Debates

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Tuesday, 8 April 2014

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

Leave of absence

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

> That leave of absence be granted to Ms Gallagher for this sitting week due to her accompanying the Prime Minister on an official business delegation to China.

Justice and Community Safety—Standing Committee
Scrutiny report 16

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

> Justice and Community Safety (Legislative Scrutiny Role)—Standing Committee—Scrutiny Report 16, dated 1 April 2014, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR DOSZPOT: Scrutiny report 16 contains the committee's comments on seven bills, 14 pieces of subordinate legislation and three government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Health, Ageing, Community and Social Services—Standing Committee
Report 2

DR BOURKE (Ginninderra) (10.02): I present the following report:

> Health, Ageing, Community and Social Services—Standing Committee—Report 2—*Inquiry into ACT Public Service Aboriginal and Torres Strait Islander Employment,* dated 31 March 2014.

I move:

> That the report be noted.

The inquiry into ACT public service Aboriginal and Torres Strait Islander employment had four key elements. Firstly, it examined the implementation of the

ACT public service Aboriginal and Torres Strait Islander employment strategy. Secondly, it examined the effectiveness of current programs to attract and retain Indigenous employees in the ACT public service. Thirdly, it examined data collection, monitoring and reporting mechanisms, and, fourthly, it examined relevant experiences and findings from other jurisdictions—in particular, Australian state and commonwealth public sectors as well as international jurisdictions.

The background to the strategy is about, firstly, recognising the diversity of our ACT communities, with 150 languages spoken in our homes, and that 40 per cent of Canberrans were born overseas or had a parent born overseas. It is proper that we should desire a public service which reflects that diversity and indeed the unique place of Australia's first peoples—Aborigines and Torres Strait Islanders.

Secondly, it is about understanding that Indigenous disadvantage is built upon our shared history of dispossession and discrimination. It is our social responsibility to seek redress for the outcomes of those wrongs.

Thirdly, it is about knowing that the provision of better services for Aboriginal and Torres Strait Islander Canberrans requires an Indigenous perspective in policy development and service delivery, and that Indigenous public servants are essential for this effort.

Fourthly, and most importantly in my opinion, it is about valuing Indigenous cultural capital and its contribution to delivering better policy and services for all Canberrans. As former Chief Minister Jon Stanhope said when launching the policy: "We want the expertise and insight that Aboriginal and Torres Strait Islander people can provide to improve government policies and services both to their own communities and the public more widely."

The committee found that there is positive news, and also there is much room for improvement. Firstly, the ACT public service has an Indigenous employment strategy that is fundamentally sound and well focused. It defines measures of success, including target employment levels. Secondly, the number of Aboriginal and Torres Strait Islanders has increased by 55 per cent over the number employed in 2010. There are currently 238 Aboriginal and Torres Strait Islander employees, according to the ACT public service, but this is well short of the 2015 target. Thirdly, the ACT Aboriginal and Torres Strait Islander Elected Body is contributing to the advancement of Indigenous employment in the ACT public service.

Whilst the employment strategy is good, its implementation needs improvement. The committee found that the employment strategy's implementation has fallen short of what was expected when the strategy was jointly launched in April 2011 by the then Chief Minister and the elected body.

The committee estimates that it will be 2019 before the two per cent employment target is met at the current rate of increasing employment. This is disappointing. Key stakeholders such as the elected body have concerns about the delivery of outcomes. Slow implementation of the strategy has led the elected body to describe it as a "shelf-warmer".

The committee found that there is no sense of a tightly managed implementation exercise focused on achieving outcomes. The ACT public service submission is characterised by numerous references to activities that are aspired to, planned to happen, and/or have only just happened.

The committee concludes that for the ACT public service it would have been better to establish a defined ACT public service-wide Indigenous employment product and use a proven project management methodology to manage the achievement of the deliverables. Such an approach would have resulted in a dedicated cross-functional project team accountable for the delivery of specific service-wide, measurable outcomes.

The committee has recommended that the ACT public service implement a project management approach to ensure the timely achievement of outcomes identified in the ACT public service employment strategy for Aboriginal and Torres Strait Islander people. Furthermore, the committee has recommended that the ACT public service accurately define the target level of employment. Referring to the employment target as 407, or two per cent of the total workforce, is out of date, as the ACT public service workforce has increased by more than three per cent per year since 2011.

The inquiry has shown that recruitment tends to be at lower classifications and that few Indigenous employees progress to middle management ranks, let alone senior executive roles. In fact, only one out of 197 executives identified as being Aboriginal or Torres Strait Islander.

The committee concluded that there is nothing wrong with recruiting into junior positions to progress the strategy and provide individual opportunity. However, without deliberate efforts to increase the proportion of senior Aboriginal and Torres Strait Islander employees in the ACT public service, a stated purpose of the strategy to bring Indigenous expertise and insight to government policy to benefit all Canberrans will not be met.

The committee has made a number of recommendations aimed at significantly improving the number of Indigenous graduate employees and increasing the number of Indigenous employees working at more senior levels. Cultural awareness and cultural safety were two areas of interest to the committee. I draw members' attention to chapter 7 of the report, which recounts an instructive story told at a public hearing by the Chief Executive of the Australian Indigenous Leadership Centre, Ms Rachelle Towart. I commend the story of a man with seven mothers to everyone.

We have made a number of recommendations aimed at making the service more inclusive and improving how Indigenous employees can contribute to improving the effectiveness of the ACT public service. One key area is that of mentoring. The committee has recommended a mentoring system that involves ACT public service Indigenous employees who are respected in the wider Aboriginal and Torres Strait Islander community.

The inquiry involved the committee looking beyond the ACT to find lessons learned in other jurisdictions, both in Australia and overseas. Two key findings were common

across jurisdictions—the importance of leadership from the top, and having in place good management information systems so that change can be measured.

The committee's inquiry has identified gaps in data associated with Indigenous employment in the ACT public service, and the committee has recommended better data collection and reporting. For example, there is a pressing need to have exit interview data collection.

I would like to thank the MLAs on the committee—Mr Andrew Wall as deputy chair, Ms Yvette Berry and Ms Nicole Lawder—for their efforts and for the bipartisan spirit we shared to make the most of this important inquiry. I also thank all who gave evidence and all those who have assisted the committee. They include the Assembly's librarian, Ms Jan Bordoni; the committee secretary, Mr Trevor Rowe; and secretariat staff Mr John Croker and Mr Matt Ghirardello.

The committee would also like to pay tribute to those Indigenous public service employees who were willing to give of their time to participate in a roundtable discussion. Their input proved very helpful to the committee in understanding their experience of Indigenous employment in the ACT public service. I commend the report to the Assembly.

MR WALL (Brindabella) (10.11): I would like to pick up where Dr Bourke left off and begin by thanking those people that were involved in the inquiry—obviously, the support that was offered by the secretariat and, most particularly, those that either gave up their time to make a submission or to give evidence before the committee. I refer in particular to the contribution made by 11 employees of the ACT public service who are of Aboriginal or Torres Strait Islander descent. Their personal stories—their personal experiences—moved and touched all members of the committee and everyone that was present.

There were some good stories, and I think it needs to be acknowledged that not all is bad in this area and that there are some very positive stories and some great examples of where individuals have been given an opportunity to progress and improve their skills and development within the ACT public service. Sadly, on the reverse side, the committee heard some very harrowing stories where these individuals have been subjected to some pretty significant racial discrimination within the workplace. We are often too quick to dismiss that this exists within the ACT public service and I think that the committee learnt some valuable lessons about the personal experiences that these individuals shared.

One of the most obvious points was that when the structures that are put in place to support all employees in the ACT public service are not put in place effectively, things can break down and go bad very quickly. That was certainly the case with some of the evidence that we heard about.

The committee also heard from the ACT public service commissioner, who was unaware of some of the issues that were raised by some of the witnesses before the committee hearing. It was concerning that there is a breakdown in communication or

a lack of willingness by some employees to raise these concerns at the higher levels to make sure that they are given the attention that they deserve.

One of the shortcomings that we as a jurisdiction have—and Dr Bourke mentioned it a moment ago—is that we do not always utilise the experience and the expertise on our doorstep locally. We heard from the Australian Indigenous Leadership Centre, which is one of the national leading institutions in Aboriginal and Torres Strait Islander training and development; yet we as a jurisdiction tend not to utilise its services or expertise anywhere near as effectively as we could or should.

Another item that I would like to briefly touch on is the data collection regarding departing public servants. I am not necessarily just referring to Aboriginal and Torres Strait Islander employers that are leaving the ACT service but to an approach that could be looked at more broadly to work out what we do well as an employer, what we do not do so well and where we could improve. That is important for any employer in any sector.

Again, I put on the record my thanks for the time and the contribution by all those who contributed to the inquiry. It is very much appreciated.

Question resolved in the affirmative.

Territory-owned Corporations Amendment Bill 2014

Debate resumed from 20 March 2014, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (10.14): The opposition will be supporting the bill. The bill is part of the government's planned sale of ACTTAB and provides for the removal of ACTTAB Ltd from schedule 1, as well as the complete removal of schedule 5 of the Territory-owned Corporations Act 1990. The objective of the bill is to facilitate the sale of the company. The bill also has some consequential amendments to the Taxation (Government Business Enterprises) Regulation 2003. It is simply a machinery of government bill to allow the sale of ACTTAB which the government hopes to complete by the end of this financial year.

The government does not know when the bill will commence. That will be set by the Treasurer, and I thank the Treasurer for the briefing given by his staff. The selling date largely depends on the nature of the sale of ACTTAB and whether or not it will be a share sale or an asset sale. So, that said, the opposition will be supporting the bill.

What we do have, though, with the continuing process, are some concerns that we do not feel have been addressed by the government. Despite the guarantees of the government, one would not be surprised that the opposition does not always take them to be effective. In particular, we hear a lot of murmurings from the staff of ACTTAB, and indeed from some of the unions involved, like United Voice, over the nature of the arrangements and the support that is being given to the ACTTAB staff. It is not

the staff's fault that they are about to potentially lose their jobs. This is a decision taken by government.

When we discussed the sale of ACTTAB, and particularly the racing industry, members will remember that I moved a motion that Mr Rattenbury amended. We said there were four things that had to be taken care of. We needed to make sure that there was appropriate funding in the long term for the ACT's racing industry so that it can prosper and thrive. We were insistent that the sale of ACTTAB be done with the highest level of integrity and that the racing industry had to be part of it and have an understanding of what was happening—I have concerns about that; I have actually been told in some cases that these bills were coming on and they were not aware of it—and that the funding arrangements were broadly consistent with other jurisdictions. If we are going to compete, we have got to be in the game. We are surrounded by New South Wales. The New South Wales industry is changing. It is upping the prize money. If we do not have parity we are not going to get the horses coming to the ACT when they can go to some other regional racetrack for more money. They will go there rather than come to the ACT.

We said that the funding arrangements should help the industry to be self-reliant and sustainable in the long term. In particular, the motion said that appropriate support had to be put in place for ACTTAB staff. I think there are a lot of ACTTAB staff out there at the moment, Treasurer, who are feeling quite abandoned by this process. My understanding is that there are some difficulties with communication. There is a lack of understanding of the circumstances that some of the staff now find themselves in. They are quite uncertain about the process, they are quite uncertain about what their entitlements will be and they are quite uncertain which of them will have jobs.

Some of that, of course, is dependent on the sale and the nature of the sale, but at this stage there is a lot of disquiet, I think, in the industry. They are uncertain about what will happen to their industry as a consequence of the sale. Treasurer, you yourself have seen concerns raised in the paper recently about the ongoing process and whether or not the government had a predetermined position on the process.

At the end of the day, it is the staff that I think we should be most concerned with. It is their lives; it is their livelihoods. The concerns are there. You might say they are imagined and they just need to be calm and they need to wait, but from what I have been told, the level of information flowing down to the staff about the process, and particularly timings, is not leading to any calm or quiet for a lot of people. In fact, it is just creating more disquiet.

When you close the bill you might like to update the Assembly on what arrangements have been put in place for the ACTTAB staff, what support has been put in for the ACTTAB staff and what transition arrangements there are for the ACTTAB staff because there are people suffering out there as a consequence of the process that you have put in train. It is your responsibility.

Indeed, we had a motion where the Assembly basically said, "Yes, we accept there has to be something done." Let us have an update on that. Let us have an update on the guarantees that were given. We warned that the watering down of the motion by

Mr Rattenbury's amendment to my motion had the potential to lead to this. It has now led to that. You need to make sure that you make it quite clear that people will get the maximum support that the government can give them, but along the way it is about communication. It is about keeping in touch. It is about being in touch with the union. Ms Berry might even have a view on whether United Voice have been included in this enough and their concerns are being met.

Before you finish the bill, minister, you might look to give us an update particularly on what is happening to the staff as well as the other three or four points that we raised in our motion when we started down this path. That said, as I stated at the start of this, this is a machinery of government bill and we will be supporting it.

MR RATTENBURY (Molonglo) (10.20): As Mr Smyth noted, the Territory-owned Corporations Amendment Bill is a simple machinery-of-government bill designed to facilitate the sale of ACTTAB. I have previously signalled my support for the sale of ACTTAB and do so again. I do not believe that the government should be in the business of running gambling operations. As a philosophical point, that is one that my party gave me very clear feedback on, and I think that is right. It also then relates to the practical issues around ACTTAB with the clear need for investment as part of the changing landscape of gambling markets. I certainly would not be keen to support the government putting significant new investment into ACTTAB. I think it is the right time to sell the organisation so the private sector can choose to make that investment as it sees fit for the future.

There are, of course, other issues around whether ACTTAB will qualify for the federal government's incentive around the sale of infrastructure and assets, and certainly that bonus would be welcome in this instance. I think this is an interesting area where we need to look very closely at the sale of assets. There is scope for government to move to sell some public assets, but there are others we should be looking to retain. ACTTAB is certainly one we should be disposing of. I think there will be other matters that we need to reflect on as the issue arises as part of the federal government's drive to have us sell off these assets but, for today, I support this bill and am happy to do so.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (10.21), in reply: I thank members for their support of the bill. I recently tabled the Territory-owned Corporations Amendment Bill 2014. The bill seeks to exclude ACTTAB Ltd from the application of the Territory-owned Corporations Act 1990, which would either take effect when the shares are to be sold or after any residual assets or liabilities have been settled to allow the company to be wound up.

In committing their time and resources to the sale, potential bidders require certainty that the sale can be finalised quickly. As I indicated in my presentation speech, arranging for the legislative amendments to be passed at an early stage will facilitate a more efficient sale process by removing any bidder uncertainty about when the bill, and hence the sale transfer, can take effect. Although the Territory-owned Corporations Amendment Bill will allow ACTTAB to be sold after it has been

enacted, the government will only agree to a sale if it is in the best interests of the territory.

The sale price is expected to yield a net financial benefit to the territory as the successful purchaser is likely to pay a premium to acquire ACTTAB's totalisator licence and its retail betting network. Ultimately, the sale price will be determined by the competitive tender process and the added value that potential bidders could realise by acquiring ACTTAB.

As the smallest TAB in the country, ACTTAB is becoming increasingly vulnerable to increased competition. ACTTAB does not provide any core government services, but it is exposed to significant commercial risks in a highly competitive wagering market and faces an uncertain future as a stand-alone entity. As it stands, ACTTAB lacks sufficient scale to compete effectively to protect its revenue base. The ACTTAB future options feasibility study conducted by PricewaterhouseCoopers concluded that the best option for the territory would be to sell the business.

It is evident to everyone that the wagering market has changed dramatically. Before the Victorian TAB was privatised in 1994, the TABs across the country were all government owned. Now there are only two that remain in government hands—one here in the territory, ACTTAB, and the other in Western Australia. There are currently three large totalisator pools controlled by two diverse gaming and gambling companies—Tattersalls and Tabcorp. Although these two companies clearly dominate the domestic market, in recent years the wagering industry has undergone further consolidation of corporate bookmakers, driven by the entry of several major overseas firms who are keen to establish and expand their operations in Australia.

The existing ACTTAB business model has served the territory well for many years. We must, however, now move with the times to avoid the significant commercial risks of an increasingly competitive and dynamic market. The formal sales process is well underway. Deloitte has been appointed as the government's specialist sales adviser. Expressions of interest were sought from interested parties and preferred bidders have been selected. The government expects to finalise the sale by the end of this financial year.

We have a series of sale criteria to achieve a fair and reasonable price to ensure that the racing industry is not negatively affected, to achieve a timely sale and to ensure that the successful purchaser has the appropriate experience and capacity to operate a wagering business and, importantly, also to ensure employee welfare is considered.

In that context, that is where the government, through the Commerce and Works Directorate, and indeed through the management of ACTTAB, are working closely with the United Services Union who represent members at ACTTAB—not United Voice, as the shadow treasurer implied, I think, twice in his speech. We will consult and work closely with the union who have members in the workforce. With the greatest of respect to United Voice, they do not cover employees in this particular enterprise. I thank members for their support of the bill and ask that it be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Planning and Development (Project Facilitation) Amendment Bill 2014

Debate resumed from 20 March 2014, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR COE (Ginninderra) (10.27): The opposition has serious concerns about the Planning and Development (Project Facilitation) Amendment Bill 2014.

The government claims that this bill is designed to improve process efficiencies in development assessment and territory planning variation processes. It is also designed to facilitate the delivery of key government projects. There are four main elements to this bill.

The first element of this bill is the provision which allows the executive to vary the territory plan for a special precinct area variation. A special precinct area variation allows the executive to identify a designated area of priority development and changes to the territory plan. This bill would remove third-party appeal rights to ACAT on developments in this precinct. It would also remove AD(JR) Act appeals to the Supreme Court. This is a significant reduction in the right of interested parties to raise concerns about projects in the ACT.

The scrutiny committee raised legitimate concerns about the removal of these appeal rights but the minister said in his response to the committee:

> The continued availability of Supreme Court rights of review in this circumstance is significant. These rights, notwithstanding the costs involved are available to the community.

In other words, the minister says that it is okay to take away the normal appeal rights because we still have left an expensive option. The opposition does not believe that this is acceptable. How can the minister say that appropriate scrutiny will take place when the only appeal mechanism is so expensive that practically no-one will be able to afford to appeal against a variation to the territory plan?

The provisions in this bill also allow a restriction declaration to be made. This will mean that many of the provisions in the Heritage Act and the Tree Protection Act do not apply to the precinct. This bill also contains provisions for a special precinct variation for the proposed mental health facility at Symonston.

The second element of this bill is the provisions which allow the executive to declare certain development proposals as projects of major significance to the territory.

Under these provisions there would be no third-party merit review by ACAT and no AD(JR) Act appeals to the Supreme Court. Once again, the only remaining appeal mechanism would be through costly common law appeals, which would be time-limited to within 60 days of the development application being approved. Once again, the government would be removing the ability of affected Canberrans to appeal the approval of a project about which there might be significant concerns.

Special precinct variations and project of major significance declarations will be made by disallowable instrument. This means that technically the Assembly can overturn the minister's decision to declare a special precinct or a project of major significance. In his presentation speech the minister stated:

> 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.

This all sounds noble. However, no-one should have any confidence in this supposed safeguard because, as we all know, the government has a majority in the Assembly. Therefore, the Assembly scrutiny would be somewhat limited. This means that variations will not be disallowed. This supposed transparency and accountability are just words. Even when the government does not have a majority, there is very little chance that a variation will be disallowed.

In the last few days we have seen comments from Mr Rattenbury that he supports the government on this legislation. Presumably he supported it in cabinet, too, because he went public to say that he did support it. This is a man who previously wanted to allow anyone, even an organisation that was not remotely linked to a project, to be able to appeal against a development approval. Mr Rattenbury is now happy to go along with the government to remove appeal rights for even those directly impacted by projects. Mr Rattenbury is happy to give the government all this power now. Can Canberrans have any confidence that he will be willing to disallow the government's variations or projects in the future? In this bill we have the government giving itself the power to approve any projects it likes without any real scrutiny.

