT has the highest cost of child care in the country, it would be interesting to explore what the statistics are here.

We need to be providing an environment where families have the support they need without being put under incredible financial pressure. Child care is a huge cost of living burden, and the government cannot shun responsibility for Canberrans paying so much more than any other area.

*Discussion concluded.*

## **Construction and Energy Efficiency Legislation Amendment Bill 2013 (No 2)**

Debate resumed.

**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) (5.03), in reply: I thank members for their support of this bill. The Construction and Energy Efficiency Legislation Amendment Bill amends a number of pieces of legislation to improve the operation of construction regulation and it helps to create a fairer industry for the benefit of the community and practitioners.

The construction industry does make a viable contribution to the territory economy. There are thousands of people employed in the sector and over 11½ thousand people, partnerships and corporations licensed under the Construction Occupations (Licensing) Act. These licensees construct the variety of buildings we carry out much of our lives in—our homes, schools, hospitals, shops, restaurants, theatres, stadiums, office buildings, hotels—even this Assembly building.

If a building or a building service functions well, we tend not to think about how it has been constructed or installed. We take for granted that lights and heaters turn on with the flick of a switch, that clean water comes out of the tap and that a building is safe and structurally sound and will be built to last. We also take for granted the skills and knowledge of the different occupations that created it.

Most buildings constructed in Canberra function well. I would like to say that all new buildings do so but, unfortunately, this is not the case. As the government's investigations into building and other construction problems have shown, some practitioners construct buildings or install services that do fail to meet minimum acceptable standards.

When that happens, the experience of that building or service is completely different. Users of the building wonder how it was designed and constructed. They worry that it has defects or safety problems they do not know about as well as the ones that they do, and they question the skills and knowledge of the people that built it and certified it.

Governments regulate building and construction because of the need to protect the public. This does not only mean those people who are directly engaged practitioners. In a recent decision on a matter in the Supreme Court, Master Mossop stated that, given the varying activities conducted by those carrying out construction occupations, the protection of the public can involve a range of things. He went on to say that, in his view, it was also to regulate the quality of their work so as to protect the broader public who have not dealt directly with the person carrying out the construction occupation from the possible consequences of defective or inadequate decisions by that person. This is certainly the intent of our licensing laws and other acts regulating construction work.

Consider the work that asbestos assessors, asbestos removalists, building surveyors and builders do. Consider the hazards they work with and their role in protecting themselves and us from harm caused by these hazards. At their most fundamental, construction standards are in place for protecting the life, safety and health of building occupants and the public. They also protect other practitioners working on and around construction sites. This is why the underlying skills and commitment of construction licensees to the quality of their work is important.

While minor breaches of standards may cause only inconvenience, serious breaches can cause major damage to property and the environment or, worse, they can result in harm to people or even potentially death. That is why it is important that offences and penalties in law reflect the potential consequences of failing to comply with construction law.

If the ACT is to make lasting improvements in the quality of construction work then compliance and good practice must be embedded all the way through a practitioner's career, from initial training through to the day they hang up the tools or stop teaching others. The government's ongoing discussions with construction practitioners and industry associations highlight that the majority of industry members share this view and they are equally committed to removing poor practice. They take their obligations to their clients and to the community seriously.

This bill therefore will put in place amendments that will significantly strengthen the foundation of the construction regulatory scheme. Principal among these are to recast existing offences and introduce new penalties for contravening regulations for building work involving asbestos, failing to comply with the Building Code, failing to comply with the requirements for carrying out building work and intentionally failing to comply with a rectification order.

The bill will bring the offences and penalties for significant breaches of the Building Act and the Construction Occupation (Licensing) Act in line with territory legislation for breaches with similar consequences. This includes the Work Health and Safety Act and the Dangerous Substances Act.

The new penalties comply with the principle that an offence should have a single maximum penalty that is adequate to deter and punish a worst case offence, including the case of a repeat offence. The offences in the bill are designed to reflect the different roles of landowners, licensees and other parties to building work. The penalties also increase depending on whether the noncompliance was intentional or done knowingly or even recklessly. The offences with the highest penalties in the bill are for licensed people that knowingly or recklessly carry out building work in contravention of the act or intentionally contravene a rectification order.

Landowners also have obligations under the Building Act. While many owners do not have particular skills and expertise in building, landowners and developers can intentionally breach the requirements of the Building Act or commission work that they know will not comply. The bill recognises this and also includes penalties for landowners in such situations.

Some new maximum penalties include terms of imprisonment. Failure to comply with the Building Act can endanger life or property, and it is certainly an abuse of trust. Therefore, it is fitting that this option is available to the courts. It also makes a range of other alternative actions, such as good behaviour bonds, available to a court should they deem it appropriate.

The amendments to the offence in section 49 of the Building Act give a good example of how this bill improves the existing offences. At present, the section requires that a person must carry out building work only in a way that will or is likely to result in a building that complies with the Building Code. The associated offence is a strict liability offence with a maximum penalty of 50 penalty units.

The bill recasts the existing offence to apply only to licensed builders, as people with specific skills and training in the Building Code. The penalty remains the same as appropriate for a strict liability offence. However, a maximum penalty of 50 penalty units for all of the types of noncompliance with the code, which could include serious structural issues, does not reflect the differing ramifications of departures from the code.

As such, the bill introduces two additional offences: an offence that has a general application to any person carrying out building work that intentionally does not comply with the Building Code, with a maximum penalty of 300 penalty points or three years imprisonment or both—this would apply to people carrying out work that does not require a building licence, as well as licensees—and an offence for a licensed builder that knowingly or recklessly does not comply with the Building Code, with a maximum penalty of 500 penalty units or five years imprisonment or both.

