Debates

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Legislative Assembly for the ACT

EIGHTH ASSEMBLY

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Thursday, 20 March 2014

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

Education, Training and Youth Affairs—Standing Committee
Report 2

MS PORTER (Ginninderra) (10.01): Pursuant to order I present the following report:

> Education, Training and Youth Affairs—Standing Committee—Report 2—*Report on Annual and Financial Reports 2012-2013,* dated 20 March 2014, together with a copy of the relevant minutes of proceedings.

I move:

> That the report be noted.

In tabling this report today I acknowledge all those who contributed to it, particularly the committee secretary, Mr Andrew Snedden, committee office staff and, of course, my fellow committee members, Ms Berry, Mrs Jones and Mr Doszpot. I also remind members that, due to urgent medical treatment at the time, I was unable to chair the annual reports inquiry 2013, so my thanks go to Ms Berry for chairing the inquiry and Mr Gentleman for joining the committee in my stead for that period.

Of course, not being at the hearings posed some challenges for me when drafting the chair's report. I thank the committee secretary for assisting in ensuring that I was able to thoroughly scrutinise the *Hansard* records of the hearings so that the draft report and the recommendations could adequately reflect the issues brought before the committee. I also thank the committee members for the cooperative way in which they worked together, resulting in the report that you have before you.

The committee made six recommendations, and I will talk to those briefly. Madam Speaker, you are aware that the committee is also inquiring into the issue of employment, skills and training at the moment, so the committee was particularly interested in what was put before it by the ACT Building and Construction Industry Training Fund Authority. Recommendation 1 is that the authority continue to give an updated account on challenges facing its client industry, particularly in the changing building, construction and engineering activities.

Madam Speaker, you would also be aware that some matters have been discussed in this place in relation to CIT and staffing management issues. That was dealt with quite considerably during the hearing. A lot of evidence was given about the work that has been undertaken since by the CIT and measures that have been put in place, and the committee is particularly interested in looking at that as a stand-alone part of the next annual report. Recommendation 2 is for a comprehensive stand-alone section that provides an updated account on the steps being taken to resolve any outstanding

issues, including all matters considered by the Kefford inquiry process for former and existing staff at the CIT, including how they are being implemented and assessed for their effectiveness.

Recommendation 3 again goes to vocational education, which the committee is particularly interested in at the moment, and asks for a detailed account of the CIT's role in that area. The committee recommends that the Education and Training Directorate maintain a high level of public information on the development and implementation of the Australian curriculum. We have been talking about this in this place for the last few days, and obviously there is a high level of interest in the curriculum in the ACT. Another matter of great interest to us all and one we have also been discussing here is professional development and career planning for teachers in the ACT, including the most recent planning and professional development and career planning affecting preschool teachers.

The last section deals with youth justice services, and the committee recommends that the CSD annual reports continue to provide full and updated details of outcomes on the administration of youth justice services, particularly providing full details of the implementation of the blueprint for youth justice, which the committee heard quite a lot about in the hearings.

I reiterate my thanks to the committee secretary and the staff in the committee office and my fellow committee members, Ms Berry, Mrs Jones and Mr Doszpot. I thank the minister and her officials and other witnesses that came before us for the time they gave us and the way they responded to questions at the hearings. I apologise again to my fellow committee members that I was unable to be there with you for these hearings for reasons you know, and I thank Ms Berry for chairing the meeting and Mr Gentleman for standing in my stead.

MR DOSZPOT (Molonglo) (10.07): I take this opportunity to speak on the education, training and youth affairs committee's report on annual and financial reports, specifically recommendation 2 relating to CIT. One of the issues that was addressed through the hearings came in the attendance of senior staff from CIT. It is no secret that I have been less than impressed with how the CIT has addressed the issue of bullying and other workplace harassment, and I am not alone in this. The WorkSafe commissioner, Mark McCabe, issued a damning report and the former education minister imposed an improvement notice on them. Both of those actions, I might add, came after years of complaints falling on the deaf ears of the two former ministers for education. In 2012 the Commissioner for Public Administration agreed to hear those and other complaints, and after more than a year of protracted considerations, in his and the CIT's view, the matters are now finalised.

I ask, yet again, how is it possible that matters were finalised at the time of these hearings and this annual report when 12 of the 42 complainant cases were still under investigation? It defies logic and perhaps natural justice. I have been approached by many of the 42 complainants, and they all echo their disappointment and frustration with the Kefford inquiry, a process that started with so much promise and ended in abject disappointment. They all wanted and still 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 cases still under investigation? Why are the managers who treated their complaints so lightly and who originally mismanaged the past complaints the same managers and delegates responsible for now implementing the recommendations of the Kefford report?

These questions are all on record, and all have been ignored by the education minister and the Chief Minister. There remains a core of very disaffected, very hurt and disillusioned former staff. I received an email the other day from one of those former staff:

> We didn't realise it at the start but we were NEVER going to see the kind of justice we hoped for such as;
>
> 1. Get our jobs back
> 2. Get an apology from the bully or an admission from CIT that we had been bullied and that the bully has been disciplined
> 3. Be informed of what changes were taking place at CIT to protect current staff
> 4. Be informed of any progress at all
> 5. Have a right of reply when CIT denied our allegations
> 6. See a transparent report released that gave details not just assurances of change
>
> AND/OR
>
> 7. Letters to the victims detailing the changes as proof that we did not waste our time
> 8. Even a meeting between CIT and the victims where CIT could present the evidence of what has changed would suffice to cover 6. and 7.

That seems little to ask, and that so many feel the process has failed them is an indictment of us all. We need to ensure we do more than just tick the boxes. I had great hopes for a better outcome and I, too, feel betrayed that the administration has failed them.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Report 4

MR SMYTH (Brindabella) (10.11): Pursuant to order I present the following report:

> Public Accounts—Standing Committee—Report 4—*Report on Annual and Financial Reports 2012-2013*, dated 12 March 2014, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

The reports of committee inquiries into annual and financial reports are a very important part of the process of scrutiny, and I am very pleased to speak to report No 4 of the Standing Committee on Public Accounts on annual and financial reports 2012-13. Let me start by thanking the committee members and the committee secretary, Dr Cullen, for the way in which we went through the report and the quality of the report that we have delivered.

Annual reports are the principal and most authoritative way in which directors-general and chairpersons account to the Legislative Assembly and other stakeholders, including the public, for the way in which they have discharged their statutory and other responsibilities and utilised public funds over the preceding 12 months. They also provide an opportunity for agencies to advise all major stakeholders of the major plans and themes for the immediate future. The provision of meaningful operational and financial information by government to the parliament and the public is a fundamental component of the accountability process.

On 19 September 2013, the Assembly resolved to refer annual and financial reports of all government agencies for the calendar year 2013 and the financial year 2012-13 to the relevant standing committees. The annual and financial reports for 2012-13 or parts thereof considered by the Standing Committee on Public Accounts as part of its inquiry were: ACT Auditor-General's Office; ACT Gambling and Racing Commission; ACT Insurance Authority and Office of the Nominal Defendant; Office of the Legislative Assembly; ACT Ombudsman; ACTEW Corporation Ltd; ACTTAB Ltd; Chief Minister and Treasury Directorate, with the ACT executive annexed in this report; Commerce and Works Directorate, which included ACT Government Procurement Board and Director of Territory Records; Commissioner for Public Administration; Economic Development Directorate; Exhibition Park Corporation; Independent Competition and Regulatory Commission; National Arboretum as part of the Territory and Municipal Services Directorate; and Treasury Directorate from 1 July 2012 to 9 November 2012.

The committee had public hearings on 4 November and 2, 3, 13, 17 and 19 December last year. At these public hearings the committee heard from ministers, accompanying directorate and agency officers and members of governing boards. The committee thanks directorates and agencies for providing responses to questions taken on notice and supplementary questions following its public hearings. The information assisted the committee in its understanding of the many issues it considered during the inquiry.

The committee examined the annual and financial reports in relation to their compliance, where relevant, with the following legislation: Annual Reports (Government Agencies) Act 2004; annual report directions 2012-13; Financial Management Act 1996; Territory-Owned Corporations Act 1990; and other requirements as raised in individual agency reports.

The annual report directions note that annual reports, as key accountability documents, are one of the main ways for agencies to account for their performance, through ministers, to the Assembly and the wider community, a key part of the historical record of government and public administration decisions, actions and outcomes, a source of information and reference about the performance of agencies and service providers, and a key reference document for internal management.

In reporting, the committee considered the issues raised in the annual reports with regard to accountability, governance and effective reporting by public sector agencies. The committee's report includes discussions of significant issues raised during the discussion process and makes 16 recommendations. I will just go to a couple of the recommendations.

Recommendation 3 is:

> The Committee recommends that all Directors-General, and equivalents, ensure that all exemption requests for single select procurements include consideration of 'best value for money' as per the Government Procurement Policy Circular.

There were a number of questions asked as to why the government went to single select, for instance, on the issues of procurement when clearly there were other people that were quite capable of providing that service, that policy or whatever it was that was requested. The use of single select really needs to have a very strong reason for its use so that we have got a clear and open process.

Recommendations 4 and 5 look at the public interest disclosure process, and a number of agencies did not comply with the requirement of the act as to what should be outlined in the annual report. I refer ministers and directors-general to the annual report directions and their requirement to actually have more information than just, "We had one or two or zero public interest disclosures." Where there have been public interest disclosures, there needs to be detail, including what has happened to address that. It is quite important that that happen.

There are other recommendations then on the Legislative Assembly and the review of members' entitlements, the uploading of travel reports. The National Arboretum Scientific Research Committee should look at, in the first instance, native species.

Then we get to recommendation 11, which is about the Convention Centre:

> The Committee notes the broad support for a new convention centre from the Canberra business community, and recommends that the ACT Government continue to take measures to realise this project.

As I have said in this place many times, 54 organisations and businesses have signed a document saying that this is their number one priority. I certainly hope—and I think through this recommendation the committee says this—the government will take note of that.

Recommendation 12 looks at diversifying the economy:

> The Committee recommends that the ACT Government continue to diversify the ACT economy and grow the private sector in the ACT.

We have had much discussion about that in the last couple of days and I am pleased to see that at last the government is using the word "diversify". It is a word they, for many years, chose not to use but it is important, if we are going to have a future, to have more than just public sector jobs. They are, of course, important but the private sector will add much more to this city as well.

Recommendations 13 and 14 look at the future of racing in the ACT, particularly the co-location and call on the minister to table the report on the co-location when it is available.

Recommendation 15 perhaps has been overtaken by events and we will wait and see what the government tables following the Chief Minister's amendment to my amendment to Mr Barr's amendment to Mr Coe's motion yesterday. But recommendation 15 is important:

> The Committee recommends that the ACT Government's review of the Lease Variation Charge include: the effectiveness of the objectives of the Charge—in particular, its estimated and actual revenue returns, impact on development, housing affordability and funding upgrades to Canberra's urban amenities as part of the Urban Improvement Fund.

I think most people thought, when the government said they were going to review it, there might be somebody outside the government doing the review. Apparently the review was basically done by cabinet. So we will wait and see what the documents are. But recommendation 15 still stands, and I think is very important.

For those who have been in this place for some time, Chris21, the HR system for the ACT public service, made an appearance again and, again, there is a recommendation that the government needs to inform the Assembly of the outcome of the review so that we know we are getting best value for money and effectiveness from our systems.

I would like to include one final note. As always, the extracts of minutes are attached so that people know the thoroughness with which the public accounts committee goes through its reports. I refer to pages 12, 13, 14, 15 and 16 where we went through, under the new standing orders, every paragraph, paragraph by paragraph. The standing orders of course allow for paragraphs to be done by lots, but one member of the committee particularly thought we should do it paragraph by paragraph, which I am always happy to do. As you can see, it does take up a lot of time and effort, and this is the problem with passing standing orders quickly, as it was done. You do maybe get an unintended outcome.

But I am quite happy in every committee I am on to insist that we do it paragraph by paragraph, now that we have got committees of two Liberal and two Labor, so that we actually work out where people stand on things, and I look forward to looking at everybody else's minutes to ensure they are doing it the same way so that we do have the scrutiny that obviously the government thought that we should have.

With that, I would like to conclude by thanking my colleagues, Mary Porter, Chris Bourke and Nicole Lawder, relevant ministers and the staff that they brought with them, the Committee Office, in particular, Dr Cullen, who does a superb job. Yet again, Andrea, you are a fine example to people of how to be a very professional and very good public servant. With that, I commend my report to the Assembly. Some of my committee colleagues may wish to make a few comments now. Maybe not!

Question resolved in the affirmative.

Health, Ageing, Community and Social Services—Standing Committee

Alteration to reporting date

Motion (by **Dr Bourke**, by leave) agreed to:

> That the resolution of the Assembly of 19 September 2013, which referred specified annual and financial reports for the calendar year 2013 and the financial year 2012-2013 to the standing committees, be amended at paragraph (4) after "standing committees are to report to the Assembly by the last sitting day in March 2014" by inserting "except for the Standing Committee on Health, Ageing, Community and Social Services, which is to report to the Assembly by the last sitting day in April 2014".

Planning, Environment and Territory and Municipal Services—Standing Committee

Alteration to reporting date

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

> That the resolution of the Assembly of 19 September 2013, which referred specified annual and financial reports for the calendar year 2013 and the financial year 2012-2013 to the standing committees, be amended at paragraph (4) after "standing committees are to report to the Assembly by the last sitting day in March 2014" by inserting "except for the Standing Committee on Planning, Environment and Territory and Municipal Services, which is to report to the Assembly by the last sitting day in April 2014".

Administration and Procedure—Standing Committee
Report 1

MRS DUNNE (Ginninderra) (10.23): Pursuant to order I present the following report:

> Administration and Procedure—Standing Committee—Report 1—*Inquiry into standing orders relating to the consideration of Committee reports*, dated 18 March 2014, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be adopted.

This is an important report from the administration and procedures committee. Although it is not usual for the Speaker to speak in this place on these things, it was the general view of the administration and procedures committee that I should present this report and make some comments on it.

The motion before us today is that we adopt the report. If we adopt the report, we will automatically bring about changes to the standing orders as outlined in recommendations 1, 2 and 3 on page 4 of the report.

We are here today debating this because in this Assembly, the Eighth Assembly, we have had considerable problems with the committee system. I recall that during the estimates committee or maybe the annual report hearings last year, Dr Bourke quizzed me because I had mentioned in passing that I thought there were problems with the committee system. If he did not think that there were problems with the committee system back last year, I think his own experiences on committees since then would have reinforced the reason why we are here today.

I am speaking not as a member of the Liberal Party but as the Speaker. I am expressing my concerns as the Speaker as to what is going on in the committee system at the moment. I am concerned about the reputation of this Assembly and its capacity to do work; I am concerned about the problems that are being created for the staff of the committee office because of what I have characterised as the gaming of the standing orders by members on both sides in this place; and I am concerned at the impact this has on submitters and the continuing good reputation of the committee system in the ACT Legislative Assembly.

I think it was brought to a head by the failure of the standing committee on regional affairs to be able to report. I, for one, sitting in the chair watching the unedifying "He said," "She said" across the chamber about who was responsible for this, was appalled and mortified. I kept thinking of all the mayors and the corporations around us in the regions who had held out some hope that there would be good resolutions out of this inquiry. There were none. It really brought home to me that it is unfair to all of those people and all those other submitters who put good time and effort into making submissions on a couple of occasions to have a deadlocked committee where nothing could be resolved.

I thought that it was time to act. I have had discussions with the Chief Minister and the Leader of the Opposition about a way forward. This report of the standing committee relating to standing orders and committee reports is part of a solution, but by itself it will not solve the problem of the committee system in the ACT.

The committee system in the ACT has worked extraordinarily well over seven Assemblies without having to be quite so prescriptive about how committees should consider reports. It has done so because of trust. It has done so because there has been a strong level of leadership on both sides of the chambers and on the crossbenches about how important the committee system is.

In this Assembly, that trust is gone. I think that trust dissolved back in November 2012 when the committees were set up for this Assembly. There were negotiations, I understand, for three-member committees. Suddenly, on the floor of the chamber, PAC had a fourth member. That was done without any warning for the opposition. Then all hell broke loose.

Now we have a situation which nobody wanted—nobody wanted it at the time; nobody played the outcome of this through to the end—where every committee is a four-member committee because there is no trust in this Assembly. The government did not trust the opposition to run committees in a dignified way, in the way that committees had been run for seven previous Assemblies. The opposition did not trust the government's motives in trying to put a fourth member on the public accounts committee. As a result, there has been a breakdown of trust.

Some committees are working; other committees are dysfunctional. I know the amount of time that is taken up by the Clerk, the head of the committee office and the committee secretaries to try to resolve procedural problems because people on both sides are essentially beating their chest to see how tough they are and how smart they can be at gaming the standing orders—not for the good of the Assembly, not for the good of the people who submit to inquiries, not for good outcomes for the people of the ACT or the region, but just so that they can play the standing orders. It is time that we put an end to the games and got back to a system whereby the committees start to work in the way they have worked for the last seven Assemblies.

I have had discussions with the Chief Minister; I have had discussions with the Leader of the Opposition. I hope that very soon we will get to an agreement on a way forward so that we will have a better committee system. But even changing the structure of the committee system will not be enough, because we have to rebuild the trust. Quite frankly, the Chief Minister and the Leader of the Opposition—I have said this to both of them—have to get their groups into a huddle and lay down the law about how the committee system will work. If there is real leadership to make sure that the committee system is cooperative, they can be effective, they can scrutinise the government, they can look at policies and they can come up with proposals for a better approach, for the benefit of the people of the ACT.

I commend the work that has been done by Mr Smyth in particular. He brought forward a series of changes to try and break the impasse. Dr Bourke put forward a

proposal which has been adopted already. At the same time, Mr Smyth put forward what could be considered a refinement. During the inquiry, we looked at Mr Smyth's amendments, which in some places shadowed what Dr Bourke was doing but in a longer and more detailed way. As a result, we have come to a conclusion.

It is not a conclusion that sits easily with everyone. Mr Gentleman—I am sure it is no secret, and I think he is going to speak—has reservations about some of this. Mr Smyth has reservations on other parts. But I think we have a clear way forward. I think that in the future, if we get to a situation where a committee cannot report—which I hope we do not—we will be able to avoid what happened recently with draft variation 308. Rather, there will be a simple report that says: "The committee cannot report. Here is a copy of our deliberations on this." So we will not have the farcical situation that we had with draft variation 308, where we had a report like that to which was appended dissenting comments to which the government then responded. The government responded to dissenting comments and made changes to draft variation 308. It was entitled to do that, but it had hung its hat on the fact that these were recommendations of the committee. They were not; they were recommendations of an individual or individuals on the committee. It is unprecedented that we had a government responding in that way to dissenting comments.

I am putting this on notice today. We have to draw a line in the sand. We have to do better. Mr Smyth, Dr Bourke and Mr Gentleman have made suggestions that have been synthesised here into these recommendations, which I heartily recommend to the Assembly. But those of themselves are not enough. It is time we grew up and started to rebuild the trust that is necessary for an effective committee system in the ACT. I commend the report and I commend the motion that the report be adopted.

MR GENTLEMAN: (Brindabella) (10.33). The government will not be supporting this motion, but we understand that it will pass the Assembly today, with the numbers in favour of it.

First, I want to go to Mrs Dunne's comments, especially the latter part of her commentary in regard to the changes proposed by this report in relation to what would occur through 250B of the standing orders where a committee is not able to agree on a report. Mrs Dunne said just now that if a committee is not able to agree to a report—I think she was mistaken; I do not think she meant to do this on purpose—the committee would report to the Assembly that it could not agree. The proposed change is contrary to that. It says that if the committee cannot agree, the chair of the committee will make a statement to the Assembly to that effect, with just the minutes and the transcripts of evidence.

My real concern with that, which I raised during the deliberation on this report, was that it would mean that none of the sentiment felt by any of the committee members about the work that they had done during the inquiry would be able to be reported to the Assembly. My other concern is that it is quite a deviation from the current *House of Representatives Practice*, which I used in my committee report for the standing committee on planning and territory and municipal services inquiry on draft variation 308. The process I used there was from *House of Representatives Practice*: if you could not reach agreement, you would make a report to the Assembly that you could not reach agreement. And then, as Mrs Dunne said, I attached a dissenting report.

Our concerns are these. We have a strong concern that, as I have said, the amendment would mean that there will not be able to be a report. And, as I have said, it is a move away from the *House of Representatives Practice* that we should not allow a committee, where they do not agree, to have their views on an inquiry heard.

In this Assembly, we have seen so far—I think I have done the calculation correctly—29 inquiries by committees, including the scrutiny committee, which I think is very important, and a similar number of reports. It is my view that all the committees have completed their tasks as requested by the many resolutions that the Assembly has taken to form committees and conduct inquiries. But I understand some members are not happy with the process, especially in relation to the process on two out of those 29 reports.

Let us just have a look at that for a moment. Let us have a look at the evidence before us here today. There is comment from Mrs Dunne that the committees are not working appropriately. The evidence shows that that is not quite the case. With 29 inquiries and 29 reports, two reports have some contention about them. So, overarchingly, the committee system is working. As to the number of committee members, as I have said in a previous address to this Assembly, four-member committees are nothing new; they have occurred many times in the past and represent the representation on the floor of the chamber.

Also, there is an issue here that, if this report is adopted, the Assembly will need to look at current and future resolutions for appointment to committee inquiries and the committees themselves. At the moment, it is resolved that the committee will inquire into a particular topic, be it annual reports or something else, and then report to the committee. If the standing orders say that if you cannot reach agreement you cannot report to the committee, do we need to change the way we make resolutions?

I have said what I need to say in regard to this. I am disappointed that there is a change coming in what Mrs Dunne sees as "gaming the standing orders"; however, she is supporting a move to change the standing orders in this report. As I have said, the government will not be supporting the motion.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.38): To expand a little further on comments that my colleague Mr Gentleman has made, let me say that the government is not convinced that the proposals recommended by the Standing Committee on Administration and Procedure are needed at this time. Mr Gentleman has outlined the rationale behind that. We are comfortable with the proposals the Assembly previously adopted, proposed by Dr Bourke in an earlier sitting this year. We believe that we should allow that exercise and those changes to run their course. The government also acknowledges that clearly there is a majority on the floor that wishes to proceed with the proposals put forward by Mr Smyth. The government will be indicating its concerns with those proposals, but obviously we recognise that we will have to see how these proposals play out.

More broadly, I echo the comments made by Mrs Dunne that there is a need to step back from the brink on the issue of the operation of the Assembly. The government recognises that the role of Assembly committees is an important one and particularly endorses the comments made by Mrs Dunne that the utility and effectiveness of Assembly committees will be greatly diminished if people who would otherwise give evidence to those committee inquiries will not do so if they feel that there is going to be no constructive outcome as a result of them giving evidence. Certainly the government agrees with the comments made by Mrs Dunne in that respect. We, as a party, a government party—and, I know, all of my colleagues who are sitting on committees—are endeavouring to approach this matter constructively and also endeavouring to find constructive solutions to problems that may occur.

The government does not accept the argument that there is a fundamental problem with four-member committees; as Mr Gentleman has said, this Assembly has had four-member committees in the past. We have to deal with the hand we have been dealt by the electorate, which is two major parties with equal numbers and one crossbench member who has elected to become a member of the executive. We have to deal with those circumstances, and we have to deal with them constructively. That is the approach the government will continue to adopt. We will reach out to any proposal that comes from the other side of this place that equally seeks to step back from the brink that we are facing in relation to the operation of our committees. The government is prepared to continue to adopt, and to reach out to, any attempt that seeks to improve the way in which the committees are operating.

Whilst we do not support these proposals today, for the reasons that Mr Gentleman has outlined, we first of all accept that they are clearly supported by a majority of members, and we will watch them closely. Secondly, our position in relation to this report today should not be taken as a position that indicates that we believe everything is fine and no further changes are needed. Changes are needed, but we do not believe they lie in the realm of standing orders; they lie very much in the way that all members of committees conduct themselves and to what extent they seek to promote a constructive and effective committee system. The Labor government will be continuing to engage on this issue in that manner.

MR HANSON (Molonglo—Leader of the Opposition) (10.43): I welcome Mrs Dunne's comments and I welcome the comments from Mr Corbell. I would just like to make a couple of points on the broader commentary about the way that committees are performing. I would agree that they have reached a point where they are not functioning in the way intended and they are not providing the scrutiny of an executive that we would expect a committee to provide. Nor are they providing satisfaction to members of the community who seek to make submissions and appear before those committees.

I am very comfortable—I have had discussions with my members about this as well—about working in good faith to resolve the issues as to where committees are, but I will reflect on some of the comments that Mrs Dunne made about how this occurred. Essentially it was a swiftie by the Labor Party in concert with the Greens. There was a three-member committee structure set up in good faith, essentially, with a balance of

majority between the government and the opposition. At the eleventh hour, without any notice, essentially, we realised PAC had been stitched up so it was two all, so that the government could prevent any scrutiny of the executive in probably the most important committee when it comes to those matters. It was all downhill from there. So I will not accept any moralising. Nor will I accept any moralising when I get told that government members are trying to work in good faith but we see things out of estimates reports like 500 recommendations praising the government. That is not the role of a select committee or a standing committee.

That all said, we are willing to work out how we can make this work better. I note the advice of the Clerk. The advice of the Clerk with regard to Latimer House principles was that committees should, if we are going to be consistent with those principles, have majorities which are non-government majorities. That is the advice that we have got from the Clerk, and that is the position that this party maintains, based on the advice of the Clerk and the standing resolution of the Assembly with regard to the Latimer House principles. However, if we are going to have some discussions in good faith, we are prepared to negotiate and see where we come to from there.

Maybe it is a matter of interpretation, but Mr Corbell's comments that four-member committees are something that the Labor Party is going to continue to adopt does not sound as though it gives much hope that we are going to get where we need to go. It needs to be recognised why we have committees. Fundamentally, it is about scrutiny of the executive. This is about accountability of government. It is about making sure that, without an upper house, we use the committees to review government policy, to review government programs. That is the role that they play. They do not play a role to allow government majorities to pump out 500 recommendations praising the government.

I accept there is some discussion to be had. I say here and now that we will work in good faith to make sure that there is an outcome that improves the way that committees are currently operating. I look forward to those discussions, whatever form they might take—probably with you, Mrs Dunne, in your role as Speaker. I identify that the Speaker will have a role there, but I indicate that we acknowledge that they are not working well and we will work cooperatively to address that situation.

MR SMYTH (Brindabella) (10.47): The reason I moved the amendments to the standing orders in the first place was that the committees were not working. We had a number of problems in estimates and in other committees when, because of the way the government set the committees up, the situation was leaning to a lessening of scrutiny of the government. The only beneficiary of that is the government. The community is let down by that. I simply tried to put in place a process that would make it work as best it could. The fact that we are having to codify what has been longstanding practice, because certain chairs failed to follow the longstanding practice, is an indication of the depth of the problem.

Mr Corbell is not on any of the committees. He can make whatever comments he wants, but he does not know what is going on in the committees. When you get a committee chair who has not asked that the final report—

Mr Corbell interjecting—

MADAM ASSISTANT SPEAKER (Ms Lawder): Thank you, Mr Corbell.

Mr Corbell interjecting—

MADAM ASSISTANT SPEAKER: Thank you. We have listened to everyone else in silence. Perhaps we could give Mr Smyth the same courtesy.

MR SMYTH: It is interesting that when, for instance, a committee has not agreed to a final report, and it is tabled as the report of the committee, the chair is sent back to the committee to get the committee to validate it because he had not followed the process. There is clearly a problem there. You can have your head in the sand, but there is a problem there. And there is clearly a problem when, for instance, in a four-member estimates committee, one of the Labor members has to abstain so that the report can go ahead—even though he was clearly against the bulk of the content of the report and lobbed in some 500 recommendations, all of which were duplicates, in order to appear to be doing the job.

The very fact that we are having to change the standing orders would indicate that there is a problem. Once you start to codify things, it is because it is not working. You do not do this for fun.

The first recommendation is that standing order 249 includes the words:

> If the committee cannot agree on which draft report to consider the Chair's draft will have precedence.

That shows that two and two is causing problems. I have been on committees for a long time now; I have appeared before committees. This problem arises because of the way the committees have been made up. This is an amendment that suits the government, because it lets something happen so that you at least get the look that things are moving on. I personally do not believe that is right, but I accept the committee and I will accept the will of the Assembly. If you cannot agree on the fundamental nature of the report, what you get is default reports. They are dumbed-down reports because of this.

What we will get is more and more reports that make bland recommendations or are just a stream of consciousness reporting of what happened in the committee. It will be: "The committee said this." "The committee asked that." "The committee did this." "The minister said this." "The minister did that." That is not helping us. When I got to this place in 1998, I remember Harold Hird, Kerrie Tucker and a third member whose name I forget came and said, "Here is a report from the last Assembly that wasn't binding on the new Assembly that we think you should look at, because this is what the three of us worked together to make happen." It was a report about lighting, and it was a good report. There was that bipartisan or tripartisan nature of committees—where people really did try to come up with encouragement and suggestions to

improve things rather than dumbing them down and moving to the default nature that we seem to be doing—that made the committee system in this place for a very long time the jewel in the crown.

I object to the notion put forward by Mr Gentleman that committees of four members are somehow normal and have always occurred. They have not. I have not got the list with me, but I read it out last time when we had this debate. The advice from the secretariat was that they were in fact quite rare. They were normally to accommodate somebody like Mrs Helen Cross, who moved to the crossbench. They are in fact a rarity.

When we go to proposed new standing order 250B, it says:

> If the committee is unable to agree upon a report, the Chair of the committee must present a written statement to that effect, along with the minutes of the proceedings.

Mr Gentleman said that this is a move away from the House of Reps practice. It is a small step, but it is just to clarify. It is entirely consistent with the sentiment of the House of Reps. *House of Representatives Practice* says:

> If a committee is unable to agree upon a report, it may present a special report to that effect, with its minutes and the transcript of evidence.

The reason that I changed the word "report", or took the term "special report" and made it "statement", was that Mr Gentleman used the dissenting power of a report to then table something. He said, "Here is my dissenting report," when in fact it was a chair's draft that the committee had not agreed on. It is to stop that sort of gaming that I have changed the words "report" or "special report" to "statement". You will still get the statement, you will get the minutes and you will get the transcript of evidence—entirely consistent with what *House of Representatives Practice* currently lays out. But it will not allow somebody to game the decision.

Let us face it: if you cannot agree on a report, it is hard to dissent. It is hard logically to dissent from something that does not exist. We need to go back and fix the problem. In the interim, the amendment to the standing orders will help smooth some of the process, but at the end of the day that is what will happen as long as you have two and two.

Well done to the Labor members for defending their government. That is their job. We accept that. That is not the way it used to be on committees. Committees used to work far more collaboratively to actually benefit the community instead of protecting the government. They are here, consistent with the Latimer House principles. In the continuing resolution, we all signed up that we believe in Latimer House. Latimer House quite clearly says that you need a strong and effective committee system to monitor the government. You do not have that by having the system balanced in such a way that the government members can do that because of the standing order that Dr Bourke put in. Again, I go back to that day when the agreement of admin and procedures was that both Dr Bourke's suggested amendment and my amendment would go to admin and procedures. The government and the Greens on the day

decided they would approve Dr Bourke's amendment. We get it: you have got the numbers; go for your life. But there was not the tripartisan nature that people want. When you have got the government acting in that way, it is hard to take what they say in good faith.