The Planning Institute has observed that the legislation might be used for controversial and political projects, perhaps putting the politics into planning. The president of the institute commented:

> If a government had an absolute majority it could use the assembly to railroad through things that an individual Minister might have more difficulty with.

The third element of this bill is the ability for a proponent to lodge a development application that applies a draft territory plan variation. This means that in-principle approval could be given to an application before the relevant territory plan variation became operational. This is designed to save the proponent from waiting for the

variation process, which could be several months. The provisions in this bill mean that the development application could be notified and assessed at the same time as the territory plan variation is progressed.

The fourth element of this bill is the ability for a proponent to lodge a development application in the impact track with a draft environmental impact statement. This would allow public consultation on the draft EIS to occur at the same time as the public notification of the development application. This could save significant time in the approval process. The concurrent lodgement of a development application and a draft EIS will be optional for proponents. Concurrent lodgement carries the risk that the entire application will be rejected based on the completed EIS, so proponents may still choose to submit a draft EIS before lodging a development application.

At the time of tabling this legislation, I said on behalf of the opposition that we were not confident in giving this government, and in particular this minister, even more power. In two months the government can approve any building anywhere. Madam Speaker, I draw your attention to the following quote:

> The Territory Plan is changed far too often on the whim of individual development proponents. And every time we change the Territory Plan to suit the whim of an individual developer, we undermine strategic planning in our city, and we undermine the capacity of Canberrans to have faith in our system of planning.

I repeat:

> And every time we change the Territory Plan to suit the whim of an individual developer, we undermine strategic planning in our city, and we undermine the capacity of Canberrans to have faith in our system of planning.

Of course, those words were Simon Corbell's, on 6 September 2000. In contrast, today he is seeking to give himself all the power to change the territory plan and approve a DA in the space of eight weeks—any building, anywhere.

And what did Minister Corbell say on 27 June 2000? He said:

> I should stress that we must make a very clear distinction between the development application process and the Territory Plan process. Development applications allow for the approval of developments which are consistent with the existing land use, whereas Territory Plan variations propose to change the land use. Proposing to change the land use is a far more complex and a far more detailed process which warrants, ultimately, the sanction of this place. We do not for a moment resile from that process.

I repeat:

> We do not for a moment resile from that process.

Yet today the minister is seeking to weave the two into one—to make land use planning and development applications all but one and the same.

The presentation of this bad legislation just one sitting day after he brought it to this place shows that this government and this minister are complacent, arrogant, power hungry and disrespectful. The government seems determined to re-create the conditions which saw the Wollongong City Council get into so much strife. This bill is a lobbyist's dream.

In conclusion, the Canberra Liberals do not support this bill. We are alarmed to see this government give itself even more power to approve whatever projects it sees fit. This bill exposes the government to undue pressure from lobbyists and removes important appeal mechanisms from our planning system. The opposition does have concerns with the use of ministerial call-in powers at present. However, far from increasing the level of scrutiny on ministerial decisions, we believe that this bill drastically reduces the transparency of the territory's planning system. We already have an incomprehensible planning system, and this bill makes it even worse.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (10.36): Territory building projects are important for who we are and what we are. They create employment and wealth and build our community. From time to time we build projects that are for the benefit of the whole community, without which we would be poorer.

Madam Speaker, I begin my contribution this morning by quoting from your good self in your introductory speech to the 2004 Projects of Territorial Significance Bill that was introduced by the Canberra Liberals. You said that the legislation was prompted by the imperative:

> … to promote Liberal policy and Liberal belief that some projects are sufficiently important that third party appeals are not necessary and unwarranted and get in the way of the progress of the territory …

You went on to say, Madam Speaker:

> I am glad the government has recognised the fact that some projects are subject to vexatious and frivolous objection and that they should be protected from what I have previously termed "legal guerrilla warfare".

The proposal that you brought forward at that time you claimed was broader than just the GDE. You said:

> It provides for the future. It provides that other projects of significance that will have an impact on territorial employment, economy and infrastructure will go ahead.

The then minister, Bill Wood, in interjecting in this debate nearly 10 years ago, indicated that the government was working on a similar piece of legislation. I think that it ended up being project-specific in relation to the GDE. This was a bit before my time, a few years before I came into the Assembly, but those of you who have been here longer may well remember these specific debates.

I recall a conversation with the shadow treasurer—I think he was probably still the shadow treasurer way back then—when he advocated very strongly for what he coined "an Assembly call-in power" that would ensure that, where there were projects of territorial significance, rather than the planning minister, through the call-in powers, undertaking the necessary action for the territory economy, what should happen was a process as outlined in this bill where the Assembly would in fact have powers of disallowance and would have the capacity to be engaged in the decision-making process.

It is interesting to see the journey of the Liberal Party on these matters. It is not the first time that these issues, or similar ones, have been brought before this chamber, as you would be well aware, Madam Speaker. You very passionately spoke in favour of the Projects of Territorial Significance Bill at the time, and it has come back periodically over the last decade.

The proposals that Minister Corbell has put forward, I believe, strike that balance and ensure that there is a greater level of transparency and scrutiny in relation to projects. I think they are timely in the context of what the territory economy will experience in the coming years. I find it just a little ironic that, at the national level, Joe Hockey, federal Treasurer, is imploring states and territories to recycle assets and get major infrastructure projects underway over the next five years.

It is interesting, and I am sure it will not escape the attention of Liberal Party members—Senator Seselja, for example, and others who have been encouraging the ACT government to take up the opportunities that the commonwealth government have put forward, particularly through the asset recycling initiative, to ensure that we are putting forward significant infrastructure projects for the territory in the coming years—that what we are seeing is the Canberra Liberals wanting to stand in the way of that. They want to stand in the way of an improved process to ensure that the territory is able to deliver a range of significant projects, not least of which is the secure mental health unit. This Assembly unanimously resolved for this project to be supported and to be fast-tracked.

The hypocrisy of those opposite is interesting. The long march into the wilderness we see from those opposite continues. Gary Humphries was right: you are the nation's longest-serving opposition. You are opportunists. And, as you said, Mrs Dunne, back in 2004—

MADAM SPEAKER: Under standing order 42, do not address the opposition as "you". Address the chair.

MR BARR: Madam Speaker, as you said in this place in 2004:

> I suppose it is fair to say that the first instinct of the Liberal opposition was to sit back and gloat …

Ten years on, it is still the Liberal opposition. And still the first temptation is to sit back and gloat—not to contribute in any way to the positive economic direction of the territory, but to stand in the way of a sensible reform.

Members interjecting—

MR BARR: It is not surprising. It reflects opposition for opposition's sake. That is what we have seen from this party throughout the process, throughout their time in opposition.

Members interjecting—

MR BARR: You can normally tell when you get under their skin by the rapid-fire interjections. They sit there and listen quietly most of the time, but here we go. It is all three of them. There is the longest serving shadow treasurer in world history sitting there in position No 3, on his way down. There is the king in the north, Alistair Coe, Sir Alistair—

MADAM SPEAKER: I think you need to be directly relevant to the debate, Mr Barr.

MR BARR: He is sitting there, seeking, in an opportunistic way, to stifle what is a sensible way forward in this legislation.

We look forward to those Liberal philosophies that you outlined so eloquently in 2004—the Liberal policy and the Liberal belief that some projects are sufficiently important that third-party appeals are not necessary, are unwarranted, and get in the way of the progress of the territory.

I urge members to support this bill.

MR RATTENBURY (Molonglo) (10.45): There certainly are many challenges in being a Greens member of the government, and this bill has brought focus on some of these challenges.

Opposition members interjecting—

MR RATTENBURY: It took less than seven seconds for the interjections to start. There is a fine balance in trying to meet Greens principles such as sustainability, social justice and grassroots democracy simultaneously. It is challenging to create a planning system that ensures timeliness and ensures that grassroots democracy is being well serviced. One thing is certain: there is no such thing as a perfect planning system—legislation that caters for every scenario with maximum community input while delivering outcomes that all of the community wants.

Planning legislation is a complex area with layers of requirements to attend to the needs of safety, sustainability, human rights and, of course, a huge range of stakeholders with various goals. The challenge before me is to ensure that the government is able to deliver for the diverse needs of the community without severely compromising the needs of other parts of the community.

This legislation introduces five new processes into our planning legislation. There are two proposals that are quite a significant change to current process and that establish a

completely new framework for development proposals of territory significance. These proposals are designed to facilitate the fast-tracking of major development projects in the ACT. The first allows the executive to declare certain projects to be of major significance. These declarations will also be subject to an Assembly disallowance period. It allows the executive to vary the territory plan through a special precinct area variation that is also disallowable in the Assembly.

These two proposals are the ones in the legislation that require the most scrutiny. They are the ones that establish the framework for fast-tracking projects that must meet the criteria of both substantial public benefit and also be of major significance to the territory. The process for special precincts and projects follow very similar processes. However, a precinct proposal may include territory plan variations such as re-zoning.

The proposal is subject to community consultation for a minimum of 30 working days. The committee will have the opportunity to make comments, and key agencies such as the National Capital Authority, the Conservator for Flora and Fauna and the Heritage Council will be consulted. The ACT Planning and Land Authority will then provide a report on the consultation to the minister and then to the executive which assesses whether the proposal meets the criteria, taking into account public and agency comments. If approved by the executive, the project declaration becomes a disallowable instrument.

In a further disallowance period of six sitting days, which can be as little as three weeks but as much as three months, the Assembly has the opportunity to debate the merits of the project and to play a role in the decision-making process by disallowing the declaration. If the DI is not disallowed, the project declaration and relevant territory plan variations come into effect.

A development application can then be lodged, which will then go through the usual existing process of notification and consultation. Once ACTPLA has made a decision under this process, there is no opportunity for the minister to exercise call-in powers or for the public to access merits-based review in the ACAT. The only avenue for review will be the Supreme Court under common law.

There are also three new processes that are less major and are about streamlining. The first two essentially mean that the process can overlap or run concurrently rather than sequentially. Mr Coe has made some reference to those in his remarks, as the minister did when he introduced the legislation; so I will not reiterate those points. But these proposals have raised a number of issues for me as a Greens member, coming from a party with strong grassroots principles that we want to see embodied in our planning legislation.

This proposal is certainly not a new challenge for the Greens. We were faced with a similar challenge in 2009 when the federal government created a stimulus package to fund the development of social housing and school buildings. The ACT government was then required to fast-track these developments to ensure that they could be constructed within a short time frame, thus keeping the local construction industry afloat through potentially very difficult economic times. Appeal rights were lost for

the community, but the community gained energy-efficient social housing and new school buildings.

The Greens supported this legislation after gaining some improvements to the process such as appointing a cultural planner to manage and report on social impacts, ensuring full public notification including a sign at the development site, a commitment to avoid inappropriate development in cul-de-sacs, and a range of social and environmental design conditions. This legislation had a sunset clause to ensure that it would only be used for projects under this package.

In a similar vein, projects under this legislation will also be subject to sunset clauses, which will vary from project to project. This legislation is a framework for future projects. Thus, questions about exactly what areas it will cover and what the issues for those areas are cannot be answered today. Those details will be in individual project declarations and open for public consultation before going to cabinet, the Assembly then ACTPLA for those three layers of decision-making.

I believe the advantage of this bill is that it will provide an alternate option to the use of call-in powers, meaning that significant development projects of substantial public benefit for the ACT can be expedited through a more transparent and democratic process than the use of ministerial call-in powers. The ACT Greens have consistently questioned the use of call-in powers since the 1990s on the basis that they deny access to third-party appeals as a mechanism to fast-track developments.

Previous Greens MLAs have advocated for call-in decisions to be disallowable instruments, in effect giving the final decision to the members of the Legislative Assembly rather than just one minister making these decisions, and this process does just that. Cabinet and the Assembly will need to decide whether each individual proposal meets the criteria. Does it have substantial public benefit? Does it have major significance to the territory? These are the issues that need to be considered—not any building anywhere, as Mr Coe rather inaccurately suggested in his remarks.

We know that major projects are much more likely to trigger the use of ministerial call in; so we are pleased that this new legislation introduces a new level of decision-making through the Legislative Assembly. Our elected representatives will be able to bring community concerns to the debate on the floor of the Assembly to examine the proposal against these key questions before the DA process begins.

As each declaration will need six weeks of public consultation, issues will be raised in the media and, undoubtedly, through direct communication to us before going to cabinet and before coming to the Assembly. Thus, the key issues should be clear to each MLA before they decide whether to support the project or not. ACTPLA will also go through its normal DA processes, assessing each proposal to ensure that it meets building codes and fits within the extensive requirements of the territory plan.

The bill provides a transparent and accountable mechanism for the government to clearly signal its intention to expedite priority projects at the beginning of the decision-making process. If the government wants to get on with something, I think it is much more honest to say, “The government is of the view that this project is urgent

and is strategically important," and then move it through this process rather than the alternative approach, which is setting up the facade of consultation and then just calling the project in at the end.

The other option that government has if it wants to fast-track projects is to introduce project-specific legislation for individual projects. If government were to go down this path, then each project could have quite different planning laws applied to it with no certainty of public consultation. I believe the process before us today is preferable as it requires that each project meet the criteria of substantial public benefit, be of major economic, social, cultural or environmental significance to the territory and, in the case of proposed zoning changes, ensure that it contributes to implementing the planning strategy and the territory plan.

This is an issue I worked on closely with my cabinet colleagues to try to ensure that it was robust enough to survive different amendments of the Assembly and of the executive. It then sets out a clear framework for consultation and referrals. With a call in, MLAs have no say in a decision. With project-specific legislation, we have no certainty about the process at all, as it would be up for debate each time.

I believe that this framework before us today is a more honest, transparent and democratic option, and its merits will really hinge on each individual special project or precinct declaration. There are concerns about the politicisation of our planning system. Our current system is quite unusual in Australia in that it gives the vast majority of planning decisions to our independent statutory body, ACTPLA.

Thus, decisions on development applications are kept as far away as possible from our ACT politicians. This is a good system and one that I continue to strongly support. We certainly would not want to have the planning problems we have seen with some of our state counterparts. I think that is an interesting one. Mr Coe has sought to liken this to making it more like Wollongong, which I think is, frankly, a laughable suggestion.

I ask members to consider what is more like Wollongong: one minister having the power to make the decision or the entire Assembly? I know which one I consider to be more democratic and under which system it is less likely for individual members to be offered unsuitable inducements to make a particular decision. If just one minister is subject to all that lobbying pressure, I think they are far more likely to be prone to it rather than 17 or 25 members of the Assembly having to be got across the line.

There will certainly be times when it will be advantageous for the government to use this new power to implement specific projects. It is intended that this legislation is only to be used in these very specific situations in which there is impetus to develop within a short time frame or if there is a threat of ongoing appeals.

We need to be careful to use this power wisely and judiciously, and I hope my fellow MLAs are in agreement on this important point. It is true that this legislation puts a lot of power into the hands of the members of the Assembly, but, indeed, that power is already there. Being an elected representative is all about enacting the will of the people. Thus it will continue to be important that people think hard about the agendas

of people they elect to this place, and it will continue to be important that MLAs reflect on the use of this power and seek to use it minimally and judiciously over time.

The bill also introduces a range of limitations such as appeal rights. This is really the whole point of this legislation. The Greens are strong advocates for community appeal rights. However, we also agree that there are times when society's overall goals should be able to come at the expense of individual needs, so long as they do not infringe on basic human rights. As removal of appeal rights is a key part of the intent of this legislation, it will be important to ensure that this legislation is used as little as possible and only for projects which are genuinely of substantial public benefit or of major significance to the territory.

There are concerns about whether this bill will allow for large scale territory plan variations that go around the current layered process of consultation. However, again, this will depend on each individual proposal which will come before our Assembly.

Regarding the Symonston mental health facility, the bill also introduces specific clauses that put into effect the first stages of declaring the Symonston mental health facility as a special precinct. This is an issue we debated in this place last August, which resulted in a unanimous agreed motion, agreeing to fast-track the project and agreeing to consider project-specific legislation to expedite the process.

I expect that shortly after this legislation is passed the government will prepare a draft special precinct area variation which will be put out to public consultation for 30 working days or six weeks and will also be referred to the NCA, the Heritage Council and the Conservator of Flora and Fauna.

Where this process will differ from future projects using this legislation will be that the final proposed variation after public consultation and agency referral will be a notifiable instrument rather than a disallowable instrument, as we will have already had the debate in the Assembly as to the merits of the project. Thus the public consultation will not be about whether the facility should go ahead but, rather, will be about examining the proposal in detail and looking at whether it will need to be amended to accommodate any specific needs raised by the community.

People may wonder why this proposal warrants such legislation. However, members and people may not realise that the Ngunnawal bush healing farm proposal, a government proposal, has been held up by appeals for over a year. This is something the Aboriginal and Torres Strait Islander Elected Body is urging the government to get on with, knowing it is essential for assisting members of that community who have health and alcohol and other drug issues, and yet we have seen it held up for such an extended period of time.

While there were legitimate concerns around issues such as access and emergency services, these have since been responded to. So it appears that the majority of objections remaining are more about personal objections about this type of facility being in the area. For that proposal, it is frustrating for the government and for the people who would use this facility. But it is not the end of the world. However, there

is significant demand for the proposed secure mental health facility and a clear need for the government to deliver the project as soon as practical.

Another concern about this bill is that a restriction declaration will allow for a decision to be made without referring the proposal to the Heritage Council or the Conservator of Flora and Fauna. The declaration also prevents any new heritage or tree registrations.

Members and the public may be disappointed to discover that, although our current planning processes include these referrals now, the legislation is quite weak in these areas and ACTPLA is already able to make decisions contrary to the council or conservator's recommendations. A restriction declaration just makes this absolutely clear and prevents these agencies giving their advice.

A restriction declaration is a separate disallowable instrument. Thus, if the Assembly supports a particular project but still wants heritage or tree protection retained, it can decide to do that. I note that even with a restriction declaration, registered trees and declared heritage sites need to be protected. Although registered trees will continue to have protection even in special project sites under this legislation, a restriction declaration would mean that regulated trees or trees of a certain size would not have such protection. This is obviously not ideal and not something the Greens would ordinarily support. However the current planning legislation already allows for ACTPLA to override the conservator's advice on this matter.

Also, in case it is not spelt out clearly enough, I would like to underline the fact that all other environmental considerations in our planning legislation still stand in the case of any special projects. The Greens do not support any erosion of protection of our biodiversity in our planning system.

In relation to the heritage issues in this bill, members would be aware of the Heritage Bill currently before the Assembly which introduces the capacity for ministerial call-in powers, something the ACT Greens and many in the community have been concerned about. I believe this power made a mockery of the heritage listing process as it would essentially, just as with call ins in the Planning and Development Act, allow the minister to make the decision about heritage value rather than the independent body, the Heritage Council. Essentially, the minister would decide that the site did not have heritage value in order to allow the development to go ahead. This clause is fully against the interests of protecting heritage and transparent decision-making.

I have discussed this issue with my cabinet colleagues and requested that the call-in powers in the Heritage Bill be removed. The government has subsequently committed to amending the Heritage Bill to remove these powers. This bill before us today gives that power to override heritage considerations, but the executive and then the Assembly get to make this decision noting that these heritage values are being overridden. They explicitly note that and have to make that decision rather than a minister making a decision determining that a site has no heritage value. It is quite a different process.

This is an important win which provides a more transparent and respectful process that means that heritage will continue to be evaluated using HERCON criteria and should protect many heritage sites.