These penalties provide a scale that recognises the respective gravity of all types of breaches, the different people that may legally undertake building work and the intentions of the person that breached the code.

Penalties for individual cases will be determined, of course, by the courts, but this bill gives the courts greater capacity to respond to breaches with serious consequences and with commensurate penalties.

The bill also raises the penalty for intentionally failing to comply with a rectification order from 200 penalty units to 2,000 penalty units. This is an increase from \$28,000 to \$280,000 for an individual and from \$140,000 to \$1.4 million for a corporation. As we can all appreciate, \$140,000 does not cover a lot of rectification work, especially on a large building where costs may extend into the millions of dollars. The present penalty at this level is simply not adequate to deter offences in the majority of cases.

The Construction Occupations Registrar has a number of obligations in the legislation that include the power to decide applications in relation to licences, to administer acts such as the Electricity Safety Act and to maintain the standard of construction occupations work by acting on complaints and applying to the ACAT for operational discipline if appropriate. These are significant tasks. The registrar has these functions to maintain the minimum construction standards for our community. The bill

recognises the roles the registrar and the regulatory system play and increases the range of options available to meet those standards and respond where they are not met.

The bill provides new powers for the registrar to consider whether issuing a rectification order to a person that undertook noncompliant work is appropriate because it may result in further public health or safety and consumer protection risks. At present the registrar may only authorise another party if it is not appropriate for the licensee to do the work because of the relationship between the licensee and the landowner. The registrar should have confidence that the person that is given a rectification order has the ability to carry out the work or arrange for the work to be carried out. So the new provisions allow the registrar to consider this when deciding to issue a rectification order. Other than emergency orders, a rectification order is only issued after a show cause process, and the issuance of such is a reviewable decision. The bill does not remove that procedural fairness.

A further amendment allows the registrar to take an immediate occupational discipline action while awaiting the outcome of an application to the ACAT for an occupational discipline order. Under the existing section 56, if the registrar believes on reasonable grounds that a ground for occupational discipline exists in relation to a licensee, the registrar may apply to the ACAT for occupational discipline on the licensee. Alternatively, the registrar may take an alternative action to reprimand the licensee, require the person to complete a stated course of training, impose a condition on their licence or amend an existing condition.

However, the registrar cannot currently take an immediate action and apply to the ACAT for an order. This bill removes that restriction, so the registrar can move immediately to protect the public while applying for a more permanent ACAT order. Disciplinary actions by the registrar remain reviewable decisions.

These are important reforms. They make sure that some of the serious issues around building quality that we have seen repeated representations to the government and the Assembly on from building owners and tenants, from those who inherit the poor decisions and poor practices of building practitioners, are able to be appropriately addressed with increases in penalties, increases in occupational discipline powers and increases in discretion for the registrar, but still with procedural fairness. We are working to address these building quality issues and maintain the reputation of those many people in the building industry who deliver quality services, quality skills and quality buildings.

I thank members for their support of 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.

## **Animal Welfare (Factory Farming) Amendment Bill 2013**

Debate resumed from 19 September 2013, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR COE** (Ginninderra) (5.17): The opposition will be voting against the Labor-Greens government's Animal Welfare (Factory Farming) Amendment Bill 2013. Whilst this bill may be portrayed as a feather in the cap of a minister who is trying to win back his Green base, it demonstrates to all how ACT Labor's agenda has been successfully hijacked by the extreme Greens. The introduction and passing of legislation should be done cautiously and when there are no other reasonable options. Given that the ACT has no intensive pig farming or battery farming, and there is no prospect of such industries being established, this bill is redundant.

What is the next bill to come before this place? Perhaps it is a bill to ban commercial whaling or a bill to ban nuclear-generated power here in the ACT? Perhaps they are just as relevant as the bill before us today. There are far better things that the Assembly could and should be concentrating on. Mr Assistant Speaker, this bill has nothing to do with animal welfare. It is more about Greens' grandstanding. We will be voting against the bill.

**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) (5.18), in reply: I rise today to close the debate on the Animal Welfare (Factory Farming) Bill 2013. It has been a long road to get here and I am glad that we have finally made it to a place where these certain forms of animal cruelty have been outlawed in the territory. These are good gains and we will take them gladly. Animal welfare activists have been calling for these reforms for decades and it has taken a surprisingly long time for some people to see the merits of those calls.

I know that I was certainly at rallies in the early to mid-90s in Canberra calling for a ban of battery hens. Today, we finally bring that to fruition. This legislation bans the production of caged eggs and the use of sow stalls in the ACT. To ban these elements of factory farming gives me great joy, but I understand that there remains more that needs to be done. I have had many complaints in recent days from people telling me that this bill did not go far enough, that factory farming still exists in the ACT and that there are still many more farming practices which involve animal cruelty.

To those people I say that animal welfare improvements are made via small gains over long periods, and this bill is about locking in some hard won improvements, to consolidate the ground gained and to reshape the parameters of future campaigns. I would like to take this moment to thank the many people who have contributed to these gains on this long journey and to reflect on the fact that people's hard work has paid off.



I pay tribute to the many animal welfare activists who have raised their voices over the years and campaigned hard to help our community come to understand the inhumane conditions that battery hens and sows in stalls were forced to endure, those individuals who argued and kept arguing that there was a better way. I commend the many individuals, animal rights lawyers and organisations along the way that have persevered over the years to help shift the animal welfare debate, including the RSPCA, Animal Liberation, Free-Range Canberra, Animals Australia, and Voiceless, to name but a few.