Hopefully, these amendments to the standing orders will make the system work a little more smoothly. It will be interesting to see if people can take off their political colours as we used to do and try and work for the community and the committee system. I suspect that just the very nature of having two from each party in the committees will make that hard to achieve.

With that, I support the adoption of the report.

MR RATTENBURY (Molonglo) (10.55): I will speak briefly to today's report, which I will be supporting. On the whole, I endorse the comments of Mrs Dunne, acting in her capacity as Speaker and as the chair of this committee. I think that the observations she has made about the willingness of people to make this work really are the key to it, and I think that these, what I consider to be, fairly minor technical amendments should help facilitate that.

I certainly do not share Mrs Dunne's commentary on the history of the committees and points that Mr Smyth and Mr Hanson have sought to elaborate and expand on to some large extent. The reality of this Assembly is that we have this balance of numbers. As I have said in this place before—and I will say it again, and I will undoubtedly have to say it again in the future as Mr Smyth and his colleagues seek to re-prosecute this argument and define history in a sense that suits them—there is no reason why a four-member committee cannot effectively function if the members on the committee have a desire to make it work.

I think this goes very clearly to recommendation No 3 from the committee about being unable to agree on a report, and I think Madam Speaker's comments on this are instructive. In moving to a written statement that does not enable members to attach a dissenting report, it actually puts some pressure on the committee to come up with a report, and Madam Speaker's observations around the regional report, I think, are a classic example. There is no reason why the committee could not have brought forward a report and said, "We sat on these days, we heard from these witnesses, they made the following observations." I am quite certain that if those members had really wanted to, they could have come up with some recommendations they agreed on.

Let us face it, regional cooperation is, on the whole, not that controversial. I have no doubt that if that committee tried, there would have been some handful of recommendations they could have agreed on, and then they could have had additional comments that they wanted to make from their own particular political perspectives. But for reasons that only those four members of the committee and the unfortunate committee secretary who had to sit through it will ever know, they could not sort that out.

I agree with Mrs Dunne's remarks on this. I think that does reflect rather unfortunately on the Assembly and on the committee process. So I hope that these

amendments will provide a couple of practical steps to help sort through some of these details and will actually go to the willingness of the members.

Mr Smyth makes the observation that, when we have to codify these things, there is something wrong. In one sense, I agree with him but we have had to get to a point where we have had to amend standing order 249 to say, "If the committee cannot agree on which draft report to consider, the Chair's draft will have precedence." That is an obvious and practical amendment. To think that a committee cannot actually agree on which draft report to consider, I personally find quite extraordinary, and I would expect more of the committee process.

I hope that these amendments do provide some practical tools to move forward, and I wish members well in their future deliberations on the committees.

MS BERRY (Ginninderra) (10.59): I was not intending to speak on this motion moved by Mrs Dunne and the comments made by Mr Smyth, but I thought I had to give my five cents worth on my very short history on committees of this place and my experience on committees where I have been able to work collaboratively, negotiate and reach a consensus and make a report to the Assembly. On the one committee that we were not able to do that, it was an entirely different situation. Members of that committee were, for whatever reason, not able to work together and reach a consensus.

I truly believe—and it is clear from the evidence that Mr Gentleman has brought into this place and from the reports that have been received by the chamber—that the committee system does work. It just requires a little maturity and a bit of grown-up negotiation. I do not agree that the committee system does not work and I do not think that these changes will provide that grown-up maturity that is going to be required amongst all members of committees to be able to reach an agreement, because these variations are not going to change the way that people behave on committees.

I do agree with some of the things that Mrs Dunne said about people's behaviour. She is right on there. I had some personal experience of behaviour of members on one of the committees that I was on. So I think that does need to improve. So I have put my five cents worth. My history is short; it does not go back to band camp but I have been learning along the way. And I think if all members of committees can work collaboratively together, like they have in the majority of cases, then we can report to the Assembly.

MRS DUNNE (Ginninderra) (11.01), in reply: Just briefly to conclude, I thank members for their comments and I will resist the temptation to go over the history. I think it is time to draw a line in the sand and the rehashing of he said, she said and who was right on a particular occasion does not solve that problem.

I agree with Mr Rattenbury and Mr Smyth. I think it is a great shame that we have to codify this. I jokingly, without revealing too much of what goes on in the administration and procedure committee, made the comment to Mr Rattenbury the other day, "That is why we have reserve powers that we do not write down because once you write it down then you have a process by which you can attempt to get around it."

What we do, through Dr Bourke's amendment previously and these amendments, which it appears are going to be adopted today, is actually start to codify something that we have not needed to for 25 years. And I think that is unfortunate. But my concern is to make sure that I can do what I can to ensure the committee system works.

I have had lengthy discussions with the Clerk about his concerns about what is wrong at the moment and how that is not good for the Assembly, how it is not good for the staff of the Committee Office. And Mr Rattenbury reflected upon that. It is probably, I suspect, somewhat unedifying for staff of the Committee Office to have to sit through what, as I get the impression, are pretty juvenile attempts at negotiation in some of these committees.

All in all, I think that this is not the solution to the problem. The solution to the problem lies in our goodwill. If we had goodwill we would not necessarily be here today. But as there has been, to some extent, a dearth of goodwill, we are here today. I think today there has been a recognition from all sides that we need to do something to improve things.

So let us make this the first day of better cooperation in committees in the Eighth Assembly. Let us draw a line in the sand and see what we can do for the benefit of the people of the ACT and do something for the reputation of this chamber. I commend the report the Assembly.

Question resolved in the affirmative.

Getting home safely report—government response
Ministerial statement

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), by leave: I rise to present this second report on the progress made by the government in implementing the recommendations of the *Getting home safely* report. As members will recall this report was the outcome of an inquiry into compliance with work health and safety requirements in the ACT's construction industry. When I announced the government's agreement to all 28 recommendations in the report I also committed to providing the Assembly with six-monthly progress reports on implementation.

First up I would like to note that since tabling the government response 12 months ago there have been no further deaths in the construction industry. While I am pleased to say this, I hope this record is retained and that we never lose another construction worker, or any worker for that matter, due to a workplace accident. The death of any worker in any industry is unacceptable.

I believe the industry is demonstrating genuine engagement and increasing cooperation to improve safety outcomes. I congratulate both workers and employers in this regard, in particular, the Construction Forestry Mining and Energy Union for its leadership on these matters and the Master Builders Association and Housing

Industry Association for their very constructive engagement. However, I do not want to entice a sense of complacency or give an impression that the work is complete. This engagement and cooperation must grow and prosper to achieve a genuine culture of safety within the industry.

As we know only too well, a moment of complacency can have catastrophic consequences. We must continue to work hard to embed a safety culture at all levels of the construction industry, whether it be on major multi-faceted construction sites or when a sole trader is undertaking minor alterations. All workers are entitled to a safe workplace no matter where they work.

I am pleased to update members on progress since my last report. A number of significant safety initiatives have been completed or are well underway, and a great deal of work is continuing. As members would be aware, the government has established the Construction Safety Advisory Committee and the deputy director-general's steering committee to oversee implementation of the recommendations of *Getting home safely* and advising on policy matters relating to work, health and safety in the construction industry. These bodies comprise members from government, unions, contractors, subcontractors and employer organisations.

The government has previously committed itself to lead by example. The government has worked hard to put some major reforms in place quickly. As members are aware, the ACT now has its first industrial magistrate, and matters are already being referred to the Industrial Court. I thank the members of the Assembly who have supported the passage of the bill.

The government has committed additional resources to WorkSafe ACT, and I can confirm today that an additional seven work safety inspectors have already been employed. I am pleased to report that recruitment is well advanced to employ a further five.

In line with recommendations to improve collaboration between regulators, the Work Safety Commissioner and the Director, Construction Services Branch, Environment and Sustainable Development Directorate, we see continuing work on joint information sessions to industry. In addition, WorkSafe ACT and our building inspectors are now undertaking joint compliance activities because we know that building safety and building quality are inextricably linked. The government has also implemented an active certification and comparative assessment process for significant government funded construction projects.

All companies who contract to the government are put on notice that their safety performance is being monitored and that any failures to meet safety obligations will have consequences when they are tendering for future government work. The significance of this reform should not be underrated. It not only ensures that all those companies must have excellent safety systems but it will also undoubtedly have a positive flow-on effect for non-government work.

For those companies who already have embedded systems and excellent track records in relation to safety, they will no longer perceive they are at a disadvantage when

tendering against companies who have less regard for safety. On the contrary, this initiative will encourage companies to distinguish themselves from their competitors by virtue of the quality of their safety systems.

The government is only too well aware of the importance of the construction sector to our economy, but our support is predicated on ensuring the safety of all construction workers. Companies are now aware that when they sign a government construction contract they will be regularly audited. I am advised by the Commerce and Works Directorate that audits are showing a high level of compliance—more than 90 per cent—and a willingness to quickly rectify any identified issues. I am also advised that the directorate has not been required to review the prequalification status of any company to date.

Rather than see such audits as an imposition, contractors have recognised the value of the audits as a tool to help them improve their practice. While the audits have identified issues, including traffic management and site monitoring, I am advised that these have been, in the main, resolved quickly. I am also advised that no stop-work notices have been applied to government jobs since commencement of the scheme. This is an excellent result. Further, I am advised that the audits have resulted in overall improvements in the areas of emergency preparedness, consultation and communication, subcontractor management, training and risk management.

Shared Services Procurement continues the work they have done to assist industry to transition to the new policy with ongoing feedback and reporting after every audit. This process has allowed an open and honest communication in identifying issues and putting in place mechanisms that allow continuous improvement of work health and safety throughout the sector.

Ongoing consultation with stakeholders, including the CFMEU, MBA and HIA, have highlighted significant support for the active certification policy. Shared Services Procurement is currently working with WorkSafe ACT and the MBA to develop a series of workshops designed to improve risk assessment, competency-based work health and safety roles, site-based plant movement plans and working in the vicinity of live traffic.

This is all good news. It emphasises the main theme of the *Getting home safely* report, and what I have continually said since that time—safety is not only the responsibility of industry; it is not only the responsibility of workers; it is not only the responsibility of government. Safety is the result of collaboration and communication, and I am pleased to see this is starting to happen.

To further demonstrate the government's commitment to lead by example, guidelines are being finalised for directorates who manage construction projects. The guidelines will require directorates to undertake risk assessments in order to decide the appropriate level of oversight for a project. The risk assessment takes into account the individual factors of the work, including its scale, location, the context of the project and anticipated risks.

There still remains room for improvement. Following the introduction of on-the-spot fines in July 2013, I am advised that in the period to the end of January this year

construction sites accounted for 746 visits by WorkSafe inspectors. During these visits, inspectors issued 434 improvement notices, 61 prohibition notices and 32 infringement notices. I will continue to seek advice on the numbers of notices in order to target education and compliance activities in the sector.

The territory is a signatory to the intergovernmental agreement to harmonise work health and safety laws. As part of this agreement, I am considering the notification of a number of new codes of practice. Significantly, I intend to declare a new code of practice for construction work commencing on 1 May. This code has been revised to include valuable and welcome guidance for the housing sector.

The adoption of codes provides employers and workers with practical information to ensure safety. This results in managing safety, not only through compliance, but through education, advice and assistance. Both reports, *Getting home safely* and *Building quality in the ACT*, highlighted a lack of accountability of people who design and provide certification of certain aspects of buildings. In this regard, work is progressing on exploring options to improve accountability and quality of design in the sector, through the regulation of engineers, architects and related design professionals.

In December last year I released a discussion paper entitled "Regulation of Design and Inspection Practitioners in the Construction Industry". The consultation is part of the broader review of the Building Act. The government is keen to improve poor quality design and documentation which is a substantial contributor to building defects in the territory, and we are committed to reform in this area to improve the quality and safety in our built environment.

The quality of work undertaken by construction design practitioners, such as architects, construction engineers and building designers, is vital to the quality of the built environment. Many people also rely on the skills and knowledge of other practitioners including quantity surveyors, building inspectors and building consultants to advise them on building costs and compliance with relevant standards.

The government has invited interested parties to participate in the consultation process, and education is still high on the agenda for the construction industry. The ACT Work Safety Commissioner held a major construction safety conference in July last year and more recently convened a training summit to discuss a wide ranging strategic approach to education in the sector. This is a significant development in ensuring we have industry representatives working together to inform and better prioritise the training needs of industry. Those who participated are those most able to influence safety.

I have asked the Work Safety Commissioner to work with the Construction Safety Advisory Committee to bring forward recommendations stemming from the training summit for a strategic future approach to industry training, and I look forward to updating the Assembly with progress on this important work.

The Work Safety Commissioner has also recently released his 2014 January to July training calendar with training focused on work health and safety induction and risk

management, amongst other matters. Continuing with education and awareness raising initiatives, the Work Safety Commissioner also recently launched the Hazardman campaign, an early intervention campaign targeted to educate younger audiences about the importance of workplace safety. The launch included a competition for school students with prizes of iPods and safety grants to schools.

The government is also working with Safe Work Australia to develop guidance for transient and new workers in the construction sector, and this work is aimed at assisting employers to identify barriers for communicating work health and safety messages to transient and new workers.

The government is also consulting with federal agencies to develop an effective strategy to address sham contracting practices in the construction sector. The complexity of this issue dictates that there is no simple solution. The practice crosses borders, industries and employers. To this end all options are being considered, and I will announce a government strategy in due course.

All of this is evidence of the government's commitment to work with industry and unions to improve safety on construction sites and to build a genuine culture of safety in the construction sector. I look forward to updating members on future progress of this very important work.

National Close the Gap Day
Ministerial statement

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (11.19): I present the following paper:

> National Close the Gap Day—Ministerial statement, 20 March 2014.

I ask for leave of the Assembly to make a ministerial statement on National Close the Gap Day.

Leave granted.

MR RATTENBURY: I move:

> That the Assembly takes note of the paper.

We, as a government and as individuals, are committed to closing the gap on life outcomes for Aboriginal and Torres Strait Islander people. On 13 February 2014 we celebrated the anniversary of the national apology delivered by the then Prime Minister Kevin Rudd in 2008.

During the February sitting I announced to the Assembly that we are embarking on a whole-of-government agreement with the Aboriginal and Torres Strait Islander people of the ACT which would articulate how the ACT government will work towards equitable outcomes for members of the local Aboriginal and Torres Strait Islander communities.

Today Australians from all walks of life recognise 2014 National Close the Gap Day. The close the gap campaign began in 2006 when peak Aboriginal and Torres Strait Islander and non-Indigenous health bodies, non-government organisations and human rights organisations came together to improve health and life expectation outcomes for Aboriginal and Torres Strait Islander people.

The ACT has been a proud signatory to the close the gap statement of intent for a number of years. Close the gap is often used in the context of Aboriginal and Torres Strait Islander issues. However, it specifically refers to the gap in the health and life expectancy of Aboriginal and Torres Strait Islander people. It is also more generally used to refer to the inequalities that exist between first Australians and non-Indigenous Australians. In his 2008 apology, the then Prime Minister stated:

> It is indeed an obscenity that in this prosperous nation, Indigenous males die on average at the age of 59—18 years earlier than non-Indigenous males.
>
> And Indigenous females only live to 65 on average—compared to 82 for non-Indigenous females … while the mortality rate of Indigenous Australian babies is declining, it remains at more than 12 for every 1000 live births—a rate nearly three times that of non-indigenous infants.

The ACT government has committed, through the Council of Australian Governments, to closing the life expectancy gap within a generation; halving the gap in mortality rates for Indigenous children under five within a decade; ensuring all Indigenous four-year-olds in remote communities have access to early childhood education within five years; halving the gap for Indigenous students in reading, writing and numeracy within a decade; halving the gap for Indigenous people aged 12 to 24 in year 12 attainment or equivalent attainment rates; and halving the gap in employment outcomes between Indigenous and non-Indigenous Australians within a decade.

I will be seeking the support of our federal colleagues to commit to invest in the renewal of the national partnership agreement on closing the gap in Indigenous health outcomes which expires on 30 June 2014. I am welcoming of the Prime Minister's recent comments regarding the coalition's commitment to closing the gap and the broad support that all political parties offer to this important work.

We continue to work with our commonwealth and state colleagues by implementing the ACT's commitments to the national Aboriginal and Torres Strait Islander health plan. The Hon Tony Abbott, the Prime Minister of Australia, said last year, ''Until the first Australians can fully participate in the life of our country we are diminished as a nation and as a people.'' I am pleased to say that the close the gap campaign is changing this. We are working with the ACT Aboriginal and Torres Strait Islander Elected Body to deliver better outcomes to the ACT Aboriginal and Torres Strait Islander community.

These include the development of a model for an Aboriginal and Torres Strait Islander aged care facility that will to take into consideration the priority needs of the Aboriginal and Torres Strait Islander elderly, including access to culturally appropriate medical facilities as well as access to transport and family; design work

on a public housing community for elderly Aboriginal and Torres Strait Islander tenants; an Aboriginal and Torres Strait Islander school scholarship program; and implementation of the ACT Aboriginal and Torres Strait Islander tobacco control strategy.

Improvements have been recorded in areas which contribute to Aboriginal and Torres Strait Islander life expectancy. The 2013 report on government services shows that the ACT has programs and initiatives that are working. One of our positive results is the apparent retention rate for Aboriginal and Torres Strait Islander students across all ACT schools from year 10 to year 12 in 2012. It was 65.4 per cent compared with the national rate of 53.3 per cent.

This was the second highest rate of all jurisdictions behind South Australia. In ACT public schools, the percentage of Aboriginal and Torres Strait Islander students receiving a year 12 certificate improved from 80 per cent in 2009 to 86 per cent in 2012. In addition, 71 per cent of Aboriginal and Torres Strait Islander students received a nationally recognised vocational qualification and 18 per cent received a tertiary entrance statement. We know that education is one of the key factors in improved life outcomes and leads to further education and employment opportunities.

The Legislative Assembly standing committee, led by Dr Bourke, is currently working on a report to government into ACT public service Aboriginal and Torres Strait Islander employment. I look forward to seeing what our one government approach can bring to this area.

I also look forward to the Productivity Commission's next overcoming Indigenous disadvantage report, expected later this year. The ACT government is also well serviced in achieving these targets by our community partners and the elected body who provide valuable advice to me and the directorates on key issues affecting local Aboriginal and Torres Strait Islanders.

In the past two years I, and previously Dr Bourke, released a closing the gap report that was focused on ACT outcomes and indicators. The value of these reports lies in the presentation of accurate, contemporary data and I remain committed to informing the broader community of the ACT's progress. However, the ACT will not be developing a report in 2014 as key reporting data will not be updated and published this year.

It is expected that new data will be available early to mid-2015. Upon the release of this data, we will be developing a 2015 closing the gap report. I look forward to engaging with the local community on these and related issues in the interim. I expect we will see we have a way to go but I believe that by working together as a territory we can overcome the disparity in life outcomes.

Question resolved in the affirmative.

Appropriation Bill 2013-2014 (No 2)

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (11.26): I move:

> That this bill be agreed to in principle.

Madam Deputy Speaker, the Appropriation Bill 2013-2014 (No 2) provides for the appropriation of funds totalling $46.257 million, comprising $23.810 million in additional net cost of outputs appropriations; $14.563 million in additional capital injection appropriations; and $7.884 million in additional expenses on behalf of the territory appropriations.

The Appropriation Bill 2013-2014 (No 2) provides $15.738 million in additional appropriation relating to the anticipated outcome of the government's pay offer in relation to expiring enterprise bargaining agreements. In addition, the bill includes: to the Chief Minister and Treasury Directorate, $487,000 in net cost of outputs for the infrastructure, finance and advisory unit; $1.561 million in net cost of outputs for the ACT public service workers compensation and work safety improvement plan; and $450,000 in a capital injection for the Exhibition Park loan.

To the Health Directorate, $8,000 is provided for the social and community sector pay equity award; to the Economic Development Directorate, $170,000 is provided in net cost of outputs for the new Canberra Theatre feasibility study; and $520,000 is provided for the city to the lake West Basin waterfront design.

To the Justice and Community Safety Directorate, $1.105 million is provided for judges' remuneration for increased pension and retirement costs as well as costs associated with reducing backlogs; $1.297 million is provided in a capital injection for the new ACT court facilities; $328,000 is provided in a capital injection for the ACT legislation register replacement; and $1.177 million is provided in a capital injection for tender-ready documentation for additional facilities at the Alexander Maconochie Centre.

To the Environment and Sustainable Development Directorate, $2.968 million is provided in a capital injection for the purchase of water under the living Murray initiative agreement 2004; to the Capital Metro Agency, $5,433 million is provided in net cost of outputs to better reflect the nature of expenditure. These funds have been transferred from the capital metro's 2013-14 capital appropriation.

To the Education and Training Directorate, $7.460 million is provided in a capital injection for construction of the Coombs P-6 school. And finally, to the Community Services Directorate, $7.628 million is provided in expenses on behalf of the territory for the concessions program to meet an increase in the number of eligible recipients and in the volume of claims. The supplementary budget papers provide further details of the impact of these additional appropriations as well as to other agencies affected by the bill.

As has been clearly outlined by the government throughout this week, we are focused on delivering for the ACT community, through the sustainable growth of our economy, protection of jobs, the building of infrastructure for the future, the enabling of a vibrant cultural and social life in our city, and providing opportunity and care for all Canberrans, but particularly those doing it tough.

This bill provides further funding to enable us to achieve these aims to build and transform Canberra. I commend the Appropriation Bill 2013-14 (No 2) to the Assembly.

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

Appropriation (Office of the Legislative Assembly) Bill 2013-2014 (No 2)

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (11.32): I move:

> That this bill be agreed to in principle.

The Appropriation (Office of the Legislative Assembly) Bill 2013-2014 (No 2) provides for the appropriation of funds for the additional net cost of outputs of $73,000 relating to the anticipated outcome of the government's pay offer for expiring enterprise bargaining agreements.

I commend the Appropriation (Office of the Legislative Assembly) Bill 2013-2014 (No 2) to the Assembly.

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

Public Accounts—Standing Committee
Reference

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

> That the Appropriation Bill 2013-2014 (No. 2) and the Appropriation (Office of the Legislative Assembly) Bill 2013-2014 (No. 2) be referred to the Standing Committee on Public Accounts for inquiry and report.

Duties (Commercial Leases) Amendment Bill 2014

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (11.34): I move:

> That this bill be agreed to in principle.

The Duties (Commercial Leases) Amendment Bill 2014 brings forward important changes to duty legislation which will have a positive impact on longstanding businesses in the territory. The amendments introduce a simpler and more effective anti-avoidance provision in relation to commercial leasing arrangements.

The bill I present to the Assembly today will repeal the provisions in the Duties Act 1999 that impose conveyance duty on commercial leasing arrangements merely due to having a term of 30 years or greater. The current lease provisions are intended as an anti-avoidance measure, levying duty on long-term commercial leasing arrangements that could be a de facto transfer of commercial property. From recent representations to the ACT Revenue Office and me, it has now become evident that a number of long-term commercial leasing arrangements may become liable for duty under these provisions, despite no intent of property transfer or avoiding conveyance duty.

The territory's existing approach to lease duty is unique, in that it imposes conveyance duty on commercial leasing arrangements based simply on the duration of the lease. All other jurisdictions apply duty based on a premium associated with commercial leasing arrangements or any amount other than rent reserve paid for the lease.

These amendments will align the territory with other jurisdictions by imposing duty on the premium component that is paid on the grant or transfer of a commercial lease. A substantial premium paid above the market rent on the grant or transfer of a commercial lease is one primary characteristic of an underlying transfer of the land.

A premium paid above market rent will not incur duty until a determined threshold is exceeded. However, once the threshold is exceeded the entire premium component will become liable for duty. In this way, the appropriate duty is paid for the de facto transfer of commercial property.

The determined threshold will ensure that small premiums paid do not become dutiable where there are factors such as restrictive market forces or where demand exceeds supply. The premium threshold will be set via a disallowable instrument. This allows for simple adjustment in reaction to market trends and to ensure this threshold only captures as dutiable its intended target.

This bill has been developed through extensive consultation with key industry stakeholders, and this has resulted in provisions that are simple and minimise any administrative burdens to all parties involved. This bill will remove an inequitable tax from the Duties Act and replace it with provisions that further contribute to the

implementation of a fairer, simpler and more efficient tax system. These measures are fair to local businesses but will still protect the territory's revenue base during the abolition of conveyance duty.

The provisions in this bill allow longstanding businesses to thrive in the territory, while still providing a comprehensive anti-avoidance mechanism to capture leases that are in fact de facto transfers of commercial property. I commend the Duties (Commercial Leases) Amendment Bill 2014 to the Assembly.

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

Territory-owned Corporations Amendment Bill 2014

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (11.38): I move:

> That this bill be agreed to in principle.

Today I am tabling the Territory-owned Corporations Amendment Bill 2014 that provides for ACTTAB Ltd to be excluded from the application of the Territory-owned Corporations Act 1990, commonly referred to as the TOC Act. This bill will enable ACTTAB to be sold as previously agreed by a resolution passed in this Assembly on 28 November 2013.

The proposed amendments are relatively straightforward. The consequence of these changes is simply to either remove any references to ACTTAB in the TOC Act or certain provisions that specifically relate to ACTTAB. The bill also allows the Treasurer to notify the effective date. Until then, the TOC Act will continue to apply to ACTTAB.

The commencement date for the legislative changes will depend on the nature of the sale transaction. In the event that there is to be an exchange of shares, then the commencement date will be determined upon completion of the sale agreement. On the other hand, if there is an exchange of assets, then the commencement date will be determined when the company is in a position to be wound up. The timing for this to occur will depend upon resolving any residual assets and liabilities still belonging to ACTTAB. Additionally, the bill provides for consequential amendments to the Taxation (Government Business Enterprises) Regulations 2003 which ensure that ACTTAB is no longer subject to this particular legislation as it ceases to be a government business enterprise.

An open call for expressions of interests in purchasing ACTTAB was recently advertised in the *Financial Review* and the *Weekend Australian*. The short-listing of

applicants who responded to the advertisements has since been completed. The next stage involves seeking non-binding indicative offers from the short-listed applicants. These will then be assessed before proceeding to the final, binding bid and execution stage.

The government is intending to complete the sale by 30 June 2014. It is therefore important for this bill to be passed at an early stage to facilitate the effective sales process by providing improved certainty to bidders as to when the actual sale may be accomplished. I commend the Bill to the Assembly.

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

Planning and Development (Project Facilitation) Amendment Bill 2014

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.42): I move:

> That this bill be agreed to in principle.

I am pleased to present the Planning and Development (Project Facilitation) Amendment Bill 2014. This bill cuts building industry red tape and fast-tracks priority developments in the territory. The bill is a critical part of the government's recently announced stimulus package and will help our building industry through difficult economic times.

The bill has two main attributes: transparency and efficiency. The bill will enable the government to continue to make open and accountable planning decisions whilst improving efficiency and reducing time delays for major projects in the territory which deliver substantial public benefits. The bill seeks to put in place a new process for the government to put key priority community projects to the people of Canberra through the Legislative Assembly for comment and endorsement. The bill will require the government of the day to declare its hand and nominate these priority projects at the beginning of the planning process.

The bill includes a number of measures for efficient progressing of planning matters. The bill permits priority projects to be progressed quickly and with high priority through the planning system. The bill adds to the options available to the private sector to facilitate major projects. I will now discuss these different areas in more detail.

Members would recall that there have been a number of debates in this place on the need for legislation to fast-track or prioritise a particular project or projects. For

example, in May 2004 the Assembly passed the Gungahlin Drive Authorisation Bill to allow that project to proceed and not be held up through litigation. In August last year the Assembly passed a resolution in support of legislation to expedite the development of the proposed secure mental health facility at Symonston. The government has made it clear that the light rail corridor through Northbourne Avenue is a priority project.

These are some examples of key infrastructure in the territory that have significant community benefit. In my view there is a need to establish a systematic, transparent approach that would allow the government of the day to declare a project or area to be a high priority and to have it proceed with efficiency and certainty. There is a need for a system to permit the government to put such priorities to the public for comment and to put the proposal and comments before this place, the representatives of the community of Canberra. This bill, therefore, seeks to put in place such a system.

The details of the proposal are relatively straightforward. In summary, the bill puts in place a process for recognising and giving priority to a special precinct area or a project of major significance and for these areas to be given priority through the planning process.

Under this bill the minister will be able to direct the Planning and Land Authority to consult on a draft proposal to establish a special precinct or declare a project of major significance. The proposal for a special precinct area might include proposed territory plan variations such as rezoning.

The proposal is subject to public consultation for a minimum of 30 working days. The proposal and analysis of comments is put to the minister and then to the territory executive for its revision or approval. The executive must assess whether the proposal meets relevant criteria. In particular, the executive must be satisfied that the proposal will provide a substantial public benefit.

Also, for special precinct area proposals the executive must be satisfied that the proposal is consistent with the planning strategy. The executive must be satisfied that a draft declaration of a project of major significance advances the economic, environmental or cultural development of the territory. In assessing whether the proposal satisfies these tests the executive must take into account public comments. After public consultation, the proposal must be put to the Assembly for consideration and the Assembly may disallow the proposal. If the proposal is not disallowed, the relevant territory plan variations and the project declaration take effect.

Importantly, the priority proposals and the associated territory plan variations will not be able to proceed unless and until they have been the subject of public consultation, approved by the territory executive and put before the Assembly for the disallowance period. This key feature ensures that the government priority is fully examined and critiqued by the elected representatives of the community before it is put into effect. This bill is, in this sense, first and foremost about transparency and accountability for key priority government projects. The bill is also about efficiency. There are a number of efficiencies in relation to this new process for key projects. The bill inserts new part 5.3A into the Planning and Development Act. This new part will permit the government to recognise and give priority to a special precinct area.

This must be done through the public consultation and Assembly consideration processes I referred to earlier. The creation of the special precinct area sets up a number of efficiencies in terms of the territory plan variation process. Firstly, the process for creating the special precinct area will, itself, be able to include any territory plan variations considered necessary for facilitating the development of the identified area. This process will be able to be completed in around two months, faster than the standard six to 18 month process for standard territory plan variations.

Any territory plan variations that are found to be necessary after the creation of the special precinct area will also be able to be progressed quickly through a 20 day public consultation process which is, again, faster than the standard process. Importantly, the special precinct area involves other efficiencies. Development approvals for projects within the special precinct area will not be subject to merit review in the Civil and Administrative Tribunal. Neither the proponent nor a third party will be able to challenge a development approval decision on a merits review basis.

The only avenue for challenge on such matters will be the Supreme Court under the Administrative Decisions (Judicial Review) Act or the common law and then only on questions of law or procedure. This is done to ensure as far as appropriate that proposals in the area are not delayed through litigation and the approved decisions are final and not able to be varied.

There is one further efficiency in relation to this process. The special precinct area process will be able to include what the bill refers to as a restriction declaration. The bill inserts new division 5.3A.3 into the Planning and Development Act. This new division establishes a process for making restriction declarations. The draft restriction declaration will be able to propose that the application of the Heritage Act and the Tree Protection Act have no application for the processing assessment or granting of development approvals in specified circumstances. Such a proposal must be forwarded to the Heritage Council and Conservator of Flora and Fauna for comment and those comments must be conveyed to the territory executive and the Assembly.