The Greens will be supporting this bill today in principle. As I indicated to members when I emailed them last night, I will move during the detail stage that the bill be referred to the planning committee. I have proposed the committee process to give an opportunity for members of the community to provide more detailed input and for the Assembly to examine this legislation in more detail.

I note that there is a short time frame for this committee inquiry in order to ensure that we can get on with the secure mental health unit. When the legislation was first introduced on 20 March I immediately contacted a range of community organisations, informing them of the legislation and sharing my analysis of it. I received very limited feedback, and the feedback I got supported the approach in principle. Nonetheless, over the last two days I have received a lot more feedback, specifically regarding the detail. Given that level of interest that has arisen now, I think it is worthwhile to have the committee examine this.

I have consulted with the Chief Minister and she has advised that this will have minimal impact on the timetable for the secure mental health unit. On that basis I ask members to support the committee referral as I think it will provide an opportunity for both this Assembly and members of the public to understand the detail more clearly as people feel that there is scope and necessity for that to be worked on. I think that is a worthwhile process.

I note that the Canberra Liberals are opposing the bill, but I reiterate that taking proposals to the floor of the Assembly is far more democratic than a single minister calling a project in. There are times when there are strategic values and benefits in having a project go ahead more quickly than might be the case if it went through the normal planning processes and a long series of appeals. As leaders in this community it is honest for us to come into this place, use the process now being proposed and say, "As your elected representatives, we are taking a decision that for the overall benefit of the community, this is a project that should get this special process applied to it." That is why this legislation is an improvement on the current process and why I will be supporting it today in principle.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.04), in reply: I thank members for their comments on this bill. This bill is designed to give certainty to priority development in the territory. It is also a critical part of the government's stimulus package recently announced by the Chief Minister and will help with construction in our city through what will be difficult economic times in the months and potentially years ahead.

Other elements of the stimulus package released by the Chief Minister include, of course, the release of large-scale civil contracts for estate works in the new suburb of

Moncrieff, significant changes to the lease variation charges regime, and a significant reduction in extension of time to commence and complete development fees.

When I introduced this bill last month I referred to the ability of the legislation to expedite priority development through the creation of special precinct areas and declarations of significant projects. I would like to discuss these amendments in more detail today because there has been significant misunderstanding about elements of this bill in some of the commentary we have seen to date.

The efficiency measures in this bill which allow a development application to be made and assessed against a proposed draft territory variation and permit a proponent to lodge a DA in the impact track with a draft environmental impact statement have been discussed by my colleagues; so I will not refer further to that today. But I will seek to emphasise that, as other members have mentioned in the debate, this bill is a transparent and democratic process. The bill works with the existing development assessment and territory plan variation process to allow the government to put priority projects to the community and to their elected representatives in this Assembly for comment and endorsements.

The bill requires the government of the day to declare its hand about which projects it believes are of priority for the territory and to nominate them through the process set out in this bill at the very beginning of the planning process. I note that the Standing Committee on Justice and Community Safety, performing its duties in the scrutiny of bills, has made comments on this report and I would like to address a number of these today.

Firstly, in relation to special precinct areas, the bill inserts new part 5.3A into the Planning and Development Act which allows the executive to vary the territory plan to identify a special precinct area. A special precinct area is a special area under the territory plan which allows developments of key public importance to proceed more efficiently. I would note that a special precinct area variation can also include a declaration of a project of major significance, and I will turn to this issue separately a little later.

Public consultation begins at the very beginning of the process. Under section 85A, the minister directs the Planning and Land Authority to consult on a draft proposal to establish a special precinct area. New section 85C provides that that proposal is subject to public consultation for at least 30 working days. New section 85F requires the Planning and Land Authority to prepare a report for the minister at the end of the consultation period setting out the issues raised during that period.

I note that copies of comments made during consultation must also be made available for public inspection. At the end of the consultation period, the draft proposal and analysis of comments are put to the minister and then to the territory executive for approval or revision. There are a number of checks and balances in this process. New section 85H requires the executive to assess whether the proposal to vary the territory plan meets the relevant criteria.

Firstly, the executive must be satisfied that the proposal would achieve a substantial public benefit. So, as my colleague Mr Rattenbury has said, it is not a case of any building anywhere. Secondly, the executive must be satisfied that the proposal is consistent with the broader ACT planning strategy. It cannot be inconsistent with the broader notified ACT planning strategy. Thirdly, the executive must be satisfied that the proposal achieves at least one of three objectives. These objectives are implementation or progress towards the implementation of the territory planning strategy, progress towards sustainable development of the territory, or economic, social, cultural or environmental progress for the territory.

In assessing whether the proposal satisfies these three tests, the executive must take into account comments made during public consultation. After that, the next stage is scrutiny of the proposal by the elected representatives of the community in this Assembly when it is tabled in accordance with section 85I. The Assembly can disallow the proposal. If the proposal is not disallowed, the relevant territory plan variations take effect and the special precinct area is established.

A special precinct area sets up a number of efficiencies in terms of the territory plan variation process. Firstly, the process for creating a special precinct area will itself be able to include any territory plan variations considered necessary for facilitating development within that area. This allows the process to be completed in around two to three months compared to the six to 18-month process for standard territory plan variations.

I would pause there to reflect on some of the commentary around the operation of these provisions where some have suggested that this is a politicisation of the territory planning process. I would point out to those commentators that it has always been the role of the elected representatives to make decisions on zoning in the territory plan. It is not an independent process decided solely by the planning authority. Decisions about zoning now are made by the minister and are subject to disallowance in this place.

Under this bill, decisions about zoning are made by the elected representatives. Decisions about development applications can either be continued to be considered by the Planning and Land Authority or in special circumstances determined by the minister, as is provided for now under the Planning and Development Act. But decisions about zoning are inherently political decisions that have and will remain the responsibility of elected representatives.

Secondly, further efficiencies occur after the special precinct area has been created. New sections 89 and 90 allow variations to the territory plan within the special precinct area to be progressed quickly through a 20-day public consultation process, which is deliberately quicker than the usual process.

I would like to acknowledge the role played by our courts and tribunals in the planning process. The Civil and Administrative Tribunal, ACAT, and the Supreme Court provide important avenues for review. However, I wish to make it clear that development approvals for projects within the special precinct area will not be subject

to merit review in the ACAT. Under new subsection 407(b)(iv), there will be no avenue to challenge a development approval on a merits review basis alone. 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, not on the merits of the proposal.

This is done to ensure that as far as appropriate proposals in the area are not delayed through litigation and the approval decisions are final and not able to be varied. It is worth highlighting that the residents of Giralang are still waiting for a new supermarket to be developed in their suburb due to resort to Supreme Court and now High Court action, despite the fact that a ministerial call-in was used to try and give some certainty to that project. That delay in that suburb is costing those residents years and years of reduced amenity because of protracted delay in litigation by commercial rivals. Those are the types of issues the government is seeking to anticipate and address for future projects.

I note that the scrutiny committee commented on the limitation in relation to AD(JR) review in its comments and suggested that the retention of AD(JR) and common law rights of review was a justification that might be considered to have little weight. The committee expressed the view that judicial review was much less efficacious than merits review and noted that it was more expensive. While the government notes the committee's concerns, we do not agree with them.

The continued availability of Supreme Court rights of review in this circumstance is significant. These rights, notwithstanding the costs involved, are available to the community. It is the government's view that these limitations on merits review are appropriate. The bill provides many opportunities for the people of Canberra to have their say on the special precinct area. In addition to the consultation processes I have outlined, development applications in the special precinct area will be subject to public notification. People can make representations about the application and these representations must be taken into account.

I draw the Assembly's attention to one more efficiency measure: 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(3)A.3 into the act. This new division establishes a process for making restriction declarations. The declaration will be able to state that the Heritage Act and the Tree Protection Act have no application to the processing, assessment or granting of development approvals in specific circumstances. Such a proposal must be forwarded to the Heritage Council and the Conservator of Flora and Fauna for comment, and these comments must be conveyed both to the executive and to the Assembly.

Under this new section, this restriction process cannot apply to existing registered or provisionally registered trees and any associated declared sites. These matters are unaffected by the proposed restriction process. It is also worth emphasising that the restrictions will have the effect that the Heritage Council and Conservator of Flora and Fauna will not be able to progress nominations for registration in the relevant areas. This restriction will apply from the moment the proposal is released for public comment.

This is necessary to ensure that the use of legislation providing for heritage nomination is not utilised as a mechanism to express opposition to a development proposal. We know now that often heritage nominations are only made when there is a contentious proposal that some people disagree with, regardless of the heritage value of the nomination. These issues need to be taken into account when we consider large-scale redevelopment proposals. These measures in total mean that the specified development within the priority area is not held up permanently or for long periods under these acts and is consistent with a priority declaration process.

This bill is an important bill. There are a number of important projects that the government wishes to see progressed for the broader benefit of the community. My colleagues have spoken in particular about the new secure mental health facility. This Assembly and this opposition are on the record as stating the importance of the project and the need for work on the project to be expedited, taking all necessary means to ensure its delivery.

It will not be the last priority project that will have other significant benefits for our community. It will not be the last project where the benefit of the great majority needs to be properly taken into account in an assessment and planning process. This legislation sets out a clear and specific framework for addressing those issues. It is better than project-specific declarations, because project-specific declarations cannot apply an impartial, consistent framework to decision making that this bill can. It is more effective, it is more consistent, and it allows for an established and agreed process that, at the end of the day, puts the onus on all the people in this place to have their say, to speak on behalf of their communities and to decide whether or not specific projects should be given the priority that is provided for in this bill.

That is a transparent process. That is an accountable process. That is a process through which members in this place can ultimately be held accountable. It does not hide it away. It does not leave it in the rooms and offices of ministers or bureaucrats. It puts it on the floor of this Assembly for the government of the day to justify the decisions it is asking the Assembly to endorse. That is an open and transparent mechanism and one that should be applied when we are dealing with projects of this importance. I commend the bill to the Assembly.

Question put:

> That the bill be agreed to in principle.

The Assembly voted—

Ayes 8		Noes 7	
Mr Barr	Mr Corbell	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	

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Planning, Environment and Territory and Municipal Services—Standing Committee
Reference

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

> That the Planning and Development (Project Facilitation) Amendment Bill 2014 be referred to the Standing Committee on Planning, Environment and Territory and Municipal Services for inquiry and report by 6 May 2014.

MR COE (Ginninderra) (11.24): It is a sham to expect that this bill could be referred to the planning committee today—8 April—and have it report back by 6 May having advertised, sought submissions, received submissions, held public hearings, written a draft report, discussed the draft report, agreed to the draft report and have it presented. This is a political tactic by Mr Rattenbury to get out of the very sticky situation he is in because he came out and said he supported the bill. We will not support this because it is obviously not a genuine attempt to get community feedback on this issue.

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) (11.25): The government will support this referral. It is important that there is an opportunity for people to make comment on this bill, and we accept the issues raised by Mr Rattenbury in his proposal for this referral. As Mr Rattenbury has said, the initial commentary on this bill was very muted, but in recent days other commentary has come forward where people are expressing clearer concerns. It is reasonable that a process is established to allow those concerns to be further articulated.

I am most concerned by the position being adopted already at this early stage by the opposition—that is, a clear and demonstrated indication that they do not intend to engage constructively in this process and that they do not intend to facilitate an effective committee inquiry. Mr Coe is a member of this committee, if I recall correctly. Even without seeing a submission, even without having looked at our terms of reference and even without an initial meeting of the committee, Mr Coe is not interested in participating. That is not the expectation members of the community would have of Mr Coe and his colleagues. If this committee inquiry is established, it is his obligation and his responsibility to engage in that process constructively. Regrettably, what we are seeing from his initial comments is a complete reluctance to do so.

Mr Coe needs to rethink his position on this. He needs to demonstrate that, after many years now as opposition shadow for planning, he actually has some grasp of the legislation before him on the table. His comments to date display a gross inadequacy when it comes to any level of understanding around the detail of this bill and how it actually operates in practice. It is an opportunity for him to demonstrate engagement and a constructive approach to an important piece of legislation that needs to be debated further by this place, and over the years those opposite are on the public record as supporting such approaches in principle.

The Liberal Party have indicated that they believe in projects of territorial significance legislation. They have indicated they believe large projects are contentious and sometimes you need a clear and streamlined process to facilitate decision-making in relation to their development or otherwise. They are on the record as saying that, and it is now incumbent on Mr Coe and his colleagues to engage in this debate and not simply block it, not simply be obstructionist and not gloat from the sidelines, as Madam Speaker said in an earlier speech in this place. They should engage constructively, and that is the approach that should be adopted in relation to this inquiry.

MR SMYTH (Brindabella) (11.29): This is just about the practicality of the matter. The government's consultation guidelines used to be that on significant public matters the issue should be on the table for 12 weeks. I think it is now six weeks, but in this case the government is asking the community to respond in less than a four-week cycle. If, for instance, the Tuggeranong Community Council wanted to have a commentary on this, the community council will not meet until the first Tuesday in May, and yet this committee is meant to respond a couple of days later on 6 May. It is physically impossible for the community to respond to this—unless that is, of course, the intention of the minister.

Mr Barr interjecting—

Organisations could call a special meeting, but most organisations have constitutions requiring that notice must be given of a meeting. It is almost impossible. You first have to get the executive together. Andrew Barr wants the Tuggeranong Community Council executive to get together now to call a special meeting of the Tuggeranong Community Council so that everybody else can drop whatever they are doing, come to this special meeting so they can discuss it, frame a response, get that response to the committee and then decide whether they wish to appear before the committee so the committee can then have its private deliberation to construct a report for tabling in four weeks. This is far too important an issue to be rushed in this way. The government at least need to give the committee the respect to say, "You will have an adequate amount of time to do your job."

There used to be government consultation guidelines for 12 weeks on a major issue. I think all members would agree that this is a major issue. This is the bill that you have when you have done too little, where you have come to the game too late, or when you have been too slow to react to a change in economic circumstances. You just change the law to suit you. But the people of the ACT will live with the long-term consequences.

We have the Greens who have sustainability as one of their four pillars on their website. We do not want to make bad decisions in the planning regime to put things in inappropriate places because we have rushed through this piece of legislation from an inept, incompetent government that has not looked to the future. I note, for instance, that Robert Macklin bagged Minister Barr for suddenly realising that Abbott and Hockey were in power and, "Oh, my goodness me, there might be a change to the economic circumstances of the ACT." If the Treasurer had read his own risks to the ACT section in the ACT budget for the last four or five years he would know that it constantly says the biggest threat to the ACT economy is a change in the circumstances of the commonwealth. Well, you have been bagging Abbott out for years saying these things might hurt the ACT, but where is your preparation?

Look at the outcry over this bill. The Heritage Council, heritage groups, planning groups, architects and individual developers are concerned about this. But the government want to exclude all of them from the discussion. It is unreasonable to put a 30-day limit on this debate. If you are serious about consultation, change it. You could perhaps do something in two months; three months or more would be better. Treat it with the respect that it deserves and have an appropriate consultation, but do not tell community groups to just have a special meeting to satisfy the government's need to compensate for their inability to manage the planning sphere in particular and the economy at large.

MR RATTENBURY (Molonglo) (11.33), in reply: Mr Coe has framed his speech in a very unfortunate way and it does not augur well for the conduct of the committee that he has already decided it is a waste of time. It is quite normal in many other parliaments that legislation often goes off to committee for shortish periods of time. The scrutiny committee does it all the time, and there is certainly scope here.

This provides an opportunity for members of the public to have a say on this legislation. There is a group of people out there who are well aware of it, who know the processes and who are keen to make some contributions. And already this morning I have had a number of emails from people saying, "Look, this is really handy; we look forward to making a submission." People are attuned—

Members interjecting—

MADAM DEPUTY SPEAKER: Mr Rattenbury, sit down, please. Stop the clock. Members will remain silent while Mr Rattenbury closes the debate, please.

MR RATTENBURY: Members of the public are attuned to the fact that this is in play. There is a particular group of people out there who have an interest in this and who will participate. The committee is quite capable of conducting this in the time frame that is suggested under this motion.

People will come into this process. The Assembly has clearly given its in-principle support to this legislation this morning, but there is scope to understand it better.

Minister Corbell made some observations about some of the misunderstandings that are out there about the legislation. Certainly the Liberal Party are not doing anything to help that, and I suspect they will go out of their way to make it more confusing.

We have already seen Mr Coe today refer to the fact that any building anywhere is covered by this legislation, when anybody who takes a cursory look at the legislation can see that that is clearly not the case. But do not let the facts get in the way of a good scare campaign. The Liberal Party built their 2012 election campaign on a good scare campaign, and we see them doing it here again. They are not going to let the facts get in the way of trying to run a political agenda that suits their case and suits their willingness—

Members interjecting—

MADAM DEPUTY SPEAKER: Stop the clock, please; sit down, Mr Rattenbury. I do not know what bit of “remain silent” you do not understand. The next person who speaks while Mr Rattenbury is speaking I will warn.

MR RATTENBURY: I conclude my remarks by simply saying I commend this motion to the Assembly. I think it is a useful process for the committee to work on this legislation and to hear from those members of the public who have an interest in this. I think that is a limited group. We know there are not so many people out there, and the fact that we have had a very late response to this indicates that many people understand the rationale behind this legislation but want to talk about the detail. I think we are capable of doing that in this time frame.

Question resolved in the affirmative.

Construction and Energy Efficiency Legislation Amendment Bill 2014

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

> That this bill be agreed to in principle.

MR COE (Ginninderra) (11.36): Whilst the opposition will be supporting the majority of the Construction and Energy Efficiency Legislation Amendment Bill 2014, we have strong concerns about the potential damage to licensees’ reputation which could be caused by unfounded hearings before ACAT. As such, I will be moving an amendment to address this issue.

The bill amends the Construction Occupations (Licensing) Act and regulation, the Electricity Safety Act and the Energy Efficiency (Cost Of Living) Improvement Act. The bill expands the inspection powers of compliance auditors so they cover occupations for which there are currently no adequate inspection powers. The two occupations covered by the provisions in this bill are works assessors and building assessors. This bill ensures that the work undertaken by assessors can be properly audited.

The bill contains standard provisions for search warrants to ensure that critical information or objects can be accessed. Search warrants may only be issued if strict conditions are met and the exercise of powers under the warrant must be in accordance with the warrant. This ensures that officers only remove items that are mentioned in the warrant and provide appropriate information to occupiers before searching the premises.

The current licensing act requires the Construction Occupations Registrar to make information about licences available to the public. However, it does not provide details about which information should be made available and in what form. This bill includes provisions to set up a public register which includes information about licensees which is of most use to the public.

Whilst the opposition is not opposed to the concept of a public register, we are very concerned about the inclusion of disciplinary actions which have not yet been finalised. In effect, what this bill will facilitate, indeed encourages, is the publishing of information on a website about an ACAT issue which may be untrue and unfounded. This is not fair to the industry and it is certainly not fair for the licensees concerned.

It is unknown what impact the new public register will have on a consumer's choice of licensee. If the government intentions do indeed eventuate, the public register will be a valuable source of information where Canberrans can check up on the track record of a licensee. Therefore, it is vital that the information is accurate and evidence based. The sheer fact that the registrar is taking a licensee to ACAT, before any finding of guilt, should be published on a register and potentially tarnish a licensee's reputation is a real concern. The opposition cannot and will not support this.

The bill amends the Electricity Safety Act with new provisions that allow regulations to be made for energy efficiency, energy conservation and environmental safety standards for electrical appliances. The bill also tidies up the act by removing the unused product approval mechanism from the current legislation. The amendments in the bill replace references to the Planning and Land Authority with references to the Construction Occupations Registrar to reflect the registrar's authority as granted under this act.

The bill amends the Energy Efficiency (Cost of Living) Improvement Act to clarify what activities are included or excluded from an energy savings calculation. The bill also allows the result to be recalculated up to five years after the end of the compliance period to which it relates if the calculation is based on incorrect information or a non-compliance activity.