I would like to thank the staff at the Parliamentary Counsel's Office and also Adam Roach in my directorate for the work that they have done on this bill to ensure that it is technically correct, that it meets the expectations that we set out when we went to draft this bill and that it will stand the test of time. I would particularly like to acknowledge my fellow Greens MLAs, who have tabled six other related bills during the Third, Sixth and Seventh Assemblies, culminating in this issue becoming an item in the Labor-Greens parliamentary agreement for this Eighth Assembly.

It has been a long and frustrating road, given that the very first of these bills—to ban the sale and production of battery cage eggs—was passed in the Third Assembly in 1997. However, it was never able to commence due to commonwealth Mutual Recognition Act regulations.

I am proud to follow the many former Greens MLAs who have all fought for animal welfare improvements in their time in the Assembly to ensure that the voiceless received a voice in our parliament. To Lucy Horodny, Deb Foskey and Caroline Le Couteur in particular, I thank you for your work and momentum. It is a pleasure to finally bring these laws to fruition.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**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) (5.22): I thank members for their support of the bill today. As I outlined when I presented this bill, the Animal Welfare (Factory Farming) Amendment Bill 2013 amends the Animal Welfare Act to outlaw two forms of factory farm in the ACT: battery cage farming for egg production and sows stalls and gestation crates used in pork production, or just stationary crates in fact.

The bill also creates a new offence of trimming or removing a fowl's beak. That is one of the key focuses of these amendments, which is a common but cruel practice in the factory farming industry. Today I am moving amendments. I seek leave to move amendments Nos 1 to 7 together.

**MR ASSISTANT SPEAKER** (Mr Gentleman): Mr Rattenbury, just before you go to that, there is a requirement to make a statement under standing order 182A, which relates to the moving of the amendments.

**MR RATTENBURY:** Yes, I seek leave to move the amendments together. I understand that I do not need to move under standing order 182A. They have already been to the scrutiny committee.

Leave granted.

**MR RATTENBURY:** I move amendments Nos 1 to 7 circulated in my name together and I table a supplementary explanatory statement to the amendments [*see schedule 1 at page 124*].

Experience in international jurisdictions that have prohibited battery cages for commercial egg production has shown that some egg producers have started to introduce enriched or furnished cages in an attempt to bypass the prohibition on battery cages. Enriched cages are larger than traditional battery cages and are enriched by the introduction of a perch, some litter and a nesting box. Although enriched cages arguably may have some benefits over traditional battery cages, their use for egg production still has significant welfare concerns.

The government amendments that I am introducing today extend the prohibition in proposed new section 9A of the Animal Welfare Act 1992 from keeping a laying fowl for commercial egg production in a battery cage to keeping a laying fowl for commercial egg production in anything but appropriate accommodation. The definition of “appropriate accommodation” precludes keeping a laying fowl for commercial egg production in any form of cage which includes an enriched or furnished cage. The term “appropriate accommodation” in this bill may only be either barn or free-range egg production as defined in the Eggs (Labelling and Sale) Act 2001.

As noted in the earlier debate, there has been some commentary in the media that there is no need for this bill, that the ACT has no piggeries and that the ACT’s only egg producer no longer uses cages. But I do disagree with this point of view. I think that it is vital—indeed, imperative—that this Assembly sends a strong message that these forms of factory farming are wrong. These forms of factory farming do not have the support of most of Canberra’s community and these forms of factory farming will no longer be tolerated in the ACT.

The past decade has seen a growth in the sales of free-range eggs as more and more consumers have demanded a stronger commitment to animal welfare. According to the Australian Egg Corporation—

*Mr Coe interjecting—*

**MR ASSISTANT SPEAKER:** Mr Coe!

**MR RATTENBURY:** the market share for free-range egg sales in Australia increased from about eight per cent in 2002 to around 25 per cent in 2011. Woolworths, which just last year announced that it will phase out selling eggs sourced from caged hens, reports that that sale of caged eggs has fallen noticeably over the past four years. In 2009 eggs from caged hens made up 70 per cent of all egg sales in Woolworths, and they now make up only 50 per cent of egg sales.

Despite the encouraging consumer trend towards free-range eggs, the RSPCA estimates that 70 per cent of laying hens in Australia are still kept in cages. This means that there are still more than 11 million laying hens being kept in cages in this country. That is 11 million living, feeling creatures capable of experiencing fear, pain and distress that factory farming industry keeps in tiny cages. I personally find this statistic truly shocking.

There is overwhelming evidence that the needs of laying hens cannot be met in a cage, whether a battery cage or an enriched cage. Restrictions on bird movement by keeping them in cages often no greater than an A4 piece of paper mean that these hens suffer greatly both mentally and physically. These minimum cage sizes are smaller than the average body volume of a hen. Not so many years ago the minimum cage size was increased so it is no longer 450 centimetres squared but now 550 centimetres squared, still smaller than an A4 page.

I strongly believe that life in a cage can never address the behavioural needs of hens. These are sentient birds locked in small cages with no room to turn around, stretch their wings, scratch or pick in the dirt or jump onto a higher perch for the night. Cages for egg production are so small that birds cannot engage in their natural behaviours, like stretching and flapping their wings.

The lack of exercise for caged hens due to restricted space exacerbates bone weakness, which results in greater likelihood of fractured or deformed bones. I find the practice of keeping hens confined in cages for their entire lives completely unacceptable in a civilised society. I am relieved that caged egg farming no longer occurs in the ACT and the passage of this bill will ensure that it cannot be introduced in the future in the territory.