I note that under the bill this restriction process cannot apply to existing registered trees under the Tree Protection Act and any associated declared sites. These matters are unaffected by the proposed restriction provisions. The restrictions will also have the effect that the Heritage Council and the Conservator of Flora and Fauna will not be able to progress nominations for registrations in the nominated areas.

This restriction will apply from the moment the proposal is released for public comment. This is necessary to ensure that the practical effectiveness of the restriction is not able to be undermined by nominations to the heritage register or applications for registration of trees made immediately after the restriction declaration is publicly released. These measures ensure that specified projects within the priority area are not able to be held up permanently or for long periods under other acts. This measure is in keeping with the priority nature of the special precinct area.

The proposed process will require that such restrictions and the justifications for them are subject to public comment and scrutiny as well as review and comment by the Heritage Council and the Conservator of Flora and Fauna. The restrictions and comments must be presented to the Assembly. The Assembly will have the power to disallow the restrictions, along with the special precinct area variation. This is a clear, transparent and accountable process.

I would also note that this process effectively removes the need to proceed with the proposed ministerial call-in powers set out in the Heritage Legislation Amendment Bill 2013. The government will therefore be proposing amendments to remove the call-in powers from that bill. Importantly, the bill also includes a measure for the recognition of specific development proposals and for these to be given priority. Specifically, the bill inserts new division 7.2.8 into the Planning and Development Act, which provides for the declaration of projects of major significance. Such declaration would be able to be made on its own or in association with the creation of a special precinct area. This is a key feature of this bill. Importantly, the process for the declaration of projects of major significance will be open and transparent.

As I have already noted, the draft declaration must be subject to public consultation over a 30-day period. The minister and the executive must consider the draft declaration in light of those public comments. The draft must then be presented to the Legislative Assembly for consideration. The declaration will not take effect until these steps have taken place.

In short, the declaration will not take effect until the Canberra community has had its say. This process supports the central aim of the bill: transparency. A declaration of a project of major significance will enable that project to proceed with efficiency, certainty and finality. The government wants to ensure that major projects with a substantial public benefit cannot be held up by a third party appeal or through the use of other legislation.

The declaration will achieve this by removing the project from ACAT merit review and also removing the project from Supreme Court review under the Administrative Decision (Judicial Review) Act 1989. The bill will also limit or seek to limit applications to the Supreme Court for review under the common law. Specifically, the bill will require any such applications to be made within 60 days of the making of the reviewable decision.

These features and the restriction of merit review in relation to special precinct areas do involve the removal of certain rights of review. But this is done to ensure as far as possible that relevant projects are not tied up in litigation for months or years. In practice, such delays can determine whether a project proceeds on time or at all. These measures are also proposed to ensure that as far as possible the relevant development approval decisions are final and not open to uncertain change through the court system.

These measures are some of the efficiencies proposed in this bill. In considering these proposals it is important to keep in mind that other arguably more timely avenues for

community consideration of and input into these proposals will be in place. The community will have the opportunity to comment on the draft special precinct area or the draft declaration of a project of major significance. Development applications to which these measures apply will be publicly notified and open to representation.

I will turn shortly to the other efficiency measures in this bill separate to the provisions of special precinct areas and projects of major significance. But before I do, I would like to emphasis why the government has preferred this bill to other possible approaches to priority projects. It is possible, of course, for the government to give some priority to particular projects through the use of the minister's call-in process under the Planning and Development Act.

This process, while going as far as it goes, has its limitations. Importantly, there is no requirement for such decisions to be put to the public and the Assembly before taking effect. In the government's view, a more transparent public approach is required for major projects or precinct areas that are of importance to our community as a whole. The bill puts in place such a process. The minister call-in power does not limit in any way rights of review to the Supreme Court.

The effectiveness of the power in preventing delays through litigation is limited relative to the projects of major significance proposal set out in this bill. The government could have continued to rely on project-specific legislation to override other elements of the planning process for particular projects on an as needs basis, similar to the Gungahlin Drive Authorisation Act 2004.

The government does not prefer this approach. The advantage of the proposed bill is that it sets in place a systemic approach for establishing priority areas and does so within the broader planning framework. This ensures that such matters are properly and publicly assessed and assessed in a systemic manner.

I acknowledge the contribution to the debate on these approaches to bills put to the Assembly, notably some of these put forward to in 2004 and 2008. The government believes that the bill before members today strikes the right note in terms of transparency, efficiency and working in a systemic way within the planning framework.

I would also note at this point that the ACT is not the only jurisdiction to pursue special project legislation. Such legislation is in place in several other jurisdictions including Queensland, New South Wales, South Australia and Western Australia. All these jurisdictions have in place mechanisms that recognise the priority status of projects of critical importance. The proposed mental health facility at Symonston is an example of the type of project for which this bill is designed.

This project is of primary importance for the Canberra community. In August last year, members unanimously affirmed their support for legislation to expedite this project. I propose that this project will be the first to be considered through this legislation should it be adopted by this Assembly and I think that this is the best way to give certainty to that critical piece of community infrastructure.

A special precinct area and related declarations around the mental health facility are to be progressed through the proposed public consultation process to the territory executive. I flag at this point, however, that in light of the fact that the Assembly has already made its will known on this matter, the bill includes a special provision to permit a special precinct area and related the proposals to take effect immediately on notification.

In other words, the special precinct area proposals and the mental health facility are to proceed as a notifiable, not a disallowable, instrument. Members will of course have access to the draft proposal when it is released for public comment and I undertake to report to the Assembly on the results of the consultation.

This bill is not all about key government projects, however. The bill, consistent with its overall aim of efficiency, includes new initiatives to assist the private sector to quickly progress significant projects through the planning system. The bill inserts new division 7.3.2A into the Planning and Development Act to enable a development application to be made and assessed against a proposed draft territory plan variation.

The division applies in the situation where a development application cannot be granted under the existing territory plan but could possibly be granted were a proposed territory plan variation to proceed. The provision would permit the proponent to lodge a development application on the basis of a proposed territory plan variation rather than on the basis of the existing territory plan.

The bill would permit the Planning and Land Authority to progress such an application through the public notification, agency referral and assessment stages but no further. Importantly, the development application would not be able to be decided unless and until the proposed territory plan variation commences operation. In this way the proponent could look to save time by having the development application progress some way down the planning process at the same time the territory plan variation is progressed. There is considerable time saving with considerable efficiency in permitting these two processes to proceed in a tandem manner rather than in a linear, sequential manner.

The bill includes another new efficiency option for possible use by a private sector proponent. The option would also be available for a proponent in the government sector. The proposed option applies to the assessment of development applications at the major, high impact end of the assessment scale—that is, development applications assessable in the impact assessment track. Such development applications would ordinarily require the preparation of an environmental impact statement before they can be lodged. The environmental impact statement is often referred to as the EIS, and I will use this term. *(Extension of time granted).*

The proposal would permit the proponent to complete the required EIS in tandem with the lodgement of the development application itself. As the act stands, the EIS must be completed before the relevant development application can be lodged. The bill amends section 139(2)(f)(ii) of the Planning and Development Act to permit the

development application to be lodged with a draft EIS as opposed to a completed statement and inserts new section 217A into the act to provide for concurrent public notification.

Under this option, the public consultation on the draft EIS occurs at the same time as the public notification of the relevant development application. This process has advantages. The process saves time by allowing the simultaneous completion of the EIS and notification of the DA. The process would also permit the public to review the draft EIS in the context of the actual DA. This would permit a clearer understanding and assessment of the overall proposal.

From the proponent's point of view this option comes with some risk. The proponent risks the entire exercise being rejected on the basis that the completed EIS is not satisfactory even if the DA was otherwise acceptable. Such an outcome would mean that the effort and expense put into the DA would have been wasted. For this reason, this measure remains an option available to the proponent rather than a mandatory process.

In conclusion, the bill introduces important efficiency measures to the planning system. The bill facilitates the delivery of priority community projects through special precinct areas and major project declarations. The process on development applications on the basis of draft territory plan variations and on environmental impact statements is also an important measure which promotes the fast and effective delivery of development of major public importance in the territory.

I commend the bill to the Assembly

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

Information Privacy Bill 2014

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (12.05): I move:

> That this bill be agreed to in principle.

I am pleased to introduce the Information Privacy Bill today. This bill marks an important step in the protection and management of personal information by public sector agencies in the ACT. Today I will outline some of the key themes running through the bill and highlight how changes in technology, social media and public expectations about the handling of personal information have mandated a reassessment of privacy law in the ACT.

The bill marks a significant shift from the existing scheme of privacy protection established by application of the commonwealth Privacy Act 1988 as it stood in 1994 with some modifications. Since 1994 privacy legislation at the commonwealth level has changed but the legislation that applies in the ACT has not. Most recently, the new Australian privacy principles took effect from last Wednesday, 12 March.

The result has been confusion about the status of privacy laws in the ACT as well as the application of laws that are out of date and do not necessarily reflect the ACT situation. At the same time, the challenges and opportunities presented by digital transformation and the push towards open and efficient government mean that the amount of information being stored is greater than ever before and the pressures to share information are increasing.

The Australian Law Reform Commission recognised these challenges in its 2008 report, *For your information: Australian privacy law and practice*. The central theme of that report was that, as a recognised human right, privacy protection generally should take precedence over a range of other countervailing interests, such as cost and convenience, when agencies deal with personal information. Changing technologies, and social expectations about the nature of privacy, mean that it is not realistic to simply create blanket prohibitions on the collection and use of personal information. The right to privacy must necessarily be balanced against other individual rights and collective interests, such as freedom of expression and open government.

The Information Privacy Bill 2014 has been drafted to reflect changes to commonwealth privacy legislation that were introduced by the Privacy Amendment (Enhancing Privacy Protection) Act 2012 of the commonwealth, which commenced on 12 March 2014. The changes to the commonwealth Privacy Act, which respond to the recommendations of the ALRC report, consolidate key privacy principles that apply throughout the whole of the personal information lifecycle, including collection, use, disclosure, storage, destruction and de-identification. These changes have been reflected in this bill to the extent that they are appropriate to the circumstances of the ACT.

The bill introduces eleven substantive territory privacy principles, which are consistent with the new Australian privacy principles. Another two general principles—principles 7 and 9—are included only as markers to maintain consistent numbering with the Australian privacy principles. They are not relevant to the ACT because they regulate direct marketing and the use of commonwealth government identifiers such as tax file numbers or Medicare numbers.

The eleven territory privacy principles will regulate the handling of personal information by public sector agencies in the ACT. The bill also requires public sector agencies to ensure that all contracts for services with private sector organisations include contractual clauses to ensure that the contracted service provider and any subcontractor does not do an act or engage in a practice which would be in breach of the Information Privacy Act.

These principles can be broadly categorised into principles that require public sector agencies to consider the privacy of personal information, principles that deal with the collection of personal information, principles that cover how agencies use and disclose that information, principles that set out rules for the quality and security of personal information, and principles that deal with requests by the public to access and correct personal information held by public sector agencies.

Consistent with the definition recommended by the ALRC, personal information is defined in the bill as meaning information or an opinion about an identified individual or an individual who is reasonably identifiable, whether or not the information or opinion is true and whether or not the information is recorded in a material form. This definition is sufficiently broad to cover the whole gamut of information which can be collected by the public sector, whether solicited or not. It does not, however, include personal health information. This will continue to be regulated under the Health Records (Privacy and Access) Act 2011.

The bill also provides additional protections for sensitive information, which is personal information about a person's racial or ethnic origin, political opinion, membership of a profession or association, political organisation or trade union, religious or philosophical belief; sexual orientation and practice, or criminal record.

The bill introduces new language to describe key privacy concepts, but I want to stress that the key concepts that have been the backbone of privacy law in the ACT for the last decade do not change substantially as a result. The territory privacy principles, or TPPs, embody a number of themes previously contained in but not consolidated in the information privacy principles and the national privacy principles. They take into account how we must manage the vastly increasing amount of information being generated in a rapidly changing technological landscape. Indeed, one of the core propositions of these reforms is that agencies must protect personal information by managing that information in a responsible and transparent way.

I will briefly speak about the main TPPs and how they contribute to effective protection of personal information throughout the information lifecycle. TPP 1 requires that agencies take reasonable steps to implement practices, procedures and systems that will ensure that the agency is able to manage personal information in an open and transparent way. Transparency is also a key concern for their customers, who expect that their personal information will be respected but also that it not be subjected to blunt controls that prevent government areas from dealing efficiently and effectively with each other.

One of the main purposes of the bill is to recognise that the protection of the privacy of individuals is balanced with the interests of public sector agencies in carrying out their functions or activities. The government is committed to a one-service approach to government, where barriers to sharing information as necessary are minimised while any sharing of information is done in a way that respects an individual's right to privacy. The challenge is to embed control and consent principles in the management of personal information to create a beneficial dialogue between public sector agencies and their customers in the general public.

Principles 1 and 5 deal with giving notice and with consent, requiring agencies to be upfront about the circumstances in which personal information is collected, used, disclosed and stored. It is more important than ever that agencies are able to clearly explain how information is collected and stored and the processes by which members of the public can access, correct, update and manage their information throughout the information life cycle.

TPP 3 limits the collection of personal information to circumstances where the information is related to the agency's functions or, in the case of sensitive information, where the information is directly related to the agency's functions and the individual consents to its collection. This requires agencies to be systemic and attentive to their approach to information collection and handling processes. Robust record keeping systems, which are already regulated under legislation like the Territory Records Act 2002, will be even more crucial as government customers seek increasing access to, and a voice in the management of, their information collected in accordance with TPP 3.

We are at a stage where technological changes and new forms of social media have changed conceptions about information privacy with the effect that the public are less hesitant to share information with government in the first instance but are demanding greater control over how that information is used and disseminated afterwards.

TPP 6 sets out clear and common-sense rules for the use and disclosure of personal information collected by agencies. TPP 6 facilitates the efficient and effective use of personal information where that is conducive to better service delivery and is consistent with customer expectations. The new rules in TPP 6 allow information collected for a primary purpose to be used for a secondary purpose where the individual is put on notice about the proposed use and consents to it freely. The use or disclosure for a secondary purpose is also allowed if the individual would otherwise reasonably expect that their personal information would be used or disclosed by the public sector agency and that secondary purpose is related to or, in the case of sensitive information, directly related to the initial reason for the collection.

Agencies must continue to be fully aware of the relevant principles governing the information they collect, use and store at the different stages throughout the information life cycle when personal information is disclosed, accessed, used or destroyed after the initial collection and the use of the information. This means that agencies have an ongoing responsibility to ensure that information which they have stored is secure but also, if the information is to be used for a secondary purpose, that it is accurate, up-to-date and relevant to that purpose.

TPPs 10, 11 and 12 deal with access to and storage and correction of personal information collected by public sector agencies, requiring agencies to take reasonable steps to ensure that information held and disclosed by the agency is accurate, up to date and relevant. Collectively the principles mandate that agencies use objective standards of reasonableness when determining the duties, time and resources required for managing personal information. The adoption of objective standards ensures the bill cannot be applied in a subjective or self-serving manner.

The bill balances the primacy of personal information privacy with the realistic constraints of costs and ability of operational areas to perform their functions effectively. The principles and supporting provisions in the bill are thorough and represent a comprehensive protection of individual personal information, tempered by reasonableness. For example, information is only personal information if it is about an identified individual or an individual who is reasonably identifiable. This means that if it is technically feasible to identify an individual from the information but to do so would be so impractical or excessively resource intensive that there is almost no likelihood of it occurring, then it would not generally be regarded as personal information.

The bill also recognises that there are situations where information will need to be collected without consent or notice, such as where a natural disaster might cause an imminent threat to the life or safety of individuals. The bill creates exceptions from all the requirements of the TPPs where an agency is carrying on enforcement-related activities, or where the collection, use or disclosure is necessary to prevent threats to life, health or safety or prevent criminal activity or serious misconduct. Other laws may also authorise the sharing of identified information that would otherwise not be able to be shared under the bill.

The bill is not about being overly cautious or shackling government operations; it is about encouraging agencies to develop conscientious information-handling practices which can be integrated and adopted as part of their daily business. The bill recognises that managing information flows and facilitating the dialogue between individuals in the government and community is the core business of the public sector. This bill commits public sector agencies to promote responsible handling of personal information, and this commitment is supported by a robust and accessible complaints resolution mechanism.

The bill contains a number of provisions to clarify the role of the information privacy commissioner. The commissioner will be empowered to conduct inquiries into complaints, including referrals from the Ombudsman and commissioners within the Human Rights Commission. The privacy commissioner will work with both the complainant and the respondent agency to come to a satisfactory resolution. If the agency has interfered with the privacy of a complainant by breaching a TPP, then the commissioner can make a finding which entitles the complainant to seek an order to redress the breach in the Magistrates Court. In situations where those investigations reveal serious or repeated interferences with the privacy of one or more individuals by an agency, the commissioner may report these findings to the minister and they must table a report.

The bill enhances public oversight and scrutiny of personal information handling practices in the public sector. At this point in time the Australian Privacy Commissioner will continue to act as the ACT information privacy commissioner under the MOU that has provided the ACT with quality privacy protection services at a value which could not be replicated with equivalent resources within the ACT.

The ACT will draw on the considerable expertise of the Office of the Australian Information Commissioner in a manner that recognises the specific circumstances of the ACT and is appropriate and adapted to our jurisdictional needs.

I also note that the bill does not seek to create a statutory cause of action for serious invasions of privacy. The ALRC is currently reviewing the desirability, suitability and design of a privacy tort and it is not scheduled to report to the Commonwealth Attorney-General until June this year. The government proposes to consider the ALRC report before making a decision on options as to whether or not to create of a statutory cause of action for serious invasions of privacy in the ACT.

To conclude, this bill represents the ACT's first territory-specific privacy law and personal information protection provisions. It is not radical but builds on the principles which have guided public sector agencies since the introduction of the commonwealth Privacy Act in 1988. It takes these principles and consolidates them into easy-to-understand, common-sense rules that will enhance the ability of public sector agencies to manage personal information in an efficient and consistent manner.

I am confident the bill strikes the right balance between permissive and protective handling of personal information in the increasingly fluid sphere of information exchange between the public and the government. I commend this bill to the Assembly.

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

Justice and Community Safety Legislation Amendment Bill 2014

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (12.22): I move:

> That this bill be agreed to in principle.

The Justice and Community Safety Legislation Amendment Bill 2014 is part of a series of legislation that makes amendments to laws in the Justice and Community Safety portfolio. The bill will improve the effectiveness of a range of ACT laws through uncontroversial amendments to improve operational efficiency and clarify minor aspects of policy. This bill amends the Agents Act and regulation, the Coroners Act, the DPP Act, the Family Provision Act, the Legal Profession Act and regulation and the Public Trustee Act.

Amendments to the Agents Act and regulation will give effect to a decision by ministers for fair trading and consumer affairs to phase out the existing travel agent industry regulatory framework and initiate the travel industry transition plan. This plan includes winding down the travel compensation fund, the repeal of travel agents legislation and the introduction of a voluntary industry accreditation scheme.

The current regulatory framework for travel agents was first introduced in 1986. Since then, the rapid rise of new and online business models, coupled with technological advancements and a growth in direct bookings, has gradually reduced the relevance and effectiveness of the existing system.

The changing marketplace has also disadvantaged local travel businesses which must compete with offshore providers operating outside the regulatory framework. Therefore these proposed changes reduce red tape and other regulatory constraints associated with the need to obtain a licence and maintain travel compensation fund membership. These changes will result in significant financial and time savings for travel agents.

Consumers will not be disadvantaged by these reforms. Consumers buying goods and services, including travel, are protected under the Australian Consumer Law which has applied since 1 January 2011. The ACL applies to all Australian businesses and imposes the same obligations on travel agents no matter where they operate in Australia.

The bill also amends section 16 of the Coroners Act to replace references to "the coroner" with "a coroner" so that any coroner would have the authority to release the body of a deceased person to their family for burial or cremation. This straightforward amendment removes an unnecessary limitation in the legislation and reduces the likelihood of unnecessary delay before the body of a deceased person may be released to their family.

An amendment to section 102 of the Coroners Act reverses the subsumption of the Chief Coroner's annual report in the JACS annual report at the request of the Chief Coroner. The previous amendment was intended to reduce work for the Chief Coroner but in practice did not meet her operational needs.

An amendment to the DPP Act removes all doubt that the DPP may appear for an applicant for a forensic procedure order whether or not that proceeding was initiated by the director. Again, this is a very straightforward and technical amendment.

The bill amends the Family Provision Act to reduce the time in which a family provision claim may be made against a deceased estate. Currently, eligible applicants have 12 months to make such a claim. The time starts when administration in respect of the estate of the deceased person has been granted. A consequence of this time limit is that finalisation of an estate can be delayed to well in excess of 12 months after the person has died. Delays of this magnitude cause considerable hardship to the beneficiaries of the estate who may be the partner or a minor child of the deceased. So it is proposed to reduce this period to six months.

An amendment to section 222 of the Legal Profession Act is proposed to ensure trust moneys remain in the ACT unless authorised by the Law Society. Interest generated from legal practice general trust accounts is a primary source of income for legal assistance funding for the ACT. Legal assistance funding reduces barriers faced by people who could not otherwise afford legal representation. The bill inserts a new provision into section 222 to reduce the scope for moneys to be directed out of the ACT.

Other amendments to the Legal Profession Act transfer responsibility for licensing and disciplinary matters for barristers from the Law Society to the Bar Association to better align responsibility and functions. At present, the Bar Council informs the Law Society's assessment, compliance and disciplinary processes for barristers but the Bar Association does not have formal responsibility for matters concerning barristers. It is intended that the Bar Council will continue in its assessment, advisory and reporting functions but will now advise the Bar Association, not the Law Society, in relation to barristers.

Finally, the bill amends section 25A(1) of the Public Trustee Act to standardise processes for trust fund advances and ensure all beneficiaries have equal access to trust funds in times of need. The amendment recognises that certain trusts, which are not presently administered in the same way as other more usual trusts, are becoming more common. The amendment updates the act's provisions to maintain currency with our times and provides for all trusts to be treated in the same way.

These are technical amendments that do not reflect a change in government policies. However, the changes will improve the operation of laws in a range of statutes in the ACT statute book and will help to better protect and assist people in our community. I commend the bill to the Assembly.

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

Sitting suspended from 12.29 to 2.30 pm.

Questions without notice

Economy—stimulus

MR HANSON: This time my question is not for the Minister for Health; by special request it is for the Minister for Economic Development. Minister, the government announced that the so-called stimulus package would include a clause regarding extension of time debts accrued over the last couple of years. The Chief Minister's media release on 6 March stated that for "EOT debts that accrued for the period 1 July 2012 to 31 March 2014 EOT fees will be waived". What was the rationale for this retrospective feature of the package?

MR BARR: Some debts under the previous arrangements were in fact of greater value than the value of the land, thereby making it very difficult for developers to complete any development on the sites. So the government looked at those

circumstances and put in place a mechanism that was fair both to those who had paid their extension of time fees and to those who were not in a position to do so as a result of that particular issue.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: If that was fair, why will you not apply the same retrospective principle to land rent lessees who signed up pre 1 October 2013 who are seeking the current land rent rules?

MR BARR: Because there is no disadvantage to those under the original scheme.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, what is the difference between the conditions for extension of time fees and the land rent changes?

MR BARR: Quite considerable differences.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, what is the quantum of extension of time fees waived through the stimulus package?

MR BARR: $1 million.

Housing—land rent scheme

MR SMYTH: My question is also to the Minister for Economic Development. Minister, following up on a question on 19 March regarding the sale of a land rent contract for $35,000 advertised on allhomes regarding an undeveloped block at 21 Dooley Binbin Street in Bonner, as you have advised that it is legally possible to sell such a contract, is this a policy oversight or did you intend for land rent lessees to make a profit not from the sale of the land but from the sale of the contract itself?

MR BARR: No, it is not a policy oversight and the question of whether any profit is made has certainly not been proven.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, what does the government have in place to prevent people abusing this scheme as a profit-making business?

MR BARR: An extensive range of rules and regulations.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, is the government aware of other similar cases, and how many since the establishment of the scheme?

MR BARR: I am not aware of any other cases, but, of course, people can buy and sell contracts. They can engage in a whole range of legal transactions that would not be brought to the attention of the government.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, how much stamp duty has been forgone as a result of this practice?

MR BARR: That is a hypothetical question, Madam Speaker.

Mr Smyth: Point of order, Madam Speaker.

MADAM SPEAKER: On the point of order, Mr Smyth.

Mr Smyth: How is it hypothetical to ask how much stamp duty has been forgone as a result of the practice? In what way is it hypothetical?

MADAM SPEAKER: On the point of order, it would not have crossed my mind that this was a hypothetical question. I would not have ruled it out under standing order 117. But it is up to Mr Barr to answer the question in the way he sees fit and to be directly relevant.

Mr Smyth: Under the standing orders, he must be concise and relevant.

MADAM SPEAKER: He was very concise.

Mr Smyth: He is not relevant. It is not for him to rule on whether a question is hypothetical. That is your job.

MADAM SPEAKER: He did not rule. I ruled. Mr Barr can just make conjecture about whether or not something is hypothetical.

Mr Coe: Benevolent Speaker.

MADAM SPEAKER: I will endeavour to rule benevolently by listening to Dr Bourke's question.

Calvary hospital—birth centre

DR BOURKE: My question is to the Minister for Health. Minister, can you update the Assembly on progress with the Calvary birth centre?

MS GALLAGHER: I can update the Assembly on progress with the Calvary birth centre. I was pleased to join with the Hon John Watkins and Calvary staff on 14 March to open the new Calvary birth centre, which has also been supported by the introduction at Calvary hospital of the continuity of midwifery care service. Perhaps the service is more important than the facilities; that is the relationship that is able to be fostered between the mother and the midwife during the pregnancy and in the lead-up to birth.

The birth centre and continuity of midwifery program have become very popular maternity options for mums with low-risk pregnancies. The service has not been available at Calvary hospital, or indeed on the north side of Canberra, until now. The Calvary birth centre increases overall capacity of this service in the territory, and the location of the service at Calvary significantly increases the convenience for north Canberra, Belconnen, Gungahlin and Molonglo families.

The Calvary birth centre comprises two birthing rooms, an assessment room, administrative space and a common area for patient and staff education, meetings and conversations. An area has also been set aside as a play area for children.

The opening of the Calvary birth centre delivers on yet another of the ACT government's election commitments. We had allocated $850,000 for the refurbishment of the area and also provided funding for the continuity of midwifery service, to ensure that this commitment was fully delivered.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, what will this new service mean for families in north Canberra?

MS GALLAGHER: The popularity of the birth centre, which has operated at Canberra Hospital for many years and now at the new Centenary Hospital for Women and Children, prompted me to have a look at options to deliver a similar model for expecting mothers in Canberra's north, and I did have representations from women on the north side of Canberra asking for the continuity of care model to be extended and from midwives as well about the midwifery-led care that was not available at Calvary hospital. So it has been very popular with staff, very popular with families going through a pregnancy.

We know that Calvary sees and delivers just over 1,800 births every year. With the opening of the birth centre, there will be a projected increase of around 240 births. We know also that the Canberra Hospital midwifery program currently provides 50 per cent of its services to women from the north side of Canberra. We know the demand is there from the north side. This will allow 240 extra births to occur closer to where women live and, I think, is an example of the work that we are getting done at Calvary hospital.

The opening was lovely. We had an Indigenous cleansing ceremony which was modified to acknowledge the smoke detectors in the building. But it was a very lovely ceremony, followed by Archbishop Christopher Prowse's ceremony and blessing as part of the formal opening of the facility. It was a very lovely service.

Also there were the first two babies to be born at the service. They are very happy parents who have been through the program. It was one of the lovely events that I get to attend as health minister. And it is great to see the facility open and working at Calvary Health Care.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Minister, what consultation was undertaken with the community before the construction of the Calvary birth centre and development of the continuity of midwifery care service at Calvary?

MS GALLAGHER: I thank Ms Berry for her interest in the Calvary birth centre. The Friends of the Birth Centres and the Health Care Consumers Association led the formal external consultation process. One thing you learn as health minister is that the less you are working with the consumer health organisations, just as you do with the professional organisations, the more likely you are not to provide a service that meets the needs of the patients, which is what it is all about.

We worked closely with all consumers, health professionals and staff specialists. As this was a new service to be provided at Calvary, in order to get it implemented it required support of the VMOs and staff specialists, and that was provided over time. All in all, it has been a very good job. Calvary have managed the project very well, and from all accounts and from looking at the gorgeous two babies that were born last week in the first days of the services, it is an overwhelming success.

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Minister, what contribution did the Calvary Hospital Auxiliary make to the birth centre?

MS GALLAGHER: I thank Ms Porter for her interest in her local hospital. The Calvary Hospital Auxiliary were very generous and donated $100,000 to the development of the overall project of the birth centre. As members will know, the auxiliary is a volunteer organisation which provides a range of support across the Calvary campus, in particular support to the non-clinical services provided to patients.

The auxiliary conducted a number of events, including a spring cocktail party, book stalls, craft stalls and food stalls at the Calvary community open day and other fundraising activities. These funds were used specifically for the incredible baths that are there in the birthing suite. Tiles on the bathroom walls which recognise the generous donation of the auxiliary are there for all to see. I would like to thank the auxiliary for their help in delivering this project.

Sport—beach volleyball

MR DOSZPOT: My question is to the Minister for Sport and Recreation. Minister, I refer to your recent announcement of $500,000 funding over the next two years to develop a beach volleyball facility at Lyneham. What selection criteria were used to determine this decision?

MR BARR: I thank Mr Doszpot for the question. The sponsoring body for this particular application is Volleyball ACT. They submitted a proposal, I believe, three years ago for the feasibility and development of some new volleyball courts as part of the Lyneham sports precinct and were given some initial funding to develop the

business case. They then submitted, under the annual sports grants application process, an application. Following their business case being developed, that demonstrated that it was a viable project, they then submitted an application through the independent sports grants process.

It is worth noting, for the interest of Assembly members, that Volleyball ACT are themselves contributing $250,000 to the project. The government, over two fiscal years, will be providing $250,000 in each of those fiscal years under the sports grants program. It was an independently assessed program, as it is every year. Volleyball ACT have in fact been through three years of development for this particular project and it is a worthy project for Volleyball ACT and the 3,700 registered players of the sport in the territory.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, what evidence does the government have that this facility will have sufficient players to justify the investment of $500,000 of government funds when other sports are crying out for funds?

MR BARR: It obviously pays to listen to the answer to the first question before you ask the follow-up. This particular project went through a two-stage process. Volleyball ACT undertook a detailed business case and feasibility study before submitting their grant application. They assessed, together with a number of other potential users of the facility, the viability of such a facility.

It is worth noting that similar facilities operate all around Australia in locations that are not necessarily by the side of a beach. Sand courts can be utilised for a number of different sports. Similar facilities that operate in Melbourne, Brisbane and a number of other locations around Australia are utilised by sports such as netball, touch football, volleyball itself and for a range of other sport and recreation activities that require sand-based training. These facilities have multiple users in addition to the primary purpose in relation to volleyball. That is noting, of course, that volleyball, the particular sport, is an Olympic sport for which Australia has won gold medals, I understand, most recently in the Sydney Olympics.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, what is the importance of assisting sporting groups in the ACT and what recent support have you been able to facilitate?

MADAM SPEAKER: I will accept the question on the basis, Mr Barr, that you stick to volleyball, because it was a question about volleyball and not about general sports grants.