Finally, the bill includes provisions that allow for information sharing about electricity retailers to ensure compliance. The administrator is also given authority to issue rectification orders or take other actions in cases where a retailer has contravened the code of practice.

In conclusion, I reiterate that the opposition will be moving amendments to this bill, but otherwise we will be supportive of the bill.

MR RATTENBURY (Molonglo) (11.41): The Greens will be supporting this bill today. I am pleased to see many of the improvements in this bill before us, including to the Construction Occupations (Licensing) Act, to the Electricity Safety Act, as well as to the Energy Efficiency (Cost of Living) Improvement Act.

As I have said regarding previous recent construction legislation in this place, ACTPLA's continuing work to ensure a high quality of building and development, as well as safe workplaces, is very important. This is the second bill we have debated in this place this year, and I appreciate that the staff in ACTPLA continue to look at reforms in this area.

It is important that the ACT government has enough levers, processes and sticks to ensure that thorough regulation of construction workers from all trades is developed, enforceable and fair. The Greens are very keen to ensure that the ACT is a place where workplaces are safe and that the quality of workmanship is such that home owners, property owners and tenants can all be sure that there will not be safety issues nor will they need sections of their houses rebuilt somewhere down the track after moving in.

In relation to the Construction Occupations (Licensing) Act, in summary, the amendments create new inspection powers for works assessors and building assessors, establish processes for search warrants to enter premises if required, and update the provisions around the maintenance of a public register to ensure the right balance of privacy for licensees and public access to licensee information.

This legislation delineates between information on a register that ACTPLA will keep, which contains private contact information as well as demerit points, and the public register which will contain information such as public contact details and disciplinary action that has been taken. I note that licensees can take this matter to ACAT if they wish to have information suppressed from the register. This has certainly been an issue in the public debate recently, and I know that members of the public are keen to ensure that they are able to find out more about the licensees they contract to ensure that they are reliable.

In relation to the Electricity Safety Act, the amendments insert provisions to set energy efficiency standards for electrical appliances, and would allow for regulations to be made in relation to energy efficiency, energy conservation or environmental safety, and revise the product approval process to work within the existing national Victorian-led appliance approvals. I note that the ACT generally always accepts other states' appliance registrations. This bill also allows for the ACT to refuse a product registration. The amendments ensure that the ACT will also retain the right to issue warnings and notifications of products, and it will allow technical changes to move electrical safety from the Planning and Development Act to the Construction Occupations (Licensing) Act.

The bill also includes several amendments to the Energy Efficiency (Cost of Living) Improvement Act that was passed in 2012. The operation of this scheme seems to be gradually being finessed through a number of legislative changes as we get closer to various stages of implementation.

This particular bill makes a number of additions and changes that will clarify the process for retailers and the administrator on various fronts, including the calculation of the energy savings obligations, the re-determining of an energy savings calculation by the administrator up to five years after the compliance period ends, the impact on priority household results if abatement factors are not compliant, the breadth of what constitutes an audit of information, and an outline of information sharing that can occur under the legislation between various concerned agencies, both territory agencies and non-territory agencies, around compliance with the act.

There are also a number of provisions around the responsibilities of the administrator of the scheme in regard to any contravention of a code of practice, including actions that the administrator can direct the retailer to undertake, the notice given and the process for rectification orders.

The bill outlines a number of measures in regard to actions the administrator may take in regard to public safety if they believe that a person's activities might present or are likely to present a risk of death or injury to a person. It allows the administrator to place a restriction on the person to prevent them from undertaking the activity, and then prevents the activity from adding to generate an abatement factor under the act. The bill also outlines how restrictions can be reviewed and lifted.

The amendments to this bill are substantial in number and detail. They replicate other acts in their structure and function. They appear to be designed to assist with the implementation of what is a relatively new scheme and they provide clarity about the powers of the administrator and the obligations of retailers operating under the act. I welcome them.

This bill before us today is complementary to that previous bill and another bill we passed in this place last year. I also note that Mr Corbell has tabled amendments today, which are technical, as they merely respond to the changes made to the legislation three weeks ago.

I am pleased to support this bill and these amendments today. I look forward to the higher standards across the construction sector as a result, as well as clearer processes and responsibilities for energy retailers.

I also look forward to the more substantial legislative changes to the building and construction legislation, which I believe we will see later this year, which will be the culmination of many years of work which has been going on in the background between ACTPLA and industry and community stakeholders as a result of the building quality forum three years ago. I believe we will see a discussion paper about this in coming months, which I look forward to.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.46), in reply: I thank members overall for their support of this bill. This bill makes amendments to the Electricity Safety Act to expand on the territory's powers to make regulations for the energy efficiency of electrical equipment and it also streamlines electrical safety product approval regulations in the ACT. Other amendments help the energy efficiency improvement scheme's operation and, in particular, the scheme administrator being able to carry out their functions provided for under that act.

Most importantly, this bill makes amendments for the protection of consumers of construction services in the territory. The bill provides for the Construction Occupations Registrar to keep registers of information on all construction licensees. This information can be made available to the public currently, but the act does not provide any guidance as to how the information should be disseminated. Because of this and obligations under privacy and other legislation only a small amount of information about licensees is currently available to consumers.

Consumers are able to look up information on current licensees to confirm if they are licensed. The lists published on the internet include the licensee's name, licence number, occupational licences held, licence endorsements, any conditions and expiry. While this information is useful, it does not give consumers any information about the licensee's compliance history, ongoing action or any enforcement action against them.

I would say that it is in the consumer's interest to know whether or not the Construction Occupations Registrar has taken action against a construction occupation licensee for failure to perform their duties and has undertaken any enforcement or disciplinary action against them.

I note that Mr Coe has some amendments and that Mr Coe's amendments are designed to ensure that information on occupational discipline against a licensee is only listed on the register when all reviews of decisions in relation to those actions have been exhausted. The government's position is that we do not support these amendments because the registrar only takes action against the licensee in the first instance after a "show due process"—in particular, a show cause notice to a licensee—and the process of review in the ACAT can be a lengthy one.

There are instances now where builders who have had occupational discipline measures put in place against them and noted on their licence seek review in the ACAT. That review can take many months to complete and consumers continue to engage a builder without knowing that they are subject to disciplinary action. I think consumers would want to know that. I think consumers would want to be aware of whether or not the builder or other professional that they are seeking to engage is subject to a disciplinary proceeding. I think consumers are entitled to know that information. So the government will not agree to Mr Coe's amendments today.

The type of information that the government wants to see made available for consumers includes the names and licence numbers of nominees for corporations and

partnerships; any interim licence suspensions; any automatic suspensions, including for insolvency or loss of insurance; any details of disciplinary action taken by the Construction Occupations Registrar; any details of occupational discipline orders made by the ACAT; actions taken by the registrar as a result of the licensee incurring demerit points; previous suspensions and cancellations; occupational discipline and disciplinary action in the previous 10 years, whether in effect or not; and rectification orders and contraventions of rectification orders.

These are serious matters for a construction occupation professional. Good builders should not find themselves in circumstances where they have these types of details on their licence. Poorly performing builders will, and poorly performing builders and their occupational discipline history should be made available to consumers. That is the purpose of this bill.

It is the case that builders have rights to review, but suspensions or interim disciplinary matters are notated on a licence now, and why shouldn't the public be aware of what is on that licence? Yes, builders can go and seek review of matters in the ACAT, but there is an immediate consumer protection obligation that, in the government's mind, overrides that provision for review because occupational discipline is not taken lightly and breaches of the Building Act are serious matters that warrant immediate action by the registrar. The law provides for that immediate action. Why shouldn't the public be aware of that action?

That is the bottom line here. The government is interested in the protection of consumers, not in the protection of dodgy builders. And that is what this proposal by Mr Coe would seem to be all about. I will make some further comments about Mr Coe's amendments in more detail during the detail stage of the debate.

This bill is an important one. It is part of what has now been three bills that the government has brought to the Assembly just this year focused on improving building quality and tackling poor performance in the building industry.

The government is also proposing amendments during the detail stage. Those amendments are procedural and technical in nature and reflect the fact that amendments were made to the legislation proposed in relation to these amendments at an earlier sitting.

I thank members overall for their support of this bill but reiterate that the protection of the consumer is a matter of significant interest and public concern in the community right now. This bill is about addressing that issue. This bill is about making sure consumers are able to look at the past and current history of a builder or other construction occupation professional that they intend to engage. We want to make sure that there is appropriate disclosure in relation to those matters. The government will not agree to amendments that diminish or take away from the consumer's right to know. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 18, by leave, taken together and agreed to.

Clause 19.

MR COE (Ginninderra) (11.55), by leave: I move amendments Nos 1 and 2 circulated in my name together *[see schedule 2 at page 792]*.

I thank members for granting leave. I had thought that the amendments were distributed in the last sitting week, so I apologise for that not being the case. As I have already highlighted, the opposition is extremely concerned with the government potentially tarnishing the reputation of Canberra builders for any finding by ACAT. If we pass this bill into law today unamended, we will be giving the government the ability to publish on a public register the simple fact that the registrar is taking a licensee to ACAT or that a licensee is appealing to ACAT. Regardless of whether the charges are upheld by ACAT, the blemish will be next to the licensee's name, and we believe that is unacceptable.

The reason the registrar has to go to ACAT is to ensure that justice is carried out properly. This bill will, in effect, allow for a punishment before that justice is completed. Madam Deputy Speaker, for you and I this may seem like a minor issue but if a person sees a blemish next to a builder's name on this register that could be enough to deter them from using that licensee. In the event of an ACAT listing which may turn out to be unfounded, this would be a great shame.

The government have advised that they are not putting demerit points on the register because they feel that they are not necessarily an admission of guilt by the licensee, yet the government is putting, in effect, a court-like listing on the register which may get thrown out by the tribunal.

If we were to use Minister Corbell's lines which he just said regarding public concern—"consumers are able to look to the past", "consumer protection", "appropriate protection", "consumer's right to know"—then why do we not have demerit points listed on the register? I think it is a reasonable question, yet the minister is selectively using an argument about a consumer's right to know about the issue of an ACAT listing but not regarding demerit points. There may well be a stronger case to include demerit points but not to include those which are still before ACAT.

The ACT opposition is extremely concerned that the government's bill allows an application to ACAT to be included on the public register. We are concerned that the fact an application has been made does not necessarily mean that the application will be upheld and placing this information on the public register could be very detrimental to the reputation of a licensee. We are not opposed to concluded matters being included on the register but believe it is preferable not to include matters where the licensee may still be proven innocent, or at least where the view of the authority is not upheld.

I very much hope that the Assembly sees sense and respects licensees and the role of ACAT in administering justice and supports these amendments.

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) (11.59): The government cannot agree to these amendments for the reasons that I foreshadowed earlier, and I will go into some more detail shortly. It is important to stress that what Mr Coe is saying is that members of the public are not entitled to know when they look at a builder's licence, for example, that the builder has a matter before the ACAT. This is an incongruous argument because matters that go to the ACAT are already on the public record in the lists published of ACAT matters and hearings.

Why should we say to consumers, "Well, you can find out just by looking at the ACAT," when they are thinking about engaging a builder? Why should we ask them to do that? Why should it not just be on the register when the consumer looks up the builder's licence number? Why should they not just go there and say, "Okay, this is the builder. This is the builder's occupational discipline history. By the way, the registrar currently has a matter in relation to this builder before the ACAT"?

Mr Coe seems to be saying. "No, that shouldn't be on the licence, but, you know, if you look in the filing cabinet on level 3 of where the ACAT sits you might find out that the builder is currently being taken to the ACAT." That is not friendly to consumers. That is not helpful to consumers and it is not fair disclosure to consumers. We say matters in relation to occupational discipline that are taken to the ACAT should be disclosed on the builder's licence and that it should be on the register that people are able to view. Why should consumers not know? If it is already a matter of public record that the registrar has an application before the ACAT, why should that not be noted on the register? Simple as that. The government does not support Mr Coe's amendment in relation to that matter.

The second amendment proposed by Mr Coe would mean that conditions placed on the person through licensing under sections 21 and 21A would be available immediately but others under section 56 would not. Again, this seems to be a little contradictory. Conditions are already published where they place a limitation on the operation of a licensee, and that limitation is effective immediately until otherwise removed by the registrar or by decision of the ACAT or higher court.

This Assembly has already agreed to a process where the registrar can take initial action and place limitations on the builder's licence or the construction occupation professional's licence before a matter goes to the ACAT. So we have already agreed that it is necessary for the registrar to be able to take that type of interim action. Why should consumers not know that that action has been taken? Mr Coe says they should not know. We say they should know, because the Assembly has agreed it is necessary for the registrar to be able to take that action to protect consumers. If it is necessary to place interim limitations on a licence to protect consumers, why should consumers not know the moment that decision is taken rather than three or six months down the track

once the ACAT has reviewed the decision? That is not in the interests of protecting consumers, and the government cannot support these amendments.

MR RATTENBURY (Molonglo) (12.03): This is old-school parliamentary procedure in the sense that today I had to sit here and listen to the merits of the argument having not seen these amendments until I came into the chamber this morning. That is the way they used to do it many years ago where they would all just sit around and debate it, whereas these days we tend to actually talk about some of the issues in advance.

Having listened to the relative merits of the argument, I will not be supporting Mr Coe's amendments. Given the history of some of these matters in the ACT and the significant public concern about particular builders, it is quite appropriate that, if somebody has had a disciplinary matter brought against them, the public is able to access that information. It is basic information that consumers are entitled to have. I do not have any concerns with that information being made publicly available.

Amendments negatived.

Clause 19 agreed to.

Remainder of bill, by leave, taken as a whole.

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) (12.04): Pursuant to standing order 182A(b) I seek leave to move amendments to this bill which are minor and technical in nature together.

Leave granted.

MR CORBELL: I move amendments Nos 1 to 10 circulated in my name together *[see schedule 1 at page 789]* and table a supplementary explanatory statement to the amendments and a revised explanatory statement to the bill.

I have moved these amendments noting that the recent Construction and Energy Efficiency Legislation Amendment Bill 2013 (No 2) was passed by the Assembly in February this year, amended legislation which will affect a small number of provisions in this bill. These amendments therefore give full effect to the policy provisions in this bill; they do not alter their intent.

The amendments predominantly affect the Energy Efficiency (Cost of Living) Improvement Act. One amendment is to clarify the intent of clause 42 as it applies to eligible activities already commenced in a previous compliance period. This is consistent with the information on the provisions as outlined in the explanatory statement for this bill.

The remainder of the amendments allow for consistent decision-making powers for energy saving result calculations plus all relevant sections in the act. This is required

after the inclusion of new sections 20A to 20C for tier 2 retailers electing to pay an energy savings contribution. I commend the amendments to the Assembly.

Amendments agreed to.

Remainder of bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Sitting suspended from 12.07 to 2.30 pm.

Ministerial arrangements

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): The Chief Minister will be absent from question time this week on the trade mission with the Prime Minister. I will take questions in the Chief Minister's portfolios.

Questions without notice
Independent Competition and Regulatory Commission—water pricing

MR HANSON: My question is to the Treasurer. Treasurer, the recent Auditor-General's report on the water and sewerage process cited advice from Mr Peter Hanks QC that:

> ... because the Treasurer's reference to the ICRC dated 13 October 2011 omitted to specify the period in relation to which the ICRC was to decide on the level of prices for services, the Price Direction made by the ICRC in Report 6 of 2013 is invalid because, without the referring authority having specified that period, the power conferred by s 20(1) of the ICRC Act could not be exercised …

Treasurer, why did you not specify the period for when the ICRC was to make its price determination?

MR BARR: The act does not require that specification. The particular legal opinion is just that—a legal opinion. The ICRC commissioner put it succinctly:

> Legal opinions, even when from a QC, don't invalidate the price direction, only a judge can do that.

The commissioner went on to point this out:

> Over its sixteen year life, the Commission has received a number of references requiring the provision of a price direction where either the period for which the direction was to apply was not stated or where the Commission was asked to determine the period. In those cases the Commission has dealt with such references by determining the period for which the price direction applies. Examples include the 2006 electricity terms of reference, 2001 gas investigation and the 2001 taxi fare investigation.

He goes on to say:

> The water and sewerage services pricing inquiry is, therefore not exceptional either in the absence of a period from the reference or in the way the Commission has dealt with the reference. This audit report is the first time that the validity of this approach has been questioned.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Treasurer, what if any legal advice did you receive prior to issuing your reference to the ICRC dated 13 October?

MR BARR: A brief from both relevant ACT government directorates, in consultation with the ICRC, on the terms of reference.

MADAM SPEAKER: Mr Smyth, this will be the 1,000th supplementary question this term.

MR SMYTH: I feel honoured, as I am sure the Treasurer will feel when he answers. Treasurer, do you take responsibility for potentially invalidating the price determination as a result of your omission? If not, why not?

MR BARR: No, and I have outlined the terms of my response to the initial question from Mr Hanson—and, indeed, in the government response to the Auditor-General's report—that the government does not agree with the particular conclusion that has come from that legal opinion. As the ICRC, amongst others, have pointed out, there is a variety of legal opinion in relation to this matter, but in order to put the matter firmly beyond doubt the government has agreed with the ICRC recommendation, to remove any doubt at all. The government does not believe there is, but the issue has been raised so we will seek to remove any doubt whatsoever.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Treasurer, are you aware whether there are any other jurisdictions where such bodies determine their own periods of reporting?

MR BARR: I understand that regulatory bodies in other jurisdictions, as has surely been the case in the ACT in previous times, do have that flexibility. That is not unusual. As the ICRC commissioner indicated in his response to the Auditor-General's report, it is not the first time in the ACT, under this government or under the previous Liberal government, that such references occurred.

ACTTAB Ltd—proposed sale

MR SMYTH: My question is to the Minister for Racing and Gaming and relates to the sale of ACTTAB. Minister, where are negotiations with the staff at ACTTAB up to and what is the process to be followed between now and the potential sale of ACTTAB?

MADAM SPEAKER: The Minister for Racing and Gaming.

Mr Barr: Madam Speaker, I am not the Minister for Racing and Gaming. However, I do have responsibility for the ACTTAB sale.

MADAM SPEAKER: In your capacity as Treasurer?

Mr Barr: Yes, that is correct, Madam Speaker.

Mr Smyth: Point of order, Madam Speaker.

MADAM SPEAKER: Mr Smyth on a point of order.

Mr Smyth: I do not believe that under the AAs the minister is responsible for ACTTAB. I know that he is responsible for the sale, but this is about ACTTAB itself and what happens to the staff.

MADAM SPEAKER: I think it is up to the ministers to decide who is the most appropriate person to answer the question. There is no point of order.

MR BARR: I can advise the Assembly that there have been I think more than a dozen communications, consultations and meetings held since the announcement of the sale that commenced back in September of last year. The ACTTAB CEO and the USU undertook a joint address to staff in October. The government met with the USU about the future of ACTTAB on 22 October. Then there was a follow up meeting on 30 October. On 1 November the project team chair was in contact with the USU confirming the engagement of an independent consultant to provide assistance to staff and that the union would be consulted before ACTTAB finalised the tender of that particular piece of work.

On 6 November the ACTTAB CEO sent an email to staff and the USU about the proposal to engage a consultant to provide employee assistance in relation to change management. The USU expressed support for consultants selected to assist staff on 9 November 2013. On 20 November 2013, the ACTTAB CEO sent an email to staff and the USU indicating that the ACTTAB sale resolution had passed the Assembly and urged staff to participate in the staff aspirations survey, a process that is being undertaken through this period.