The amendments also go to the debeaking of hens, a practice that is common in intensive egg farming. Debeaking involves the partial trimming or removal of a hen's beak, ostensibly to reduce incidents of feather pecking and cannibalism amongst poultry kept in close confinement. When hens are kept in smaller flocks and in low stress conditions, they do not cannibalise each other. Without the intensive factory farming of hens, there is no need to remove their beaks. Beak removal or trimming carries with it many animal welfare concerns, including acute stress and acute, possibly chronic, pain following trimming. Serious debeaking affects a bird for the rest of its life as the bird's ability to consume feed is impaired because of the new shape of its beak.

Along with caged farming, it is now time for us to stop the cruel and painful practice of beak trimming and removal in the territory. I noted that when tail docking of dogs

was first being debated for banning there was plenty of opposition and cries of, “It’s for their own good.” But 14 years down the track, we citizens of Canberra are now completely used to the ban on tail docking. Tail docking is now banned across Australia and thousands of dogs have happier lives as a result.

Let me turn to sow stalls, as this bill outlaws one other cruel factory farming practice—that is, the keeping of pigs in sow stalls and gestational crates. As with the move away from caged eggs, there has been much consumer sentiment away from pork produced using sow stalls. Members may be aware that late last year Coles supermarkets ceased using meat produced from pigs kept in sow stalls in its Coles brand pork, ham and bacon products.

Pigs are inquisitive, affectionate and intelligent animals and life for a mother pig confined in a sow stall or a gestational crate is miserable. Pigs suffer terribly in factory farms. The relentless boredom of confinement in a sow stall drives some pigs insane. The constant rubbing against the bars of the stall results in pressure sores for some sows and lameness in others. Pigs in factory farms never feel grass beneath their trotters, only concrete and metal.

While there are no intensive pig farms currently operating in the territory, I want to ensure that none is ever established. This is about creating a clear operating environment for businesses. I am sure that we are all aware that there are sow stalls just over the New South Wales border, and we need to ensure that the cruelty of sow stalls is not inflicted on pigs in this jurisdiction. This is about being clear on what is and is not acceptable when it comes to farming practices for animals.

I will continue to advocate for improved standards for farmed animals. Indeed, I will continue to advocate for improved standards for animals whenever the opportunity arises. With the passage of this bill I will be able to do so knowing that the ACT has already set a leading benchmark on this issue, becoming the first jurisdiction to legislate to outlaw these cruel factory farming practices. I commend the amendments to the Assembly.

Question put:

That the amendments 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.

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

Bill, as amended, agreed to.

## Adjournment

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

That the Assembly do now adjourn.

## Australian War Memorial

**DR BOURKE** (Ginninderra) (5.35): Last week I had the honour of attending the launch of the Australian War Memorial's program to mark the centenary of the First World War. The war significantly affected this country and our city, not least in the creation of the War Memorial itself when none had been planned by the Griffins in 1911. The recent Australian national museum exhibition for Canberra's centenary focusing on Australia in 1913 showed the innocent idealism and enthusiasm of the wealthy new nation that included plans for an ideal new national capital. Those Australians were unaware that the next year they would be dragged into a European war that would claim over 60,000 lives and shatter countless more.

Former Prime Minister Keating argued at his War Memorial armistice address last November that Australia was already a proud nation before the war, a nation fully formed. The war alone did not define the nation but it had an enormous impact physically and mentally throughout the country.

As Canberra's centenary did for our city, helping us to re-examine our past and how we became who we are and where we are going, the War Memorial's First World War commemoration will do more than just relate where Australians fought and died. It will delve into who we were, why we fought and how it changed us as a nation.

In the wide-ranging historical and social program, I am pleased to see that the commemoration will also reflect on the service of Aboriginal and Torres Strait Islanders in the war. The memorial is expanding and adding more detail to the list of the 1,300 Indigenous personnel recorded as serving in the First World War. Their stories will be included through the new galleries.

One diorama will tell stories of Aboriginal troopers in the 11th Light Horse Regiment, which had a high proportion of Indigenous servicemen and was sometimes known as the "black watch". Along with the Australian National University, the Department of Veterans' Affairs and the Australian Defence Force, the memorial is involved with the serving our country project, a history of Aboriginal and Torres Strait Islander service in the ADF.

The memorial is assisting with approximately 15 documentaries and programs focusing on Indigenous service. It assisted in the research for the *Black Diggers* stage production recently at the Opera House, and it is to have another run in Brisbane later

this year. The memorial is involved with the Department of Defence, Reconciliation Australia and other agencies and galleries in assisting with their commemorative events highlighting Indigenous service people. Some of this will touch on the motivations for volunteering and how it changed people's lives.

Another part of the centenary will include the 140,000 schoolchildren who visit the memorial each year. During the centenary, they will be asked to write their name and school on a wooden cross. This, with their messages, will be placed on the graves of First World War Australian soldiers throughout Europe. I hope this project and the whole commemoration will lead to a better understanding of how and why we became entangled in that war and the personal and national costs.

### **Roads—Spofforth Street**

**MR COE** (Ginninderra) (5.38): I rise today to convey to the Assembly the views of more than 600 people who have put their names to a petition calling on the government to take a common-sense approach to traffic in Holt. I believe that the ACT government has messed up traffic in Holt. The installation of speed humps on Spofforth Street has moved traffic into neighbouring streets which are now more dangerous than they were before. The installation of the speed humps, at a cost of more than \$100,000, has created far more problems than it has solved. I, and more than 600 people, of whom the vast majority are from Holt, believe it is time to remove the speed humps and return traffic to normal before making any other changes. Of course, the streets have to be appropriately policed.

In August I moved a motion in the Legislative Assembly calling on the government to remove all the speed humps on Spofforth Street and abandon the plans for the street improvements. Unfortunately, Labor and the Greens did not support my motion, so it was not passed. However, I remain convinced that the speed humps should be removed.