MR BARR: The government supports volleyball through the national league team program and the Canberra teams, the Heat, that participate in national volleyball championships. We have also supported volleyball facilities in partnership with a number of other sports. There are a number of shared volleyball facilitates, indoor courts in particular at Lyneham where we have provided funding assistance to Hockey ACT which then subleases areas within the indoor centre for volleyball use.

Mr Doszpot: How many players play beach volleyball in Canberra, Mr Barr?

MR BARR: There are 3,700 registered volleyballers in the territory.

Mr Doszpot: Beach volleyball.

MR BARR: Beach volleyball competitions have 1,200 players spread across a number of inefficient facilities and not particularly high standard facilities. All of these questions were assessed through the business case development and through the grant application assessment process.

What is particularly disappointing for the sport of volleyball is these snide political attacks that have come as a result of this particular application. Volleyball went through a three-year process. They went into a competitive grants process having developed a competitive business case aligning with a number of other partner sports to develop a facility in Canberra that is similar to ones that operate successfully right across Australia.

This will be a wonderful benefit not only for volleyball but for a number of other sports and sport and recreation activities in a larger precinct that supports a diverse range of sport and recreation. It is a good outcome for the sport and sport and recreation more broadly. *(Time expired.)*

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Minister, what are the criteria for prioritising sports funding among local groups?

MR BARR: The annual sports grants program has a number of different elements. There is operational assistance that is provided either on a triennial or an annual basis for, from memory, about 70 sport and recreation organisations. There is a facility upgrade funding allocation within the sports grants program. There is a capital works upgrade funding stream within the annual sport and recreation grants programs.

From time to time, we have targeted these particular grants programs for specific upgrades. In recent times—I think perhaps before Mr Wall was in the Assembly—there was a particular focus on drought proofing of sport and recreation facilities. In recent budgets we have had a focus on allowing sport and recreation organisations who have assets that are not publicly owned, but are in fact are privately owned by sport and recreation organisations, to be able to apply to the government for grants for asset maintenance and repair, particularly for ageing infrastructure that requires additional upgrade. Examples of that include synthetic hockey fields being resurfaced at the end of their life.

So the government looks across the wide range of needs within the sport and recreation sector—at owned assets, assets that are owned by the government and assets that are owned by sport and recreation organisations, and on occasion by private sector providers. We welcome a broad range of applications assessed against assessment criteria that are outlined in the application packs that are made available each year as part of the sports grants program.

Education—class sizes

MR WALL: My question is to the Minister for Education and Training. Minister, I understand your office has been contacted recently by parents concerned at growing class sizes affecting at least one public primary school with classes that have up to 28 students, and likely to increase to up to 31 students next year. Minister, your predecessor promised smaller class sizes in 2008. Are you stepping away from that policy?

MS BURCH: I know I have been contacted also. I think there is one school in particular about which a parent has made contact with a number of members here. We are working with the family. School sizes, as most parents understand, are not static. If, in particular, some schools have shared classrooms, how do you determine the number of kids in a space with the number of teachers? We also look at teacher ratio. We have the lowest teacher ratio across states and territories. So if you look at the hours and the face-to-face time by individual teachers, and how teachers are supported in their professional practice, here in the ACT I believe we do better than any other state and territory.

The other decisions around school sizes and how the teachers are managed are decisions for local principals in schools. As I understand it, if we are talking about the same school, they are no longer taking enrolments from out of area because it has reached capacity. But it is an ongoing conversation. They have the right number of teachers that they need. But on site, each and every day, principals make decisions about the best utilisation of those resources for the students and their outcomes.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, how does an average class size policy help children in classes with significantly higher than average numbers?

Ms Burch: Can you just repeat the beginning of that?

MR WALL: How does an average class size policy help children in—

MS BURCH: It goes to the general allocation of resources of teachers across the system. Also, it is more than just the numbers; it is around the ratio of students to teachers. We here in the ACT have the best ratio of students to teachers. We do that in many ways because, for those new graduates that come in, we have made a deliberate decision to support them being offline, being away from the class so that they have access to PD and mentoring so that when they come back to their hours in the class they are skilled up and they are able to be the best teachers they can be.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, what options does a school have if they have higher than average numbers over a range of classes?

MS BURCH: These are local decisions that are made by the school leadership. They know the students. They know the students' needs. It is also not just the teachers that are the only resource. We have learning assistants and teachers aides in this school system as well. And all of that makes a contribution to the learning outcomes of those students.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, why have you not told parents about breaking the government's promise of smaller class sizes?

MS BURCH: We in the ACT on this side of the chamber have a high regard for our public education system. Yesterday we had the aspirant, the shadow, Steve Doszpot, actually tear up any agreement and security of funding which would have been around student outcomes. So the Canberra Liberals explicitly voted not to support this government continuing to support student outcomes. The absolute audacity! Let's reflect on yesterday's motion—it called on this government to continue to invest in student outcomes, and those over there would not have a bar of it.

Mr Wall: On a point of order, Madam Speaker, on relevance, the question related to the minister potentially breaking a promise about smaller class sizes. Can you please draw her to answering the question?

MADAM SPEAKER: Would you repeat the question, please, Mr Doszpot. Stop the clock, please, Clerk.

Mr Doszpot: The question was: why have you not told parents about breaking the government's promise of smaller class sizes?

MS BURCH: I have answered the question, Madam Speaker.

Tourism—events

MS BERRY: My question is to the Minister for Economic Development. Could the minister update the Assembly on the success of recent events in the ACT such as Enlighten, Canberra Day and the balloon spectacular?

MR BARR: I thank Ms Berry for the question and for her interest in the events portfolio. The Enlighten festival was held from 28 February to 8 March, and I think we can say, by any measure, it has been an outstanding success. Twelve cultural institutions and national attractions participated in this year's festival. The diverse program featured a variety of events catering to a wide variety of tastes, including live performances, exhibitions, unique dining experiences, tours and talks. Stunning images were projected onto six buildings: the National Library, Questacon, the National Portrait Gallery, the National Gallery, the Museum of Australian Democracy and Parliament House. There were a total of 57 free and ticketed events offered as part of the Enlighten program.

Detailed research is currently being undertaken, including calculating the economic impact and finalising the total attendance figures for the event. But at this stage, attendance at free and ticketed events reflects an increase on last year's attendance.

Enlighten was featured extensively in the mainstream and social media. Key performers were featured in the local and national press, radio and television. Statistics show a significant increase in website visits and social media interactions for the Enlighten festival. I am advised that the Enlighten Canberra website was visited more than 110,000 times, and the Enlighten Facebook page gained over 7½ thousand new friends during the festival period.

Mr Hanson: That's nice.

MR BARR: It is very good.

Mr Coe: Likes or friends?

MR BARR: New friends—friends, likes, yes.

Mr Hanson: No, it is not the same thing, is it?

MR BARR: It depends whether it was a page or a profile. I believe it is a page; so likes it would be. It would be likes, 7½ thousand new likes.

Mrs Jones: Measuring policy by likes?

MR BARR: Measuring policy or measuring outcomes and engagement with the festival by likes, yes, that is right. I can advise members, who I am sure are very interested, also that the Enlighten hashtag trended nationwide during the first weekend of the event. It was very good.

The 2014 Canberra Day celebrations were of course held, as is tradition, over the Canberra Day long weekend and included Enlighten, symphony in the park and Canberra Day in the park. Symphony in the park was held on Sunday, 9 March at stage 88, and Canberra Day in the park was held the following day. Symphony in the park attracted 10,000 people to stage 88, and the Canberra Day in the park program attracted 35,000. Both events attracted significant media coverage, again, in the local press, radio, television and social media.

The Canberra balloon spectacular was from 8 to 16 March on the lawns of Old Parliament House. About 32,000 people attended the Canberra balloon spectacular over the nine days which, I am advised, is an increase on last year. Of course there was a great deal of media coverage, both locally and nationally, of the balloon spectacular event. The *Today* show undertook a live broadcast of the event, and their weather crosses took place from the balloon field throughout the entire morning. Social media experienced an incredible increase for the Canberra balloon spectacular, with a series of photographs going viral on the Australia.com Facebook page, attracting 80,000 likes.

MADAM SPEAKER: Supplementary question, Ms Berry.

Members interjecting—

MADAM SPEAKER: Order! I need to be able to hear Ms Berry's question.

MS BERRY: Minister, why is it important that the government invest in these events?

MR BARR: Not least of which is to provide entertainment for the opposition during question time. But we have a broader agenda than just that. Major events obviously contribute to the vibrant cultural life of our city. They grow our economy, they enhance community engagement and they boost participation and develop further grassroots engagement.

Major events like Floraide and Enlighten, as well as other events like Summernats and the National Folk Festival, all draw very large numbers of interstate visitors and participants. The government commissioned Repucon to survey the community during our centenary year about their engagement and awareness of our events. This research indicated that events certainly do enhance community participation and boost our national and international tourism.

The key findings of this research include that 89 per cent of respondents said it was important or very important for the ACT government to attract and secure significant events each year. Ninety-four per cent said that it was either important or very important for the territory to host significant events each year. Nine out of 10 said that it was important for the ACT government to continue to attract these events in the future and 77 per cent believed that it was reasonable to use public funds to stage these events. More than half reported a positive change in perception of their city due to these events.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, what is the economic impact that the events sector brings to Canberra annually?

MR BARR: Events are a proven driver of visitation to the territory and play a crucial role in providing reasons for people to visit our city. Utilising research data from local major events highlights their significant economic benefit. For example, in 2013 Floriade generated an increase in direct expenditure of just short of $40 million in the territory economy. Blockbuster exhibitions at the National Gallery, the National Library of Australia and the National Portrait Gallery have proven to be strong economic drivers. The ACT government has invested $2.2 million in five completed blockbuster exhibitions at the National Gallery since 2009. These have delivered $260 million in economic value to the city.

The centenary year further demonstrated the value of events, with a full calendar of activity contributing to strong domestic and international visitation results,

particularly in the leisure sector, which I understand increased by about 40 per cent as a result of that strong centenary year program. We continue to build on our event calendar, both in terms of ACT government supported events and in terms of encouraging new private sector organised events to continue to add to our strong annual event calendar.

MADAM SPEAKER: Supplementary question, Mrs Jones.

MRS JONES: Minister, in surveying the popularity of such events, will you ask Facebook to give you the option for posts regarding *Skywhale* for a dislike button?

MR BARR: That question in itself speaks volumes about the seriousness with which the Canberra Liberals take the events sector and the tourism sector, a sector that contributes $1.65 billion to the territory economy and employs more than 16,000 Canberrans. We will get on with the business of delivering high quality events for this city, continuing to build on our quality program. We look forward in 2015 to hosting both the Asian Cup football and the Cricket World Cup, both events significant in their respective sports and most likely the largest events in those respective sports in the Southern Hemisphere, if not the world, in 2015.

Crime—car tyre slashing

MRS JONES: My question is to the Minister for Police and Emergency Services. Minister, last year I asked you about the tyre slasher who has roamed Narrabundah and Griffith for well over a decade causing damage to the car tyres of residents. With hundreds of households having been the victims of this crime and many, many thousands of dollars of damage having been caused, you stated that sufficient resources have been allocated to resolve this crime. If sufficient resources have been allocated, why are the residents of Narrabundah and Griffith still being terrorised by the tyre slasher?

MR CORBELL: I understand the concern that Mrs Jones echoes on behalf of residents who have had their tyres slashed by this person or persons unknown. I have sought detailed advice from the police in relation to their investigation into these crimes, and their advice to me is very clear: they have devoted considerable resources to try and identify and secure sufficient evidence so as to be in a position to charge a person with this offence. They have not yet been able to secure that evidence to the standard required, but I am confident that they continue to take this matter seriously and that they continue to investigate it with a view to securing the necessary standard of evidence expected for a criminal prosecution.

Simply because a criminal is not apprehended does not automatically mean that insufficient resources are being allocated to the investigation. In fact, that is a false connection. These matters are sometimes complicated and difficult, and this particular series of offences falls into that category. I have every confidence that police have taken all appropriate steps to try and ascertain the identity of the individual or individuals concerned, obtain the evidence they need to obtain to charge a person with offences and to bring them before the courts.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, can you please define what your definition of "sufficient resources" therefore is?

MR CORBELL: I take my assessment of these matters from the police. I believe the police are in the best position to make an assessment as to the resources they need to investigate, and I have had no suggestion from ACT Policing that they have a resource constraint in relation to these investigations. It is simply the nature of the offending behaviour and the difficulties associated with obtaining the evidence needed to proceed with an arrest of the person or persons involved. But I am confident they continue to take every step to try and achieve that outcome.

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Minister, how does somebody report an incident of this particular nature so that they can actually submit what they may believe is evidence in regard to tyre slashing?

MR CORBELL: I thank Ms Porter for her supplementary. It is the case that police rely very heavily on the advice and information that are submitted by members of the public. Whether it is this particular crime that Mrs Jones is referring to or any other crime, advice and information from the public are often critical to allow police to secure, first of all, sufficient evidence for an arrest and potentially a conviction in our courts.

I always encourage members of the public who see a crime being committed or who suspect that a crime has been committed to report the matter to Crime Stoppers. They can do so anonymously—

Members interjecting—

MADAM SPEAKER: Order, members!

MR CORBELL: or contact police directly. That way police can build their intelligence holdings in relation to particular matters. Further, of course, if people do see a crime being committed and are able to provide a witness statement, that can be extremely useful for police in proving the commission of an offence before the courts. So, as always, public cooperation on these matters is very, very important.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, how is it, after so many years of this crime being perpetrated on the people of Narrabundah, that there has been no conviction?

MR CORBELL: It is not appropriate for me to go into the details of this particular investigation. It is an ongoing and live police investigation and I am not going to compromise or disclose confidential elements of the investigation that could, if disclosed, compromise the ability of police to secure an arrest. That is the responsible thing to do. If Mrs Jones or other members of the opposition wish to have a briefing

from the police on this matter, I am very happy to arrange it. That is the appropriate way to manage these matters. I think all members of ACT Policing would take deep offence at the suggestion that is implied in those questions, that somehow police are not doing enough. They are putting a big effort into this particular matter and I have every confidence in their investigations.

Education—parental engagement

MR GENTLEMAN: My question is to the minister for education and refers to a report in the *Canberra Times* that the government has contracted the Australian Research Alliance for Children and Youth to conduct a project to enhance parental engagement. Minister, can you outline for the Assembly the details of this project and how it will lift the bar for education in the ACT?

MS BURCH: I thank Mr Gentleman for this question. As reported in the *Canberra Times* today, we have committed to a partnership with the Australian Research Alliance for Children and Youth—or ARACY—on a project to improve the level of parental engagement across ACT public, Catholic and independent schools.

We know that student learnings are improved when parents and school staff work together and that parents play a critical role in their children's education. Parents are their children's first and most influential educators. Parent and family engagement is crucial in supporting children's academic success.

It is for this reason that when I addressed the education leaders last year, I made it very clear that I wanted to build a genuine partnership between parents, students and teachers. A child's learning does not just take place at school but also in the home and with families. Families must feel able and welcome to help in their sons or daughters' education if we are to truly unlock their true potential and to lift the bar of our education system.

This project is part of the ambition of this government to deliver parental engagement in every ACT school and to make sure that every school in the ACT is seen as being central and integral to their communities.

The ACT parental engagement project will focus on primary school children and will be delivered in two stages. The first will involve developing a shared understanding of parental engagement and benchmarking current levels of engagement in the ACT. This will begin very shortly. It will be followed by a survey across selected public, Catholic and independent schools.

The second stage will identify what works best to strengthen parental engagement. This will focus on the development of resources that support teachers, schools and parents to implement best practice parental engagement. The key to positive change in a child's academic attainment is, indeed, the engagement of parents in learning in the home. By improving this engagement we will continue delivering an education system that is both high performing and tailored to every family's needs.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, why is it important that schools encourage parents to be involved in their school community?

MS BURCH: The benefits of positive parental and carer engagement with school communities are well established, particularly in helping children to learn and in supporting school learning in the home. A growing body of research shows that building effective partnerships between parents, families and schools to support children's learning leads to better learning outcomes. The whole school community benefits when parental engagement is an integral part of school planning and improvement processes.

All children need access to a quality education which welcomes parents and carers as true partners. Better engagement of parents in teaching in the home has also been shown in international literature to lead to positive school results, including higher grades and test scores, enrolment in higher level programs and advanced classes, higher successful completion of classes, lower dropout rates, higher graduation rates, and a greater likelihood of commencing post-secondary education.

Beyond educational achievement, parental engagement in learning is associated with various indicators of school development, such as more regular school attendance, better social skills, improved behaviour, better adaptation to school, increased social capital, and a greater sense of personal competence.

I refer to a report on the ARACY website, and I will read from the executive summary:

> Considered broadly, parental engagement consists of partnerships between families, schools and communities …

A reference from a researcher, Muller, states:

> Family-school and community—

(Time expired.)

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, what have education stakeholders said about this project?

MS BURCH: I thank Ms Porter for her interest in this. All stakeholders I have spoken to have welcomed this project and indeed are very excited about the opportunity that it will provide. Government and non-government school parent bodies in the ACT have provided strong support for this project. I quote the APFACTS president in this morning's paper:

> … it is fantastic to see the ACT's Education Minister Joy Burch doing the heavy lifting on a national reform that will end up showing that parental engagement is the missing link in education.

Further, she said:

> This project will broaden the dialogue and involvement of parents beyond fetes, helping in classrooms and tuck shops, and come to the core of what is required of the partnership between home and school for the learning and wellbeing of our children …

Also this morning, the Catholic Education Office endorsed the project, with the director of the Catholic Education Office saying that the project would:

> … provide research and practical engagement strategies that will ultimately benefit all children—no matter where they go to school in the ACT.

In moving forward on this project, it will be a cross-sectoral collaboration between the Education and Training Directorate, the Catholic Education Office and the independent school association.

Also, if I can just refer again to this morning's media, there was an opinion piece by Tim Smith, who is one of the senior executives in the Catholic education system. He has made the comment:

> This project is a great opportunity for all sectors in the ACT to work to ensure parent engagement in schools is given high priority.

He recognises also that:

> Authentic parental engagement offers opportunities for transformational, beneficial change—for the school, for the community, for the family and for the student.

This is an exciting project. I welcome the support behind the project and in this government's commitment to lift the bar in education for all students in the ACT.

MADAM SPEAKER: Supplementary question, Ms Berry.

MS BERRY: Minister, how will parents and other stakeholders be involved in the project?

MS BURCH: I thank Ms Berry for her interest in this. This has been described by ARACY itself an Australia-leading project; so it is important that we make sure that the stakeholders are around the table as we move through this. As you would expect from such a project, there is a high level of engagement from the sector. This is indeed a cross-sectoral collaboration. There is a steering group that will include senior representatives from the Catholic Education Office, the Association of Independent Schools and the Education and Training Directorate to support the delivery through consultation, engagement and endorsement of the project.

We will also have a stakeholder group which will include representatives from the Education and Training Directorate, the Catholic Education Office and the

independent schools, but also representatives from the associations representing the public, Catholic and independent sectors, principals from participating schools and the ARACY project manager to provide input, feedback and endorsement of the project.

Throughout the development of the survey to measure parental engagement, parents will also be invited to participate. Successful parental engagement requires a strong focus on engaging with parents and stakeholders. Opportunities for regular input and involvement will certainly be provided. As I have mentioned before, this will be over two stages. It will start shortly and we will work with schools across the sector through this year and next year.

Environment—biodiversity offsets policy

MS LAWDER: My question is to the Minister for the Environment and Sustainable Development. As the minister responsible for developing an ACT biodiversity offsets policy, could you please advise the Assembly on when this policy will be circulated for community consultation?

MR CORBELL: Once it has been considered by the government as a whole.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, is the ACT government in breach of the commonwealth government offsets policy, particularly with regard to governance arrangements, given there are offset sites already approved but no offsets policy?

MR CORBELL: No.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, what guidance does the ACT currently provide to proponents, including the LDA, of the siting and suitability of offset proposals?

MR CORBELL: The guidance that is provided is consistent with the criteria set out under the commonwealth EPBC legislation.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, what requirements are placed on the proponents for data collection, monitoring and so on in the absence of an offsets policy? How is this enforced?

MR CORBELL: The application of offsets is undertaken and monitoring and research associated with such offsets is undertaken consistent with EPBC requirements under commonwealth legislation.

Transport—light rail

MR COE: The question is for the Minister for the Environment and Sustainable Development. Minister, I refer you to the city to Gungahlin transit corridor

Infrastructure Australia project submission. As you would be aware, the economic analysis on page 29 details the benefit-cost ratio of BRT and LRT. The analysis includes both a business-as-usual land scenario and a high-density land scenario. The analysis also includes patronage, environment, social and other considerations, including that BRT delivers a better return. Given this, what were the factors not included in the economic analysis that led you to choose light rail over bus rapid transit?

MR CORBELL: I thank Mr Coe for his question. The government's commitment to light rail is underpinned by our understanding of its capacity to see a significant transformation in urban development in our city. It is about driving uplift in urban development along the corridor and achieving a transition in the number of journeys that occur through walking, cycling and public transport compared to bus rapid transit.

Studies concluded by the government confirm that light rail is the best overall choice for our city. That is confirmed in reports which are on the public record and which Mr Coe needs to read, because clearly he is not interested in investing in a project that has the potential to transform our city.

Mr Coe: On a point of order.

MADAM SPEAKER: Sit down, Mr Corbell.

Mr Coe: The point of order is on relevance. The question was about the economic analysis which included BRT and LRT in the high-density land scenario and what factors were not included in that report which led the minister to chose light rail over bus rapid transit.

MR CORBELL: I am answering the question.

MADAM SPEAKER: Actually, I will have something to say and then you can stand up and tell me whether you are answering the question. On the point of order, Mr Coe's question was quite precise—and this is what my notes say—because he was asking what factors were not in that report. I would ask you to be directly relevant. Can you answer the question: what factors were not in the report that Mr Coe referred to that made you come up with a particular point of view?

MR CORBELL: I do not accept the premise in Mr Coe's question, because the assumption is that it was only that report which led to the government making its decision on light rail. The fact is that there is a body of work on light rail which dates back over the past decade and which has helped inform the government in its decision to choose light rail as the preferred transit mode for this corridor. They have been recited time and time again in this place. I would draw Mr Coe's attention to previous debates in this place where all of those reports have been cited at length. So the premise of Mr Coe's question is not accurate.

The government has made an assessment about the development of light rail based on a broad-ranging analysis. At the end of the day, Mr Coe seems to think that, with an

extra 30,000 to 40,000 people living in this corridor, with the highest rate of growth of any part of the city, buses are still going to cut it. We disagree. And we have very clear analysis that demonstrates the capacity of light rail to achieve a level of uplift and a level of urban development that goes far beyond that which has ever been achieved through bus rapid transit.

We are getting on with the job of delivering this project, because the time for debates about BRT and LRT is over. We have had those debates. We have had them ad nauseam. In the past we have had those on that side of this chamber saying they do not even support bus rapid transit. Now all of a sudden, they are the great champions of bus rapid transit. They were not the champions of bus rapid transit when the government proposed it between Belconnen and the city. Now they are not the champions of light rail transit, when in the past you, Madam Speaker, have been a very strong advocate on behalf of your party for light rail transit.

So let us be really clear about this. The time for that debate is over. The time for the delivery of this project is now, and that is the focus of the government. *(Time expired.)*

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, what land uplift have you identified that could not also occur for bus rapid transit?

MR CORBELL: Significant land uplift. The Capital Metro Agency is now, through the appointment of Arup as our technical consultants—led by a team, a consortium—

Mr Coe interjecting—

MR CORBELL: of consultancies which includes a broad range of Canberra firms, undertaking the final phase of detailed analysis around questions such as uplift which will inform the final case—

Mr Coe interjecting—

MR CORBELL: that will go to government and ultimately to the market on these questions. There is no doubt that the outcomes associated with investment in light rail transit will exceed those that are capable of being delivered through bus rapid transit. There is no doubt. The preliminary assessment confirms those decisions.

Mr Coe interjecting—

MR CORBELL: Mr Coe can pick one report, but what he fails to understand—

Mr Coe interjecting—

MADAM SPEAKER: Order, Mr Coe!

MR CORBELL: is the capacity of this project to make a real difference to the future growth and development of our city.

Opposition members interjecting—

MR CORBELL: That is what this government is focused on and that is why we now see significant interest from the private sector—

Opposition members interjecting—

MR CORBELL: They have been interjecting, Madam Speaker, throughout my answer, and I ask you to call them to order. I am finding it difficult to answer what is a serious question with the uninterrupted interjections of those opposite. I am taking a point of order, Madam Speaker.

MADAM SPEAKER: I have called various members to order. I have called Mr Coe to order. I have said on a number of occasions that this is a place where I believe there should be robust debate and, Mr Corbell, you provoke a response. On an issue which has a high level of interest and a high level of engagement I would expect there would be some interjection across the chamber. I have, however, as you would have heard, called Mr Coe to order on a number of occasions. I take the point of order that Mr Coe and others need to be more respectful when it gets to a point that it becomes impossible for members to speak. I think members should keep that in mind.

A supplementary question, Mr Smyth.

MR SMYTH: Minister, does the government have an updated benefit-cost ratio for LRT or is it still at 2.34?

MR CORBELL: The government is undertaking further analysis, as I was indicating in my previous answer. That analysis includes the development of a rapid and final business case through the consultants engaged by the government as our technical advisers. That analysis will be provided to the government and issues around cost-benefit analysis will be part of that analysis.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, could Northbourne Avenue be redeveloped with bus rapid transport or with no rapid transport at all?

Mrs Jones: Synch the lights.

MR CORBELL: So the Liberal Party's solution to fixing Northbourne Avenue is just to synchronise the lights. Let us look at the other analysis about the congestion on this corridor.

Mr Smyth: Point of order, Madam Speaker.

MADAM SPEAKER: Point of order. Can you stop the clock.

MR CORBELL: Mr Smyth has asked me whether or not BRT or NRT—

MADAM SPEAKER: Mr Corbell, can you sit down. There is a point of order.

Mr Smyth: The minister is clearly and deliberately ignoring the question. The question was: "Could Northbourne Avenue be redeveloped with bus rapid transport or with no rapid transport at all?"

MADAM SPEAKER: That was the question. It is not about the traffic on the corridor. The question is about—

Mr Coe interjecting—

MADAM SPEAKER: Sit down. Will members of the opposition be quiet. I am ruling on a point of order. A little bit of courtesy, please. In relation to the point of order, I uphold Mr Smyth's point of order in relation to relevance. The question was clearly about whether Northbourne Avenue could be developed under other circumstances, not about the traffic or the congestion on Northbourne Avenue. I ask you to be directly relevant.

MR CORBELL: I take your ruling, Madam Speaker. Madam Speaker, in relation to whether or not you could develop bus rapid transit on Northbourne Avenue, yes, you could. Yes, you could, Madam Speaker. In relation to whether or not you could do nothing at all on Northbourne Avenue, yes, you could. Of course you could do nothing at all. But what are the consequences of those decisions? The consequences of those decisions are that the transit time for people who live in Gungahlin will go up. It will take over an hour to get from Gungahlin to the city and points south if nothing is done. If the Liberal Party thinks that is a good outcome, then I welcome their engagement in that debate.

Mr Smyth: Point of order, Madam Speaker.

MADAM SPEAKER: Point of order. Can you stop the clock. Sit down, Mr Corbell.

Mr Smyth: The whole question has been about land uplift and its value, not about travel times. We asked could Northbourne Avenue be redeveloped with bus rapid transport or with no rapid transport at all. He should be relevant as per the standing orders.

MADAM SPEAKER: Again, Mr Corbell, I uphold the point of order. The question was: could Northbourne Avenue be developed with other infrastructure in there—BRT or nothing?

MR CORBELL: It was not about uplift, Madam Speaker; it was about the—

MADAM SPEAKER: Mr Smyth, would you like to repeat the question for a third time.

Mr Smyth: I would be happy to. All the questions have been about uplift.

MADAM SPEAKER: Yes.

Mr Smyth: About whether Northbourne Avenue could be redeveloped with bus rapid transport or with no rapid transport.

MR CORBELL: On the point of order, Madam Speaker, quite clearly that supplementary is not about uplift.

Mr Coe interjecting—

MR CORBELL: It is not about uplift. The question is about whether Northbourne Avenue can be redeveloped with BRT or no development at all.

MADAM SPEAKER: Yes, and you have unanimous agreement about what the question is about. The question is about whether Northbourne Avenue can be redeveloped. Do you want to answer the question in accordance with the standing orders, Mr Corbell, or are you finished?

MR CORBELL: I have concluded my answer.

Crime—restorative justice

MS PORTER: My question is to the Attorney-General. Attorney, you were recently involved in the launch of the Campbell collaboration systematic review of restorative justice conferencing using face-to-face meetings of offenders and victims. Can you please tell the Assembly about this review of restorative justice and its findings in relation to restorative justice in the ACT?

MR CORBELL: I thank Ms Porter for her question. I was delighted recently to join via video link with Professor Lawrence Sherman and Dr Heather Strang of the University of Cambridge to launch the Campbell collaboration systemic review of restorative justice conferencing using face-to-face meetings of offenders and victims. This has been an international academic review including only the most rigorous tests of restorative justice conferencing, namely, those using a randomised controlled research-designed model as used in medicine for testing new drugs.

After this extensive international search and research, including two studies based here in the ACT, we have seen for the first time a comprehensive assessment of restorative justice techniques at a global scale. These 10 studies looked at the effects of restorative justice conferencing at different points in the justice system for both violent and property crimes committed by juvenile and adult offenders. It also looked at the use of restorative justice conferencing both as a diversion from court for less serious offenders and in addition to court for more serious offences.

This review provided an opportunity to reflect on the ACT's experience with restorative justice and how it compared with other schemes around the world. The review concluded that there are really very positive results for offenders and victims as well as significant cost benefit to taxpayers from the use of restorative justice. The review reports clear and compelling evidence of a beneficial relationship between restorative justice and subsequent re-offending.

Nine out of 10 results concluded that restorative justice conferences were more effective than simply matters going to court alone. For victims who participate in restorative justice, the evidence is very clear. Victims who are part of restorative justice are more satisfied with their restorative justice experience than those who have seen their matters simply dealt with in court.

Restorative justice was more effective than court in reducing post-traumatic stress experienced by victims, especially victims of violent crime. The review also reported a reduction in the desire in victims, especially victims of violent crime, to seek personal revenge. These are really good outcomes for victims from restorative justice. They feel more satisfied and experience less post-traumatic stress as a result of being part of restorative justice compared to simply going to court.

The ACT has had a very successful restorative justice scheme. It has provided a great deal of material on restoration for victims. In restorative justice conferencing victims are more likely to receive material restoration—that is, some form of material recompense, whether that is voluntary labour by the offender, whether it is a payment or whether it is some other recompense. Restorative justice victims generally rated that as less important than court victims.

The review identified the real strengths of restorative justice. This is an important review for the territory. It will be used to inform our decision-making as to whether or not restorative justice should be extended to other parts of the criminal justice system. But the evidence is clear: restorative justice gives us great capacity to improve outcomes for victims, to reduce re-offending and to save taxpayers' money, and that surely has to be a positive thing for our justice system.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Attorney, can you please outline how restorative justice is faring in the ACT since its implementation nine years ago?