There was then follow up communication between the ACTTAB CEO, staff and the USU concerning the sale and disclosure information on 4 December, 12 December and 18 December 2013. On the 18th, the project team chair emailed the USU to confirm the government’s sale objectives and that the prospective bidders would be asked to provide their best offering in meeting these objectives to support existing staff and the racing industry.

Further updates were provided to staff on 14 January, 28 January and 31 January 2014. On 4 February there was an email received by the ACTTAB CEO from the union expressing appreciation for being included in the information updates

and advising of positive member feedback on the employee assistance training. Further updates have been provided to staff on 7 February 2014, 18 February 2014, 19 February 2014, 24 February 2014, 11 March 2014 and 26 March 2014.

Earlier this month the Chief Minister replied to the USU confirming that before the sale completion, staff and union representatives will be consulted on appropriate mechanisms to transfer staff and their entitlements and on ongoing employment conditions. Any staff seeking to join the ACT public service will also be assisted in applying for the vacant positions based on merit. There has been a very comprehensive engagement from the government.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, what measures will be in place to support current ACTTAB staff if the sale goes ahead?

MR BARR: I have just outlined those in some detail. There are a range of programs in place to assist staff through the transition, either through ongoing employment potentially with new owners or through opportunities to transfer into the ACT public service. There are, through the consultant who has been brought on board, individual supports in place for each and every staff member seeking advice on transition into other forms of employment, or in fact on whether they wish to stay with the business under new ownership.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, will any staff lose their jobs if the sale goes ahead, or will safeguards be put in place to guarantee employment?

MR BARR: Some positions may not continue under the new ownership.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, will any staff receive bonuses if the sale goes ahead?

MR BARR: No, I do not believe so.

Employment—growth

MS PORTER: Madam Speaker, my question, through you, is to the Acting Chief Minister and Treasurer. Would the Acting Chief Minister please outline what steps the government is taking to encourage job growth and investment in the territory?

MR BARR: I thank Ms Porter for the question. The government is taking a range of steps to encourage job growth and investment in the territory. The Chief Minister today heads an ACT delegation travelling to China as part of the Prime Minister's trade mission to attend Australia Week in China. The Chief Minister's participation in the trade mission further strengthens the ACT government's policy agenda relating to business and trade, education, infrastructure, tourism and industry development.

This particular trade mission builds on the Chief Minister's earlier visit to China last year which forged strong links with tertiary institutions and sought to profile investment opportunities to boost the ACT economy. And this is especially important at a time when the commonwealth, under the federal Liberal Party, is contracting its employment and spending within the ACT.

Whilst in China, the Chief Minister's message is that the ACT is actively seeking investment in a range of strategic opportunities within the ACT. The Chief Minister will hold a series of meetings with leaders and investors in the Chinese business, tourism and education sectors to promote our city as a destination for trade, investment, tourism and education. The trip is an important part of building a strong relationship with China and lifting the profile of Canberra in China.

The Chief Minister's meetings with key stakeholders in the areas of infrastructure and urban transport will provide an opportunity to showcase to investors transformational projects such as city to the lake. The ACT government's commitment to invest in initiatives associated with renewable energy and the use of digital technologies will be the focus of meetings with the Zhenfa New Energy group and Huawei Corporation.

I acknowledge the trade mission will be a busy time, with other first ministers having similar messages and desired outcomes. However, the investment opportunities in Canberra, as the seat of federal government and Australia's leading knowledge-based economy, are unique for Chinese investors wanting to have an investment and build their profile in Australia's national capital.

The Chief Minister will also reinforce the territory's position as a knowledge-based economy and a study hub. She will be joined by the vice-chancellors of the University of Canberra, Stephen Parker, and the Australian National University, Ian Young. Together they will promote Canberra's higher education sector and further promote the studyCanberra program.

I can advise the Assembly that I will be leading a delegation to Singapore in June and have sought expressions of interest from the business community. This mission will help Canberra businesses explore opportunities in Singapore, which is a major export market and a key Asian economy. Singapore has been ranked as the most open economy in the world and is a major source of foreign direct investment outflow, with an attractive investment climate and a stable political environment. It is currently promoting innovation and encouraging entrepreneurship, readying the economy for challenges of the tech-savvy and information-driven economy. Clearly, Singapore's future needs are a good fit with Canberra's knowledge-based economy.

The ACT government's invest Canberra initiative will provide the necessary dedicated investment facilitation service to support both the China and Singapore trade missions by focusing on the needs of foreign-owned companies seeking investment opportunities in Canberra and the region.

In closing, these two trade missions are just two examples of the government's long-term efforts to encourage jobs growth and investment in our economy.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Treasurer, what are the particular initiatives and/or projects that the government is focusing on?

MR BARR: Among the key projects and policies to boost growth and investment, one of the government's key priorities is transformational infrastructure projects. As I have just noted, the Chief Minister will be particularly focusing on the city to the lake project, with a view to attracting potential investment from China in this important project. City to the lake is a unique investment opportunity, given that it is a decade-long, multi-billion-dollar project which includes a convention centre, a multipurpose stadium, a new aquatic centre, office, residential and retail space, as well as a vastly improved interface with Lake Burley Griffin. Given its scale, city to the lake will clearly require a number of significant investment partners, which the Chief Minister and I will be encouraging whilst in China and Singapore respectively.

In addition, the Chief Minister will highlight the investment opportunities in capital metro, another transformational project for the city. The Chief Minister will be outlining the government's plans to develop the light rail corridor to a wide range of investors in order to further boost the profile of the project and attract investment interest.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, what representations is the government making to the commonwealth about fostering growth in the ACT?

MR BARR: Clearly, employment from the commonwealth accounts for about a third of the workforce in the territory and, as such, the forthcoming commission of audit and commonwealth budget will have a significant impact on our economy. The scale of potential job cuts in the ACT is relatively greater and it will have a more immediate impact, for example, than the motor vehicle production shutdowns will have on the Victorian and South Australian economies.

I raised these concerns directly with the commonwealth Treasurer on behalf of the ACT at the council on federal financial relations held here in Canberra on 28 March. I have also sought a specific commitment from the commonwealth for it to consider the potential for a disproportionate impact on the territory of its own decisions and to consider options to mitigate this effect, such as an appropriate phasing of changes to allow time for the market to respond, or locating new government bodies within the ACT to take advantage of spare employment capacity.

The Chief Minister has also made similar representations to federal ministers, most recently in her meeting with the Assistant Minister for Infrastructure and Regional Development, Jamie Briggs, at which she was accompanied by representatives from the Canberra business community.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Treasurer, what representations did the government make to the previous Labor government about the 14,457 job cuts detailed in the Gillard-Rudd budgets for the two previous budget periods?

MR BARR: Numerous representations, both to prime ministers Gillard and Rudd and to Treasurer Swan, in relation to the then federal government's approach to public sector employment. I would note, of course, that the previous federal Labor government increased public sector employment in the ACT. They came to office with around 56,000 public servants employed in the ACT and left office with more than 65,000 public servants employed in the ACT. So the public service in the ACT grew under the Rudd and Gillard governments.

Their record of investment in the ACT economy through the stimulus measures for the global financial crisis saw many hundreds of millions of dollars invested in the ACT's education system, both public and private, in social housing within the ACT, and also in significant transport projects—for example, the Majura parkway, the Constitution Avenue upgrades and the National Arboretum. There were a significant number of investments by the previous government. The national broadband network, for example, is paying big dividends already in those parts of the city that have enjoyed the benefits of that particular rollout. In fact, I understand that the community that has the single largest take-up of any community in Australia of the national broadband network is here in Canberra, in Gungahlin. I think that reflects the importance of this infrastructure investment in the ACT.

We can only hope that the new communications minister, Malcolm Turnbull, also sees the benefit of investment in fast broadband technology and continues its rollout in the ACT. You would like to think, Madam Speaker, that would be one area where there would be bipartisan support. *(Time expired.)*

Disability services—autism spectrum disorder

MR WALL: My question is to the Minister for Disability, Children and Young People. Minister, Therapy ACT currently facilitates the assessment and diagnosis of people, particularly young children, with autism spectrum disorder. Given your announcement of the phased withdrawal of therapy services following the transition to the NDIS trial on 1 July, what assurances can you provide to those on the waiting list for an ASD assessment and diagnosis that they will not miss out?

MS BURCH: I thank Mr Wall for his question on Therapy ACT. It was a significant announcement that the government made last week around how we transition into the NDIS here in the ACT. I think, Mr Wall, you understand and support the transition and that the government should get out of this area and provide more opportunity within the community for disability services to our community.

With regard to Therapy ACT, we have made a commitment to withdraw from special disability services from the end of 2016. We will transfer quite quickly the equipment program. In terms of intake referral and assessment that are currently provided, that is considered part of the mainstream service. That will continue to be provided.

We will go through a review of mainstream services offered through Therapy ACT over the next two years. We will work with the client base, we will work with other providers in town and we will work with the community organisations in town about what that looks like at the end of 2016.

I think the underlying message now is that, given that most of those mainstream services will be considered as an in-kind support service, as young ones come in and are assessed they will be directed to the NDIA once the doors open in July. If they are suitable for an NDIA package, that will be the response. If not, they will be managed through the routine services that currently exist. It is a significant change but it will take two years to get there.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Minister, how many individuals are currently on the waiting list to be assessed or diagnosed for autism?

MS BURCH: I would not have those details with me. I am happy to take some advice. But we also manage wait lists in different ways. We have a clear focus on those with the most needs to ensure that they get the attention as soon as we can provide it. In managing a wait list, whether it is for autism services, speech services or other services provided through Therapy ACT, it is those other drop-in clinics and arrangements that we have put in place that support families whilst they may be on a waiting list. Indeed, some families benefit from a very short intervention that is available through a drop-in clinic. But I can get that information for you.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, what information has been provided to families and individuals who are currently on the waiting list of Therapy ACT about the phasing out of the service, and when was this information provided?

MS BURCH: We made an announcement last week that sets out the time line for the government to withdraw from specialist disability services. I have also indicated that we will take the two years to work with our clients and our providers, our staff included, about what Therapy ACT, in a mainstream sense, will look like in two years time. We have not finalised. We are very clear on what our transition plan ought to be. It goes to the question about our phasing through. That detail is yet to be signed off by our federal colleagues. Once it is, that certainly will be put out into the public domain. But our approach is around phasing, and ages and stages. Those little ones that are coming into the service from July, if appropriate, will be directed straight off through to the NDIA.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, how will you guarantee that no individual waiting for a diagnosis of ASD slips through the cracks?

MS BURCH: I have confidence in the National Disability Insurance Agency and also in Therapy ACT and its existing practices. Whilst we are going through a significant change, which is the right change—and I reflect that Mr Wall agrees that this is the right change to make—our good practice will continue.

Environment—Koppers site

MS LAWDER: My question is to the Minister for the Environment and Sustainable Development. Minister, in an article in the *Canberra Times* on Monday, 7 April it was alleged that:

> The ACT government is selling land around the contaminated Koppers site without telling some potential buyers, including a childcare service, about the nearby pollution.

It was also alleged in the *Canberra Times* article that the sale documents for this land state that the government makes, and I quote, "no warranty or representation as to the environmental condition or state of the soil, groundwater, contamination or the existence or non-existence of any substance on or affecting the land." Minister, is it true that potential buyers of the land in the New West industrial park were not advised of this nearby pollution issue?

MR CORBELL: Yes, it is true and it is true because there is no contamination on those sites. The contamination associated with the Koppers site, as confirmed by the testing that I released last Friday, confirms that the water pollution below ground at the Koppers site has not moved and is retained within the perched aquifer on the site. And, as confirmed by the EPA in its advice to me, which I released last Friday, that pollution presents no danger to human health or to the environment.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, can you guarantee that no carcinogens are present in the New West industrial park area, given that testing has not been completed in this area since 2008?

MR CORBELL: As I have previously indicated, the advice to me from the EPA is that the pollution which is still present below ground on the old Koppers site does not present any risk to human health or to the environment.

MADAM SPEAKER: Supplementary question, Mr Smyth.

MR SMYTH: Minister, why did you not advise a childcare service that was going through the purchasing process of land of the potential presence of chemicals such as hexavalent chromium?

MR CORBELL: There is no presence of that chemical on that site and the childcare provider did not purchase the land. We are in this unusual situation where a person

who did not buy the land is complaining about pollution that does not exist on that land.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, can you guarantee the landholders in the New West industrial park that there is no risk of contamination in the future?

MR CORBELL: In relation to the pollution associated with the Koppers activities, I can assure members of the public broadly that the pollution on the Koppers site does not present any risk to human health or the environment.

Community legal centres—hub

DR BOURKE: My question is to the Attorney-General. Attorney, you recently opened a new community legal centre hub. Can you please tell the Assembly about this hub.

MR CORBELL: I thank Dr Bourke for his question. Just over a week ago, I was very pleased to join with staff and members of three community legal centres here in the ACT, along with my colleague Minister Rattenbury, for the opening of the new community legal centre hub, which is now located at 21 Barry Drive in Turner. The new legal hub houses three ACT community legal centres: the Welfare Rights and Legal Centre, the Women's Legal Centre and Tenants Union ACT. The ACT government provided just over $1 million over four years to these three CLCs to establish this new facility and to assist it with rental and other associated costs. The new hub will, I am sure, be of benefit to those community legal centres.

The Welfare Rights and Legal Centre is providing free legal advice and representation to people on low incomes relating to tenancy, public housing, social security and disability and discrimination law. The Tenants Union provides important services to assist renters when it comes to tenancy matters. And the Women's Legal Centre provides a broad range of legal services, including advice, representation and advocacy, for women who might not otherwise have access to legal assistance. In particular, the Women's Legal Centre provides legal assistance to women in the ACT through its face-to-face appointments, its night-time legal service and casework.

This new community legal centre hub has been very well received by the three community legal centres. It certainly provides them with more modern accommodation, and I am very pleased that the government has been able to implement its parliamentary agreement item for the facilitation of this new service, one that will enable those centres to bring in more staff as needed to collaborate more efficiently and effectively—indeed, potentially to see more pro bono capacity able to be housed in the premises. I know that the opening was a milestone for the three CLCs and I was very pleased to officiate at the opening of the centre.

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Attorney, can you tell us more about how the community legal hub facilities will facilitate collaboration between the community and legal centres?

MR CORBELL: I thank Dr Bourke for his supplementary. We know from research that vulnerability to multiple legal problems compounds as disadvantage becomes increasingly concentrated. We know from the recent New South Wales Law and Justice Foundation's law survey report that 50 per cent of Canberrans experience at least one legal problem a year and 20 per cent experience three or more.

Many of these legal problems are encountered and dealt with, often unsatisfactorily, due to a lack of legal assistance. So the provision of community legal services assists people in these circumstances with better access to advice and, in appropriate circumstances, advocacy and representation to have their problems resolved, reducing stress and reducing what can often be the compounding problems associated with social or economic disadvantage.

The operation of the three community legal centres in a central location will facilitate better collaboration. The centres have indicated that it means they can work more closely together, particularly when it comes to problems encountered by the same clients in a range of areas. It also means that they can operate more effectively with other parts of the community support sector, including family relationship centres, the Aboriginal Legal Service, the Human Rights Commission, women's refuges, Legal Aid ACT, the Canberra Rape Crisis Centre and private lawyers.

So this is a great new capacity. I am very pleased that private legal firms continue to provide support through their pro bono activities to the community legal centres. This new accommodation will certainly assist those centres to accommodate those offers of assistance.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Attorney, how will the community legal centre hub support volunteers and pro bono assistance to these legal centres?

MR CORBELL: I thank Ms Berry for her supplementary. We know that there are a range of services provided by the community legal centres which are reaching out to those who are most disadvantaged. In particular, and for example, the Welfare Rights and Legal Centre provides the street law program, an initiative funded by this Labor government in the last term of government. Street law operates with significant support from pro bono partners, and the operation of the new community legal service, through this new hub, will provide a greater capacity to coordinate and deliver those services in-house, without the need to find alternative places to provide those services. It will also co-locate them with important services and pro bono services offered, for example, by the ANU College of Law, which sees legal students providing pro bono assistance under the supervision of a trained solicitor. These are great services for our community and are important in addressing disadvantage, and they are now centrally located in a single centre.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Will there be any other benefits from the hub in terms of efficiencies?

MR CORBELL: I thank Ms Porter for her supplementary. The government looks forward to seeing how the CLCs can further combine and coordinate their services as a result of this co-location. There are opportunities for further reductions in duplication of back-of-house functions and so on. Over time I hope that those synergies realised as a result of this new accommodation will be even greater. Equally, I look forward to closer cooperation and collaboration between the boards of the CLCs.

The ACT Legal Assistance Forum is a well-established network of legal service providers which includes Legal Aid and the Aboriginal Legal Service working together to identify gaps in legal service provision and to address particular issues of disadvantage. The fact that these CLCs are now co-located means that there is every potential for the boards of those various community legal service providers to work more closely together, to collaborate with each other and to identify even more effective ways of delivering legal services to those in our community who face disadvantage.

Parking—mobile phone application

MR COE: My question is to the Attorney-General. Attorney, a report in the *Canberra Times* on 8 April tells the story of a motorist who used a mobile phone app to pay a parking fee. In doing so, he provided the registration and location of his vehicle. However, he received a parking fine because he did not display a printed ticket on the dashboard of his vehicle. Attorney, why, in this modern era of technology, in which all the details are provided electronically, would a motorist still have to print a parking voucher?

MR CORBELL: I thank Mr Coe for his question. These are some issues associated with the implementation of this new technology from the government’s perspective. We are very keen to ensure that there is as seamless a process as possible for people taking advantage of these new mobile phone-based apps for the purchase of parking in government-owned car parks without the need for a ticket.

I have indicated to my directorate that this issue does need to be ironed out. Obviously we are in the early stages of the implementation of paid parking and some teething problems are to be expected, but the message from the government is clear. First of all, we will be doing everything possible to avoid the need for infringements where people pay by app and do not display a ticket. We need to get to a point very quickly where there is no need to display a ticket. My directorate is liaising both with the app supplier and more broadly to ensure that we are able to fully utilise the effectiveness of an app-based payment solution without the need to display a ticket.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Attorney, why do parking inspectors not have access to the information that a motorist provides electronically?

MR CORBELL: I thank Mr Coe for his supplementary. Parking inspectors do have access to that information but they need to communicate with their base to secure that information. These are some of the issues that do need to be resolved. ORS, the Office of Regulatory Services, parking operations is looking closely at resolution of those issues. In the interim it is a very clear position on the part of the government that people who have paid using a mobile app will not be subject to an infringement simply because there is no display of a ticket.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Attorney, why did you allow the electronic parking system to be activated before ensuring it was fully operational?

MR CORBELL: It is inevitable, when it comes to the deployment of new technology, that there may be some minor teething problems. We have had four instances of this occurring. Now that it has been brought to my attention, steps are being taken to address that problem of what was a relatively minor teething problem in what has overall been a very effective rollout of new paid parking technologies. For the first time motorists can, of course, use credit cards to pay, through a swipe, both on their mobile phones and also at the new terminals. It has been well received by motorists for the additional convenience it offers, and the rollout of parking machines is running according to timetable.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Attorney, will motorists be able to extend their parking period without returning to their vehicle?

MR CORBELL: Yes. The app provides that functionality. Currently motorists can take advantage of that. The mobile app does provide a reminder to motorists. It sends motorists a reminder on their mobile phone that their period of pay parking is about to expire. That is obviously welcomed by many people in the community, particularly those who, for one reason or another, will otherwise overstay their paid parking period. The government will continue to address these relatively minor issues in terms of the implementation of the app rollout to make sure that people can use it fully and without the need to display a voucher in their car window.

National disability insurance scheme—launch

MR GENTLEMAN: My question is to the Minister for Disability, Children and Young People. Minister, could you provide the Assembly with an update on how the government will be implementing the national disability insurance scheme from its ACT launch on 1 July?