Madam Deputy Speaker, I seek leave to table more than 450 names of people who put their names to the paper petition.

Leave granted.

**MR COE:** I present the following paper:

Petition which does not conform with the standing orders—Holt—Spofforth Street traffic.

All but a few of them are in addition to those who signed the e-petition on the same subject presented by the Clerk this morning. To have so many people from one suburb put their names to a petition should surely be a wake-up call for the government. I urge the ACT government to listen to the views of the residents of Holt before committing to even more changes which may worsen the traffic problems in the suburb.

Finally, I would like to commend all those in Holt who have worked towards this petition. In particular, I would like to thank Phil Harris, who was the principal petitioner for the e-petition and did so much work in gathering signatures for so many of the 600 or so people who put their names to this petition.

### **Southern District Motorsports Association**

**MR GENTLEMAN** (Brindabella) (5.40): Tonight I rise to talk about an event that I attended last Sunday, 23 February, the Southern District Motorsports Association's annual HeartKids Hillclimb. The HeartKids Hillclimb is the ACT fundraising event where the motorsport community gets behind this great cause of assisting the sole Australian charity focused on childhood heart disease.

I, along with 41 other competitors, took part in this event, which was only the second event to be held on the freshly resurfaced track. The new track is a result of a \$150,000 grant from the ACT government. The day was enjoyed by all who attended, from the competitors to the heart kids themselves. I would like to take a special moment to congratulate all those who worked towards organising this event, which raised over \$9,000 for this deserving charity. These funds will continue to assist local children with childhood heart conditions with support, awareness, advocacy and research into the conditions that they may be facing.

This great community event would not have been possible without the support of the major event sponsors, including the Duxton, the Loft, Tongue & Groove, Ox Eatery, the Hospitality Store and the Southern District Motorsports Association.

The SDMA is a great example of what grassroots motorsport can do as a collective. The group mainly funds and maintains itself, both financially and through donations of time from club members and the surrounding community. One day a month is dedicated to track maintenance, and this day is frequently well attended. CAMS-licensed drivers can start at the early age of 15. The challenge of hill climbing lies in each driver's battle against the clock as they attempt to cover the course in the shortest possible time. So that similar cars can compete against each other, the entries are divided into types and classes. Each driver enjoys their own personal race against the clock and also competes against other drivers in cars of similar performance eager to get around the hill in the fastest time. The ultimate achievement at each event is to establish the fastest time of the day.

I would like to take this moment to congratulate the competitors, with several posting new records and personal best times. In no particular order, they were Jamie Ericson, Anita Ballard, Kieran Purves, David Leaney, Iain Chandler, Colin Roberts, Mathew Corby, Stephen Delaney, Scott Taylor, Sue-Ellen Beulah, Justin Eeles, Colin Chandler, Matthew Ward, Veronika Galinec, Louise Roy, Reece McIntosh, Ross Kelly, Peter Browning, Brenton Desmond, Michael Primrose, Jonathon Primrose, Joseph Nathan, Todd Wilson, David Yates, Keiran Morecombe, Matthew Walsh, Tony Smart, David Dowling, Matthew Phillips, Matthew Scott, Daniel Cummins, Stephen Pembrey, Jon Waterhouse, Andrew Lombe, Dick Bates, Brett Jorgensen, Michael Gallon, Ben Lockley, Steve Smith, Andrew Cassie and Barrie Smith.

I look forward to being able to support both the Southern District Motorsports Association and the heart kids in the future.

### ***Creative Canberra: Bureaucrats, Boffins, Businessmen***

**MR SMYTH** (Brindabella) (5.43): I stand to commend to the Assembly a book by local identity Mr Peter Dawson entitled *Creative Canberra: Bureaucrats, Boffins, Businessmen*. Peter is a regular fixture in the ACT business community, with experience in international businesses and economic development issues, and he has been a senior fellow at the prestigious Cornell University. As the current director of the Australia Indonesia Business Council and chair of the ACT branch, and a fluent Bahasa Indonesia speaker, he is a passionate advocate for greater ties with Indonesia.

Mr Dawson's book fills a gap in the literature about ACT businesses and also serves as a comprehensive compendium of what makes our city such an interesting place for business. For example, for those that do not know, just quoting from some of the introduction on the back of the book, we are home to the company with the world's foremost wind-mapping technology, the global leader in digital core analysis for oil and gas exploration, the company which introduced large-scale multiplayer computer games in the world, and the world's leader in second-generation quantum information security technology. And the list goes on.

There has been a dearth of stories singing the praises of our local business successes and achievements. Peter's book addresses this shortage with a great deal of aplomb. If you run through it, just opening it at any page, you will see that.

There is QuintessenceLabs, quantum cryptology, with a picture of Vikram Sharma. Quintessence is a great firm in the ACT; the work it is doing in IT is quite extraordinary. If you push on, you get to Intelledox with Phil Williamson and Michelle Melbourne, again two locals who have built a firm that does work worldwide. Look at people like Ben Greene from Electro Optic Systems, EOS. You find a great story there. You get to people like the LipiTech team, who do a good job in what they do. The stories simply go on and on.

It is interesting, when you think about it, that from this small city some great firms have come forward. Even in the government, you only have to look at David Widdowson and the work done with the Centre for Customs and Excise Studies, taking something that we do well as a local industry and turning it into something that brings money back into the ACT. Who could go past Tower Software and Brand Hoff, a firm that at one stage in the early 2000s delivered the largest rollout of a single piece of software in the world when it put forward 350,000 PCs for the United States Navy? That was an amazing effort for a firm from the ACT.