MR CORBELL: Of course, restorative justice was first commenced by one of my predecessors in this office, Attorney-General Terry Connolly. It has been supported by ministers on both sides of this house subsequently. It has been a very important program. Since the scheme began the restorative justice unit has convened over 600 face-to-face conferences, 377 indirect conferences involving over 1,300 victims of crime, 307 supporters of those victims, 1,244 young offenders, and 1,344 supporters of young offenders.

As a result, over 1,200 individual agreements have been finalised with outcomes achieved, including 840 hours worked by young offenders for the benefit of their victims, 6,203 hours worked by young offenders for the benefit of the community, 4,200 hours completed by young offenders at counselling and other programs, over $143,000 paid by young offenders to their victims in reparation, and over $4,700 worth of donations paid by young offenders to community organisations.

These are great outcomes for our justice system. They divert young people away from mainstream criminal justice, help keep them out of the mainstream criminal justice system, help provide better closure and restoration to victims, and help achieve a greater sense of justice being done and apology and real acknowledgement of wrongdoing being achieved.

This is a very important scheme for the ACT. We have seen, through surveys of victims, that they have high levels of satisfaction with the program. *(Time expired.)*

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Attorney-General, what are the implications from the study for restorative justice in the ACT?

MR CORBELL: Some of the really important outcomes from the study include recognising that whilst restorative justice is effective at dealing with property crimes, it is even more effective at dealing with violent crimes. Contrary to conventional wisdom, restorative justice appears, based on this international study, to work better for violent crime than it does for property crime. When we compare the use of restorative justice for juveniles compared to adult offenders, again, contrary to conventional wisdom, it actually appears to work better with adults than with juveniles. When comparing the use of restorative justice as a diversion or in addition to it, it is clear that when restorative justice is combined with a traditional court-based system, it is more effective than simply as a diversion.

So there are some very important learnings from this analysis, and learnings that I have asked my directorate to take into account as we develop options for possible new developments in the restorative justice space. There is the opportunity to engage adult offenders. There is the opportunity to engage offenders who commit violent crimes. And there is the opportunity to engage offenders who commit violent crimes against women, including sexual crimes. The reason to potentially look at those areas is because the evidence demonstrates that the outcomes are even more beneficial than they are simply in relation to property crime with juveniles. So that is why this research needs to be paid attention to and why more work needs to be done as we continue to develop what is a nation-leading and world-leading scheme with restorative justice here in the ACT.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Attorney, how is the restorative justice program engaged with young Indigenous people in the ACT?

MR CORBELL: I thank Mr Gentleman for his question. The government has been working closely with the Indigenous community in engaging them in the use of restorative justice for offences that involve young Indigenous men and women. Members may recall that my colleague Ms Porter was instrumental in advocating for a guidance partner as part of that program that was designed to better engage Indigenous young people with restorative justice. The government was very pleased

to fund that initiative a number of budgets ago. As a result, that is helping to bring more Indigenous young people—victims and offenders—into the restorative justice program, therefore ensuring they get the benefit of restorative justice when it relates to those matters.

That is the type of approach the government is adopting. Obviously we are keen to continue that and equally keen to learn from that as we consider options for the further expansion and deployment of restorative justice for other crimes and other types of offending behaviour.

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

Paper

Madam Speaker presented the following paper:

> Auditor-General Act—Auditor-General's Reports—No. 1/2014—Speed Cameras in the ACT, dated 20 March 2014.

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:
>
> John Meyer, dated 28 February 2014.
>
> Stephen Allday, dated 10 and 24 February 2014.
>
> Short-term contracts:
>
> Alison Playford, dated 10 and 14 February 2014.
>
> Cheryl Sizer, dated 20 and 21 February 2014.
>
> Elizabeth Beattie, dated 28 February 2014.
>
> Heidi Robinson, dated 18 and 24 February 2014.
>
> Jacinta George, dated 28 February and 3 March 2014.
>
> Joanne Rosewarne, dated 28 February 2014.
>
> Moira Crowhurst, dated 1 and 21 February 2014.
>
> Moira Crowhurst, dated 13 and 20 February 2014.

Contract variations:

David Parkinson, dated 20 and 21 February 2014.

Greg Corben, dated 22 and 24 February 2014.

Jacinta George, dated 28 February and 3 March 2014.

Tracey Allen, dated 11 and 17 February 2014.

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

Leave granted.

MS GALLAGHER: I present another set of executive contracts. These documents 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 two long-term contracts, eight short-term contracts and four contract variations.

In tabling these contracts, I note that one includes an amount of remuneration above the relevant Remuneration Tribunal determination set in accordance with section 629 of the Public Sector Management Standards 2006. As members are aware, in mid 2013 the Public Sector Management Standards 2006 were amended to update the ACTPS executive contract framework and to extend the capacity to pay an amount above Remuneration Tribunal determinations in prescribed circumstances to include more than just directors-general. As part of that process, the standard form contract was rewritten and a decision was taken to include all elements of an executive's remuneration, including any amounts above the Remuneration Tribunal amount, in the relevant contract.

As a result, from 2013 these additional payments were included in the information tabled in the Assembly. This change from previous practice was done on our initiative in the interests of transparency.

Members would also be aware that the current arrangements for executive contracts are cumbersome and are under review as work continues to reform public sector employment frameworks more generally. The details of the contracts will be circulated to members.

State of the service report 2012-2013—corrigendum
Paper and statement by minister

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (3.45): I present the following paper:

> Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2012-2013—ACT Public Service—State of the Service Report (incorporating the Commissioner for Public Administration), dated 19 September 2013—Corrigendum, dated March 2014.

I seek leave to make a short statement.

Leave granted.

MS GALLAGHER: I present the Assembly with a corrigendum to the 2012-13 ACT public service state of the service report. The corrigendum corrects one error in the agency survey component of the report and three errors in the workforce profile component of the report. The correct information relates to the number of agencies who recruited Aboriginal and Torres Strait Islander liaison officers, the head count of the ACT public service as of June 2012, separation rates by classification groups at table 17 of the report and leave usage data and text at table 28 of the report. The corrections are outlined in further detail of corrigendum for the information of members.

Papers

Ms Gallagher presented the following paper:

> Gene Technology Act, pursuant to subsection 136A(3)—Operations of the Gene Technology Regulator—Quarterly report—1 July to 30 September 2013, dated 23 December 2013.

Mr Corbell presented the following paper:

> National Environment Protection Council Act, pursuant to subsection 23(3)—National Environment Protection Council—Annual Report 2012-2013.

Education—choice
Discussion of matter of public importance

MR ASSISTANT SPEAKER (Mr Gentleman): The Speaker has received letters from Ms Berry, Dr Bourke, Mr Coe, Mr Doszpot, Mr Hanson, Mrs Jones, 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 Mrs Jones be submitted to the Assembly, namely:

> The importance of choice in education for Canberra families.

MRS JONES (Molonglo) (3.47): I have pleasure in raising this matter of public importance, namely, the importance of choice in education for Canberra families. As a mother of four children, I am well aware of the concerns of families and the need for families to have choice. Canberra families are well served with an array of education options that are available to them.

In the public sector, parents can choose to send their preschoolers to one of 78 preschools, 61 primary schools, 19 high schools and eight colleges. There are schools that provide a one-stop shop education from preschool to year 10 and high

schools that go from year 7 through to year 12 without the need to change campuses. We also have 12 specialist schools and education centres, including four that cater specifically for students with disabilities and special needs. In the non-government sector, there are 46 schools that range from early learning through to year 12 offering single-gender and co-educational schools, day students and boarding options.

In Canberra, curriculum choice is broad and varied and it is of great value to have schools that deliver an ACT-based year 12, a New South Wales higher school certificate or, as more schools are now offering, the International Baccalaureate. Canberra is unique in its demographic. Unlike many other cities, Canberra has a significant percentage of transient families either through overseas diplomatic families here on relatively short-term posting or Australian families whose children remain in Canberra while they are on overseas assignment, while others have parents who come here on public service transfers. For them, the availability of a curriculum choice such as the IB is a very important consideration. It means that their child's schooling can be transferred with minimum disruption when and if they move or return overseas.

As a defence wife, I understand and appreciate the difficulties these families face when moving children from state to state and even overseas. There are currently seven schools in Canberra offering the IB program, three non-government schools and four government schools, two of them at the primary school level. Canberra has schools that offer an ACT-based curriculum that leads to a year 12 certificate. We have government and non-government schools that offer the International Baccalaureate from primary school through to university entrance and we have schools that offer New South Wales-based HSC.

Students from both government and non-government sectors achieve impressive university entrance scores, and each year there is healthy competition amongst schools and, I suspect their principals, to see whether it is a student from Narrabundah College, Canberra boys or girls grammar, Radford or Bergmann that tops the territory in tertiary entrance scores. It is that variety of options that is critically important for parents when determining what type of schooling is best for their child, because it is what best suits the individual child that is of paramount importance.

I know many families have children in both government and non-government schools. For them and for many families, the decision is not based on affordability solely, social status or even geographic proximity. It can be what languages are being taught. It may be what after-school care options are available or what reputation the school has on such aspects as discipline, bullying or engaged teaching staff.

It is pleasing to see so many of our public primary schools offering a wide choice in languages: Japanese, Italian, French, Indonesian, Mandarin, to name a few. It was not that long ago that such choice was only available in high school or at the Telopea Park French School. Government and non-government schools in Canberra provide a smorgasbord of opportunities for parents to choose, and it is critical that parents do their homework to sort out what each sector offers and what unique features are available at that school.

When people in positions of some prominence want to rekindle the class divide, it does little to progress any sensible debate on improving what we have. It is disappointing that recent public discussions on education matters focused mostly on NAPLAN and trying to bring some competition between schools in the public and non-government sectors and between schools in various suburbs and other jurisdictions.

When it comes to ACT schools, we need to be more sector blind. We need to move past and beyond the old and dated arguments of public versus private. We have for too long had ministers here only willing to promote public education at the expense and detriment of the non-government schools, but I do recognise that the minister has worked to overcome that image.

Choice for parents in education should come down to what is the best fit for their child. It is that fact that is so often overlooked by those who advocate support for only a public system. Talking with other parents and visiting the schools and meeting the principals and teachers is very important. It is no longer sufficient to assume your child will or should just go to whatever school is closest or where their friends are.

When we move to other tools parents might use to make a decision, how well schools perform in NAPLAN testing is useful. NAPLAN results and the My School website are often quoted, and more often misquoted or misinterpreted, but they do remain among the best tools for parents. Recent NAPLAN results have attracted much attention and some questionable analysis from some media sources.

The minister in question time yesterday, in response to a question, appropriately highlighted ACT schools that had improved their rankings in the most recent testing, but it was disappointing that she only selected ACT public schools for mention, because there are a number of non-government schools that have performed well, especially when ranked according to financial contribution. It is also disappointing that the minister continues to highlight only how well Canberra schools are doing and skims over other factors. We really have to be honest and say that some of our students are not doing as well as they might or should, and we should be working harder to identify the reasons for them falling below national minimum averages.

We know it is not just students in public schools. We know it is not just students in schools that are under or well resourced. There are other factors at play, and if we do not recognise some schools are struggling they will never get the assistance that they need.

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) (3.54): I thank Mrs Jones for bringing this on. It is important that we offer choice, and I am on record as saying that. I consider myself the minister for all education, and there should be choice. Indeed, one of the most fundamental choices that parents make is about where they send their children to school, and it is a complicated decision. It could be the look of the school, the feel of the school, the convenience to work, the convenience to home—a whole range of factors come into those decisions.

In our census of last year close on 70,00 students were enrolled across our schools from preschool to year 12 with that split being about 41,000 in the public education system and 14,000 across the independents and the Catholic education system.

I have visited many government and non-government schools alike, and I have made a commitment to visit all the schools through the ACT, again across all those sectors. It is a great privilege to meet the future leaders when we go into these schools and to see the enthusiasm of youth and the dedication of the teachers as they move through and try to do their best. I see great things from students such as those at Malkara primary who raised over $2,000 for the Boundless playground park. That is students stepping up and doing the right thing for the broader community. This week I am going to Trinity school for the opening of their new children's services hub, and St Jude's has a new early learning centre because of the support this government has provided them.

As I said before, I firmly believe—and I think Mr Gentleman touched on it yesterday—the divide between government and non-government schools is over. But I will go back to some of the commentary yesterday in the debate where we on this side tried to put forward our commitment to Gonski, and, unfortunately, there was some fence-raising again between those sectors, and that was disappointing.

Mrs Jones made comment today around the NAPLAN results. I agree with you; I think it is a most unfortunate and very blunt tool to have our 86 government, non-government and Catholic schools in a simple league table. The *Canberra Times* continues to do that. I have had discussions with the independent schools and the Catholic schools and have worked to try and have a more informative debate about the information that is held on My School. Parents go to that; it is a good source of information, but it does not ever replace the conversation between parents and the principals and leaders of the schools. That is absolutely fundamental.

Part of choice and being involved in your school is parental engagement, and I took a question from my colleagues today on the ARACY project. I am very proud and pleased to be spearheading that project. ARACY themselves are calling it an Australian first to help parents get more involved. I absolutely want to see more parents, sons and daughters, the families of our community, in genuine partnerships with their schools so they are central to the decision-making and absolutely reflect the schools as being the centre of their local communities.

As I have said earlier today, the ARACY project will be not only in government schools but in Catholic and independent schools alike. It will be delivered in two phases; we will start very shortly by just getting a sense of the definition and a common understanding. People talk about parental engagement, but as I have the conversations with various teachers and principals and parent organisations, it seems to mean different things to different people. Therefore, in a jurisdiction of our size that allows us to do so, I think it is important that we have a very clear understanding about what that is, to do some surveys across our schools to see what strategies work, and to bring that back and empower the parents and empower the teachers about what that engagement looks like.

I believe we have got a strong history of collaboration across the sectors. The establishment of Gold Creek and Holy Spirit is a shared campus on the north side of Canberra, and that is a wonderful example of an innovation between those two schools working together.

The Board of Senior Secondary Studies is well established in that cross-sectoral work, as is the Teacher Quality Institute. Whilst we have two universities, we have three sectors, and it is heartening to see the teaching profession come together through the TQI. Much of the work of the TQI is nation-leading in implementing the Australian professional standards for teachers. It is heartening for the executive of TQI, and I take a quick opportunity to congratulate Anne Ellis and her staff out at TQI for the work they do across the professions for teaching development.

The issue of funding for non-government schools is an absolutely critical point where the feuding between government and non-government schools must be put to bed, and that was the benefit of the national education reform, or the Gonski reforms. One of the critical elements was that, once and for all, funding was based on student need and it did not matter whether it was a government school, a Catholic school or an independent school. Just for the record, over the last 12 years this government's funding to our Catholic and independent schools has increased by over 93 per cent. So that clearly shows that this government is committed to supporting those sectors.

My colleague Mr Gentleman's motion yesterday highlighted the issues that all schools are encountering in confirming our funding arrangements with the commonwealth. In December last year the Senate of the Australian parliament announced they would ask a select committee to inquire into and report on the development and implementation of the national school funding arrangements in schools reform.

This government will take an opportunity to provide a submission to that inquiry because it is important that we continue to get the best out of our schools. But I will not shy away from continuing to support the national school reform, or Gonski, as almost everyone is colloquially now calling that national school reform.

One of the key elements of Gonski is, indeed, our six years of funding. Mr Gentleman's motion yesterday called on the government to continue to implement the national education reform as agreed to with the federal government to achieve positive outcomes for students of the ACT. It also called on the government to seek the commonwealth government's commitment for the full six years of funding. It also called on us to continue to invest in education for better opportunities for our children and to work towards continuing improvement of results for ACT students.

Yesterday Mr Doszpot and the Canberra Liberals refused to accept that level of investment and commitment from this government. It is a very sad that you would put party politics ahead of the benefit of our Canberra students—

Mr Doszpot: It was your party-political motion that was the problem—

MS BURCH: No; we have a signed agreement with the Commonwealth of Australia for six years for the benefit of all students, regardless of where they are going to school. Mr Doszpot said at one point—I will just quickly find this—that money matters not and that it was about teacher quality and money is almost an irrelevant contributor. Should two outyears be pulled out of this agreement, the non-government schools—the Catholic schools and the independent schools—alone will lose $32 million dollars over two years. Your quote yesterday, Mr Doszpot, was:

> I think discussion around quality teaching and quality learning is far more significant … than how much money is thrown at a school.

So you are prepared to take $32 million dollars out of the Catholic and independent schools.

Mr Doszpot: That is a total verbal.

MS BURCH: No, that is word for word out of *Hansard*, Mr Doszpot.

I agree with the matter of public importance—it is important our families have choice in education because it is important for parents. I am glad the Canberra Liberals understand that, but they really should stand up for the independent and Catholic students in this city, because they will be disadvantaged.

MR RATTENBURY (Molonglo) (4.04): The ACT has a high number of students in non-government schools. This is a fact that is often used when discussing education and is sometimes used as a line in the sand to argue one point or another. I am disappointed this is the case, but I acknowledge that, when the national reforms that were designed to be a logical, consistent and publicly transparent approach to school funding are under threat, strong opinions arise in the discussion. The fact that the ACT has a high number of students in non-government schools is also used in a simplistic manner for and against sector arguments. The comments yesterday from those opposite were oppositional in that sense. Minister Burch has just recalled some of that debate yesterday. It feels sometimes that it is, "Either your side or mine. You're with us or against us." Then the funding debates are dusted off and rolled out as evidence that one political party is more of a friend to one sector or another.

From a Greens' perspective, I would like to see a much more nuanced approach to things, and that is certainly the way we intend to deal with it—one based on evidence, genuine community consultation and a slightly more sophisticated world view. When I hear that we have a range of philosophical, religious and pedagogical approaches to educating the territory's children, I see this as a positive. This range of perspectives exists in both government and non-government sectors and varies from school to school and region to region across the territory. This is indicative of the diverse and multicultural society we are lucky to live in today. It is a testament to the progressive, engaged community that we call our own.

Parents and carers desire to support the best education they can for their kids, and I can only applaud that desire. The ACT Greens believe that everyone—and that means

everyone—should have equitable access to an education that meets their needs and aspirations and gives them the skills and capacity to participate fully in our modern society.

We want both government and non-government education funding to be based on a formula that is transparent and accountable and seeks to recognise the fact that there is inequality of opportunity in our society. There is a need for this funding to be more clearly relatable to student outcomes and to follow the needs of students as they progress through their schooling.

The issue of outcomes and results was something I was thinking about in the context of yesterday's discussion where I made reference to results. The broader notion of outcomes is the right one here when it comes to discussing children's education, because not everybody, as we all well know, is going to be academically strong, but they have plenty of the strengths that can be developed through the educational system. We need to look at that broader notion—not just the NAPLAN test results but, rather, the full set of educational outcomes that young people get.

The ACT Greens sought during the 2012 election to provide greater certainty to the non-government sector in relation to recurrent funding of students with disabilities in particular but also for the longer term in regards to six-year agreements with the commonwealth. That is why the Greens took to the election more recurrent funding for students with a disability in non-government schools until a new national funding model was implemented. We are very aware of the unique socio-economic makeup of the ACT and the role we also play in responding to cross-border and regional needs. That is why we remain committed to achieving the best outcome for all students. This includes supporting choice for parents and carers.

Contrary to some of the comments Mr Doszpot alluded to yesterday in the debate, I believe the Greens have quite a positive relationship with the non-government education sector. This relationship builds on a mutual professional respect that allows for differing views. We have, at times, had some robust debates with the non-government sector, but these debates have left all participants with a better understanding of each other's position and have allowed for the development of common ground on complex issues. That is not to say we do not have differing views on funding issues or other matters, but we can all conduct ourselves with professionalism. My office certainly enjoys a strong and open relationship with all major sector stakeholders. They know they can contact me and my team whenever there is a need.

All schools need certainty to support planning for the future and responding to the individual needs of their students. That is why I believe the Gonski reforms are so important and why I spoke so passionately yesterday in the debate about why we should be proceeding with that funding agreement and not backtracking as appears will be case.

Funding certainty is sought for government schools but it is there for the non-government sector also. Again, the six-year funding agreement should be delivered for all students in my view. People seem to forget that Gonski had many other

recommendations aimed at creating better opportunities for collaborating and sharing resources. Gonski was and is about increasing educational outcomes, reducing the achievement gap for students from disadvantaged backgrounds, supporting teacher improvement and creating a level playing field.

From a Greens' perspective, I stand by our policy platform and our principles on education that include the belief that the government and non-government schools funding policy must ensure equity of educational outcomes. It must allow for diverse approaches and it must be based on need.

The ACT Greens are committed to the ACT government's component funding being sustainable and matching the actual needs of educating a child. We look forward to maintaining the positive dialogue we have with the Catholic Education Office, the Independent Schools Association and the Australian Education Union. Although recent disappointing moves in the federal funding space have once again created division where there was once some hard-won unity, the Greens will continue to work in a mature and productive way with all stakeholders as we fight to deliver the best education outcomes possible for all the students in the territory.

MR DOSZPOT (Molonglo) (4.10): I thank Mrs Jones for bringing on this MPI today because it provides an opportunity to correct a few misconceptions, to recognise some of the positive things happening in education and also to talk about the challenges we face into the future.

As Mrs Jones pointed out, we have an array of schools, schooling options and curriculum choices. We know it is not just about money. Claims by Labor members yesterday that we on this side of the chamber do not care if schools are funded or not are demonstrably wrong. But we are honest enough to realise that a dying Labor government was never likely to be in a position to honour any agreement, whether it was for four years or six years. And where there is any discussion about schools and funding, there is much confusion and deliberate misinterpretation in the media and among some commentators.

Commentary on comparisons between schools based on ICSEA ratings is misleading, and its value is debatable, because there is too much conjecture about its application and too high an error rate to pay much attention to whether a school is marginally ahead of or behind other similar schools elsewhere. Suffice to say, Canberra is not a place that makes like-for-like comparisons with other jurisdictions easy if you are to base such comparisons solely on ICSEA ratings, especially when you start to mix up ICSEA funding and educational outcomes, as papers like the *Canberra Times* do. Other media just play the public versus private divide. In commenting on recent results, the *Age* headlined with "NAPLAN results show public versus private gulf". The *Courier Mail* led with "Elite private schools trounced by similar-background state schools in Queensland NAPLAN results".

As I said, there is much fanfare about how well Canberra schools are doing, but there are some harsh home truths in those tables. If we take the latest results, and it applies equally to testing from any of the other years, we have far too many schools, over too many years and in all subjects, that fall below the national minimum standard.

Whether you believe it is about social advantage, parental education and professional status, where a school is located or how well it is funded, there is one undeniable fact in NAPLAN: too many students are failing under our education system.

If we take the raw data for year 3 spelling, there are 10.9 per cent of students in ACT schools who are at or below the national minimum standard. Using the *Canberra Times* interpretation, that equates to 41 schools, both government and non-government. Spelling does not get any better as the years go up; in fact, it gets worse by year 9, where it is at 16.9 per cent. Numeracy does not start out as poorly, but by year 9 we have over 20 per cent at or below national minimum standard.

For those people, particularly those in the community that mindlessly chant the "Give a Gonski" line that suggests that more money is the panacea to all our educational failings, I say: look at the funding per student tables for Canberra schools—public, Catholic and independent. I do not intend here to identify any particular school and highlight where they sit on the funding per student table compared to where they sit on the NAPLAN results. Suffice it to say that some at the top of the funding table are in some cases significantly below national minimum standards.

What does that mean? It says that money alone is not the answer. We know we have a problem with a number of students in our ACT schools. But what are we doing about it? I would welcome an open debate on this, but—Ms Burch is leaving—when we raise the issue we are accused of talking down our schools. Let us stop the myopic focus on money being the panacea for all of education's ills and work out some effective strategies and some key traits that are common to effectively performing schools.

A recent report from the Grattan Institute gives some insight into how good schools can get better and better schools can be best. It says:

> School education in Australia is slipping. We are falling down the international rankings and our students are performing at a lower level in some subjects than they were a decade ago, according to the OECD.

It goes on to suggest that high-performing systems around the world know that improving the effectiveness of teaching is the way to lift school performance. They seek to increase the quality, not the quantity, of teaching. It goes on to argue this, and I think it reflects much of what is currently happening in our ACT schools:

> Government regulations restrict schools. Enterprise bargaining agreements restrict changes to work schedules, and duty of care requirements restrain schools that want to free their teachers from child minding to focus on improving teaching.

Mrs Burch does not acknowledge that some schools at the top of the funding envelope are failing their students while those schools that are getting less than half that amount are achieving enormous results.

So if it is not just adding more money, what is it? There is an enormous body of research that suggests that schools can be turned around from being poor performers and it matters not whether they are in low socio-economic areas or not.

Some recent research identified 156 secondary schools in Australia that were two years or more behind the national average on reading and numeracy in the year 9 NAPLAN testing. The research also spoke about six schools that were turned around and others that could be. It identified that it was not simply a matter of a few charismatic principals or teachers. It was a combination of a number of factors, including strong leadership that raises expectations; effective teaching, with teachers learning from each other; development and measurement of effective learning; development of a positive school culture; and engagement of parents and the community. This research is not just untested theory; it has recorded positive and measurable change in schools that participated in the trial.

It is not money that is the focus; it is not how wealthy a school is or how financially able a parent is to meet school fees. It gets down to what we are doing as a government to provide the best learning opportunities for our teachers. It includes attracting the best and brightest to our teaching courses. It means professional development that is meaningful, relevant and available. It is not about making teachers sit literacy and numeracy tests.

Strong leadership comes with giving school principals the freedom to make choices that are best for their school. Of course, the unions oppose the notion of autonomy, as presumably do those in government who are their supporters.

We need to provide professional development that is more attuned to today's needs. The Canberra Liberals went to the 2012 election with a promise to double the existing funds in the first instance. Too often teachers tell us that professional development opportunities are hard to access and not the type of training they need. That needs to change. What is the current minister doing to develop and measure effective learning? What tools are being used? What data is being collected? What guides and assessment are being used to benchmark and analyse such things as student behaviour? Are we developing a positive school culture? How are we doing this? We have increased numbers of school counsellors, but is that delivering improved environments in our more challenging schools?

Last, but not least, we need to develop strategies that engage more closely with the parent community. I attended a seminar last year where I learnt about some valuable programs and tools that any school can introduce to improve parental involvement and engagement. It does not matter about the location of the school or the socio-economic standing of the parents. I know that such programs are supported by the two government and non-government school parents associations.

I was pleased to read in this morning's press that the ACT education directorate has commissioned the Australian Research Alliance for Children and Youth to undertake some work in this area. This is a very positive step. I congratulate the directorate on this initiative and I congratulate the APFACTS president, Charuni Weerasooriya, for pressing for such work. I know how long she has been advocating for such an initiative, and I have strongly supported her advocacy in this regard. I look forward to what additional strategies and programs will be included in the coming budget to facilitate other such initiatives.

Canberra is unique in its social demography. It is unique for the number of students that attend both government and non-government schools depending on where they are in their educational cycle. It is not uncommon for a family to send a child to a Catholic preschool, a public primary school, an independent high school and a public college. They may choose to do that because they can afford to, but more likely it is because it is that mix that best suits their children and their family needs and expectations.

We need to ensure that such choice is supported and encouraged. Canberra families want and expect the best educational outcomes for their children, so it is important that we deliver the widest options possible. We can only do that if we accept that all our schools have the capacity to be above the national minimum average, that all our students attending these schools deserve the best education available.

I thank Mrs Jones once again for bringing this motion into the chamber.

MS BERRY (Ginninderra) (4.20): I want to briefly address some of the comments that Mr Doszpot made in his speech regarding the Gonski campaign. The Gonski campaign is the only campaign that is joining communities, parents, teachers and supporters together in calling for funding based on needs for children in our schools. I disagree with and take offence at Mr Doszpot's stating that people are mindlessly chanting the Gonski line if what we are chanting is a call for needs-based funding from the federal government that was promised and has been reneged on. Yesterday Mr Doszpot said the Gonski campaign was all over and done with and that we were wasting our time. I do not think we are wasting our time when it comes to our children.

In his speech today, Mr Doszpot went on to again compare teachers to childminders. I was not sure whether he was talking about teachers or early childhood educators, but I am sure that they would take offence to that as well.

I did not want to take too long on this. I just wanted to say that public education is very important for Canberra, and we have got a proud record of being supporters of public education.

Mr Doszpot interjecting—

MR ASSISTANT SPEAKER: I warn you, Mr Doszpot.

MS BERRY: The only voice out there in the community calling for funding based on need is the Gonski campaign, and I support that campaign.

Discussion concluded.

Standing orders—proposed amendments

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

> That standing orders 247 to 252 be omitted and the following standing orders be substituted:

"**Draft report**

247 It shall be the duty of the Chair of every committee to prepare a draft report. Copies shall be circulated in advance to each Member of the committee.

Presentation of the draft report to the Committee

248 At a meeting convened for the purpose, the Chair shall submit the draft report which may be considered at once.

Alternative draft report

249 If any Member, other than the Chair, submits a draft report to the committee, the committee shall first decide upon which report it will consider.

Consideration of the report chosen by the Committee

249A The report shall be considered paragraph by paragraph or, by leave, paragraphs may be considered together. Appendices shall be considered in order at the conclusion of the consideration of the report itself. The Chair shall propose the question 'That the paragraph(s) or appendix be agreed to' and a Member objecting to any portion of the report may vote against it or move an amendment at the time the paragraph or appendix to be amended is under consideration.

Reconsideration of draft report

250 After the draft report has been considered, the whole or any paragraph may be reconsidered and amended.

Final consideration of the draft report

250A At the conclusion of the consideration and any reconsideration of the draft report selected by the committee the Chair shall move 'That the report as amended be agreed to'.

Unable to agree on a report

250B If the committee is unable to agree upon a report, the Chair of the committee must present a statement to that effect, with just the minutes and transcripts of evidence.

Dissenting report

251 If any Member dissents from part or all of the draft report under consideration, that Member may present a dissenting report or additional comments which shall be added to the report agreed to by the committee.

Signing of report

252 Every report of a committee shall be signed by the Chair, and any dissenting report or additional comments shall be signed by the relevant Member or Members.".

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

That the order of the day be discharged from the *Notice Paper*.

Amendments to the Electoral Act 1992—Select Committee
Establishment

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (4.22), by leave: I move:

That this Assembly:

(1) notes:

(a) the public position of the Labor Government and the Liberal Opposition that the membership of the Legislative Assembly be expanded to 25 members at the 2016 election;

(b) certain provisions of the Electoral Act 1992 will require amendment as a result of this change;

(c) the recent High Court decision, Unions NSW & Ors v NSW, and that this decision also has implications for the operation of the *Electoral Act 1992*; and

(d) the Elections ACT's *Report on the ACT Legislative Assembly Election 2012* contains a number of recommendations pertaining to the *Electoral Act 1992*; and

(2) resolves:

(a) that a Select Committee be established to inquire into the above matters and any related issues;

(b) that the committee will be comprised of one member of the Government, one member of the Opposition and one member representing the ACT Greens with proposed members to be nominated to the Speaker by 6pm this sitting day; and

(c) the committee report by the last day of June 2014.

Members, I am moving this motion today following discussion amongst the respective parties about the desirability of looking into the required legislative changes and associated matters that will be needed to effect a potential transition to an enlarged Assembly of 25 members.

Given the public position of the Labor government and the recently announced position, again publicly, by the Liberal opposition, it is clear that there is majority support in this place to expand the size of the Assembly to 25 members at the 2016 ACT Legislative Assembly election.