MS BURCH: I thank Mr Gentleman for his interest in the national disability insurance scheme. By July 2016, all ACT residents with significant and permanent disability—that is around 5,000 people in our community—will be covered by the national disability insurance scheme. As the *Canberra Times* so aptly put it last week, "Canberra is leading the way on NDIS." There will be twice as much funding for disability services by 2019—up to $342 million. We are working through this in a sensible time frame, subject to sign-off by the commonwealth by age and stage and life.

This is an exciting time for our disability sector, but it also means significant change. As the Chief Minister and I announced last week, the government will gradually withdraw from the provision of specialist disability and therapy services over the next three years. I was very pleased to hear Mr Wall endorse this approach last week when he said, "A gradual phase-out of government involvement in service provision is the appropriate thing to do."

This is a positive development because the last thing that people with disability in our community need is for this to be played out in a political sense. So I am indeed grateful for Mr Wall's endorsement, aligned very nicely and closely with all my cabinet and caucus.

Mr Hanson interjecting—

MADAM SPEAKER: Order, Mr Hanson!

MS BURCH: Let there be no question that we signed up with an open heart because it was the right thing to do, and it continues to be the right thing to do. Community organisations already play a major role in delivering disability support and this decision will build on what is already in place. Almost two-thirds of supported accommodation is delivered by community organisations. One community organisation in Canberra already employs more disability support officers than the government.

Right now, the government's focus is on providing staff and clients with the information they need to make the transition. For the past year we have been consulting, engaging, seeking advice, and developing activities and initiatives side by side with the disability sector here in the ACT. So I was indeed delighted to hear and read Christina Ryan, an avid disability advocate. She said, "I think this is a great announcement. I'm really pleased with the way they have gone about it. This actually does give people more options and it will give them some of the time they need to think about what's best for them."

From July we will see the National Disability Insurance Agency take on the leading role in administering the scheme here in the ACT. Over coming months the agency will be working with the ACT government to develop public consultations sessions—

Members interjecting—

MADAM SPEAKER: Order, Mr Coe and Dr Bourke!

MS BURCH: and engage directly with stakeholders. The government and the National Disability Insurance Agency are both committed to building a scheme that is equitable and sustainable here in Canberra. We have made the decisions necessary to ensure that the ACT disability sector adheres—

Members interjecting—

MADAM SPEAKER: Order, members!

MS BURCH: to the fundamental principles of the NDIS.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, what will this mean for existing clients of Disability ACT and their families and how are you keeping them up to date on the transition?

MS BURCH: As I said, the government has made the decision to gradually withdraw from the provision of specialist disability and therapy services over the next three years. This gradual change will ensure that the people who use accommodation support have the opportunity to decide on a new service provider. We are supporting all Disability ACT clients and their families through this change.

Clients already in receipt of accommodation support from Disability ACT can continue choosing them as a provider until the end of June 2017 should they wish to do so. During this time we expect that other services will begin to enter the market, offering alternative accommodation services. Every person in Disability ACT supported accommodation, their parents or guardians, are being contacted about the government’s decision. Disability ACT has met with parents and guardians in the lead-up to this decision and managers are going back to the people in each household to talk about the changes being gradually introduced.

I have attended meetings with families supported by Disability ACT to hear first hand their concerns about this decision and to talk to them about what it will mean for them. For therapy services, too, we are talking to clients about the changes and what they mean for them. We have established an information hub—a hotline—in the Community Services Directorate. That number is open to anyone who has any questions.

We are working with all those that we support to plan this transition and to ensure that people with a disability are at the forefront, to ensure that this transition to another system goes as smoothly as possible and provides the opportunities that they rightly deserve.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, when will the government detail how individuals will be phased into the new NDIS scheme?

MS BURCH: As soon as we have a sign-off by our federal colleagues—so any time you want to get on the phone to the federal colleagues. We have put a plan to our federal counterparts and we are waiting for them to sign that off. I think the sooner the better because, rightly, the community need to know that level of detail.

MS PORTER: Supplementary.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, how is the government working with its employees and their representatives to manage the transition?

MS BURCH: I thank Ms Porter for her interest. In order to provide the opportunity to significantly enhance the choice and control people with disability have over their lives, we need to create the space for the community sector to continue to grow. That is why the government has decided to gradually withdraw from the provision of specialist disability and therapy services over the next three years.

We are ensuring that all staff affected by this decision have the information and support they need. We have commenced discussions with unions and will continue those discussions, and will ensure that staff are kept up to date on this progress. It is important that this change be phased in over time. And while the size of the government disability workforce will fall over the transition period, the community sector workforce will grow.

The NDIS will lead to a near doubling of the ACT's disability sector workforce. Staff will be given the opportunity to develop their skills and gain the experience they need to be highly employable within the NDIS system. There will be job growth in disability and specialist therapy services through the NDIS, and we will continue to ensure that staff are well placed to take advantage of this new environment.

Sport—Woden oval redevelopment

MR DOSZPOT: My question is directed to the Minister for Sport and Recreation. Minister, in a debate in the Assembly in March 2013 in relation to the redevelopment of Woden oval you said:

> Looking at the project time frame, construction of the facility would start at the conclusion of the 2013 football season, and will not disturb the use of the facility by Capital Football and the Woden Valley Soccer Club.

Minister, do you stand by that commitment?

MR BARR: I am certainly aware that the project is progressing at great speed. In fact, the significant earthworks have been undertaken. I was driving past the facility only

recently and saw significant progress. I will take some further advice from project managers in relation to the time frames for completion.

Mr Smyth interjecting—

MR BARR: I will take advice from them in relation to the time frame—

Mr Smyth interjecting—

MR BARR: for completion and provide an update to the Assembly.

Mr Smyth interjecting—

MADAM SPEAKER: Mr Smyth, can you keep it down. A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, you stand by your commitment, according to your answer. So I will take that as—

MADAM SPEAKER: Just get to the question. No preamble.

MR DOSZPOT: Minister, why is it then that Woden Valley Football Club is being forced to play the 2014 season at Kaleen oval, on the other side of Canberra?

MR BARR: Construction takes time.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, when did you know that the redevelopment would impact on the oval usage for the 2014 season and when did you advise Woden football club of this?

MR BARR: The project managers advised the club at the earliest possible opportunity.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, what will be the benefits for the community of the upgrades of Woden oval?

MR BARR: There will be a new athletics track. The oval will be upgraded—floodlights, automatic sprinkler facilities. All of that work commenced in January 2014. It is progressing well and it is expected that this portion of the works will be completed in the third quarter of 2014. There will be further works in coming financial years in relation to further upgrades of the facility. It is an important boost to athletics. It is an important boost to the Woden town centre and a very good project for the community.

Parks—barbecue facilities

MS BERRY: My question is to the Minister for Territory and Municipal Services. Can the minister update the Assembly on the progress of the upgrades to barbecue facilities in ACT parks?

MR RATTENBURY: There is a program for barbecue upgrades across the city. There are currently 124 barbecue units in parks—

MADAM SPEAKER: Mr Rattenbury, before I proceed, is this the first time that this upgrade has been announced?

MR RATTENBURY: No, I do not think so, Madam Speaker. I think there has been a press release on it.

MADAM SPEAKER: Okay; that is fine.

MR RATTENBURY: You have got me wondering now. I am sure we have put this out in public before.

Mr Hanson: Controversial.

MR RATTENBURY: Indeed. I think this is the first time a minister has ever been pinged for this in the Assembly that I can recall.

Members interjecting—

MR RATTENBURY: Dr Bourke hits the Assembly with the dad jokes and everyone is in hysterics.

Members interjecting—

MADAM SPEAKER: Order, members! Mr Rattenbury has lost his train of thought completely. I have contributed to that, and I apologise.

MR RATTENBURY: TAMS does have an ongoing program of renewing the barbecue facilities around town and making sure they are functional, they are safe and they are up to date in the public picnic areas. The 2011-12 parks and cities barbecue condition audit identified barbecues that are unused, rarely used, inefficient, unsafe or unhygienic, and that should be removed, upgraded or replaced. That audit prioritised barbecues for upgrade in 2013-14. Five rarely used old barbecues will be removed and five new barbecues will be constructed in more accessible high-use locations. So there is a range of new barbecues that are going to be installed. They are at Bowen park in Barton, Yarralumla Bay in Yarralumla, Lake Ginninderra peninsula district park in Belconnen, Lennox Gardens behind the Hyatt in Yarralumla and Yerrabi Pond in Gungahlin. There is also going to be an upgrade of the Umbagong district park barbecue, which was actually completed in March 2014.

MADAM SPEAKER: Ms Berry, a supplementary question.

MS BERRY: Minister, when will the barbecue upgrades be completed?

MR RATTENBURY: In terms of the new barbecues that are coming, as I said, the Umbagong district park barbecue has already been upgraded. In terms of the five that I mentioned earlier, the contractor has been engaged and construction commenced in late March 2014. The barbecues at Yerrabi pond and Bowen park will be the first to be constructed. Construction is scheduled for completion by the end of May this year.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, how will the government measure the use of these facilities?

MR RATTENBURY: There is a range of ways that the government measures these. One of the ways to get a feel for what people are using around the city and the priority for those services is TAMS conducts an annual customer survey which covers a range of matters. Also, the rangers are regularly out at these facilities. Parks and city services and the rangers are regularly monitoring these facilities, including for issues of vandalism and cleanliness. Unfortunately, there is a level of vandalism that does go on around these facilities which requires constant monitoring, but that also enables parks and city services to gauge the level of use of these facilities.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Apart from Umbagong and Lake Ginninderra, what other barbecue facilities will be placed in my electorate of Ginninderra?

MR RATTENBURY: I do not have with me the full list of barbecue sites across Canberra at the moment. But as I said, there are 124 of them. As I mentioned earlier, there are several being upgraded in the Belconnen area. The Lake Ginninderra district park and the Umbagong district park are the two specific ones in the Belconnen area. They are the ones that are being upgraded in your electorate, Dr Bourke.

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

Papers

Madam Speaker presented the following papers:

Standing order 191—Amendments to:

Births, Deaths and Marriages Registration Amendment Bill 2013, dated 25 March 2014.

Gaming Machine (Red Tape Reduction) Amendment Bill 2013, dated 25 March 2014.

Totalisator Bill 2013, dated 25 March 2014.

Auditor-General Act—

Auditor-General's Report No. 2/2014—The Water and Sewerage Pricing Process, dated 2 April 2014—

Report.

Senior Commissioner for the ICRC—Letter, dated 3 April 2014.

ICRC response to the Auditor-General's Office Performance Audit—The Water and Sewerage Pricing Process.

Auditor-General response to the Senior Commissioner for the ICRC response—Letter, dated 3 April 2014—Letter, dated 4 April 2014.

Answer to question on notice
Question No 244

MR HANSON: Under standing order 118A, in relation to question on notice 244, which is outstanding, I ask the Attorney-General for an explanation.

MR CORBELL: I apologise to Mr Hanson for the delay in relation to answering that question. It would appear to have been delayed in my directorate; however, an answer has been provided to me and I have signed that answer.

Financial Management Act—instrument
Paper and statement by minister

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

Financial Management Act, pursuant to section 16B—Instrument authorising the rollover of undisbursed appropriation of the Environment and Sustainable Development Directorate, including a statement of reasons, dated 20 March 2014.

Mr Coe interjecting—

MADAM SPEAKER: Mr Coe, you are being disruptive.

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

Leave granted.

MR BARR: Section 16B of the FMA allows for appropriations to be preserved from one financial year to the next, as outlined in instruments signed by me as Treasurer. As required under the act, I table a copy of a recent authorisation made to roll over an undisbursed appropriation from the 2012-13 fiscal year to the 2013-14 fiscal year. This package includes one instrument signed under section 16B. The appropriation being rolled over was not disbursed during 2012-13 and is still required in 2013-14

for the completion of projects identified in the instrument. The instrument authorises a total of $8.609 million in rollovers for the ESDD, comprising $3.307 million net cost of outputs, $512,000 in payments on behalf of the territory and $4.790 million in controlled capital injection appropriations.

These rollovers have been made as the appropriation clearly relates to project funds where commitments have been entered into but the related cash has not yet been required or expended during the year of appropriation—for example, where capital works projects or initiatives for which the timing of delivery has been changed or delayed, where outstanding contractual or impending claims exist or where there are delays in implementing the budgeted recurrent initiatives.

The rollovers of net cost of outputs, payments on behalf of the territory and controlled capital injection are detailed in the instrument. Specific details regarding these rollovers are included in the instrument. I commend the papers to the Assembly.

Public Accounts—Standing Committee
Government submission

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

> Public Accounts—Standing Committee—Inquiry—Auditor General's Report 7/2013—2012-2013 Financial Audits—Government Submission.

I ask leave to make a short statement in relation to the submission.

Leave granted.

MR BARR: I present the government's submission to the Standing Committee on Public Accounts on the Auditor-General's report No 7 of 2013 entitled *2012-13 Financial audits*. I note that the recommendations in the Auditor-General's report largely relate to the quality of financial statements and statements of performance, the usefulness of accountability indicators and controls relating to ICT systems. The government's response agrees to eight of the 11 recommendations in the report and agrees in part to the remaining three. Details of the government's position on each of the recommendations are contained within the submission I have tabled this afternoon. I commend it to the Assembly.

Papers

Mr Corbell presented the following papers:

> Human Rights Commission Act, pursuant to section 87(2)—Investigation into the mechanical restraint of a prison detainee while being treated in a mental health facility—A report of the ACT Health Services Commissioner, dated 17 March 2014.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

ACT Teacher Quality Institute Act—ACT Teacher Quality Institute (Code of Practice) Approval 2014 (No 1)—Disallowable Instrument DI2014-22 (LR, 17 March 2014).

ACT Teacher Quality Institute Act and Financial Management Act—ACT Teacher Quality Institute Board Appointment 2014 (No 1)—Disallowable Instrument DI2014-27 (LR, 20 March 2014).

Animal Welfare Act—Animal Welfare (Humane Shooting of Kangaroos and Wallabies) Code of Practice 2014 (No 1)—Disallowable Instrument DI2014-23 (LR, 18 March 2014).

Court Procedures Act—Court Procedures Amendment Rules 2014 (No 1)—Subordinate Law SL2014-4 (LR, 14 March 2014).

Crimes (Sentence Administration) Act—Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2014 (No 1)—Disallowable Instrument DI2014-30 (LR, 27 March 2014).

Education Act—Education (Non-Government Schools Education Council) Appointment 2014 (No 1)—Disallowable Instrument DI2014-26 (LR, 20 March 2014).

Health Act—Health (Fees) Determination 2014 (No 2)—Disallowable Instrument DI2014-25 (LR, 24 March 2014).

Public Place Names Act—

Public Place Names (Campbell) Determination 2014 (No 1)—Disallowable Instrument DI2014-21 (LR, 13 March 2014).

Public Place Names (Ngunnawal) Determination 2014 (No 1)—Disallowable Instrument DI2014-28 (LR, 27 March 2014).

Road Transport (General) Act—

Road Transport (General) Heavy Vehicle National Law Permit Exemption Fee Determination 2014 (No 1)—Disallowable Instrument DI2014-29 (LR, 27 March 2014).

Road Transport (General) Route Assessment Fees Determination 2014 (No 1)—Disallowable Instrument DI2014-24 (LR, 18 March 2014).

Road Transport (Safety and Traffic Management) Act—Road Transport (Safety and Traffic Management) Amendment Regulation 2014 (No 1)—Subordinate Law SL2014-5 (LR, 27 March 2014).

Ms Burch presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2013—Canberra Institute of Technology, dated 19 March 2014.

Human Rights Commission report—government response
Paper and statement by minister

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): For the information of members, I present the following paper:

> Human Rights Commission Act, pursuant to section 87(2)—Investigation into the mechanical restraint of a prison detainee while being treated in a mental health facility—A report of the ACT Health Services Commissioner, dated 17 March 2014—Government response.

I seek leave to make a statement.

Leave granted.

MR RATTENBURY: Thank you, members. Today the Attorney-General has tabled the Health Services Commissioner's report of an investigation into the mechanical restraint of a prison detainee while being treated in a mental health facility. I have now tabled the government's response to that report, on behalf of the Minister for Health and myself, as ministers responsible for the operational areas.

I wish to start by thanking the Health Services Commissioner and her staff for their investigation and report. I also acknowledge the dedication and professionalism of the ACT government agencies involved—ACT Corrective Services, ACT Health and the ACT Ambulance Service.

The investigation concerned a detainee at the Alexander Maconochie Centre who had engaged in a serious episode of self-harm. The detainee was subsequently transferred to the adult mental health unit at the Canberra Hospital to receive treatment for five days under the lawful custody of ACT Corrective Services officers and the Corrections Management Act 2007. The detainee was concurrently detained under the emergency detention provisions of the Mental Health (Treatment and Care) Act 1994.

During this period, the detainee was subject to mechanical restraint in the form of long chain cuffs or standard handcuffs, in addition to being under the constant guard of two ACT Corrective Services officers. This restraint was directed by senior ACT Corrective Services officers on the basis of the director-general delegated authority under the Corrections Management Act 2007.

The decision to restrain the detainee in this environment was not undertaken lightly. In making these decisions, consideration was given to a range of complex factors such as the physical environment of both the jail and the hospital built form, the detainee's history, and the current risk of self-harm and harm to others.

The commissioner's report highlights a difficult area of service provision and makes valuable recommendations. The government will be supporting seven of the report's

recommendations, and supporting in principle one recommendation. The government recognises that ongoing improvement is vital in all areas of service provision. The two key areas involved in this case, mental health and corrections, provide services to some of the most vulnerable people in our community. In providing those services, the officers and decision-makers involved must balance the safety and interests of the detainee with the safety of staff, other patients and the community at large. I am proud of the standard of service delivery in this very difficult and complex area and confident that the staff involved in this case demonstrated the requisite level of dedication and professionalism.

While the government supports or supports in principle all of the commissioner's recommendations, and has substantially implemented them, the government does not agree with all findings made by the commissioner. When reflecting on circumstances in hindsight, it can be difficult to appreciate fully the immediate challenges and pressures associated with an event such as this. Decisions made in a corrections management context are complex and require careful balancing of competing and sometimes seemingly conflicting requirements. I am confident that ACT Corrective Services officers made the right decisions in the circumstances. I am confident that an appropriate balance was found between the detainee's right to humane treatment while in custody and the need to ensure the safety of the detainee, staff and the wider community whilst ensuring the detainee's secure detention.

Improvements are already underway in the context of the mental health act review, the new standard operating procedures and other collaboration between ACT Corrective Services and ACT Health.

The response supports in principle recommendation 6, which recommends changing the mental health act to allow transfer of custody from Corrective Services to ACT Health when a detainee is transferred to a mental health facility. The response notes that mechanisms allowing the transfer of custody will need to consider issues of security and public safety in the context of the security arrangements and infrastructure available at approved mental health facilities.

There is a reasonable community expectation that people lawfully detained into custody by order of a court because of a crime or alleged crime be detained securely as long as lawful authority for their detention exists. The government is separately working towards this objective through the establishment of a purpose-built secure mental health facility, and on balance prefers to align timing of transfer of custody arrangements with that facility becoming available.

Continuous improvement is critical for any service delivery area, particularly where our clients may be vulnerable. This report invites us to reflect on what we do and how we do it—to make sure that our practices and procedures meet the highest possible standards, as our community expects.

I reiterate my thanks to the Health Services Commissioner for her considered report and the opportunity she has provided. While the report highlights areas for improvements, the government considers that the decisions made in this case were the right ones in the circumstances.

In closing, as the Minister for Corrections, I wish to again state my strong support and appreciation for the officers of ACT Corrective Services, who demonstrate resilience, dedication and professionalism while working in challenging environments.