There is a chapter called "Aspen Medical: Project Managing the World", about the work of Glenn Keys and Andrew Walker and how they have taken innovation and addressed the need for different groups to have their health issues addressed around the world.



I mention CEA Technologies, with David Gaul and Ian Croser. I think we all know their facility on Gladstone Street in Fyshwick. Again, it is a Canberra firm that is making world-leading technology to help particularly the Royal Australian Navy—but I guess to help all navies that are interested in it—to be much safer at sea.

Then there is the achievement of the NICTA Canberra laboratory. I am quite happy to be part of the cabinet that gave the go-ahead for NICTA that started it here in the ACT. We granted them some land. There was the work of Phil Robertson and his team to make sure that we are taking what we have got, which is smart people, and turning it into a business for the ACT.

And who can forget the Commonwealth Scientific and Industrial Research Organisation with their work on agriculture, particularly the Barleymax story. Barleymax is a natural wholegrain with nutritional benefits that helps reduce heart disease, cancers and diabetes. It is being done here in the ACT. These are the opportunities that would exist if we had the courage to diversify our business sector and we had a government that was interested in actually doing it.

I have just had a quick look through. Another one to particularly look at is John De Margheriti and the Academy of Interactive Entertainment here in the ACT. They are world leaders in multiplayer gaming systems. When people said that you could not do it, John De Margheriti did. Now we train some of the world's best gaming programmers here in the ACT; they are snapped up by people all around Australia and all around the world. It is an export industry for the ACT.

Mr Dawson's book illustrates quite clearly what can be achieved when science and invention, and government and business, open doors for each other and when communities work together. It highlights how Canberra, often discounted as a boring government town, can produce a pipeline of amazing businesses predicated on entrepreneurship and innovation. This book is instructive to policymakers on what works and what does not work in our cities. I urge all people in this place to get hold of a copy and have a read. (*Time expired.*)

### **Asylum seekers**

**MS BERRY** (Ginninderra) (5.48): On Saturday night I attended a vigil for Reza Barati, a 23-year-old man killed in an outbreak of violence at the Manus Island detention camp. Standing there amongst hundreds of other Canberrans who had come to acknowledge the tragic death of a young man they had never met and the numerous people our country had failed to protect, it was clear that the protection of people seeking asylum is an issue of great importance to many people in our city.

I was saddened over the past week to see one of my federal parliamentary colleagues ask the federal government for nothing but “competence” in the physical protection of people who seek safety on our shores. I am happy to say that as a member of the ACT Legislative Assembly I am not required to use the wretched line “Manus is a fundamental part of the refugee resettlement agreement”. As a member of ACT Labor I am supported by hundreds of local Labor members who last year at our territory conference made it clear that physical safety is not all that is owed to people seeking asylum.

ACT Labor's membership believes we should ensure that people who seek asylum in Australia should have their claims processed quickly and without reference to their mode of arrival. They know we should provide quality health care, education, housing and social support. Like so many in our community, they have stood time and again against the steady decline on this issue that has seen Australia shirk our international responsibilities, farcically excise our own territory from our migration zone and hide our shameful detention camps away offshore.

On the matter of the competence with which we lock up the world's most vulnerable in Manus Island detention camp, ACT Labor's membership is clear: we should shut it down. But shutting Manus down is not enough because it seems that the majority of adult Australians do not agree with me and the membership of ACT Labor. The people I have spoken to who came to Australia as refugees came seeking a safe, welcoming and supportive community. To deliver on that promise we need a broad majority of Australians to want to include refugees in their lives, their workplaces and their neighbourhoods.

I personally think it is presumptive of everyone involved in the debate to claim to understand what is making people fearful in accepting refugees. I think we have a lot of work to do to really understand the motivations behind their views. For too long the politics of this issue has been focused on boats at sea, but to win this debate we need to work so much harder to understand the challenges people face in their daily lives that feed the politics of fear we have found ourselves in.

I need to be clear: like the membership of ACT Labor, I am appalled by the treatment of people at the Manus Island detention camp. But being appalled will not bring the world's vulnerable to a safe home in a welcoming community. We know what good refugee policy looks like and now we need to build communities that will support it.

### **Church service**

**MRS JONES** (Molonglo) (5.52): Yesterday I, along with a number of Assembly colleagues, attended a church service organised and hosted by St Paul's Anglican Church in Manuka to mark the start of the Assembly year. It was an interfaith service led by the Bishop of the Anglican Diocese of Canberra and Goulburn, the Right Reverend Stuart Robinson, and the Rector of St Paul's, the Reverend Dr Brian Douglas.

The Catholic Archbishop of Canberra and Goulburn, the Most Reverend Christopher Prowse, delivered a sermon focusing on one of the beatitudes from the gospel of St Matthew, the one that said blessed are the merciful for they shall receive mercy. His Grace used the analogy of good and bad cholesterol to illustrate the concept of good and bad secularisation. He warned against a move to secularism saying that both politics and religion have legitimate roles in our community.

Other guests included representatives of the Apostolic Church, the Uniting Church, Presbyterian Church and the Lutheran Church.

I want also to pay tribute to the assistant priest at St Paul's, the Reverend Susan Bridge, who crafted the order of service and looked after the organisational arrangements. Mr Christopher Erskine provided excellent music at the grand pipe organ in St Paul's, including the now famous trumpets royal. Members of the Sing Australia choir conducted by Ms Joan Breen led the singing, including a great version of *Let There Be Peace on Earth*.

I congratulate St Paul's for taking this initiative, coming as it did on the heels of a similar service to mark the commencement of the parliamentary year for the commonwealth held a week or so ago and which Prime Minister Tony Abbott attended. I understand St Christopher's Catholic church in Manuka intends to organise and host a similar service next year. I look forward to that event, and I encourage all members of this place to attend and enjoy what I am sure will be a respectful and uplifting experience.