The government will propose formal amendments to the Electoral Act in due course for this change. In particular, I can foreshadow that at this point in time it is anticipated that amendments to the Electoral Act to provide for an enlarged Assembly will be presented to the Assembly during the June budget sitting week. That would allow debate on those matters to take place at the following sitting, which is scheduled for August.

The purpose of this referral today is to establish a select committee that will look at what provisions of the Electoral Act potentially require amendment to facilitate change. Whilst a number of these are straightforward, there may be other elements that are worthy of further consideration by a committee inquiry.

There are also related matters. For example, the recent High Court decision in Unions NSW and others v New South Wales has concluded that certain parts of the New South Wales campaign finance laws are unconstitutional. Similar provisions exist in elements of the ACT's Electoral Act when it comes to the regulation of campaign finance. For that reason I have included in this proposed referral a provision that provides for the select committee to look into these matters.

The government, of course, anticipates making a submission to this inquiry. As the responsible minister, I anticipate that the government will be able to provide information in relation to the potential implications of Unions NSW and others v New South Wales as part of the select committee's inquiry.

It is also the case that the report from the ACT Electoral Commission on the conduct of the 2012 ACT election has been tabled in this place, but there has not, as of yet, been a referral to committee to consider that report. Therefore, I think it is timely that we take this opportunity to consider not just the matters arising from the potential expansion of the Assembly but also the issues raised in the Electoral Commissioner's report on the conduct of the 2012 election.

The overwhelming majority of the commissioner's recommendations in that report relate to a range of technical aspects of the operations of the new campaign finance laws. Therefore, it is again timely to look at those matters concurrently with the implications of the recent High Court decision, the operation of campaign finance and a potentially expanded Assembly.

The motion proposes that the committee will be comprised of one government member, one opposition member, and one member representing the ACT Greens. The proposed reporting date is the last day of June. This would provide sufficient time for the inquiry to conduct what will be a fairly prompt inquiry process but nevertheless one that can be completed and a report presented at the same time as the government's proposed amendments to the Electoral Act are already on the table, and before the Assembly considers the bill to expand the size of the Assembly in August.

So the expectation is that in August there will be a bill for debate on a possible expansion of the Assembly. There will be a committee report from the select committee on the matters outlined in this proposed referral and there will be a government response to the committee report.

The timing therefore recognises that the committee should report by the last day of June. This is not a sitting day. I anticipate that at a future sitting of the Assembly it may be the case that the select committee will seek authorisation to circulate its report and table out of session. I will leave that decision, I think properly, to the select committee to itself determine.

I would like to thank all of the parties for their engagement in the preparation of these terms of reference. I thank them for their input. I am pleased that we have a consensus position on the conduct of this select committee. I commend the motion to the house.

MR HANSON (Molonglo—Leader of the Opposition) (4.29): I can indicate that the opposition will be supporting today's motion. I thank Mr Corbell for bringing it before us. I would also acknowledge that this is something that has been agreed to by the three parties. I think it is important that it be a select committee, or certainly a committee where the Greens are represented. I have had some conversations with Mr Rattenbury in that regard.

As Mr Corbell has identified, the government has proposed on a number of occasions that this Assembly increase in size. As a result of the reference group's paper, the government has essentially locked their decision into that being an expansion to 25 members spread across five electorates. This matter was considered by the Liberal Party at a policy convention on 12 March. The decision of the Liberal Party at that stage was that the parliamentary party would then work towards that end, noting that there are still, I guess, a number of outstanding questions and bodies of work that need to be completed. That is what today in some sense is about.

For this to proceed, we want to make sure that we get it right. This is an opportunity that will probably come very infrequently to this Assembly. In fact, this will be the first change in its size and structure since its establishment nearly 25 years ago. So there will be a lot of issues to look at, and a review of the Electoral Act and relevant matters is appropriate.

The time line that has been proposed by the government is one that we support. There is a balance here between making sure that the Assembly does consider the issues, that the committee has sufficient time to look at this and that the Assembly, when it then essentially has these matters presented to it in June, has enough time through the winter recess and through the estimates process to look at this in some detail before essentially debating what is put before us in August.

That is a deliberative process, but it is one that we need to get on with because there are some obvious actions that will then need to be taken in terms of the response by the Electoral Commissioner, redistribution of electorates and so on. It is in the community's interest and certainly the good operation of this place that some of that action is taken quickly so that decisions can be made and people are aware of what the Assembly is going to look like, what the electorates are going to look like, sooner rather than later.

There are obviously some other matters that are being pursued concurrently with this, including the establishment of a sixth minister, which the opposition supports, as an important initiative to enhance the effectiveness of this place. I am encouraged that we had a discussion in the Assembly this morning with regard to committees and an improvement in the management of committees. I think that is good. I hope that this committee will lead to what we would all want, which is a more effective and capable Assembly.

I certainly commend the motion to the Assembly. As I said, the Liberal opposition will be supporting the motion.

MR RATTENBURY (Molonglo) (4.49): I am pleased to speak to this motion. I support the establishment of this committee. I think it is timely to consider these matters and to do it now given the position that the Liberal Party recently took to support the five-by-five model. It points to a significant range of changes for the conduct and the operation of the Assembly. I think it is quite appropriate to do some thinking now about what by-products flow out of those changes and what steps might need to be taken early on to facilitate the bigger picture change.

I am sure there will be a range of matters that will be revealed, some of which perhaps will be easily addressed and others that will need a bit more careful thought. But I think having a committee like this is a good way to do it. I certainly welcomed the discussions I had with Mr Hanson and his thoughts about the composition of the committee. I thank him for his feedback on that.

Looking at the other matters, including the issues arising from the Assembly election 2012 report from the Electoral Commission and the donations issues, putting them all together into one place is a sensible approach to take. I will be very pleased to support the motion. I suspect I know who the Greens will be nominating for the committee. It should be pretty easy to sort out, but I will get back to you once we have had a caucus meeting.

I observe that my party has some reservations about the model that is to be put forward in the legislation later in the year in the sense that the five-by-five model gives cause for concern to the ACT Greens. We made a submission to the expert reference group in which we argued for electorates of seven or even nine members in the view that this provided a more representative model in the ACT Assembly and that a five-member electorate system tends to favour a two-party system. The two older parties tend to perform more strongly in that environment.

That is a concern the Greens have expressed, but it is quite clear that there is strong support for the five-by-five model in this place. I should be clear, because there seems to have been some uncertainty. We were certainly never advocating the 35-member approach that was canvassed in the expert reference group report. Our view was that something in the region of 21 to 27 members was appropriate, whether that was three by seven or three by nine. We have even canvassed the question of whether you could have slightly different sized electorates if you want to get to 25—perhaps doing two eights and a nine.

I recently discussed this with the Electoral Commissioner when I bumped into him in the street. He put to me that that was not possible under the current act. That being the case I reflected on the fact that one can, of course, change the legislation. But that does not appear to be the path that we are going down. What this means is that smaller parties and independents will find it harder to enter the Assembly. I think that that is a matter that we might like to reflect on, but it is clear that we are heading down this path of five by five. I certainly look forward to working with members of this committee to contemplate what legislative and procedural changes, as well as resourcing issues, may arise in this discussion that we need to put in place to make sure that when the 2016 election comes around that significant transition for this place occurs as smoothly as possible.

I conclude by reiterating my support for the motion and I look forward to working with colleagues on these matters.

Question resolved in the affirmative.

Education, Training and Youth Affairs—Standing Committee
Statement by chair

MS PORTER (Ginninderra): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Education, Training and Youth Affairs for the Eighth Assembly relating to statutory appointments in accordance with continuing resolution 5A.

Continuing resolution 5A was agreed to by the Legislative Assembly on 23 August 2012. The requirements of the resolution set out a transparency mechanism to promote accountability in the consideration of statutory appointments. The resolution requires relevant standing committees that consider statutory appointments to report on a six-monthly basis and present a schedule listing appointments considered during the applicable period.

The schedule is required to include the statutory appointments considered and, for each appointment, the date the request from the responsible minister for consultation was received and the date the committee's feedback was provided. For the applicable reporting period—1 July 2013 to 31 December 2013—the committee considered seven statutory appointments. I table the following paper:

> Education, Training and Youth Affairs—Standing Committee—Schedule of Statutory Appointments—8th Assembly—Period 1 July to 31 December 2013.

The standing committee notes that, whilst it had no specific comment to make on any proposed appointments during this period, it continues to hold the view that several matters essential to the proper and transparent conduct of the statutory appointment process require monitoring by ministers, directorates advisers, and standing committees.

The first comment is in relation to bodies where several appointments to one statutory body are anticipated in a short period. It is preferable, if possible, for ministers to propose appointments in a group rather than in two, or even three, separate proposals within a short period of time. In the case of one body, the committee considered that several appointments could have been held over and combined, rather than submitting them to the committee on two separate appointments.

The committee's second comment is that ministers and their directorates should carefully observe and apply the terms of the continuing resolution and ensure they provide full details—including a copy of statutory provisions—which govern proposed appointments, particularly those specifying the constitution of a body, the number of members, and the qualifications, term of appointment and remuneration.

I must add, Madam Assistant Speaker, that this has been more and more adhered to. It is very pleasing to see this, but I think it is just we need to keep on reminding ourselves about that. The committee thanks the ministers with whom it deals on statutory appointments for their cooperation and assistance and looks forward to reporting further under this order of the Assembly in the second part of the year.

Public Accounts—Standing Committee
Statement by chair

MR SMYTH (Brindabella): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to inquiries about certain Auditor-General's reports currently before the committee—review of Auditor-General's report No 5 of 2013: *Bushfire preparedness*.

On 26 July 2013, Auditor-General's report No 5 of 2013 was referred to the Standing Committee on Public Accounts for inquiry. This report presented the results of a performance audit of Australian Capital Territory's government agencies' preparedness to manage bushfire threats to the ACT. The report contained 24 recommendations. The committee received a briefing from the Auditor-General in relation to the audit report on 15 October 2013 and a submission from the government dated 23 October 2013.

The committee has resolved to inquire further into the report. Whilst the terms of reference for the inquiry will be the information contained within the audit report, the committee's inquiry will focus specifically on strategic readiness for bushfire prevention and preparedness; the farm firewise program; and implementation of audit recommendations. The committee will be inviting written submissions to its inquiry from key interest and stakeholder groups. The committee is expecting to report to the Legislative Assembly as soon as practicable.

Planning, Environment and Territory and Municipal Services—Standing Committee
Alteration to reporting date

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

That the resolution of the Assembly of 9 May 2013 referring vulnerable road users to the Standing Committee on Planning, Environment and Territory and Municipal Services be amended by omitting the words "by the last sitting day in April 2014" and substituting "by the last sitting day in June 2014".

Health, Ageing, Community and Social Services—Standing Committee

Reporting arrangements

Motion (by **Dr Bourke**, be leave) agreed to:

That in relation to the Standing Committee on Health, Ageing, Community and Social Services inquiry into Aboriginal and Torres Strait Islander employment in the ACT public service, if the Assembly is not sitting when the standing committee has completed consideration of its report the committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publication and circulation.

Executive business—precedence

Ordered that executive business be called on.

ACT government campaign advertising—independent reviewer

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (4.44): I move:

That, in accordance with section 12 of the *Government Agencies (Campaign Advertising) Act 2009*, this Assembly approves the appointment of:

(1) Professor Dennis Pearce AO as the Independent Reviewer—ACT Government Campaign Advertising for a period of three years commencing immediately; and

(2) in instances when the Independent Reviewer is unavailable to review proposed government campaign advertising, Mr Derek Volker AO as Alternate Independent Reviewer—ACT Government Campaign Advertising for a period of three years commencing immediately.

I present a motion to the Assembly to appoint Professor Dennis Pearce as Independent Reviewer, ACT Government Advertising, in accordance with clause 12(4) of the Government Agencies (Campaign Advertising) Act 2009. In addition, I nominate Mr Derek Volker to be appointed as an alternate reviewer who can be called upon to scrutinise ACT government campaigns if Professor Pearce is unavailable. Mr Volker was appointed as the first independent reviewer in February 2011.

As independent reviewer, Professor Pearce will review government campaigns over $40,000 to ensure they comply with the Government Agencies (Campaign

Advertising) Act 2009, which aims to prevent the misuse of public funds. This is an important role in ensuring integrity, transparency and trust in the use of public funds for government communications, and as part of the review process the reports of the independent reviewer are presented to the Assembly.

Professor Pearce has had a long and distinguished career in academia and public office over many years. He joined what is now the ANU College of Law in 1968 as a lecturer, and was promoted to professor in 1981. He was dean of the law school from 1982 to 1984 and from 1991 to 1993. He was acting deputy vice-chancellor in 1994 and retired in 1996. On retirement, he was appointed as emeritus professor of the university. While on the staff of the college, Professor Pearce taught a range of subjects but primarily administrative law, legislation and intellectual property.

In addition to his achievements in the academic world, Professor Pearce has also held many public positions and is currently the Independent Reviewer for the Advertising Standards Bureau. His former roles include foundation adviser to the Senate scrutiny of bills committee from 1981 to 1983, the first ACT Ombudsman from 1989 to 1991, the Commonwealth and Defence Force Ombudsman from 1988 to 1990, Chairman of the Australian Press Council from 1997 to 2000, member and later Chair of the Copyright Law Review Committee from 1983 to 2000 and foundation President of the ACT Racing Appeals Tribunal from 2001 to 2004.

He has conducted many inquiries for the commonwealth and ACT governments, most notably in recent times the inquiry into sexual and other abuse in the Australian Defence Force. Professor Pearce is currently leading an investigation into allegations of workplace bullying in the CSIRO.

He was made an officer in the Order of Australia in 2003 and was awarded a Centenary Medal for his services to copyright. Professor Pearce's extensive experience makes him perfectly acquainted with the realities and sensitivities of government advertising and equips him to judge what is and is not appropriate in the expenditure of public funding. I consider him to be highly qualified to take on this role for the Assembly, and I hope this view is shared and supported by other MLAs.

I am also nominating Mr Volker to be appointed to the role of alternate campaign advertising independent reviewer in the event that Professor Pearce is unavailable. Mr Volker was appointed as the first independent reviewer in February 2011 and for the past three years has performed the duties of the position with integrity and professionalism. His experience, diligence, thoughtful advice and responsiveness during his tenure have been invaluable. I thank members for the discussions we have had outside this chamber.

I think the process around the appointment of the independent reviewer has been a much improved process on the one we went through the first time. I thank colleagues for working with me on this. I look forward to the Assembly supporting these nominations.

MR HANSON (Molonglo—Leader of the Opposition) (4.48): I indicate that the opposition will be supporting this motion today. Certainly Professor Pearce is very

well credentialed. His resume reads very well and he certainly would appear to be an ideal candidate for this position. The opposition is certainly happy to support Mr Volker to continue on with a role—in this case, as the alternate independent reviewer. We will support this, and look forward to working with Professor Pearce as necessary.

MR RATTENBURY (Molonglo) (4.49): My comments largely echo those of Mr Hanson. Having reviewed the CV of Professor Pearce and being aware of his reputation prior to that, he is a suitable appointment and I am very happy to support the nomination. Similarly, Mr Volker, who has been in the role during the previous term, has performed the role as we would hope. In that event, I am very happy to support his nomination as the alternate.

Question resolved in the affirmative, with the concurrence of a two-thirds majority of members.

Paper

Ms Gallagher presented the following paper:

> Changes announced to Commence and Complete Fees and Lease Variation Charge.

Planning, Environment and Territory and Municipal Services—Standing Committee
Proposed reference

MS LAWDER (Brindabella) (4.50): Pursuant to standing order 174, I move:

> That the Electricity Feed-in (Large-scale Renewable Energy Generation) Amendment Bill 2014 be referred to the Standing Committee on Planning, Environment and Territory and Municipal Services for inquiry and report.

The Canberra Liberals support working towards a sustainable environment and we have been a leader in this area on many occasions. We have supported a number of motions here in this place relating to emissions target reductions, including one brought recently by Mr Rattenbury. We are all elected to this Assembly to represent our constituents. We have been elected to look after their best interests, and we need to be ensuring that decisions we make in this place do not make day-to-day life more difficult for Canberrans.

Looking after the environment is one of those concerns. The cost of living is another serious concern for our constituents. We live in a city with many high costs—rents, child care, rates, utility bills. Today the government wants to take another step in the direction of increasing the cost of living pressures for Canberrans. Today the

government wants to take another step in the direction of appearing to be the greenest city in Australia while increasing the cost of living and not actually making much of a difference to the environment.

If we are here to represent our constituents and we know they are struggling with the cost of living, how can we support a bill which continues to increase the cost of living? The minister's 2012-13 annual report under the Climate Change and Greenhouse Gas Reduction Act 2010 states:

> Through implementing the actions set out in AP2, electricity prices are forecast to increase by up to 16% to fund renewable energy investment and ensure our greenhouse gas abatement targets are met.

We often have cost of living increases referred to in terms of a cup of coffee, and this is a situation where I am sure those opposite will try to use that argument. But we need to take a step back and consider increases in the cost of living across the board as well as reviewing what environmental benefits this will actually have when you look at the big picture.

Recently we referred AP2 to committee to look at the effectiveness of measures, including measures to assist low income households. Referring this bill as well would enable proper evaluation of the effect on Canberra households. I hope those opposite will support this bill going to the committee to examine the impacts on ordinary families.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (4.53): The government will not support this referral proposal today for a number of reasons. First of all, it is a very late proposal from the Liberal Party. This bill has been on the table now for a reasonable period of time. I was advised by Ms Lawder about half an hour ago of her intention to make this referral. It seems to me a last-minute bid by the opposition to try and stall consideration of the bill, and I do not think that sort of approach should be supported.

In addition, the premise on which Ms Lawder seeks to justify referral of this bill is a false one. The cost of renewable energy is very modest and it continues to decline. Costs of large-scale renewables, whether it is wind or solar, have dropped dramatically in the past decade, and they will continue to do so. Large-scale renewables are now cost competitive with alternative, more conventional forms of energy generation such as coal-fired generation or gas-fired generation. That will continue to be the case, and the competitiveness of new technologies like solar and wind will continue to improve.

But the cost to households is an issue that the government takes very seriously. Indeed, that is outlined comprehensively in action plan 2, and it is worth emphasising that the total pass-through cost associated with achieving 90 per cent renewable energy for our city in terms of our electricity supply is approximately a maximum of $4 per household per week in 2020 when full deployment is achieved.

It is worth highlighting that that cost is offset by other measures that the government is implementing through action plan 2, most significantly through the energy efficiency improvement scheme which is delivering savings to households through energy-saving appliances in the order of approximately $4 per household per week. For many households the savings associated with participation in the energy-efficiency improvement scheme offset or, in some instances, more than offset the costs associated with renewable energy generation through the expansion of the large-scale renewable energy act.

The premise of Ms Lawder and the opposition is a false one and fails to have close regard to the facts. This Assembly has already agreed to refer the operation and implementation of action plan 2, which is the overall strategy for achieving our greenhouse gas reduction targets, to the Standing Committee on Planning, Environment, Territory and Municipal Services. I have every confidence that the questions Ms Lawder has about the implementation of all the aspects of action plan 2, including the deployment to 90 per cent renewable electricity supply, can be asked and answered through that committee inquiry.

It is also worth observing that the Liberal Party's renewed commitment to at least 30 per cent reduction in our greenhouse gas profile by the year 2020 is a welcome one, but they need to now think about what that means in terms of actions to achieve that abatement. If that is their target, they are going to need to come to grips with what achieving that target means. I assure Ms Lawder and her colleagues that to achieve 30 per cent they are going to need a significant amount of renewable energy generation as well. The government does not support this referral and we will not voting for it.

MR RATTENBURY (Molonglo) (4.57): I will not be supporting this referral either today on a number of grounds. The bill itself—we will come to this in a moment when we discuss the legislation—is not that complex in its function. I will not go through the changes now, but the legislation is not technical and does not need that assessment. The feed-in tariff legislation has been in operation for some time now and, in that sense, it is not is an entirely new piece of legislation.

The review of the solar auction undertaken by SKM explores many of the issues associated with the implementation of the legislation, and the government's response to this inquiry has been made public. So there has been a review of the process.

Finally, aside from the points Minister Corbell has just made, I also note that this Assembly has just agreed to a committee on the implementation of action plan 2, of which this legislation is one of the strands. It is well within the power of that committee, if they wish to look at these matters, to further examine that.

The points Mr Corbell has just made about the costs are very relevant. I will not repeat them other than to say the Greens, too, take the issues of household affordability and balancing those issues very seriously. But I am mindful of the fact that one of the key issues around this legislation is that we will lock in electricity prices for 20 years. It is quite clear that fossil fuel energy prices will go up and

potentially go up substantially in those 20 years. The fact that the ACT is locking in energy contracts at a fixed price for 20 years will be highly advantageous to this community. Those who come after us will be very grateful for the work that has been done. They will in time really recognise the significant advantage the ACT has had put in place for it through the passage of these 20-year contracts. For those reasons I will not be supporting the committee referral today.

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.

Visitors

MR ASSISTANT SPEAKER (Mr Gentleman): I recognise in the gallery the ministerial advisory council for LGBTIQ, A Gender Agenda, ACT Women's Legal Centre and Parents and Friends of Lesbians and Gays.

Electricity Feed-in (Large-scale Renewable Energy Generation) Amendment Bill 2014

Debate resumed from 27 February 2014, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MS LAWDER (Brindabella) (5.04): Just a few moments ago Minister Barr tabled documentation which proved the Canberra Liberals were right on the increase in rates. Rates will triple at least. Then we have the cost of parking, the cost of bus fares and even the cost increases for a cup of coffee. How much have these increased in the last few years? And how many cups of coffee will we be talking about in total to cover these increases? Remember that we have the most expensive child care in the country.

Since Labor was first elected, taxation per capita has gone up 90 per cent—the highest in the country. Real taxation is up 55 per cent, property rates 90 per cent and rates 77 per cent. Water prices have tripled. Electricity prices are up 85 per cent, with another increase of 17.8 per cent to pay for the federal Labor-Greens carbon tax, which was supported by the local Greens-Labor coalition.

We support, and always have supported, environmental initiatives. But of equal concern to us is the cost impact on households. Today, I remind the minister of the need to integrate social, economic and environmental policy objectives. We cannot afford—literally cannot afford—to make Canberra more unaffordable for families. The minister assures us that the government's strategy is affordable. This is easy to say when you earn a good salary, have a comfortable home and sip on chai lattes, but not all Canberrans are as lucky, and any increase in prices is going to have a dramatic effect on families already living in poverty or teetering on the brink. These may include single-income families and self-funded retirees. Let us note that small businesses will be especially hard hit.

The problem with this bill is that, in comparison with the rest of the country, our emissions are almost irrelevant. If we take the 2011 data, for example, in total, Australia had 551.34 million tonnes of carbon dioxide equivalent emissions. Of that 551 million tonnes, the ACT made up just 1.17. That equates to 0.21 per cent. That is, the ACT makes up not even half of one per cent of greenhouse gas emissions in Australia. Not even half of one per cent! Yet this government wants to increase electricity prices for ACT residents while using renewable energy that could otherwise be used by New South Wales for no gain other than bragging rights for reaching unrealistic targets.

Almost as importantly, this government wants us to pay through the nose for it. It wants to have the bragging rights but does not want it in their own backyard. They want to use someone else's backyard. The government would have you believe that any renewable generator—no matter where it is located, who pays for it or what its economic and environmental impacts are—is a good thing. The only way the ACT can get to a 40 per cent reduction in all emissions is to buy a 90 per cent reduction in emissions attributed to electricity. The only viable means to achieving 90 per cent renewable energy is by contracting with new wind turbines and waste-to-electricity generators. We will not tolerate these things in the ACT, so they have to be located outside the ACT, somewhere in the national energy market.

The government wants us here in the ACT to go to 90 per cent reduction in emissions, against a national 20 per cent, on the basis that if some is good, more is better. What this means is that Minister Corbell is leading us into an economic drain on the ACT by tying us to future renewable electricity generation from outside the ACT. Furthermore, it will come at a cost to individuals and communities in our region who do not want wind farms in their area just so the ACT can brag about its superior environmental credentials but without any visible impact.

The Canberra Liberals are committed to do what we can to ease cost-of-living pressures on Canberra families. If the government was serious about a sustainable future in the ACT, rather than simply wanting national bragging rights, we would look at practical ways to clean up our environment without increasing pressure on our families and without a net economic drain on the ACT.

To make a true judgement on this bill, we need to understand the full costs and the situation the ACT would actually be in. For example, what price will we be paying for

coal-powered electricity during peak periods? We do not have that information at the moment. How many coal-fired power stations will close down when we save some of our less than half of one per cent of greenhouse gas emissions? Probably not very many.

Minister Corbell is often a bit challenged when it comes to costings, as the government often is. We have examples such as the GDE cost blowout, the Cotter Dam costs. We do not want to take this simply at the minister's word. As legislators in this place, we must balance the environmental, social and economic objectives most effectively. We cannot blithely approve this net economic drain on the ACT economy without understanding the consequences. We cannot write Mr Corbell and the Labor-Greens government a blank cheque. We would need to know what the costs will be for Canberra households before we would support such a bill.

MR RATTENBURY (Molonglo) (5.10): I am very pleased to be here today debating this bill, and I would like to indicate that the Greens will be supporting this amendment to the large-scale feed-in tariff legislation. This bill primarily lifts the capacity of the large-scale feed-in tariff in the legislation from 210 megawatts to 550 megawatts, a substantial increase in provision of renewable energy into the territory, which will cut our greenhouse gas emission production and will provide the ACT with a fixed-price electricity contract for a period of 20 years.

This will also facilitate the ACT being in a position to meet its 90 per cent renewable energy target, which both the Greens and the Labor Party support, and also put us well on the path to meeting our 40 per cent greenhouse gas reduction target, a target that matches the information that the scientists are giving us, and means that we are one of the jurisdictions that are actually doing the right thing for the future of humanity, based on the best available scientific evidence. This is about the ACT playing its part in leaving a planet for future generations as good as the one that we inherited.

I utterly reject the argument that says the ACT should not do anything because our contribution is so small. The bottom line is that every city, every community, every state and territory and every country across this planet has a part to play. No-one can do it alone. We cannot just leave it for China, as some would have us do. We cannot just say it is India's problem. We cannot just come in here and say, "The United States is the biggest economy on the planet, let's leave it to them." No-one can do that. That is an abrogation of responsibility. It is a lazy excuse and one that I am proud that the ACT is not relying on.

The ACT Greens took to the 2012 election, as did the Labor Party, a position of 90 per cent renewable energy by 2020. I would reflect that the mechanisms we put forward are somewhat different. Our policy promoted meeting the target in a slightly different way, legislating a mandatory renewable energy purchase by retailers. That is something that would have replicated or perhaps extended the federal renewable energy target, a mechanism that perhaps could have been managed by or integrated with the federal regulator, the Office of Renewable Energy Regulation. The thinking behind this was to achieve it at the lowest possible cost. That is why we took that approach.

However, I am confident that the direction that Minister Corbell has proposed in this legislation is taking us towards meeting the target using the large-scale auction process, again with a focus on doing it in a way that provides the best value for money for the ACT. When it goes to the position that we had advocated, right now the option of piggybacking on a federal scheme would not provide the certainty that we want, as we know that the federal renewable energy scheme is under some threat.

It is currently being reviewed, and the reviewer, Dick Warburton, is perhaps a very knowledgeable businessman but he is also a self-confessed sceptic about anthropogenic climate change. This is a fellow who I think comes to the review potentially with a sense of where the outcome should already be.

The other thing I would note is that when it comes to the federal renewable energy scheme, one thing that has been floated in recent times is that in fact the target should be dropped. The target is that 20 per cent of Australia's electricity should come from renewable sources under the national renewable energy scheme. Some have suggested that that target should be reduced, that they should actually reduce it. And the reason for that is that there has been a general drop in energy consumption, and that is a well-known figure.

People in recent years have made a range of efforts, through energy efficiency, the installation of their own solar panels or through simply reduced consumption, to cut their own energy usage, and nationally we have seen a cut in the use of electricity across the country. So what that means is that, with the way the 20 per cent target was set before—it was set at a specific amount of energy; I cannot remember the figure exactly but it was a specific numerical value—and with a cut in national energy consumption, it is possible that when that numerical value is reached it will now be more than 20 per cent of the overall market. Heaven forbid that we should actually overshoot the target or even aim just that little bit higher! But that is what some would advocate that we should actually be doing.

It is sad and somewhat tragic in fact that the current Prime Minister seems so hell-bent on undoing positive action on climate change, not just the price on polluting carbon, although I am pleased that that attempt to repeal that legislation has been defeated in the Senate for now, but also the stimulus that drives the clean energy industries that we are going to need to reduce our emissions in Australia.

Organisations such as the Clean Energy Finance Corporation and ARENA, organisations that are funding and resourcing the development of clean energy in this country, that are creating new jobs, that are building new industries at a time when this country clearly needs them, are being attacked purely for ideological reasons, because they are performing. They are delivering for this country, but what we are going to see is the Australian government undermining the development of the renewable energy sector in this country by shipping those jobs and those economic benefits overseas to countries that do take seriously this issue and the provision of renewable energy.

I would also like to say that I am now more convinced that the territory can achieve a competitive price on green energy generation. Signing power purchase agreements directly with generators in this current market is proving to be very good value for money for the territory, as I have touched on earlier today. Had we gone down the path of putting a requirement on retailers to mandatorily purchase a certain amount of renewable energy for on-sell, we may have been affected by the virtual monopoly of our main energy retailer ActewAGL, who would have been required to negotiate contracts with generators. A lack of competition in our retail sector might have meant that we would not have got the benefits that we are now looking at.

The government has modelled the cost impact of this bill—and this goes to the earlier question of whether this legislation should be referred to a committee—and also the cost impact of meeting our 90 per cent target, and that modelling shows the cost being around $4 a week at its peak. While the Greens always have an eye on how cost affects those in our community who are least able to afford the increases, the cost seems reasonable, considering what we are getting. We are getting price certainty, we are getting an improved environmental performance for future generations that we should be willing to make a little sacrifice for.

The cost of energy has increased right across Australia over the last decade, and primarily this has been due to a late investment by governments in energy infrastructure, something that has affected the ACT somewhat less than Queensland and New South Wales, and I think that is reflected in the price differential. The order of magnitude for the average household energy bill is $500 to $600 less a year in the ACT than it is in New South Wales, just across the border in Queanbeyan. It is an extraordinary difference, one that we should consider ourselves very fortunate to have here in the territory. Those price increases have been driven by a necessity to invest in infrastructure, on the whole.

Plenty of people will tell you it has been because of the mandatory renewable energy target and feed-in tariff schemes, but the real price increases have been driven by investments in the network, in the grid infrastructure, and this has been driven by a requirement to manage peak loads during hot summer days, somewhat ironically, by all the air-conditioning systems that are turned on when it gets so warm, as we see record hot summer temperatures across this country.

One of the factors that are playing out when it comes to energy prices is that in opening up Australia's gas markets to Asia, we are now having to compete for access to domestic gas, and the consequence of that, which we are now seeing play out, is that gas retailers are requesting price increases of some 20 per cent in southern New South Wales and the ACT. That is a very substantial issue that we are going to need to monitor closely.

To those who criticise such policies as subsidising renewable energy, I would remind them of some basic principles. It is not always bad policy to subsidise activities that are in the public good. There is a benefit to this, and there is a cost to public goods, and that is something we should be willing to pay.