Leave of absence

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

> That leave of absence be granted to Mrs Jones for this sitting due to ill health.

Planning—city plan
Discussion of matter of public importance

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

> The importance of the City Plan to guide growth, development and urban renewal of the ACT

DR BOURKE (Ginninderra) (3.39): The city plan seeks to provide developers, government and the community with a clear vision for the future of the city centre, and how it will evolve and mature as it develops and grows over time.

As Minister Corbell has indicated, the government has agreed to five priority projects which will begin our delivery under the plan and set a path for the future. The projects focus around reducing traffic impacts to help people connect across the city, getting more people living in the city to add vibrancy and character, progressing some city to the lake proposals like the Australia forum and the aquatic facility, and reviewing mechanisms and incentives for private sector investment to deliver the plan's outcomes. Some of the priority projects, like the city to the lake investigations and redevelopment of the ABC flats, are already undergoing detailed investigations and planning, while others will be undertaken within the next five years or so.

These are exciting and transformational projects for the city and its people, and also bring regional and national benefits. For instance, the redevelopment of the ABC flats in Braddon and Reid will increase the range of housing options for people wishing to live closer to where they work, where they shop and where there are cultural, recreational and commercial services. It will also include improvements to the public realm along Cooyong Street and new linkages into Braddon to give better access to cyclists and pedestrians.

Likewise, some of the capital works under the city to the lake project will be commenced as early as possible. I would like to note that, on a smaller scale, we have proved the concept and the pleasures of being by the lake at Belconnen town centre's Emu Bank foreshore. It is already lined with eateries, outdoor tables and the new

wetlands where people can enjoy the vista of Lake Ginninderra and the adjacent parkland around John Knight memorial park.

The city to the lake project is an exciting new development within the central national area and city centre of Canberra. This significant development is one of the largest urban renewal projects occurring in Australia. City to the lake extends City Hill to Lake Burley Griffin, creating a vibrant urban waterfront at West Basin. Dramatically enhanced access will be created between the city, the lake and major national educational and cultural institutions such as the Australian National University and the National Museum of Australia.

The city to the lake waterfront precinct sits in the centre of these internationally renowned organisations and provides premium waterfront investment opportunities. The world-class city to the lake precinct will be a prestigious address in the nation’s capital, offering a unique investment and lifestyle opportunity.

Within the heart of Canberra, city to the lake occupies over 70 hectares of prime central city and waterfront land, providing 1.2 million square metres of premium investment opportunity. The project will allow for 15,000 to 20,000 new residents to live in this part of the city centre, as well as hotel development, convention facilities, stadium and aquatic centre sporting infrastructure, and office and retail opportunities. City to the lake is also conveniently located within close proximity to Australia’s parliament, adding increased tourism and investment potential to Canberra.

The waterfront will be anchored by a new lakeside aquatic facility and urban beach. It will not only be a place for events, festivals and celebration, but also a focal point where the everyday life of the city will meet the lake. It will make the city more liveable and attract more people who will stay longer, just as upgraded waterfronts in Brisbane, Melbourne, Sydney, Darwin and many more cities have contributed to the success of their cities. It is no accident that the cities of Perth, Hobart and Adelaide are also investing in their waterfronts.

The Australia forum, in conjunction with hotel developments, and a new multipurpose stadium as well as office, residential and retail, will form key elements of the city centre’s expansion. The Australia forum will be a world-class convention and exhibition facility.

The concept developed for the Australia forum provides for a flexible design including two large subdividable halls totalling 16,000 square metres, with the capacity for between 3,000 and 5,000 people depending on the form of the function, foyer and pre-function space totalling 19,000 square metres, meeting rooms with a total of 4½ thousand square metres, a centre for dialogue, and a 3,000 seat plenary area. It will enable events such as CHOGM, APEC, G20 and other international forums to be held in the national capital. Canberra will also be able to host events of national and international significance.

A new multipurpose stadium will add substantially to the life of the city, hosting major sporting events, concerts and exhibitions. The city stadium, in conjunction with the convention centre, will create further demand for hotels and retail space,

significantly adding to the local economy, extending the hours of activity through its major areas, and increasing potential opportunities for restaurants and retail outlets. These state-of-the-art facilities are set to attract further tourism and investment to the region.

Canberra's aquatic centre, including the water park and outdoor recreational area, will feature urban beaches and enable a far greater level of recreational use by providing pedestrian and cyclist access along boardwalks linking the entire waterfront. This development will offer residents and visitors a range of cafes and restaurants as well as scenic, family-friendly picnic areas.

All sites are within the central national area of the national capital, within close proximity to the centre of the Australian government and its major policy departments. City to the lake encourages a stronger connection between our national, cultural and educational institutions, such as the National Museum of Australia and the Australian National University. Key infrastructure will be put in place to realign roads connecting the lake and its parklands, unlocking some of the most prestigious sites for development.

Through implementation of projects like the ABC flats redevelopment and city to the lake, the city plan provides developers, government and the community with an exciting future for the city centre.

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) (3.46): I thank Dr Bourke for bringing this matter of public importance to the Assembly today.

It is important that we continue to envisage a vibrant, dynamic and prosperous future for our city centre—a future that recognises its role as a place of local, regional and, indeed, national significance. The city plan, which the Chief Minister launched last week, will bring new life and impetus to the city for the benefit of all Canberrans as well as for visitors.

For the first time we have an overarching document that sets the future for the whole of the city centre. It will provide developers, government and the community with a clear vision for the future of the centre, how it will look and how it will develop and change over time. It is a document that has already been well received by stakeholders, including property owners, the broader community, community organisations and individual citizens.

The plan is a framework for development in the city centre that will see more people living in the city, less through-traffic, better connections both within the city and to the lake, and the capacity for more vibrant places and better amenity.

In October last year the Chief Minister and I opened consultation on the draft city plan. More than 7,000 interactions with the proposed plan were recorded across a range of consultation and engagement activities, including open-house sessions, websites,

social media, workshops, feedback forms and, of course, the traditional written submission.

Earlier last year, in March, 15,000 people participated in consultations to shape the future of the city. From those consultations it is clear that Canberrans love many parts of the city centre but want to see change and for it to have a stronger identity—one that is less about cars and car parks and more about people, connections and places.

Canberrans feel that the city centre should be the cultural and economic focus of life in Canberra; have strong walkable connections both within the city and to the lake; develop a clearer and stronger identity as a local, regional and national capital; respect Walter Burley Griffin and Marion Mahony Griffin's planning ideals, particularly through its views, vistas and treed avenues; have a good range of innovative and well-designed facilities; be more alive, more active and attractive to locals and visitors alike; and be serviced by better public transport systems.

One of the strongest messages received through the consultation from the community was that people were keen to see action. The plan acknowledges these messages and indicates how change will be managed across the city's different "character areas" to deliver desired outcomes across six themes—growth, land use and development, transport and movement, community infrastructure, public realm and design, and strengthening character.

This plan puts forward a real direction for growth and change, and it is a strong base to build on as we move into our second century of the city. The plan provides a long-term spatial and strategic framework for growth. It brings together a range of issues and outcomes that will need to be balanced and managed over time. It provides a way forward for the government, the community and others with an interest in the future of our city centre.

The first of the six key themes under the plan is "growth", which includes developing a vibrant centre that stimulates business, education, living, entertainment and recreational functions. This includes meeting the needs of a growing and changing residential population and a city centre with the amenities, services, jobs and infrastructure to attract people, business and investment.

Government and private investment will play a strong role in achieving city plan outcomes to support effective involvement in delivering change. The plan identifies a range of policy and planning activities and settings to support that investment, including changes to economic, fiscal and regulatory settings such as the lease variation charge and redevelopment incentives; individual site investigations; feasibility and design for major projects such as city to the lake and capital metro; planning for land release to maximise investment; built form and urban design guidelines, including guidelines for the release of the two key gateway sites around City Hill and to enhance the Sydney and Melbourne buildings; strategic links with other organisations, activities and events to maximise investment opportunities; and land use strategies, including retail and commercial approaches, to support viable and competitive neighbourhoods.

In terms of the economic and financial settings, the Chief Minister last month announced the complementary stimulus package which provides incentives for development through lower lease variation charges and further rewards for sustainability and innovation in built design. Lower extension of time fees also free up resources for developers and provide timing flexibility for investment.

In terms of infrastructure, the city plan fully embraces the opportunities associated with the city to the lake and capital metro proposals and provides a clear framework within which these two major projects sit.

City to the lake includes a number of key projects that can deliver on the vision that the city plan puts forward. The plan indicates some preferred sites for a stadium, an aquatic facility and a convention centre, but these are all subject to further investigation and site feasibility assessment.

The city plan sets out a framework that will strengthen the success of some of these projects. Most importantly, we need to think about how public, private and active transport options can be managed to make the city to the lake proposals easy, convenient and safe to access.

The city plan also places the light rail project, capital metro, at the heart of changing the way people get to, through and across the city and begins to set a path for its future extension that will be considered in the light rail master plan currently being developed by the government.

Construction of capital metro is due to commence in 2016. It will initially deliver people to stops that connect with the current bus interchange facilities. The city plan guides the path of capital metro further into the city centre with the potential future expansion of a rapid transit network and how it can become the centre of a transport hub that easily connects buses, light rail, taxis, bicycles and pedestrians to give people real travel choices.

As I mentioned at the beginning of my comments today, it is important that, as the national capital, we invest in revitalising the city through transformational projects befitting its significance as a local, regional and, indeed, national centre.

The successful implementation of the city plan is essential to prepare for a new phase of economic and population growth. The plan presents new opportunities—activating the waterfront and breathing new life into underutilised areas adjacent to City Hill.

While there will be an ongoing program of improvements, the plan identifies five priority projects. These include a transport and movement study to develop options to reduce through-traffic in the city centre, and including public, private and active transport and parking; an urban design framework to guide high quality building and capital works outcomes, particularly for gateway sites around City Hill and for the revitalisation of the Sydney and Melbourne buildings; an economic development analysis to encourage development, redevelopment and reuse; the redevelopment of the Allawah, Bega and Currong flats to provide for more than 1,000 new residential

units; and initial feasibility and assessment of city to the lake projects to connect that area with the city proper, including investigations of the West Basin foreshore, convention and aquatic centres and the Canberra Theatre and new stadium.

An implementation timetable is included in the city plan, outlining how these and a wide range of other initiatives will be undertaken over future years. Together, they underscore this government's commitment to investing in the city centre for all Canberrans, strengthening its place as a commercial, retail, recreational and cultural centre to meet the needs of all Canberrans and to strengthen the capacity of our economy as a competitive place to do business and to invest.

These are important stepping stones for the future development of the city centre. The city plan has been broadly received by stakeholders, by the Property Council, by the HIA, by the MBA, by the Institute of Architects and by the Planning Institute of Australia. All of these organisations have shown support for the strategic planning exercise and for an ongoing commitment to implementation. That commitment is shared by the government and we look forward to working with those groups into the future.

MR SMYTH (Brindabella) (3.55): Thank you, Dr Bourke, for bringing this subject on for discussion. It is an interesting subject. I will start with a few comments that Mr Corbell made. He said that this is the first time that an overarching document has been published on the future of Civic. I guess that is an admission by him that his City Hill concept for the future is an abject failure.

Indeed, if you look at the planning history, there is a section on the planning of the city. It talks about things that the national capital plan had done. You get to the section where it looks at ACT government planning. Apparently, it only starts in 2008. Nothing happened before 2008? It is stated that the *Canberra plan: towards our second century* that was released in 2008 provides for the new vision. And on it goes. But it is quite interesting that the only mention of Mr Corbell's plan is on page 28 of the document. It is just tucked away in a little chronology.

There is absolutely no acknowledgement of Mr Corbell's plan *City Hill—a concept for the future*. If I was the government, I would not be mentioning it either, because it was an abject failure. It was a total, abject failure. Of the 16 or so major concepts listed in the document on page 6, none of them has happened. That is the problem with this government. It is all gloss and no action.

I think today that the debate on the priority projects shows that this government come to everything late, everything slowly. They are often dragged kicking and screaming to doing something because they had not done the right thing. They had not had the foresight. They had not done the planning. They did not put aside the money and they never deliver.

I remember back in 2001 Jon Stanhope saying his government would be a government of action. It would not be a government of gloss and stunts. Yet that is all we get. Indeed, Mr Coe, Mr Hanson and I were at a meeting yesterday with an interested group of Canberrans. That comment was made by many of those at the table—that the

government is good on the glossy. What it is not good on is the delivery. I guess that is the context in which Mr Corbell is written out of the history of ACT government planning for the city, because he has not delivered. He has never delivered and I suspect he will never deliver.

Again, the comment was made that the government have got the city plan, but will they ever deliver it? I said, "It is not actually a plan for the city. It is a spatial framework." Most there were stunned. They actually thought that it was the plan for the city. I said, "No." Questions were asked. Ms Gallagher said that the city plan at its heart is a spatial framework document that sets the scene for what we would like to happen in terms of transport and planning. It sets the scene. It is a scene setter. It is not a delivery document.

So when Mr Corbell said that this is the first overarching document, he obviously was not referring to his document. But he did forget three previous documents that have been done by the previous Liberal government that I was a part of. We did "Our city, a vital, accessible and sustainable Civic". It was an inquiry. From that we developed *Creating our city, an implementation strategy*, and from that we developed *Building our city*, which was tabled in September 2001.

It was a strategy to improve the public realm for Civic, Canberra's central business district. So there was an overarching strategy. There was lots of work done, and then it was abandoned by this government, because they were not interested in Civic. They have not been interested in Civic except as a place to sell land in an attempt to balance their budgets.

We need to have a true CBD as real cities do that becomes a central hub and, more importantly, becomes an economic hub. A lot of the work in cities, a lot of the economy of cities, a lot of the wealth creation of cities occur in their CBDs. Certainly when you look across the skyline of Civic today, it is not happening in this city under this government, under the coalition of the Greens and the Labor Party.

The government have delivered a lovely glossy document. The real question is: do they have the wherewithal to deliver it? Indeed, what will it mean for the city when they go ahead? You only have to look at the section on the priorities where they talk about what may or may not happen. I think people know that I have a small interest in the convention centre and its future. It is not even a priority project. The number one issue for the business community in terms of infrastructure is the convention centre. You only have to look at the document put together by the Canberra Business Council where 54 different business groups and organisations have signed up and said, "We want the convention centre first." Is it a priority for this government? No, it is not.

We have got the Parkes Way investigation and we have got the lake's edge works investigation—investigation, not a plan. Nothing else is a priority in the project delivery sense for this government. I think that is a shame. That is a shame. The opportunities that come, for instance, from business infrastructure that brings business, that generates revenue, allow you to actually pay for the things that government delivers that the private sector cannot.

But to see the convention centre not listed as a priority project I think was somewhat of a shock to people, particularly in the business community. Again, you have to ask this government about their delivery. For instance, Dr Bourke brought up the ABC flats. Quite right! But let us have a reasonable argument about the ABC flats in the context of the large flats strategy that was developed back in, I think, 1999. It listed some 19 complexes of more than 50 units that belonged to Housing ACT. What has happened with them?

MacPherson Court was done and Lachlan Court was done. Although we started the process of knocking down Burnie Court, that site has not been totally redeveloped some 13 years later. I think the Burnie Court example is the epitome of how this government operates. It is very slowly and it is very poorly. That is the problem for the city. More than 12 years in government now and here we have another document that people were looking forward to being the plan for the future of the city, but it is just a spatial framework.

If they read their own consultation documents, they would see that the number one comment they got was, "Just get on with it." People want a city heart. Great cities have great city hearts. Whenever you go to Sydney, you can go down to Circular Quay and be in a great city hub. You know you are in Sydney. But when you get here, as Larry Oltmanns said to a dinner that Mr Rattenbury, Mr Barr and I attended, "You have got a density hub. You have got a void. You have got a hill that nobody goes to and you have got a bypass in the form of a three-lane highway each way where people zoom through Civic without even knowing that they are there."

What there has to be is a commitment from the government to make sure that you get a city heart that is worthy of the nation's capital and worthy of the people here that live in the ACT. What we have is another glossy document from a glossy government. But what we do not have is a sense of delivery. What we do not have is any confidence in the community that this will occur.

The city will be defined by some of its public buildings. One of those significant buildings is, for instance, the federal parliament. You go down Commonwealth Avenue, you see the federal parliament there on the hill. You know you are in Canberra. You know you are at the heart of this nation's democratic processes.

But when you make the trip back up Commonwealth Avenue to Civic, you do not know that you are approaching anything. It is low rise; it is indistinct; there is this bunch of poplars in the centre. Before you know it, you are through it. Cities are about destinations. Cities are about people. They are about places. They are about precincts. They are about activity. They are about traffic systems that work to the benefit of the city. They are about pedestrian and cycling access that allows people to enjoy the city. It is about getting into the city and enjoying the ambience of the city, joining in the activity.

For instance, we started the work on City Walk which was to link the lake at the eastern end—Commonwealth Park, the convention centre—all the way back down eventually through to the Diamant, New Acton and back down to the lake. Some of

that work was started and then it stopped. There is not a significant pedestrian thoroughfare that you can follow through this city as a tourist and see the things that you might want to see. That leads to the question: what do you want to see in Civic? The answer is that there is probably not a lot there except for a couple of shopping centres.

So it is about developing also the cultural identity of the city and putting it on display. New Acton has achieved it. The government has not been able to. A private developer has achieved it by incorporating appropriate public art. The airport has achieved it. Again, it is a precinct. Appropriate art is involved. There is a sense of arrival; there is a sense of place. I do not get a sense from the *City plan: our city centre vision* that we actually have from this government a sense of place about how cities function, how you incorporate all the layers, how you get the culture going.

It is sort of happening in Braddon. Braddon traders have kind of got it going. It is kind of hip and homespun. It is about the local meshing with the national so that you actually do get that local character off the back of what is happening as a nation. What is happening in its icons is often reflected in the activity lower in the city. That is what we need in this city. *(Time expired.)*

MR RATTENBURY (Molonglo) (4.05): I am not quite sure how to follow on from "hip and homespun", courtesy of Mr Smyth, but I will do my best. I thank Dr Bourke for raising this issue today. The ACT Greens support the city plan as providing a framework to guide growth, development and urban renewal in the territory. The Greens, of course, have consistently argued that we need a long-term vision for Canberra—an environmentally sustainable vision that sets out a plan for the future of our city that is liveable and well connected, so that we are prepared for the real challenges of climate change, population growth and peak oil. The city plan is part of this planning picture. The need for the city plan has been discussed in this place as recently as October last year; so I intend to keep my comments brief today.

It was clear from community feedback on the plan that Canberrans want to see the centre of our city invigorated, to see the kind of urban renewal which will bring the cultural and economic activity into the centre of town. We know that people want a walkable city with good pedestrian and cycle access, for which the Greens have consistently advocated. Canberrans want a stronger connection between the city and the waterfront. They want to be able to safely and easily walk up to City Hill and they want a city centre that is welcoming, vibrant and full of life.

I would like to affirm the need for government to invest in the public realm throughout the renewal process, to have good quality public open space in key areas such as West Basin, to ensure public access is retained to the waterfront, and to commit to this early on in the planning process to avoid some of the problems that have occurred in other areas, such as Kingston Foreshore, for example, where to some extent the horse was put before the cart, so to speak, and private developments went ahead without due consideration given to issues of public access.

The City Hill precinct is also a key component of the city plan. I do not think there is anyone who would not agree that this area is terribly underutilised. Griffin envisaged

City Hill as the civic centre of the city, and yet today it is the hole in a donut of fast moving traffic and car parks. There is great opportunity to revitalise this precinct, and transport through the city is a key part of making that a reality.