It is a good thing that those in Canberra's church community would want to bless and pray for us in this place who have such an important role in serving the community to create economic stability, employment growth and opportunities for all. It is a good thing that we in this place should acknowledge the support from Canberra's church communities just as we should acknowledge the support we receive from many other groups in our society.

It is a very good thing that we in this place should stand before that church community to rededicate ourselves each year to act with integrity and compassion as we strive to faithfully serve the people of the ACT. For me yesterday's service was inspiring. It provided reassurance that the work I do in this place is valued by an important sector of the community that I serve.

### **Sport—awards**

**MR WALL** (Brindabella) (5.54): I rise this evening to once again highlight an event that has become a fixture in my calendar each year—that is, the presentation of the Vikings sports awards. On 14 February I attended the presentation of the 2013 sports awards which recognise outstanding local sportspeople, coaches and volunteers from the Tuggeranong valley's sports and social clubs.

The evening featured the presentation of the following awards. The HR Heher Shield was presented for outstanding achievement by a senior sportsperson. This award was presented to Caroline Buchanan, who was six-time world champion in 2013 in both BMX and mountain bike racing. The ActewAGL Shield, presented for outstanding achievement in school and junior sport in the valley, went to Kasey Dragisic, who was selected in three Australian teams in 2013 in both touch football and rugby 7s. The Excel Massage Shield was presented for best team performance. Most recently, this award was won by the Tuggeranong Valley Rugby Union Football Club's first grade side, who claimed a hat trick at the Australian championship and also took out the ACT Rugby Union competition. The Coca-Cola Shield was presented for outstanding coaching or officials achievement. Previous winners have been state and national coaches. This year's winner was Bailey James Davis, and he was recognised for his outstanding contribution to and work with the Tuggeranong Vikings Hockey Club.

Also, as part of the awards night each year, the Tuggeranong Vikings Club provides scholarships to up and coming sports talents. This year scholarships were awarded to: Carrie Altinger, Brindabella Calisthenics; Chloe Ironside, Tuggeranong Vikings Swim Club; Alexander Floros, Tuggeranong Valley Cricket Club; Jo Pivac, Tuggeranong Netball Association; Armande Oringo, Tuggeranong Vikings BMX Club; Leeley Rodrigo, Tuggeranong Netball Association; Brandon Bardsley, South Canberra Tuggeranong Athletics Club; Josh Waller, Tuggeranong Vikings Swim Club; Lauren Brennan and Lachlan Trabinger, Tuggeranong Vikings Water Polo Club.

These awards are an outstanding way to recognise the talented sportspeople within the Tuggeranong valley. The contribution that the licensed clubs make within the territory more widely to sporting clubs and community groups needs to be recognised here as well. Without the ongoing support of clubs like Vikings to community organisations like this, and the funding and in-kind support that they provide, many of these achievements would never have been possible. These awards are always a wonderful opportunity to recognise these talents, and I once again commend the Vikings sports awards to the Assembly.

### **Church Service Schools—St Mary MacKillop College**

**MR DOSZPOT** (Molonglo) (5.57): I would just like to echo my colleague Giulia Jones's comments about the special service held at St Paul's yesterday. It was a very inspiring service and it was good to see a lot of our colleagues there. I particularly would like to thank Dr Bourke for coming along to join us. I think it showed some courage to come along, and we welcomed your attendance there.

It was my great pleasure to attend the St Mary MacKillop College opening mass last Friday, 21 February 2014. I was joined by our former Assembly colleague Zed Seselja, now Senator for Canberra, and we were both honoured to be included with a selection of students and other community members to read the prayers of the faithful.

This was my sixth attendance at the celebration of a new school year in the company of the St Mary MacKillop College community and, as usual, it was a very inspirational event with around 1,800 students and parents in attendance at the only place that is big enough in the Tuggeranong area to hold all those attendees—the Tuggeranong basketball stadium next to the Southern Cross Club, a venue that has been its saviour for the last four to five years.

This year was an extra special occasion as the college welcomed His Grace Archbishop Christopher Prowse, the new Archbishop of Canberra, who presided over the celebration with members of the clergy, Father Lachlan Coll and Deacon Vince Barclay. Other special guests included the chairman of the board of MacKillop college, Mr Denis O'Connor, and staff and students from many Canberra schools and colleges, plus parents and past students of MacKillop college.

My personal thanks to principal Mr Michael Lee and his staff who always provide a very warm welcome to all visitors. It is always a privilege to join such a dynamic,

welcoming community based on gospel values and a learning environment where excellence in education is valued. Their mission, as stated on the school's website, is that the curriculum at St Mary MacKillop College is undertaken in an environment where each person is valued and respected and where personal growth is of such paramount importance.

Congratulations to Mr Michael Lee, his staff and all the MacKillop students for their achievements to date. I wish them all the best for this coming school year.

### **Tuggeranong park run event Transport workers retirees club**

**MR RATTENBURY** (Molonglo) (6.00): I would like today to make note of the Tuggeranong park run event I was invited to and took part in on 8 February, the five-kilometre park run around Lake Tuggeranong. For those who have not come across the park run concept yet, it is a free event that takes place every Saturday at 8 am and is open to people of all fitness levels and ability. I can say on the day I went that there were some very speedy five-kilometre runners and those that certainly took a little bit of time.

Events such as the park run provide a valuable service to the Canberra community not only by promoting exercise and healthy living but also by giving Canberrans another opportunity to enjoy our abundant parklands and open green spaces. In fact, on this weekend just gone, 22 February, the Tuggeranong park run event celebrated their first birthday.