It is not bad policy when the competing technologies are also being subsidised. Global fossil fuel subsidies run at about $400 billion a year. In Australia there are substantial subsidies to the fossil fuel industry, and anybody who looks at anything to do with the history of energy infrastructure development in this country knows that all those coal-fired power stations that now operate were paid for out of government resources when they were first constructed. That was a massive subsidy to the fossil fuel industry, on a scale that frankly is not even, I do not think, anywhere near commensurate with that which is put in place through this scheme.

The large-scale feed-in tariff will lock in green energy purchases for 20 years at a time, as I have already reflected, and the first of these substantial tranches will be 200 megawatts of wind at a time when there is strong competition between wind energy generators to secure power purchase agreements. In doing so, whenever we sign up generators, we will lock in that price security, and the indications are that it is a price we can afford to pay.

The government has undertaken quite a considerable review of the large-scale auction process and, as a result, is confident the process can be replicated and used on a bigger scale. In general, the feedback from proponents about the auction process was positive. Some changes were requested. One of those was a clearer sense of weighting of the criteria for the assessment of proposals, and I think this is useful. Proponents need to know what the focus is for the assessment and what the criteria are so that when they are putting their bids together they can make sure that they are informed and coming up with the most competitive bid that they can.

I am also pleased that community engagement will have a 20 per cent weighting in the assessment of wind projects. It is clear that good consultation and engagement with the community is crucial, both for the benefit of the community but also for the benefit of the development of wind farms in this country.

Again, I note the comments from Ms Lawder. She made some rather offhand remarks about the ACT not being willing to tolerate these sorts of facilities inside our own borders and wanting to make it somebody else's problem in somebody else's backyard. That ignores the basic physical fact that we do not have the wind resource in the ACT, but we happen to live in a region that has tremendous wind resources. Just by quirk of history, those wind resources are outside the ACT's border. I think that points to the value of this 20 per cent weighting for wind projects.

Unfortunately, we have seen some proponents not give due regard to communities that they have attempted to put their wind farms in. That does not mean wind technology is a bad technology; it means we need to put pressure on those proponents to improve their processes. I note that any wind farm that will successfully achieve a contract under this legislation will, of course, have had to go through the New South Wales planning process. It is not that we are just dumping it off on someone else, making it somebody else's problem, without a care for that. Both through the New South Wales planning rules but also through this weighting in the auction process, I think that we can exert a positive influence.

I observed, in a conversation with Ms Lawder earlier today, that that argument applies to just about every product we buy in the ACT every single day. We do not produce a whole lot of things here in the territory in that raw manufacturing physical sense. Every product we buy comes from somebody else's backyard. You cannot simply say that we are trying to fob this problem off. Right now a whole lot of our electricity comes from coal-fired power stations somewhere down the grid in the sorts of places we have just seen in Victoria where an entire community has been affected by the consequences of a fire associated with coal-fired electricity production.

The review of the auction process also recommended a review of the territory plan, with a view to where renewable energy developments might best be located. I would certainly welcome this being undertaken in a time frame that ensures we are prepared for further capacity releases under the legislation.

There are a number of technical details around the bill. I think Minister Corbell will speak to those. He certainly has made some reference to them in his introductory remarks. But I think a number of the technical amendments improve definitions and also extend the range of the generator sites to outside the Australian capital region if the minister is satisfied that there are exceptional economic development benefits to the ACT renewable energy industries.

I support this as it has become clear that there are economic benefits to the ACT and to the industry that can occur even when funded projects are located further away than the Australian capital region. I think it is consistent with the intention of the legislation to promote the development of the renewable energy industry in the ACT and more broadly across Australia. It is likely that still many of the wind projects that proceed under the latest release will, indeed, occur in the Australian capital region due to the great wind resource that exists on our doorstep. We know from the recent inquiry into regional development and regional cooperation that there are economic benefits to projects taking place in the region, even if they are not immediately within our borders.

So with those remarks, as I say, I am pleased to support this legislation today on behalf of the ACT Greens. I think this sets the ACT up very well. This means we will be sourcing our energy from sustainable places. It means that we are making our contribution to tackling the global issue of climate change, and we will be securing electricity prices for 20 years that I believe time will show positions the ACT extremely well economically compared to the increases we will see in the price of fossil fuel-powered electricity.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (5.25), in reply: I thank Mr Rattenbury for his support of this bill. This bill is a critical element of the implementation of action plan 2, the government's climate change strategy, and a critical element in reaching our target of 90 per cent renewables and achieving a reduction in the city's greenhouse gas profile of 40 per cent by the year 2020.

Listening to the shadow minister's speech this afternoon, I would be forgiven for forgetting that about 10 minutes before her speech she said that the Liberal Party's position was to support a 30 per cent reduction in the city's greenhouse gas emissions. You would be forgiven for forgetting that, to achieve 30 per cent, you are going to have to do a lot of work on emissions reduction. To achieve 30 per cent, you are still going to need a very significant component of renewable energy generation. For the Liberal Party to come in here and, on the one hand, say they have got a 30 per cent emission reduction target, rather than the legislated 40 per cent one, and then say that renewable energy is expensive and wasteful, and not something that they support, simply does not stack up.

I welcome the fact that since Ms Lawder has been in this place the Liberal Party has chosen to reaffirm a position that it seemed to have abandoned a few years ago—that 30 per cent was a target they would support. It is still a very strong target. But it is a strong target because you need renewable energy as part of the mix. The Liberals need to think very closely about that.

We know what the community thinks about taking strong action as a city on reducing our city's greenhouse gas emissions and playing our part as part of a global movement of cities and communities who are taking practical action to reduce the impact of carbon emissions on the global atmosphere. The government surveyed 1,200 residents last year. That survey found that 76 per cent thought it was important that the ACT government take action on climate change, that it have a progressive climate change policy. Eighty-one per cent wanted the ACT government to take a strong leadership role. Ninety-three per cent supported the government's proposals to demonstrate, promote and deploy new energy technologies as part of that policy response. Ninety-three per cent of all the people surveyed in that randomised sample supported strong action to support the deployment of renewable energy. That is what this bill does.

Renewable energy does the heavy lifting to achieve these targets. Seventy-three per cent of the emission reduction needed to achieve the 40 per cent reduction target will need to be delivered through renewable energy generation. That is a very significant objective for us. When it was originally passed in 2011, this act allowed a maximum of 210 megawatts of large-scale renewable energy capacity that could be supported by a feed-in tariff. In 2012-13, the government implemented the first ever reverse auctions in Australia for large-scale renewable energy generation. And we have demonstrated that it is a very effective mechanism to achieve large-scale renewables at an affordable price for consumers.

With that experience behind us, therefore, this bill seeks to increase the maximum feed-in tariff capacity that can be supported under the act to 550 megawatts. Current modelling shows that around 490 megawatts of large-scale renewable energy is needed to reach the renewable energy target. The extra 60 megawatts provides a buffer in case there are changes in methodology, particularly if the commonwealth government scales back the large-scale renewable energy target scheme.

The government, as Mr Rattenbury has said, has conducted a review of the operation of the solar auction process. That review has confirmed that it is a highly proven and

cost-effective mechanism for allocating feed-in tariff entitlements at the least cost to territory electricity consumers.

Why is this legislation needed? The proposed amendments will assist, as I have said, in achieving our 2020 greenhouse gas emission reduction and renewable energy targets. A number of the amendments also address matters identified during the solar auction process and its subsequent review. Of particular note are the increase of the total capacity, as I have just outlined, and the potential for successful renewable energy generators to be located outside the Australian capital region in certain circumstances.

There are real potential benefits to the territory in making provision for large-scale renewable energy generators located outside the Australian capital region and yet still within the national electricity market. To be successful in a competitive process, such as the proposed 200-megawatt wind auction which I announced just over a week ago, proposals for generators located outside the ACR will need to satisfy two key requirements before they are able to be fully assessed—namely, that their proposal offers exceptional economic benefits to ACT renewable energy industries and their price minimises the costs to electricity consumers. These requirements will be more fully described in the soon-to-be-released request for proposals for the wind auction, which is contingent on the passage of this bill today. By enabling a process whereby such proposals may be considered, we take another step towards achieving real local economic benefits to the territory at minimal cost and demonstrable value for money.

A further amendment relates to providing clarity that the ACT electricity distributor alone is responsible for the payment of feed-in tariff entitlements regardless of the geographic location of an eligible generator. In tandem with this, penalties have been introduced in the event of non-payment of a feed-in tariff entitlement, either by the distributor or, if the payment is a negative amount, by the holder of an entitlement.

The remaining amendments are largely administrative, including dictionary definitions which flow from the more significant amendments I have mentioned.

If we are to take meaningful steps to address climate change and reduce our city's impact on the broader global atmosphere, our renewable energy policies, including the proposed amendments, are the way to achieve it. We have demonstrated it with the first 40-megawatt capacity release for the solar auction, with those facilities now going through planning or actual construction. The 200-megawatt wind auction, together with the other initiatives I have recently announced, including support of up to one megawatt for community solar, 50 megawatts of next generation solar and 23 megawatts of bioenergy, place us well on the road to achieving the 2020 target and highlight the ACT's innovation in what cities can achieve when they turn their minds towards creating a more sustainable future.

It is deeply regrettable that the national government is running away from climate change action at a time when all the parties to the United Nations framework convention on climate change are meant to be negotiating a new emissions reduction treaty by the end of 2015 that will unite them in significant global emission reductions from 2020. But that is not a reason to fail to act. Our community expects us to act; our

children and their children expect us to act. This is not a risk and a problem that we can outsource to future generations. Our obligations are real and they are here in the present. We do not subscribe to the morally impoverished position that doing the right thing is predicated on others setting us a good example. We set a good example. We demonstrate leadership—practical, meaningful, achievable, affordable leadership that makes a real difference for our city.

With this bill, the Assembly will enable the territory to build on its national and international reputation for renewable energy research and innovation. It will allow our economy to share in what is a global market worth over $7 trillion in renewable energy investment over the next 20 years. It will allow us to say to future generations that we took the right steps to create a more sustainable future for everyone. I commend the bill to the Assembly.

Question put:

> That this Bill be agreed to in principle.

The Assembly voted—

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

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Births, Deaths and Marriages Registration 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) (5.39): I can outline at the outset that we certainly will not be opposing this bill, but we do have a number of concerns in regard to the technical aspects of the legislation, which I will go through shortly. Let me first summarise the matters that this bill seeks to address. In an overall sense, its purpose is to broaden the legal recognition of sex and gender diversity. Primarily it will allow a third gender marker or X to be used in the births register and, therefore, on birth certificates to identify people who consider they hold intersex status.

In doing so, the bill firstly amends the Births, Deaths and Marriages Registration Act 1997. It extends the period in which registration of a birth must be made from 60 days to six months. This allows parents time to confirm the sex of a child. It removes the requirement for sexual reassignment surgery when a person makes application to alter their sex in the births register. Such an application requires either the person has received appropriate clinical treatment or the person is an intersex person according to the definition in the Legislation Act 2001, which this bill also amends.

In the case of an application to alter the register for a child, the bill requires a parent or person with parental responsibility to also consider whether the alteration is in the best interests of the child. It sets out the requirements relating to supporting evidence in an application. This includes a statutory declaration from a doctor or psychologist that the person has received clinical treatment or is an intersex person.

The legislation removes the term "transsexual" as redundant for the purpose of making an application to change the register, particularly because sexual reassignment surgery will no longer be required. It provides that a person whose sex is changed in the register does not lose an entitlement under a will, trust or a territory law unless the will, trust or law states otherwise.

The bill also establishes that under the Births, Deaths and Marriages Registration Act the ACT will recognise the sex of a person as stated in an interstate recognition certificate given under a corresponding law. Western Australia and South Australia currently qualify.

The bill also amends the Births, Deaths and Marriages Registration Regulation 1998 to require a notice of birth to state the sex of a child only if it is determinable and to make a small number of other minor changes. As I noted earlier, the bill amends the Legislation Act 2001. The definition of "intersex" is amended such that an intersex person will have certain stated physical, hormonal or genetic features, and this is consistent with the definition in the commonwealth Sex Discrimination Act 1984.

This bill impacts on a small proportion of the population and is likely not to have significant consequence to the broader community. Nonetheless, it is important that these reforms occur for a number of people in our community in terms of easing the anguish particularly that intersex people suffer in their daily lives. It should be acknowledged that there is a risk that the system could be abused but I consider that risk to be very low, because changing the register is not a critical element for those who would seek to engage in antisocial behaviours.

However, there are a number of concerns about this bill that need to be highlighted and monitored, and I will turn to those. The first is that this bill carries a significant anomaly. It allows a person, in providing supporting evidence for an application to change the register, to obtain a statutory declaration from a psychologist. According to the Australian Psychological Society, psychologists are experts in human behaviour. They use scientific methods to study the factors that influence the way people think, feel and learn and evidence-based strategies and interventions to help people overcome the challenges and improve their performance.

However, the act requires an assessment to be made as to physical characteristics. The matters to be covered in the statutory declaration cover physical characteristics, and the very definition of "intersex" comprises physical elements. There are no elements that imply an assessment of a person's state of mind or behaviour. Psychologists are not qualified to make physical assessments. So it is quite unreasonable, in fact possibly illegal, for a psychologist to sign a statutory declaration as to any kind of physical assessment, which is how the commonwealth legislation that this mimics is written.

In raising this matter with the attorney's office, two explanations were given. Firstly, this was in line with commonwealth policy. That is true, but it is irrelevant, because the same issues arise as an anomaly at the commonwealth level. Just because they have got it wrong does not mean we should mimic it. Further, such a comparison is incorrect. The commonwealth guidelines on the recognition of sex and gender require only a statement and not a stat dec. So the ACT is seeking a higher threshold.

The second explanation was that a psychologist is required to act within the scope of their professional practice in accordance with the health practitioner regulation law. That may well be true, but it begs the question why a psychologist is even mentioned in the bill if, in order to sign a statutory declaration, it is not within their scope of practice. It is also presented to the opposition that an argument might be that the scope of practice for psychologists might change so that they might be able to consider physical characteristics. I think that that is a bit of a nonsense.

It is technical; it is not a disputation about the intent of the legislation. But it highlights that there is an anomaly in that the definition of "intersex" basically for a psychologist to sign off on is a definition of physical characteristics, and a psychologist is not qualified to provide that statutory declaration.

The scrutiny committee noted that the Australian Law Reform Commission 2009 report, *Sex files,* considered that there should be a psychological element in assessing whether a person's application for a change in sex or gender identity is genuine. The bill fails to embrace that concept, bringing into further question the relevance of the inclusion of a psychologist as someone whom a person could ask to complete the statutory declaration.

Some other issues have been raised by third parties, organisations like A Gender Agenda. And I note that there are representatives from A Gender Agenda here. It is good to see you here. While supporting the bill, they consider that there is more work that needs to be done to bring the ACT's laws more into line with the recommendations of the *Sex files* report. A Gender Agenda say that gender markers should be a matter of self-identification. They also say that there should be more flexibility available for children and young people to pursue their own wishes in relation to gender determination.

Another representation was received by the opposition from Organisation Intersex International Australia Ltd, or OII, a not-for-profit organisation that promotes the human rights and bodily autonomy of intersex people in Australia. They, again, had

different views. Their view was that the proposed definition of "intersex" was too broad, in that it included transgender or transsexual people, and asserted that intersex was a congenital state and not one that was created through treatment or sexual reassignment surgery.

They also said that the third sex marker or X was experimental and should not be available for children and young people because it raised the risk of unintended discrimination. OII further said that the amendments proposed were at odds with international definitions and understandings of the intersex state and had serious implications for that sector and the broader transgender or transsexual sectors. The commonwealth guidelines on the recognition of sex and gender appear to support that take on the definition of "intersex". Those guidelines describe intersex characteristics as "always congenital and can originate from genetic, chromosomal or hormonal variations". The guidelines go on to note:

> Environmental influences such as endocrine disruptors can also play a role in some intersex differences.

These comments appear to narrow the interpretation of the legislative definition of "intersex" and should be considered in the context of adoption of the commonwealth definition in ACT law.

The scrutiny of bills committee in its report No 14 called on the minister to do a number of things: explain why an adult should not be allowed to change their sex in the birth records through self-identification alone; respond as to why the proposed clinical treatment requirement, which implies some form of physical treatment, should not be softened, as recommended by the Australian Law Reform Commission, to require only that psychological counselling be required; and respond as to similar circumstances in relation to children, particularly in cases where a child wishes to change the birth record as to their sex but either one or both parents do not agree.

The attorney made quite a closed response to all those issues and has not considered any further consultation or discussion or any amendments to reflect that. In fact, he has said that he will not be taking any further action. I would also note that he has been tardy in his responses, firstly, to the scrutiny of bills committee and, secondly, to Organisation Intersex International. Responses to both the scrutiny committee and that organisation were only provided after midday yesterday. I am concerned that the stakeholders perhaps have encountered an unreceptive ear from the attorney who has not given them, certainly, a timely response.

Given the range of views and evidence that has been put forward, the attorney's lack of adequate analysis in some part and the fact that the response was provided to that organisation and, indeed, to the opposition yesterday afternoon, this is something that perhaps could have been debated at a later date once we had had a chance to absorb some of that and have further consultation. But as I understand from the minister's office, that was not going to occur. Nonetheless, I am encouraged by attorney's assurance in his letter to Organisation Intersex International Australia:

> This government will keep this issue under close review.

The opposition too will be monitoring the operation of this legislation closely and will continue to engage with stakeholders to discuss these issues, and I look forward to meeting with them as this legislation rolls out, as we understand the implications of it and, essentially, as the rubber hits the road and we see people start to take advantage of the opportunities that are afforded by this legislation. As I said, we will be supporting this legislation.

MADAM ASSISTANT SPEAKER (Ms Lawder): Before you start, Mr Rattenbury, I would like to add my welcome to those in the public gallery. But can I remind you that the taking of photographs is prohibited in the public gallery. Therefore, by extension, publishing them, including on social media, is also prohibited.

MR RATTENBURY (Molonglo) (5.52): On behalf of the ACT Greens, I am very pleased to support these changes to the Births, Deaths and Marriages Registration Act and to remove discrimination towards gender diverse people in the ACT and ensure that they are treated with dignity before the law. Advocates from the gender diverse community have described these as pioneering reforms. I hope that they will be adopted in other jurisdictions. I hope that they help pave the way for further progress and reforms to ensure that gender diverse people are treated equally and with respect.

As pleased as I am to support the bill today, I want to point out that we should not actually need to be standing up here advocating for equality and respect for gender diverse Australians and we should not have to be celebrating a law that treats people equally. It should go without saying that people of different gender identities and different sexualities should be treated just the same as anyone else. It should be a perfectly mundane issue, an innate quality in our society which we hardly need to give a second thought to. Unfortunately, that is not yet the case. And so we continue to need advocates like those who are attending in the chamber today. And we will continue to need policy and political pioneers to implement changes that will advance this cause.

I put on the record, as I have done before, that the Greens are very supportive of these types of reforms. It is a fundamental principle at the policy heart of the Greens. The Greens believe that freedom of sexual orientation and gender identity are fundamental human rights and that people have the right to assume their self-identified gender. Discrimination on the basis of sexuality or gender identity is unacceptable. I look forward to continued work with advocates from the gender diverse community so that I can continue to play my part in assisting to achieve full recognition, equality and an end to discrimination.

There are many Australians personally involved in the issues we are discussing. The statistics that I have heard suggest that about one in every 150 people have an experience of gender identity that does not accord with their sex at birth. Some of the submissions made to the beyond the binary inquiry set out the injustice that individuals feel at the current system. For example, to quote one individual submission:

> It's cruel, inhumane and totally unjust to make people have surgery to be recognized, when surgery isn't an option for so many people for medical or monetary reasons or whatever their self-belief. Not being able to have the correct gender on certain documentation makes me feel uncomfortable and apprehensive about entering certain services. Which services? Anything I'd have to show my drivers license for!

The legislation today arose out of an inquiry that was conducted by the ACT Law Reform Advisory Council, LRAC, which I referred to a moment ago. This produced a report in 2012 called *Beyond the binary*. This referral to the LRAC was something I advocated for on the crossbench in the last Assembly. The Greens made a submission to the inquiry, so I am very pleased that it has evolved into these reforms today.

Passing the bill will provide a clear process for intersex people to change the sex on their birth certificate. In particular, it will mean that people will be able to amend their birth certificate to align with their identity without needing to have surgical intervention. Currently the Births, Deaths and Marriage Registration Act requires a person to undergo sexual reassignment surgery if they want to apply to alter the record of their sex. Removing this requirement is a very important recognition. As the *Beyond the binary* report points out, the surgery is expensive, is invasive and discriminates against people who choose not to or who are unable to have surgery. As well, the surgery is irrelevant to an intersex person who wants to correct the mis-assignment of sex.

The report is clear that there are serious human rights concerns with this requirement. It says that the requirement can rightly be said to be "inhumane" in that it violates a person's human rights to privacy and to bodily integrity, the right to freedom from torture and the right to equal legal status unless they submit to invasive medical procedures. This is an issue that I raised in my submission to the beyond the binary inquiry on behalf of the ACT Greens, and I am very pleased to see that the change will now be formalised in legislation.

This onerous requirement has already been removed from the laws of several countries around the world where progressive gender identity laws have been implemented. New laws in Argentina, for example, explicitly say that, when changing one's sex on the national identity card, "in no case will it be needed to prove that a surgical procedure for total or partial genital reassignment, hormonal therapies or any other psychological or medical treatment has taken place". The UK has a slightly different approach. While the gender recognition process does not require applicants to undergo reassignment surgery, they do need to demonstrate that they have suffered the medical condition of gender dysphoria, that they have lived in the acquired gender for two years and that they intend to continue doing so until death.

We can see from these examples that there are different ways of approaching the issue and that around the world different jurisdictions are working on the policy. The bill before us today requires that the person believes their sex to be the sex nominated in the application and either the person has received appropriate clinical treatment for alteration of the person's sex or the person is an intersex person.

I am aware that there has been some discussion and debate about the threshold that should be reached before a person can change their birth certificate. This includes comments made through the scrutiny of bills committee. On this issue, while I am satisfied to pass the bill in its current form today, I acknowledge that in some ways it is a starting point for further discussions and I leave open the possibility that the exact nature of this requirement may need to be looked at again over time and potentially reviewed—in consultation, of course, with the people it affects.

On this note, I would like to acknowledge the work of the LGBTIQ Ministerial Advisory Council as well as other local advocates. It is fair to say that they have gone above and beyond in their willingness to contribute to government policy and in their tireless advocacy on these issues. The changes today are a culmination of probably a decade of hard work in that community, and I congratulate everyone involved in the process. You should be proud of your efforts.

Returning to the reforms made in the bill today, the changes will change the legal definition of "intersex" in the ACT. It will bring the legal definition of "intersex" in line with the commonwealth Sex Discrimination Act. The new definition adopts the recommendation of the LRAC report, removing the reference to a genetic condition as the reason for a person's intersex status. As the report notes, this is inappropriate, and it is sufficient to refer to the fact that an intersex person's reproductive organs or sex chromosomes are not exclusively male or female. I acknowledge that this is not a definition that is universally agreed by sex diverse people and advocates, and I have received some last-minute representation on the matter. For the record, my view is that we should proceed with the definition currently in the bill. I think it is a positive way forward. The alternative suggestion for the definition of intersex is that a person must have been born with the relevant features, rather than simply having the relevant features.

At 6 pm, in accordance with standing order 34, the motion for the adjournment of the Assembly was put and negatived.

MR RATTENBURY: The matter I was referring to is a vexed issue, of course, but I think there are several problems with the alternative definition, perhaps most notably the fact that it could exclude people who were not clearly intersex at the time of their birth.

I do note that the bill, and the definition of "intersex" in the bill, has strong support from local advocacy groups and from the LGBTIQ Ministerial Advisory Council. I am aware as well that the government has engaged extensively with the ACT community on the issues addressed in this bill.

Another key change that is being made in association with today's bill—as Mr Corbell has said, it will be achieved through an administrative reform—is the recognition of a new category to be recorded on birth certificates. This will allow individuals who are intersex, or who identify as having an indeterminate or unspecified sex, recognition on their official documentation. As the LRAC report says, it moves our administrative and legal system "beyond the binary" in recognition that this is not adequate for the diversity that exists in our society.

This is a very meaningful change for many people in the community and an important step in the proper recognition of diverse gender identities. Imagine if you were unable to have formal recognition on your official documents of your gender identity. It must be a deep and alienating hurt.

I understand there have been some concerns raised about the X category and whether this should only be allowed for adults. Again, this was raised with me at the last minute by an advocate. While acknowledging that this is a complicated and sensitive issue, I would point out that, according to the information I have been provided, there is nothing in the proposed changes that will require the use of the X category for children. Rather, the decisions will be left with the parents, who one imagines will make decisions in the best interests of the child.

My view is that this flexibility will be very valuable for the parents and child. Parents otherwise may have to grapple with the difficulties of registering their child in a gender category that does not match their identity. I understand that there are concerns that registering a child in a third gender category could cause stigmatisation. I am aware, though, that on the other side of the coin there can be trauma caused by registration as a gender that the person does not identify with. On balance, as I said, I believe that the proposed approach of allowing flexibility for the X category is a good approach. This should, of course, be accompanied by ongoing efforts in community education. I think that community awareness has improved rapidly in recent years, and I hope it continues on this path.

To conclude, let me say that I welcome the reforms. I congratulate the government, the LGBTIQ Advisory Council and all the advocacy groups involved for their efforts. I hope that this legislation leads to further positive progress on the recognition of gender diverse issues around Australia, and indeed here in the ACT.

MS BERRY (Ginninderra) (6.03): I would like to welcome all the many people from across Canberra who are here today to support this bill. I would also like to acknowledge the issues addressed in this bill that have long required reform. And there is a need to continue the conversation about improving policies which affect sex and gender diverse people.

We are here today to celebrate the passing of this important reform. I would like to take the time to celebrate the contribution of the people whose experiences have informed this bill—and, more broadly, all of the people who contributed to the human rights and equal opportunity commission's *Sex files* report, which sets out a clear agenda for ongoing reform in this area. This reform addresses a difficulty many people in our community would never consider, because for many of us it would be

unfathomable for the law to refuse to recognise our identity. I want to personally thank those people, because I do not believe we should ever underestimate the bravery it takes to put your own personal story on the public record. It is often easy in places like this to think of issues in abstraction; but to get them here, individuals have had to share stories of personal struggle. In pursuing this policy, people have publically recounted deeply personal instances of frustration, discrimination, indignity and powerlessness, both large and small, and in doing so have helped people like me to walk in their shoes.

One particular story from the A Gender Agenda submission to the human rights and equal opportunity commission's *Sex files* report struck a chord with me due to the familiarity of the situation. I am quoting here:

> I had to ring up the bank to do some business.

Members interjecting—

MS BERRY: Just before I continue, Madam Speaker, can I say that I am having trouble concentrating on this very important and historic celebration that we are having here today with the conversation happening on the other side of the chamber.

MADAM SPEAKER: If members want to conduct conversations, it is usually done in the anteroom.

MS BERRY: Thank you, Madam Speaker. I quote:

> I had to ring up the bank to do some business. The operator duly got on and I was asked for my (female) name. I duly gave it in my male sounding voice and I was then asked over the phone to verify my details. Which I gave correctly. However the telephone operator did not believe me and I asked to be put on to the supervisor. The supervisor duly did not believe me.

I can certainly sympathise with the frustration of dealing with the bank on the phone, but I simply cannot imagine what it would be like to have a stranger question my very identity just because of a rule about what word had to be on a piece of paper. I know there are people who think this is complex, but underpinning the stories I have heard is a really simple request. People want to be recognised for who they are without having to fit into boxes defined by anyone else.

When governments mandate the use of specific understandings of sex and gender as a way of identifying people, when it simply does not reflect the identity of members of our community, it undermines their dignity. There is a long way to go on improving government policies and fighting discrimination against sex and gender diverse people. It is, however, a fight we must continue to have, because the consequences of inaction on the lives and life expectancy of sex and gender diverse people is simply unacceptable.

I look forward to continuing the conversation about how we improve our laws and would like to thank everyone who contributed to this process. I am certain the efforts you have made will improve the lives of sex and gender diverse Canberrans for generations to come.

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) (6.07), in reply: The French philosopher Simone Weil said, "Equality is the public recognition, effectively expressed in institutions and manners, of the principle that an equal degree of attention is due to the needs of all human beings."

It is very easy to talk about equality, but it is very difficult often to achieve it. Invariably, achieving equality means grappling with complex issues and varying views about what it might actually look like. In this case, those issues go to the heart of identity, of recognition, of what it means for an individual to be truly included and valued as an equal member of society.

In March 2011 I asked the ACT Law Reform Advisory Council to inquire into and report on the steps necessary to provide for legal recognition of sex and gender diverse people in the ACT. I did so because I considered it to be unfinished business on the part of this government.

We had since 2001 embarked on a comprehensive law reform program that was designed to achieve equality for people in same-sex relationships, same-sex couples, and all of the legal factors that existed then around those people and how they were treated without equality in our community.

But we had not yet fully addressed and completed that law reform program until we had also dealt with the inequities that existed for sex and gender diverse persons. Of course, one of the ways that we recognise the legal status of individuals in our society is through the registration of key events and social institutions such as births, deaths and, of course, marriages.

In doing so, we define some of the basic societal categories that we use to classify individuals and accord them different forms of legal recognition and rights. The Births, Deaths and Marriages Registration Act provides the legal framework for such registration. So I particularly asked the Law Reform Advisory Council to consider existing provisions of that act. I also asked them to consider implications for documentation under territory and commonwealth law and mutual recognition.

In making this referral, I was aware of the experiences of sex and gender diverse people who had been confronted by discriminatory and often humiliating responses for what were even the most basic of social transactions, such as applying for documents, whether a licence, a bank account or credit card.

We must also acknowledge the many changes being made both nationally and internationally to achieve greater recognition for sex and gender diverse people. In April last year the High Court handed down its landmark decision in AB v Western Australia in which the court held that the question of whether a person is identified as male or female by reference to the person's physical characteristics is intended by the Western Australian act to be largely one of social recognition. Such recognition does not require knowledge of a person's remnant sexual organs.

This represented a significant departure legally from the situation across most Australian jurisdictions, including the ACT, which currently mandates sexual reassignment surgery in order for a person to be legally recognised as a sex or gender, other than that on their birth certificate. At a national level, of course, we have also seen a move away from the onerous and intrusive requirement for sexual reassignment surgery initially in relation to the recording of a change of sex on a passport. That policy change also saw a move away from the male-female binary to include a third category of sex and gender, or X, able to be recorded on a person's passport.

In July 2013 the Australian government adopted these policies for recording sex or gender in personal records held by Australian government departments and agencies. The amendments made by this bill today seek to improve legal recognition of sex and gender diverse people in our community. The first substantive change is to extend the time for registration of a child from 60 days to six months. In its report, our Law Reform Advisory Council expressed a view that for a child that is known to be intersex at or soon after their birth, the legislation requires the decision must be made within short time limits to record the child's sex.

The council recommends extending the period to six months to allow parents time to access information and make informed decisions about any steps that need to be taken to confirm a particular sex and gender identity for their child. Allowing parents additional time to make this decision reduces the stress on them and allows them to make a decision that is truly in the best interests of their child.

The bill also makes a number of changes to terminology that is no longer suitable or that is inconsistent with other legislation. For example, the bill removes the term "transsexual". It is not necessary under the proposed framework and terminology.