The plan brings the light rail alignment down to City Hill to link with potential expansions to the east and south. It also proposes changing Vernon Circle from a major arterial road to a minor collector road. I think this makes a lot of sense. At the moment a lot of north-south traffic goes straight through the centre of the city and, by finding clear alternatives, we can keep this traffic away from the heart of town.

Again, it has often been observed in this place, and certainly in conversations I have had with people, that having essentially six lanes of traffic cutting our city in half is perhaps one of the great urban planning disasters of Canberra. I think it really detracts from the city. It particularly detracts from the Sydney and Melbourne buildings, which are universally popular amongst residents, I think. They see them as some of the icons of our city, and yet they are constrained by the fact that most hours of the day there are six lanes of traffic roaring by. I think that is a great shame.

We need the city to integrate with the suburbs and town centres in a coherent way. I think the city plan is an important piece of that puzzle, but there is no doubt that it is a work in progress. I think Mr Smyth had some interesting thoughts on how the city needs to progress. Stripping out the political criticisms of the government, there is a really important discussion to be had. At the dinner he referred to that Mr Barr and I attended there was a very interesting discussion about how city spaces should work, and trying to bring that to life.

I personally hold the view that bringing more residential development to the city is an important part of that, actually having people around. I had cause to be walking through the city this past Sunday evening at about 7 pm, just going across from work to the supermarket there, and there was not anybody around.

Mr Coe: This lease variation charge killed the—

MR RATTENBURY: Mr Coe interjects that it is driven by the lease variation charge. I think it actually goes back a lot further than that, Mr Coe. For as long as I can remember, there has been a bit of a dearth of activity in the city in the evening period, particularly on a Sunday night, and that remains an ongoing challenge. In the recent efforts going into the rebranding of Canberra exercise, some of the people working there observed they actually found it quite challenging to find photos of Canberra that had people in them. Again, I think this goes to some of the issues that the residents of Canberra regularly raise. They say they want to see more life in the city. The challenge to bring in residential development is an important part of that.

I must observe, in the context of Mr Smyth's remarks, that he reflected well on the new Acton precinct. That is an outstanding development on the whole. He observed that one of the important components of that is public art. Of course, that reminded me of the fact that all the pieces of public art that have been put in place have invariably received considerable criticism for the expansion of government on public art; so I see a disconnect there.

I welcome many pieces of public art that are around the city. I do not like all of them, but that is a matter of my personal taste. I think they bring real vibrancy to the city. The one that was opened about 15 months ago just out the front of the Canberra Centre, at the bottom of Ainslie Avenue, is a very colourful piece. It is a great piece of public art that has been enormously popular. Every time I go past, there seem to be kids jumping on it. It is actually nice to see a piece of public art that is so accessible for so many people.

I think they are the sorts of things that we need to be looking at as we seek to enliven parts of the city. We need to work collaboratively with groups like Canberra CBD Ltd. I think they have made an excellent contribution to the life of this city in terms of both the hard practical infrastructure and the on-ground stuff. There is the contribution they make in terms of cleaning, the ideas they bring to government, the programs they put together around things like skate in the city and the Christmas festival that we have seen in recent years. They are really valuable contributions to the city.

That is what this is about. It is about government perhaps providing the strategic direction but then allowing those with great ideas and great energy to get on with some of those projects. Finding that balance, I guess, is always the great challenge for government. Having the flexibility to work effectively with the many private sector people around who want to help us build this city in a really positive way is something we need to embrace where we can.

Mr Smyth: Listen to them about the lease variation charge and they will build.

MR RATTENBURY: I hear a broken record in the chamber, but I cannot make it out clearly. Let me leave my remarks there. I think the city is in a really interesting place. I expect to see it evolve considerably in coming years, and I look forward to seeing that evolution take place.

Discussion concluded.

Adjournment

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

> That the Assembly do now adjourn.

Yarralumla Nursery

MR GENTLEMAN (Brindabella) (4.13): I rise to talk about a fantastic event that occurred on Sunday—the 100th anniversary celebration of the Yarralumla Nursery. One of the reasons I love living in Canberra is the way it feels like a garden city. No matter what part of the city you are in, whether you are down in our electorate of Brindabella or in Gungahlin in the north or even the city centre—which is bisected by leafy Northbourne Avenue and Haig park—the Yarralumla Nursery is the reason this green urban design has been so successful in our garden city.

The initial national nursery was established in 1911 in Acton where the National Museum now stands and not Yarralumla. The nursery was opened in Yarralumla in 1914, and most of the trees planted on public and even private land within the territory began their life there. At its biggest, the nursery took up a rather large 28 hectares, not to mention another 130 hectares which was eventually used for permanent plantings. Interestingly, the Yarralumla Nursery has also been used as a research site for parks and gardens research and the Department of Health plants quarantine area.

As I mentioned previously, pretty much all the plants on public land in Canberra were raised in the nursery. There is also the free plant issue scheme, which currently provides $220 worth of plants per newly developed residential block of land anywhere in the territory. The scheme began in 1930 and has added to the garden city feel from which we benefit in the ACT to a large degree.

The plants for this scheme are entirely provided by Yarralumla Nursery and have been since its inception. Nowadays, not only does the free plant issue scheme provide for a certain number of plants but also a 30-minute consultation with a horticulturist. This allows for people to make good decisions in regard to the types of trees they purchase, along with the allocation of plants on the newly developed land. Advice on irrigation or drainage systems and choosing sustainable plants for your block can reduce water consumption or waste.

The event on Sunday was a lot of fun and, as you have heard, I had a lot of fun too. The Sing Australia choir gave a splendid performance, which I really enjoyed, and, as always, the carousel organ was an entertaining part of the day and added to the heritage feel of the celebrations. The organ is an interesting piece of equipment and is quite enchanting to watch. It is fascinating when viewed from a historical perspective.

Children at the event had an opportunity to learn a bit of horticulture from the experts, with hands-on potting classes as well. The vintage car displays were one of my favourite parts of the event, along with the displays of some old machinery which were in the past used at the nursery.

I would like to thank several people in regard to the organisation of and time donations to the event. In no particular order: Cedric Bryant, a fantastic garden guru in Canberra; David Doherty, the nursery manager; Belinda Ryan, production, planning and operations manager; Jenny Newman, front of house at the nursery; and the rest of the fantastic nursery staff.

Scott McAlister, president, and Di Johnstone from the National Trust were there, along with Ted, who manned the barbecue, and Dawn Waterhouse and Lenore Coltard, who are both great historians of the ACT and Canberra. Staff members of the nursery gave a great demonstration of potting plants for the children and the public.

Another piece of entertainment at the nursery was the capital metro stand where Kim Barton was talking about the Canberra Rail Trail coming up in the next few weeks across the ACT. The Rail Trail can help you identify how rail has been a part of

Canberra since the early planning days. You are able to download the Canberra Rail Trail app from an app store or Google Play. You print out the activity sheet, which is the one I will table shortly, and you follow the stops to answer the questions.

Once you have downloaded the trail, you can look at the app through your device, such as your mobile phone or your iPad, and it plays you a series of movies about how rail has been part of Canberra's history and the future for the light rail as well. It is a fantastic way to promote Canberra's heritage and also talk about the future of Canberra's light rail. I thank all the people who took part in the event and all those who put in their valuable time.

Giovanni Tiyce

MR WALL (Brindabella) (4.18): On Friday, 28 March I was pleased to attend and participate in a fundraiser for a very special little boy, Giovanni Tiyce. The fundraiser was the idea of a group of family and friends who banded together to organise a fun-filled family evening with a great purpose in mind. In September 2010 at the age of nine months Giovanni was diagnosed with a spinal cord ganglioglioma. Giovanni's tumour is inoperable and life threatening because of its location. As a result of the tumour being located on his spine and brain stem, Giovanni is left with many side effects, including being unable to sit, stand or walk on his own. Proceeds from the fundraising night will go towards a powered wheelchair and other modifications for home to make life easier and more accessible for Giovanni and his family.

We in this place often hear stories of remarkable Canberrans and individuals overcoming all kinds of obstacles and hardship. Giovanni and his family and friends are part of one such story. I pay tribute to Giovanni, his mum, Lina, his dad, Michael, and brother, Marcello, and to all the family and friends who have supported them for many years, particularly Maria Violi, Emily Gallucci, Vinnie Costa, and Thekra Hanna, who were the primary organisers of last week's event. Special thanks also go to Chris Garner and Dennis Lindh for generously giving up their time to play MC and auctioneer respectively.

The event's success was also made possible by the generosity of so many Canberra businesses, including: the band Hit Parade; the Gecko Gang, who donated face painting and balloon modelling for the kids; Picme Photobooths, which provided a photo booth to entertain kids and adults alike; and Candylicious, which provided a fantastic candy buffet which was a hit with all the guests. Many other Canberra businesses and individuals provided auction items and raffle prizes for the evening but are too plentiful to mention.

I pay tribute to Giovanni and to the dedication, love and support that his family and friends have shown in organising such a sensational evening.

Southern Cross Early Childhood School

DR BOURKE (Ginninderra) (4.20): People want vision from their governments. They want to know that we are looking far enough ahead. Tonight I would like to note a small but important new facility at Scullin in my electorate that aims to reap benefits over a lifetime.

However, the children at the official opening at Southern Cross Early Childhood School in Scullin were just excited to have a play on the new learn to ride and road safety centre. It consists of a fenced area connected to the school, with bicycle path-width roads, traffic lights, road signs, intersections, pedestrian crossings and even speed bumps.

The grounds are furnished with lush astroturf and storage sheds for the bikes, trikes and scooters. There are also bright murals with fun traffic safety schemes. It is a very creatively designed space that all involved in should be very proud of. It will help to make the very serious business of making our children safe and confident on our roads an enjoyable adventure for those children.

Of course, Southern Cross Early Childhood School in Scullin is fairly central to all schools in Belconnen. All the preschool to year 2 children in the Belconnen network will be encouraged to undergo the appropriate training at the centre. Learning to ride a bike is a great rite of passage in any child’s life. Learning to ride it safely and perhaps being able to ride with friends to school is another step forward in confidence and autonomy. As Ms Lyndall Read, the principal of Southern Cross school, noted at the opening, the importance of the centre and the benefits of being able to ride safely are reflected in the number of organisations and programs that contribute to the establishment of the new learn to ride course and program.

The new centre came about through a partnership between the school, the Education and Training Directorate, Anglicare, the NRMA and Territory and Municipal Services. ACT Health support the healthy lifestyles and physical activities side of the centre and are involved in the walk or ride to school safety program.

ACT Policing, who have an obvious interest in road safety, excited the children at the opening with an officer arriving on his motorcycle and answering the children’s questions as they explored his bike. The CEO of the ACT’s Physical Activity Foundation, Ms Lucille Bailie, presented the bikes the foundation provided for the centre. The foundation’s activities include the active kids challenge and programs to encourage kids to be more active now but also to live a healthy lifestyle into the future.

I thank the Southern Cross school community, the staff, the chair of the school board, Mr Sujit Mukherjee, and all the parents there on the day for being so welcoming and enthusiastic about this fantastic new addition to their school, which is also a resource for all of the Belconnen school network.

Suicide prevention program

MS BERRY (Ginninderra) (4.23): Last week I was very happy to launch the LivingWorks ASIST suicide prevention program. Every year in Australia suicide claims the lives of around 2,000 Australians, placing it ahead of road traffic incidents and skin cancer as a cause of death. For young people aged between 15 and 24, it is the number one cause of death.

I think these are figures worth noting because of the difference in the way these issues are understood in our community. Sun and road safety are parts of our school curriculum and our community consciousness. As a parent, you are well equipped to prepare your kids for road safety and sun safety, and the message is certainly followed up at school.

I do not know why, historically, suicide has been treated so differently and why there continues to be a stigma that suggests that suicide is caused by a failure to deal with personal issues or to manage mental health. But I do know that building a suicide safer community involves changing the way we understand the issue from being solely a personal tragedy to a public health issue. We need to move our whole community to understand that preventing suicide is not about taking on responsibility for insulating people from the ups and downs of life but about helping people towards a place of safety when issues do arise.

It is for this reason that I really do value the simple message at the core of the Living Works ASIST program—that suicide can be prevented, and that we all have a role to play in helping people experiencing suicidal thoughts and moving them to safety. There is a wealth of evidence that says that early intervention matters in preventing suicide.

I think that ASIST 11 gets to the heart of this by providing real strategies for all of us to feel that we are not helpless observers and that we can be part of that early intervention. I think, aside from being an evidence-based strategy for preventing suicide, it is an invaluable skill and support for friends and families of the hundreds of people who survive a suicide attempt each year.

I want to thank and acknowledge everybody who was involved in establishing LivingWorks here in Australia and also everyone who was busy getting trained while I was there on the day.

Ginninderra Catchment Group

MR COE (Ginninderra) (4.26): I rise this afternoon to speak about the work of the Ginninderra Catchment Group. The catchment group is an umbrella group of community volunteers who work within the water catchment of the Ginninderra Creek. The group focuses on advancing the health of the Ginninderra catchment through effective engagement with government, agencies, businesses, schools and the catchment community. It is also committed to educating the community about catchment management.

The group has three main goals: to create ecosystems that accommodate human settlement but reduce the impacts and their effects on environmental systems; to restore and maintain as much of the natural setting as possible within an urban environment; and to ensure more systematic catchment-wide sustainable environmental outcomes from the activities of volunteers. The group receives grants from the federal and ACT governments. These funds are used to employ support staff and implement projects.

The Ginninderra Catchment Group is run by a volunteer committee. The co-convenors are Celina Smith and Katherine Ng. The treasurer is Lyn Jenkins. The secretary is Kathryn Vincent. The public officer is Frederick Fawke. The education officer is Zhou Zhou. Membership of the Ginninderra Catchment Group is open to volunteers who would like to be involved in any of the group's many projects.

The group has three major project categories. Waterwatch is a community water quality monitoring program that encourages local community groups, residents, schools and landowners to regularly monitor the water quality in their local waterways. Healthy waterways are good for the fish, frogs, birds, plants, macro-invertebrates and people who interact with the catchment area. Volunteers take various measurements once a month as part of their catchment health indicator program. In spring and autumn volunteers also take samples of macro-invertebrates or water bugs to assess the creek's biological health.

Frogwatch organises an annual community frog monitoring program called the frog census. The frog census encourages volunteers to undertake monitoring of the presence of frogs in the catchment, because the presence or absence of frogs in the area can indicate whether the catchment has good quality water and a high quality habitat.

Landcare encourages the community to protect the rural and urban landscapes of the Ginninderra Creek catchment. Ginninderra Landcare includes 10 separate Landcare groups that operate in the catchment area. The group has been involved in landscaping improvements at over 50 sites in the catchment area. The works have addressed creek corridor restoration, gully erosion control, revegetation, weed control and wetland development.

I would particularly like to mention the good work of the Giralang Pond Landcare group, which focuses on the Giralang Pond area. The group is convened by Denise Kay and Don Lovie, and is involved in weed management, planting of native vegetation, erosion control and broader outreach. The group has also collected many bags of rubbish as part of Clean Up Australia Day on numerous occasions.

I commend all of those involved in the Ginninderra Catchment Group. For more information about the work of the group, I recommend members visit its website at www.ginninderralandcare.org.au.

Question resolved in the affirmative.

The Assembly adjourned at 4.29 pm.

Schedules of amendments

Schedule 1

Construction and Energy Efficiency Legislation Amendment Bill 2014

Amendments moved by the Minister for the Environment and Sustainable Development

1
Clause 37
Page 34, line 1—

omit clause 37, substitute

37 Regulation-making power
Section 66 (2)

substitute

(2) The Executive may also make regulations—

(a) for electrical installations and articles of electrical equipment to promote the efficient use or conservation of power and energy, or to limit harm to the environment; and

(b) that set standards in relation to construction, installation, configuration, maintenance, repair, service, replacement, inspection, testing, labelling or disposal of articles of electrical equipment and electrical installations (or parts of electrical equipment and electrical installations).

2
Clause 42
Proposed new section 14 (4)
Page 36, line 6—

omit proposed new section 14 (4), substitute

(4) However, if a NERL retailer starts an eligible activity in a compliance period before the retailer gives a compliance plan for the compliance period to the administrator under section 17, the eligible activity is taken not to comply with the relevant code of practice.

3
Proposed new clause 42A
Page 36, line 9—

insert

42A Achieving priority household obligations
New section 16 (3)

insert

(3) However, if a NERL retailer starts an eligible activity in a compliance period before the retailer gives a compliance plan for the compliance period to the administrator under section 17, the eligible activity is taken not to comply with the relevant code of practice.

4
Proposed new clause 44A
Page 37, line 8—

insert

44A Compliance with energy savings obligations—tier 2 retailer energy savings result and contribution
New section 20A (3A) and (3B)

insert

(3A) The administrator may exclude from the calculation of a retailer energy savings result the abatement factor for an eligible activity reported by the retailer under section 19 if the administrator is not satisfied that the activity complies with a relevant approved code of practice.

(3B) If the administrator excludes data from a calculation under subsection (3A), the administrator may substitute data that the administrator believes on reasonable grounds is correct.

5
Clause 45
Proposed new section 20D (1)
Page 37, line 15—

after

section 20

insert

or section 20A

6
Clause 45
Proposed new section 20D (2)
Page 37, line 16—

after

section 20

insert

or section 20A

7
Clause 45
Proposed new section 20D (3)
Page 37, line 19—

omit proposed new section 20D (3), substitute

(3) The following provisions apply to a new determination of the retailer's retailer energy savings result:

(a) if the new determination is made under section 20—section 20 (4) to (8) and section 22;

(b) if the new determination is made under section 20A—section 20A (4) to (6) and section 22.

8
Proposed new clause 46A
Page 38, line 3—

insert

46A New section 21A

insert

21A Redetermining priority household result

(1) If the administrator believes on reasonable grounds that the determination of a NERL retailer's retailer priority household result is not correct, the administrator may make a new determination of the retailer's retailer priority household result under section 21.

(2) A new determination under section 21 must not be made more than 5 years after the day on which the compliance period, for which the original determination was made, ends.

(3) Section 21 (3) to (8) and section 22 apply to a new determination of the retailer's retailer priority household result.

9
Clause 49
Proposed new section 49C (4) (b)
Page 45, line 24—

omit proposed new section 49C (4) (b), substitute

(b) a retailer energy savings result has been determined under section 20 (Compliance with energy savings obligations—retailer energy savings result) or section 20A (Compliance with energy savings obligations—tier 2 retailer energy savings result and contribution);

(ba) a retailer priority household result has been determined under section 21 (Compliance with priority household obligations—retailer priority household result);

10
Clause 50
Proposed new schedule 1
Page 54, line 3—

omit proposed new schedule 1, substitute

Schedule 1 Reviewable decisions

(see pt 6)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	18	approving an application in relation to acquisition of abatement factors	NERL retailer applying for the approval
2	20	determining retailer energy savings result	NERL retailer receiving the result
3	20A	determining retailer energy savings result	NERL retailer receiving the result

column 1 item	column 2 section	column 3 decision	column 4 entity
4	20B	determining minimum payment for tier 2 retailer	NERL retailer receiving the result
5	21	determining retailer priority household result	tier 1 NERL retailer receiving the result
6	49A	making requirement, imposing restriction or condition	person to whom requirement, restriction or condition applies
7	49H	refusing to end restriction under s 49G	person to whom restriction applies

Schedule 2

Construction and Energy Efficiency Legislation Amendment Bill 2014

Amendments moved by Mr Alistair Coe

1
Clause 19
Proposed new section 107A (6) (b)
Page 22, line 9—

after

section 56 (1)

insert

(b), (c) or (d)

2
Clause 19
Proposed new section 107A (7)
Page 24, line 6—

after

subsection (6)

insert

(b),