The weekend I went, just two weeks earlier, they had their biggest ever group of 250 runners on a Saturday morning. This weekend gone I understand the numbers were more like 350 for their birthday event. It is a wonderful community event. People have just taken it on to organise as a community service and it is run by volunteers every weekend. There are a number of them in Canberra now. There is the original one at Lake Ginninderra and there is also one at Yerrabi Pond.

I thank the organisers of the various park run events. It was great to be invited to go to Tuggeranong and join in that event but also the other events across Canberra that really do provide a great free fun event every Saturday morning across our city.

I would also like to make mention of the Retired ACT Transport Employees Club. On 17 December last year I had the privilege of attending their Christmas luncheon. The Campbell-based club provides a social space for retired ACTION bus drivers, office staff and retired Comcar drivers. It also features a fascinating memorabilia display which illustrates the history of ACTION buses in the territory.

The extensive display of photos and models showcase how the territory has grown and developed over the years from the first horse and cart school bus from the Cotter in 1926 to the development of the different town interchanges in the 1970s. The club's photos illustrate the nature of change and development in the ACT's short history.

The museum, I guess it would best be called, also has an array of all sorts of other things, including the heavy trench coats that staff have worn over the years to cope with the Canberra cold. They took one out of the cabinet and I got to hold it. I can say the original ones were definitely well made and they were quite heavy to hold on to.

I would like to formally thank the club for inviting me to their Christmas lunch and sharing with me their fascinating history and memorabilia. I would also like to acknowledge the recent retirement of club treasurer Trevor Lawrence. Trevor has made an extensive contribution to the club over the years and I wish him all the best in the future.

Question resolved in the affirmative.

**The Assembly adjourned at 6.03 pm.**

## Schedule of amendments

### Schedule 1

#### Animal Welfare (Factory Farming) Amendment Bill 2013

##### Amendments moved by the Minister for Territory and Municipal Services

1

##### Clause 5

##### Proposed new section 9A

Page 3, line 4—

*omit proposed new section 9A, substitute*

##### 9A **Keeping laying fowls for commercial egg production—appropriate accommodation**

- (1) A person commits an offence if—
- (a) the person keeps laying fowls for commercial egg production; and
  - (b) the fowls are not kept in appropriate accommodation.
- Maximum penalty: 50 penalty units.
- (2) An offence against this section is a strict liability offence.
- (3) In this section:

*appropriate accommodation*, for laying fowls kept by a person, means accommodation that is in accordance with, or an improvement on, the conditions mentioned in any of the following provisions of the *Eggs (Labelling and Sale) Act 2001*, schedule 1 (Conditions under which hens are kept):

- (a) item 2, column 3 (which is about the production of eggs in a barn on a single level);
- (b) item 3, column 3 (which is about the production of eggs in a barn that has additional levels of nesting and perching space);
- (c) item 4, column 3 (which is about the production of eggs in a free-range system).

*commercial egg production* does not include egg production by a person the main purpose of which is the production of eggs for the person's own consumption.

*laying fowl* means a female domesticated chicken (*Gallus gallus*) that is 16 weeks old or older.

2

##### Clause 8

##### Proposed new section 20 (aa)

Page 5, line 16—

*omit*

Battery cages for commercial egg production

*substitute*

Keeping laying fowls for commercial egg production—appropriate accommodation

3

**Clause 11****Proposed new section 120 (2)****Page 6, line 13—***omit*

Battery cages for commercial egg production

*substitute*

Keeping laying fowls for commercial egg production—appropriate accommodation

4

**Clause 11****Proposed new section 120 (3)****Page 6, line 15—***omit proposed new section 120 (3), substitute*

- (3) Also, the following provisions of the *Animal Welfare Regulation 2001* apply in relation to the person until 16 May 2016 as if they had not been repealed or amended by the *Animal Welfare (Factory Farming) Amendment Act 2013*:

- (a) section 8, definition of **floor area**;
- (b) division 6.2 (Laying fowl kept in cages);
- (c) section 19 (Meaning of *trapped*—div 6.4);
- (d) section 20 (Offence—failure to carry out inspection);
- (e) section 21 (Offence—unsatisfactory inspection);
- (f) section 22 (that creates an offence about failing to act after inspection in relation to distressed or escaped fowl etc).

5

**Clause 13****Page 8, line 5—***omit clause 13, substitute*

**13 Laying fowl kept in cages**  
**Division 6.2**

*omit*

6

**Proposed new clauses 13A to 13F****Page 8, line 6—***insert*

**13A Meaning of *trapped*—div 6.4**  
**Section 19**

*omit*

**13B Offence—failure to carry out inspection**  
**Section 20 (1) (b) (ii)**

*omit*

**13C Offence—unsatisfactory inspection**  
**Section 21 (1) (c) (ii)**

*omit*



<b>13D</b>	<b>Section 22 heading</b> <i>substitute</i>
<b>22</b>	<b>Offence—failure to act after inspection in relation to injured or sick fowl</b>
<b>13E</b>	<b>Section 22 (1) (b)</b> <i>omit</i> or (ii)
<b>13F</b>	<b>Section 22 (1) (c)</b> <i>substitute</i> (c) fails, or fails to arrange for another person, after the inspection is carried out, to immediately destroy the fowl, or arrange for it to be treated, if it is injured or sick.

7

**Clause 15**

**Dictionary, definition of *animal welfare offence*, proposed new paragraph (da)**

**Page 9, line 5—**

*omit*

Battery cages for commercial egg production

*substitute*

Keeping laying fowls for commercial egg production—appropriate accommodation

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