Possibly the most significant amendment in this bill is the amendment to section 24, which currently requires a person to undergo sexual reassignment surgery to be able to alter their sex on their birth certificate. The bill removes that requirement. Invasive, dangerous and expensive sexual reassignment surgery is simply not necessary for a person to validly identify with a particular sex or gender.

In place of the sexual reassignment requirement, a person seeking to change a record of their sex must show that they believe their sex to be the sex nominated in the application and that they have either received appropriate clinical treatment for alteration of the person's sex or they are an intersex person.

The same criteria will apply in the case of a child but with an added requirement that the person with parental responsibility making the application must believe that any change is in the child's best interests. Following from the change in criteria, this bill, therefore, reduces the evidentiary burden on a person seeking to change their sex on their certificate. Under these amendments the only evidence required will be a statutory declaration signed by a doctor or a registered psychologist certifying that the person has received appropriate clinical treatment for alteration of the person's sex or that that person is an intersex person.

The requirements, therefore, set out in the new clause 10 of the bill are the same as those contained in the Australian government's guidelines on the recognition of sex and gender. This means that a person will only need one document to change their cardinal documents, their passport and their birth certificate.

The bill explicitly provides that a person who has an entitlement under a will, trust or territory law will not lose the entitlement if that person's sex is altered on the register unless the will, trust or territory law provides otherwise. The change gives extra certainty to people who are considering all the potential financial ramifications of a decision to apply to change their registered sex. These are also very important considerations.

This clarification is consistent with the ACT government's policy that a person should not be discriminated against or subject to any loss of legal recognition on the basis of a decision to apply to change their registered sex.

Recognising that criteria for change of sex varies between jurisdictions, new section 65 clarifies that an interstate recognition certificate in whatever form it is issued by the responsible state or territory is evidence that the person mentioned in it is of the sex stated in the certificate. The bill also defines the meaning of "interstate recognition certificate" as a certificate issued under a corresponding law which, in many cases, will be a birth certificate.

The bill makes a number of amendments to the Birth, Deaths and Marriages Regulation. It clarifies that when notifying or registering the birth of a child, the sex of the child is only to be provided if it is able to be determined. The intention is to reduce pressure on doctors and parents to make a decision about the sex of a child where it is not clear, particularly if that decision may not be in the best interests of the child.

Clause 1.4 amends the regulation to limit those people, other than the person registered, who can be issued with a birth certificate. Previously a birth certificate could be issued to a spouse, civil union partner or civil partner or a former spouse, civil union partner or civil partner of a transsexual person. As well as removing the term "transsexual", this bill amends this provision to limit the issue of certificates to a parent or person with parental responsibility for the person, an executor or administrator of the person's estate or a lawyer authorised by the person. This amendment is necessary to protect the privacy of an individual who has changed their sex on their birth certificate.

Finally, the bill amends the definition of an intersex person to reflect the definition which is in the Sex Discrimination Act 1997. This amendment implements the council's recommendation that a reference to a genetic condition be removed from the existing definition. The revised definition accords with the current accepted medical definition of "intersex" and brings consistency across our statute books. The bill removes a number of requirements that prevent the full legal recognition of sex and gender diverse people. In doing so, the bill strengthens the protection of the right to equality, the right to protection from compulsory medical treatment and the right to privacy.

I would at this time like to acknowledge the very valuable work of the Law Reform Advisory Committee on their initial report and also to thank the LGBTIQ Advisory Council for their considered and sustained input to inform the development of this bill. This is just one component in a suite of measures being taken by the government to improve legal recognition of sex and gender diverse people in our community.

Other measures include policy changes to make available a third category of sex on birth certificates. We continue to work across government to examine data systems to ensure that there is appropriate collection of information about sex and gender. In doing so, we will continue to work with stakeholders.

The bill is another good example—indeed, a great example—of this Labor government's commitment to the right to equality and its support for social inclusion for all members in our community. In 2011 we had unfinished business. I am proud to say that today we arrive at a point where this business at least is finished, where we can amend our legislative framework to significantly contribute to extending the ACT's recognition and acceptance of all forms of gender and sexual identity. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Amendments to the Electoral Act 1992—Select Committee
Membership

MADAM SPEAKER: I have been notified in writing of the following nominations for membership of A Select Committee on Amendments to the Electoral Act 1992: Mr Coe, Mr Gentleman and Mr Rattenbury.

Motion, by **Mr Corbell**, agreed to:

> That the Members so nominated be appointed as members of the Select Committee on Amendments to the *Electoral Act 1992*.

Adjournment

Motion by **Mr Corbell** proposed:

> That the Assembly do now adjourn.

Transport Industry Skills Centre

MR GENTLEMAN (Brindabella) (6.21): I rise tonight to note more of the positive work being done around the ACT in the automotive area. I firstly would like to

congratulate the Transport Industry Skills Centre on its recent successful week hosting the marketing of the new Subaru WRX. Located at the Sutton Road Driver Training Centre, Subaru hosted a reputable who's who from the motoring community and automotive journalists with some 350 people and more than half a million dollars being injected into Canberra over the week. I am proud to note that the Subaru marketing manager, Joanne Scanlon, could not speak highly enough of the Sutton Road motor precinct in her review of this week hosted by Australian Rally Championship's Cody Crocker and Dean Herridge.

This, of course, would not be possible without the work of the Transport Industry Skills Centre. Unfortunately, we have seen long-term CEO of TISC leave just recently, with Bob Waldron taking some well-earned time to himself in retirement after leading the organisation for 23 years. On behalf of the Assembly, I wish him all the best in his endeavours and thank him for all the work he has done in the ACT, especially in the area of ensuring driver safety as well as the safety and security of those people being trained in the heavy vehicle industry. I take this moment to welcome the new appointment of Ken Brennan. Congratulations, and I look forward to working with you well into the future.

The Transport Industry Skills Centre has been working to ensure the safety of people on Canberra's roads for many years now. From its early days as the police driver training centre, it now offers courses in heavy vehicle, light vehicle, forklift licensing, 4 x 4 training, motorcycle training, ACT dangerous goods training, dangerous goods emergency response, ACT taxi licence training and assessing, ACT CBT&A driver instructor training and assessing, certificate I to IV in transport and logistics, certificate IV in driving instruction, Hyhab and other community-based training programs such as the trailer and caravan reversing program.

These courses are absolutely vital for community road safety. I urge all of those who are yet to have a look at this great 53-hectare facility to head over to Sutton Road and see the great programs in action and maybe even take a course yourself.

ACT Seniors Week
Capital Chemist centenary college scholarships

MR DOSZPOT (Molonglo) (6.23): ACT Seniors Week is an annual program of events and is an initiative of the Council of the Ageing of the ACT and is supported by the ACT government. The 2014 event commenced on 16 March this year and will conclude on Saturday 23 March. ACT Seniors Week includes a range of activities for seniors to allow them to engage and connect with other seniors and communities in which they live. There are over 200 activities in this year's program ranging from mahjong through to guided walks and sessions on understanding your pension. This year I have been fortunate enough to attend several Seniors Week-endorsed events and have been delighted to see the number of seniors involved in the various activities on offer.

The social and recreational activities available at the Canberra Seniors Centre at Turner, which I visited on Tuesday afternoon, highlighted the range of activities they offer the senior community. I was able to view seniors participating in jazzercise

classes, pottery and craft activities, just to name a few. I met with board president, Mr David Rymer, and vice-president, Mrs Pat Gration, and I thank them for their time and hospitality and congratulate them for the activities they provide to their hundreds of members. One downside of their popularity is that they have now outgrown their premises in Turner and are urgently looking for other options.

Today I had the pleasure of attending the seniors expo held at EPIC along with Minister Rattenbury, who welcomed the many visitors. The seniors expo in the Budawang pavilion included over 160 exhibitors and provided a range of information services to the ageing community. I was able to speak to a number of seniors regarding issues that affect them in our local community, including the cost of living and transport.

I thank Arthur Dickens from the Probus Association, Tony Howkins from the Rotary Club of Moruya, Lynn and Barry Bott from the Conder-Lanyon Probus Club as well as COTA president, Rod Gardiner, and vice president, Kevin Vasseroti, for their time today at the expo. It was also a great opportunity to catch up with many old friends, some I had lost touch with many years ago.

There are still a number of events available to attend before the closing of Seniors Week on Saturday, and I urge our senior community to get out there, be active, engage and further build on your relationships with the community.

On a final note, I would like to commend executive director, Paul Flint, and his team from COTA for organising such a fantastic annual event, which has provided the ageing community with a way to engage, connect and, in COTA's own words, broaden the horizons of older people and build relationships throughout the community.

Madam Speaker, I was fortunate last week to attend the Capital Chemist centenary college scholarship awards at the John Curtin School of Medical Research. The scholarship awards are a brainchild of Capital Chemist along with the Public Education Foundation, and they offer centenary college scholarships to public school students in the ACT.

I commend Capital Chemist for their contribution to education in our city. Established in 1978, Capital Chemist now has 18 outlets in Canberra, 16 in New South Wales and nine in Tasmania. They are long-term supporters of public education in the ACT, donating over $200,000 worth of scholarships over the past 10 years.

Capital Chemist centenary college scholarship winners for 2014 include: Rebel Delboux-Fermor, Dickson College; Chris Hone, Dickson College; Abram Kamara, Dickson College; Lennon Gibbons; Canberra College; Georgina Holt, Canberra College; Kate Rankine, Canberra College; Reece Lee, Woden School; Jodie McLennan, Woden School; Emerald Sims, Woden School; Rhiannon Leetham, Erindale College; Romana Peckham, Erindale College; Jordan Tsekenis, Erindale College; Jordan Smith, Erindale College; Kelly Stensholt, Gungahlin College; Tristan Tyler, Gungahlin College; Kieren Wright, Gungahlin College; Eylish Perry, Melba Copland Secondary School; Michael de Looper, Melba Copland Secondary School; David Holgate, Melba Copland Secondary School; Ethan Mitchell, Black Mountain

School; Bradley Suitor, Black Mountain School; Tom Connell, Black Mountain School; Noemie Huttner-Koros, Narrabundah College; Adam Wilkie, Narrabundah College; Prince Sebastian, Narrabundah College; Teagan Pyne, University of Canberra Senior Secondary College Lake Ginninderra; Laura Jean Watson, University of Canberra Senior Secondary College Lake Ginninderra; Dimitri Yialeloglou, Canberra Senior Secondary College Lake Ginninderra; Vanessa Farrelly, Hawker College; Heather Macpherson, Hawker College; Christopher Szentes, Hawker College; and Rhys Adam, Lake Tuggeranong College. The Walter and Eliza Hall Trust opportunity scholarship was awarded to Samuel Ford from Gungahlin College.

All Saints College

MR COE (Ginninderra) (6.28): I rise this evening to speak about All Saints College. Last Thursday I was pleased to attend the launch of All Saints College in Ainslie. I attended with my colleagues Mr Smyth, Mrs Jones and Mr Doszpot. The college was formally launched by Bishop Stuart Robinson, and an agreement was signed between the finance and building committee and the chair of the All Saints College Council.

The college was established in 2012 under the All Saints College ordinance and will be an Anglican residential college for students enrolled in tertiary education institutions in Canberra. The college will be located in the precinct of the parish of All Saints, Ainslie, and will provide reasonable-cost accommodation particularly for postgraduate students.

The aim of the college is to assist in the promotion of sound learning and make provision for care, guidance, discipline and instruction and the formation of character based on the Christian philosophy of life. The college will be open to students who are willing to live in harmony with others in a residential college which is founded on the ethos and principles of the Christian faith. The college council is responsible for overseeing the development of the college until its anticipated completion in mid 2015. After the college is fully functional the council will continue to be responsible for its governance.

Council members of the college are the chair, Emeritus Professor Dr Ingrid Moses, the deputy chair, Reverend Michael Faragher, Reverend Dr Sarah Bachelard, Mr Heath Walsh, Dr David Sloper, Mr Robert Arthur and Mr David Homesby.

The council has overseen the design of the college and has secured financial support for the construction. The college has been funded through the Anglican investment development fund, along with funding from the national rental affordability scheme provided by the federal and ACT governments. The government funds will provide a subsidy for the cost of rooms in the college that are occupied by students who meet the financial eligibility criteria. Conditional development approval has been received and a successful tenderer has been appointed to construct the college by the end of the year.

I congratulate all those involved in All Saints College and look forward to following the progress of construction over the coming months. I commend them for their innovative and entrepreneurial approach to using their great asset, which is their land and adjacent community in Ainslie.

International Day of Happiness

MR SMYTH (Brindabella) (6.30): I rise to bring to the attention of members that today is International Day of Happiness. As somebody pointed out in the party room today, we should all be happy. But there is a deeper meaning to it, because the General Assembly of the United Nations passed the following motion:

> Recognizing the relevance of happiness and well-being as universal goals and aspirations in the life of human beings around the world and the importance of their recognition in public policy objectives,
>
> Recognizing also the need for a more inclusive, equitable and balanced approach to economic growth that promotes sustainable development, poverty eradication, happiness and the well-being of all people,
>
> Decides to proclaim 20 March the International Day of Happiness.

It is more the wellbeing that appeals to me in this statement. It is quite clear that there is a movement beyond just the raw numbers and the Treasury budgetary side of things when you get particularly some of the larger corporations—banks and the like—who now have, rather than economic indexes, wellbeing indexes.

The Secretary-General, Ban Ki-moon, went on to say:

> … the world needs a new economic paradigm that recognizes the parity between the three pillars of sustainable development. Social, economic and environmental well-being are indivisible. Together they define global happiness.

The meeting was convened at the initiative of Bhutan, a country which has recognised the supremacy of national happiness over national income since the early 1970s and has famously adopted the goal of gross national happiness over gross national product. The General Assembly of the United Nations in its resolution 66/281 of 12 July 2012 proclaimed 20 March International Day of Happiness:

> recognizing the relevance of happiness and well-being as universal goals and aspirations in the lives of human beings around the world and the importance of their recognition in public policy objectives.

I think it is something that we should keep in mind. The Secretary-General continued:

> The twin concepts of happiness and well-being increasingly feature in international discussions of sustainable development and the future we want.
>
> Many countries are going beyond the rhetoric of quality of life to incorporate practical measures to promote these concepts in their legislation and policy making. These good practices can inspire other countries so that the measuring and accounting for broader well-being and not simply national income, becomes a universal practice.

That is something perhaps we as a jurisdiction may consider.

Azerbaijani community

MS BERRY (Ginninderra) (6.33): During the last sitting week I attended a gathering of members of the Azerbaijani community who were commemorating the brutal deaths of their country folk in the town of Khojaly in February 1992. I was deeply moved by their stories about the conflict that occurred in their region over a long period of time. The impact of this conflict on the lives of individuals is obviously still deeply felt. It has resonated into the lives and histories of people now spread around the world. I cannot even begin to make sense of the conflicts that have occurred in this region.

What I want to highlight tonight is the need for our community, especially those of us lucky enough to have been raised in peace, to support and offer protection and understanding to people who have experienced violence. We should be proud of the multicultural community we share. I believe its strength comes not only from sharing the celebration of our cultures, as we do at the Multicultural Festival here in Canberra, but from sharing and recognising the pain in our pasts. For people whose pain happened long ago and far away, it ensures that the stories of their culture, and often their personal history, are not lost. For those who have found safety here whilst friends and families still face conflict at home, our recognition is an act of solidarity. And we cannot overstate the importance of sharing with Aboriginal and Torres Strait Islander members of our community. It is a small thing each of us can do to help overcome the historical denial of the pain caused by centuries of dispossession and violence.

In all instances, sharing and learning about each other's cultures and histories, both good and bad, are an ongoing act of committing to a safe and welcoming multicultural community. I want to thank the Azerbaijani community for sharing their story and allowing me to commemorate with them.

Question resolved in the affirmative.

The Assembly adjourned at 6.36 pm until Tuesday, 8 April 2014, at 10 am.

Answers to questions

Housing—public
(Question No 238)

Ms Lawder asked the Minister for Housing, upon notice, on 25 February 2014:

(1) How many people are currently on the waiting list for public housing and, of these, how many are on the priority register.

(2) What is the average waiting time for someone on (a) the priority register, and (b) the waiting list and not listed on the priority register.

(3) Out of those currently on the housing waiting list, what is the breakdown between (a) couples with children, (b) single parents (by gender), (c) a single female, or (d) a single male.

(4) Of those currently occupying ACT Housing properties, what is the breakdown between (a) couples with children, (b) single parents (by gender), (c) a single female, or (d) a single male.

(5) How many homes held by ACT Housing are currently modified to cater for disability access and into what modification classes do these houses fall.

(6) How frequently are ACT Housing tenants subject to house inspections by ACT Housing.

(7) What process is followed for repairs and maintenance which are noted during a house inspection.

(8) Are any tenants who hold homes with ACT Housing currently incarcerated; if so, how many.

(9) Have any incarcerated tenants been evicted over the past five calendar years; if so (a) how long does a sentence need to be for someone who is incarcerated to be evicted from their home, and (b) what is the shortest sentence someone has received where they have been evicted from their ACT Housing property.

(10) What percentage of public housing tenants are paying full market rent and how is this calculated or on what is it based.

Mr Rattenbury: The answer to the member's question is as follows:

(1) At 3 March 2014 – Housing Register Applicants:

Priority Housing	128
High Needs Housing	1,500
Standard Housing	684
Total	2312

(2) At 3 March 2014 – Housing Register Waiting Times:

Priority Housing	117 days
High Needs Housing	670 days
Standard Housing	739 days

(3) At 3 March 2014 – Housing Register

(a)	couples with at least one dependent child	109
(b)	single female with at least one dependent	475
	single male with at least one dependent	110
(c)	single females	492
(d)	single males	878
Total		2,064

(4) At 3 March 2014 – Housing ACT tenants

(a)	couples with at least one dependent	710
(b)	single female with at least one dependent	2,524
	single male with at least one dependent	473
(c)	single females	2,859
(d)	single males	2,293

(5) There is currently no centralised record of this data.
Housing ACT's Total Facilities Manager (TFM) Spotless is currently undertaking a property condition audit of all public housing properties. The property condition audit will take 5 years to access approximately 12,000 public housing properties. The condition audit makes a determination as to the condition, safety, functionality, appearance, and remaining useful life of each property. This includes the identification of disabled modification/s. The audit commenced in 2012 and it is expected to be finalised in 2017.

(6) Under the terms of the *Residential Tenancies Act 1997* Clause 77 – "the lessor may inspect the premises twice in each period of 12 months following the commencement of the tenancy" and Clause 78 – In addition to the inspections provided in the previous clause, the lessor may make an inspection of the premises: (a) within one month of the commencement of the tenancy; and (b) in the last month of the tenancy. Housing ACT endeavours to conduct an inspection of all its properties annually.

(7) When a Housing Manager undertakes a Client Service Visit (this includes a property inspection) the internal and external condition of the property is assessed and any repairs or maintenance required is identified. The Housing Manager completes a Property Inspection Report noting the condition of the property. A copy is kept for file and the tenant retains a copy.

Where health, safety or security issues are identified the Total Facilities Manager (TFM) Spotless Call Centre is contacted immediately by the Housing Manager. The TFM arranges for this work to be carried out as an Urgent Priority (within 4 hours). Where standard responsive repairs are identified the tenant is asked to telephone, text or email the request through to the Spotless Call Centre.

(8) There is no centralised record of this data.

(9) Housing ACT maintains a record of evictions but does not maintain records of people incarcerated who have been evicted. When the period of incarceration exceeds six months, Housing ACT may serve a 26 week "no cause" notice of eviction under clause 94 Schedule 1 of the Residential *Tenancies Act 1997*. Housing ACT will consult with the tenant's correctional welfare officer, parole officer and other support providers to determine post-release housing needs and how best to meet those needs.

(b) See response to question (8).

(10) 94% of public housing tenants are in receipt of a rebated rent therefore only 6% are paying market rent. The market rent for public housing properties is determined by an independent valuer annually and is based on the prevailing market conditions, the size, location and type of property.

Alexander Maconochie Centre—blood screening (Question No 242)

Mr Wall asked the Minister for Corrections, upon notice, on 26 February 2014 *(redirected to the Minister for Health)*:

(1) How many (a) sentenced prisoners, and (b) remandees at the Alexander Maconochie Centre were screened for a blood borne virus on admission to the facility in (i) 2011, (ii) 2012, and (iii) 2013 to date.

(2) How many of the screening tests indicated in part (1) were positive for (a) Hepatitis B virus, (b) Hepatitis C virus, and (c) Human Immunodeficiency virus.

Ms Gallagher: The answer to the member's question is as follows:

(1) The following number of sentenced and remandees at the Alexander Maconochie Centre were screened for blood borne virus on admission to the facility:

(a) sentenced prisoners in:

i. 2011 = This information is not held on a database and manually extracting the data would be very labour intensive and there is margin for error.

ii. 2012 = 103

iii. 2013 = 132

iv. 2014 = 8 for the period of January to February

(b) remandees in:

i. 2011 = This information is not held on a database and manually extracting the data would be very labour intensive and there is margin for error

ii. 2012 = 89

iii. 2013 = 97

iv. 2014 = 16 for the period of January to February

(2) How many of the screening tests indicated in part (1) were positive for

(a) Hepatitis B virus:

i. 2011 = This information is not held on a database and manually extracting the data would be very labour intensive and there is margin for error.

ii. 2012 = 6

iii. 2013 = 10

iv. 2014 = 2 for the period of January to February

(b) Hepatitis C virus

i. 2011 = This information is not held on a database and manually extracting the data would be very labour intensive and there is margin for error.

ii. 2012 = 87

iii. 2013 = 93

iv. 2014 = 7 for the period of January to February

(c) Human Immunodeficiency virus

i. 2011 = This information is not held on a database and manually extracting the data would be very labour intensive and there is margin for error.

ii. 2012 = 1

iii. 2013 = 1

iv. 2014 = 0 for the period of January to February

An admission screen is a blood borne virus screen that was completed within 30 days of admission to the Alexander Maconochie Centre, noting that not all detainees who are offered a blood borne virus screen take up the offer.

All data has been manually collated.

Same-sex marriage—High Court challenge (Question No 243)

Mr Hanson asked the Attorney-General, upon notice, on 26 February 2014:

(1) In relation to the 2013 ACT Government's failed attempt to legislate for same-sex marriage, what were the costs incurred in (a) creating ACT legislation, including (i)

advice on appropriate form of legislation, (ii) writing legislation, and (iii) passing legislation in the Assembly, (b) preparing for High Court action, including (i) directorate time, (ii) ACT Solicitor's Office time, and (iii) independent advice on preparing the case, and (c) taking action in the High Court, including (i) directorate time, (ii) ACT Solicitor's Office time, and (iii) independent lawyers contracted to present the case.

(2) What costs were charged by the High Court, including Federal Government costs.

(3) What was the cost of processing in the Legislative Assembly, including the time spent by MLAs and their staff.

Mr Corbell: The answer to the member's question is as follows:

The work done within my Directorate, including legal, legislative drafting and policy work was undertaken with existing resources.

ACT Government Solicitor provided legal services in relation to advice on the framing of the legislation and related matters. It also provided legal services in relation to litigation before the High Court. Existing resources were deployed for those activities.

As at 12 March 2014, the recorded total of the services provided by external Counsel engaged by the ACT Government Solicitor was $112,883.74.

There has been no approach to the ACT from the Commonwealth as to its costs.
I am not able to advise on time directed to this matter by MLAs or their staff.

Multicultural affairs—Fringe Festival (Question No 246)

Mrs Jones asked the Minister for Multicultural Affairs, upon notice, on 27 February 2014:

What were the cultural protocols for 2014 Fringe Festival.

Ms Burch: The answer to the member's question is as follows:

As part of the conditions of the Deed of Grant, the Fringe Festival was required to provide a program approved by artsACT. The Fringe Festival provided an outline of the program which included comedy, dance, music, performance art and burlesque and which was approved by artsACT.

ACTION bus service—MyWay card (Question No 247)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 27 February 2014:

(1) How many times have passengers been financially penalised for not tagging off.

(2) What is the total value of the revenue collected through part (1).

(3) For the same time period as part (1), how many times have passengers not tagged off, regardless of whether they were financially penalised or not.

Mr Rattenbury: The answer to the member's question is as follows:

(1) For the 2013/14 year to date, there were 150,423 instances, or 1.6 per cent of MyWay tag on transactions, where a passenger failed to tag off a service and paid a default fare.

(2) For the 2013/14 year to date, $263,440.31 or 2.3 per cent of revenue received through MyWay transactions has been generated through default fares.

(3) For the 2013/14 year to date there were 179,427 instances of MyWay tag on transactions, where a passenger failed to tag off a service.
(Note that the default fare is not applicable to MyWay users who do not incur a fare).

ACTION bus service—free services (Question No 248)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 27 February 2014:

(1) Ticket holders of which sporting teams receive free, discounted or negotiated travel to and from matches.

(2) For arrangements where a team/code/league pays per passenger (a) how is this recorded, and (b) how many passengers have been paid for using this arrangement.

(3) Where teams/codes/leagues charter ACTION buses, what hire-out rate does ACTION charge.

Mr Rattenbury: The answer to the member's question is as follows:

(1) ACTION receives payment from Territory Venues and Events (TVE), Economic Development Directorate (EDD), for the provision of transport services to events at Manuka Oval and GIO Stadium. Specifically, this refers to Raiders, Brumbies, Giants (GWS) and Prime Ministers XI events.

(2) In relation to Raiders, Brumbies, Giants (GWS) and Prime Ministers XI events:

(a) ACTION bus drivers record passenger numbers using the driver's MyWay console.

(b) Since Friday 8 March 2013, ACTION has invoiced TVE for 2,366 passengers boarding ACTION bus route services on the way to and from events.

(3) ACTION bus hire-out rates are calculated based on a number of factors including bus type, hours required, number of buses and kilometres travelled. To date, TVE has been charged as follows:

PM's XI 2014	$5638.30 inc GST
NAB Cup (AFL) Giants v Sydney	$5425 inc GST
AFL Giants v Western Bulldogs	$4221 inc GST
AFL Giants v Port Adelaide	$4221 inc GST
AFL Giants v North Melbourne	$4221 inc GST
Brumbies 2013 (per match cost)	$6890 inc GST
Raiders 2013 (per match cost)	$2650 inc GST

Trees—Northbourne Avenue (Question No 249)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 27 February 2014:

(1) How many regulated trees are located in the median on Northbourne Avenue between London Circuit and Flemington Road.

(2) How many of these trees are marked for removal and in what time frame.

Mr Rattenbury: The answer to the member's question is as follows:

(1) Nil. The Northbourne Avenue median between Flemington Road and London Circuit is unleased land therefore the *Tree Protection Act, 2005* does not apply. The *Tree Protection Act* protects regulated trees on leased land and trees on the ACT Tree Register.

(2) Currently two trees on the Northbourne Avenue median between Flemington Road and London Circuit, are marked for non urgent removal. The removal of these trees is scheduled to be undertaken between May and July 2014.

Questions without notice taken on notice

Health Directorate—half-yearly report

Ms Gallagher *(in reply to a supplementary question by Mr Coe on Thursday, 27 February 2014)*: Yes.

As noted in the ACT Health Annual Report for 2012-13, ACT Health engaged the services of an expert consultant (Richard Marshall) to assist in ensuring that the ACT had a sustainable framework in place for activity-based funding systems and processes. This support did not extend to the specific calculations developed for targets in the 2013-14 budget papers.

ACT public service—private employment advertising

Ms Gallagher *(in reply to a question and supplementary questions by Mr Smyth and Mrs Jones on Tuesday, 25 February 2014)*: I am advised the guidance on whole of government notices provides that *"General Notices are of a whole of government focus; relevance to government business; and which are of a non-political nature"*.

General Notices are authorised for distribution by a senior executive of the relevant government agency in accordance with those criteria. Notices from time to time cover the operations, services or initiatives of Territory owned or controlled entities.
The matters raised in question time on 25 February relate to casual food and beverage staff at GIO Canberra Stadium and Manuka Oval, and a production forming part of the Canberra Theatre Centre's subscription program.

GIO Canberra Stadium is a Territory owned facility. I am advised that VIPeople supply contract casual staff to the venue caterer at GIO Stadium and Manuka Oval for major event days and have been involved in the provision of casual event staff in relation to Territory venues and events since 2009.

There are no commercial arrangements or financial endorsements in place between the ACT Government and VIP People. I understand that approval of the notice was given on the basis that it supports the operations of GIO Stadium and Manuka Oval.

The Canberra season of the relevant production received some financial support from the Canberra Theatre Centre, which is owned and managed by the Cultural Facilities Corporation.

Historically notices have also been used for promotion of charitable initiatives such as the Colour Run and Boundless Playground.

Second Jobs
The ACT Public Service's (ACTPS) employment framework provides for ACTPS employees to seek approval for secondary employment. This discretion to approve second jobs is exercised in circumstances where the Head of Service (or their delegate) is satisfied that the proposed second job:

- is consistent with the employee's primary obligations to the ACTPS and the discharge of their official duties and responsibilities; and
- does not give rise to a real or perceived conflict of interest.

I am advised that these considerations are reinforced via the values, behaviours and ethics framework which governs the conduct of members of the ACTPS and in particular, through guidance on the management of conflicts of interest.

The approval of secondary employment is also managed in accordance with the obligations on the ACTPS that arise in relation to the work health and safety of its staff (including in relation to fatigue).

Roads—Apperly Close

Mr Rattenbury *(in reply to supplementary questions by Mr Smyth on Tuesday, 25 February 2014)*: Defects which require remedial work result from either;

- product failure which may affect a large proportion of the area of a site or sites; or

- workmanship defects which are typically localised and affect a small proportion of a treated area.

In both cases, the contractor is responsible for the cost of rectifying the defects.

In the past 12 months significant product failure has occurred at three sites: Bowen Drive Bridge, Townsend Street in Phillip and Bugden Avenue in Fadden. A total of 8,000 square metres was affected.

In the same time period, there were a total of 38 additional sites (totaling around 1,000 square metres) where remedial works were required to rectify localised workmanship problems.

In the 2012-13 road resurfacing program, a total of 604,700 square metres of roads were resurfaced. Every site is inspected in detail for defects by the contract superintendent. Defects identified and corrected affected 1.5% of the work undertaken.

In addition, protection work was recently undertaken by contractors at no cost to the Territory to protect new reseal which had begun to soften during recent extended periods of hot weather. Crushed rock was placed (and subsequently removed) to prevent more expensive defects from occurring. This took place at 20 sites.

Planning—Canberra Raiders lease variation

Mr Corbell *(in reply to a supplementary question by Mr Coe on Wednesday, 26 February 2014)*: I have not received any representations from Mr Rattenbury with regards to the Canberra Raiders application for the deconcessionalisation of the lease of block 5 section 30 Braddon.

Canberra—centenary

Ms Gallagher *(in reply to a supplementary question by Mr Smyth on Wednesday, 26 February 2014)*:

- $822,000 is the total variation between the December 2013 year-to-date budget and year-to-date actual results for Output 1.4, 'Coordinated Communications and Community Engagement', only part of which relates to the Centenary of Canberra program.

- Where there is a rollover of appropriation from one year to the next, there is an equal saving in the year from which the funds were transferred – across the two years impacted by a rollover there are no savings.

- The Centenary of Canberra program has been managed within its approved budget, and there is no planned expenditure for 2014 15.