Debates

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Wednesday, 9 April 2014

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

Answer to question on notice
Question No 244

MR CORBELL: Yesterday after question time I was asked by Mr Hanson for an explanation for the delay in answering an outstanding question on notice No 244. I advised Mr Hanson yesterday that it had been delayed in my directorate. However, the answer had been provided to me and I had signed that answer. I have to advise the Assembly and Mr Hanson that that advice was incorrect. I mistook it for other questions on notice that I was signing yesterday. So I apologise to Mr Hanson and to the Assembly for that incorrect answer. I can advise the Assembly and Mr Hanson that I expect he will be provided with an answer later today.

Construction industry—proposed board of inquiry

MR COE (Ginninderra) (10.03): I move:

> That this Assembly
>
> (1) calls on the Government to appoint a Board of Inquiry pursuant to the *Inquiries Act 1991* to inquire into the construction sector in the ACT. The issues to be examined will include the:
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> (a) fees, fines, charges and taxes paid by the industry to Government;
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> (b) level of regulatory burden and the comprehensibility of Government issued rules, codes, plans and laws;
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> (c) impact of rogue builders and phoenix companies;
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> (d) safety of construction sites;
>
> (e) state of industrial relations and the influence of related stakeholders;
>
> (f) contribution of the sector to the economy;
>
> (g) availability and delivery of land; and
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> (h) performance of Government agencies relevant to the industry; and
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> (2) requires that the Chief Minister and Leader of the Opposition agree to the person (or people) appointed to conduct the Inquiry.

I believe that the ACT needs to have a fresh look at the construction sector here in our territory. The opposition firmly supports the positive role of the industry in Canberra.

It is for that reason we want to do all we can to ensure that the conditions for the sector are conducive to investment, employment and productivity. There are many facets of the sector that are all needed to facilitate a well-functioning industry. The government charges need to be right, the regulations need to be reasonable, the planning rules need to be comprehensible, companies need to be trading fairly, sites need to be safe, land has to be available, unions and industrial relations conditions need to be productive and governments need to be helpful. If any of these components are not performing as they should, then problems will arise and all will suffer. If more than one of these conditions are substandard, then we run the risk of a more significant hit to the sector.

The construction sector is doing as well as it can, but it can do better if the government levers are better positioned. At present, I believe that the government is unreasonably charging too much in fees, fines, charges and taxes, and in doing so they are stifling investment and growth. Of course, a couple of specific examples of counter-intuitive charges are the lease variation charge and the extension of time fees. The government acknowledged that both of these fees were problematic, and recently announced some changes to them. However, I do not believe the changes go far enough. Indeed, there are concerns about the government's announced changes in terms of what they actually mean.

The opposition has heard of some Canberra businesses copping fines of hundreds of thousands of dollars, and perhaps even in the form of millions of dollars. In the scheme of things, this is relatively small for the government, but these sums for any particular project are in fact deal breakers. Therefore, it means that the employment does not go ahead, the investment does not go ahead and the government does not even collect the fee. Rather than ad hoc responses to cut some of these fees, we need a strategic response that I hope a board of inquiry can help guide. Whilst there will always be special cases that need special consideration, we need to make sure we have a strategic response as well.

Another charge worth noting is the lease variation charge. The foreseeable outcome of this charge is in stark contradiction to the government's stated objective of increasing density in and around the city and other major centres. The fee, which can sting developers up to $50,000 per annum, has put the brakes on many potential projects in the ACT. Whilst the ACT has been fortunate to have a few complexes underway, recently developed or about to commence many, if not all, were passed at the 75 per cent remission rate a couple of years ago, if not even before that—that is, before codification.

Just in today's media we have Minister Corbell talking about how there is scope for 45,000 additional dwellings along the Northbourne and Gungahlin corridors. If the government continues with its lease variation charge, I think it is highly unlikely that any of those dwellings will get off the ground. I believe that the current planning regime is incomprehensible. We have a territory plan and associated documents which total thousands of pages. How can we reasonably expect a planner, architect, engineer, builder or tradesperson to be across such a document?

Further to this, if building professionals struggle to be across it, how can we expect members of the public to know their rights and opportunities when it comes to building a house, commenting on a DA or considering an investment? It has been reported that there is an issue in the ACT regarding phoenix companies and rogue builders. Such behaviour cannot be endorsed in any way. It is bad for the economy, bad for consumers and bad for the industry. Such builders tarnish the reputation of other builders and the industry at large.

Madam Speaker, construction sites are dangerous places. There is a high level of risk at these locations compared to most workplaces. It is for this reason that the ACT and all Australian jurisdictions have a suite of laws about workplace safety on construction sites. There is merit in re-looking at these laws to make sure that they are having the intended consequences and are not in any way providing a smokescreen or a perception of safety. I am not calling for more or less, simply for an opportunity for experts in this space to be able to give feedback about how these laws are being implemented in reality—that is, are the intended consequences playing out in reality on construction sites in the territory?

I believe that there is also merit in making sure that the industrial relations regime in the ACT is providing the best possible opportunity for productive workplaces. It would be impossible to look at an issue such as this without looking at the role of unions and other stakeholders. This inquiry is not intended to be an attack on unions or any other group, but a productive dialogue about how we can get growth in the sector.

Of course, the construction sector is a key driver of our economy and we need to do all we reasonably can to be sure that the sector is employing and investing in Canberra and the region. At present, I think all would agree that the sector is not at capacity; so there is room for improvement. I think it is important that the inquiry evaluates the role of the sector so its true value to Canberra is known.

I also call on the inquiry to review the availability of land in the ACT. It was not too long ago that the government announced that we would have a third-third-third policy: a third for private development, a third for joint ventures, and a third for the LDA. Now it seems that we have a 100 per cent policy, Madam Speaker; 100 per cent for the LDA. I do not think that this is the best way to deliver land to the market.

Just a couple of months ago we had the government saying that selling land for up to $800,000 and an average of $504,000 in Lawson was a great result. This to me sounds like it is actually a reflection of a government starving the market of land. Last year the government was determined to sell Denman Prospect as one large parcel of land for development. However, when it did not sell it, in part due to the onerous planning rules, the LDA said they would do it themselves. It was policy on the run.

An independent inquiry needs to look at the performance of relevant government practices, especially the LDA, ACTPLA, ESDD and the Treasury. These agencies and others play a significant role in the sector. Their influence is strong, and they have to be careful they do not overstep the mark. The opposition believes that this issue

warrants a board of inquiry. It is appropriate that an independent person or people are given the opportunity and the flexibility to objectively look at all these issues and make recommendations about how to improve the sector for everyone's benefit.

This inquiry is not about political grandstanding or scoring runs. It is about getting a person or people outside of politics and the government to have an objective look at how the sector can be improved. The opposition hopes that the government will see this as a fresh opportunity to reconsider their use of some of the levers which they control and reset the parameters through recommendations made by the board of inquiry.

The final part of the motion is a requirement that the Chief Minister and opposition leader both agree to the appointment of the board, that being the inquirer or the inquirers. I think that this is important so that the integrity of the board and its findings are sound. We have similar requirements in other appointments, especially those who are officers of the Assembly, and the process to date has worked relatively smoothly. Therefore, I do not see this agreement as being a stumbling block for any appointment.

When the ACT economy is going well, the construction sector booms. When the construction sector is going well, the ACT economy booms. Therefore, we have a duty to all to make sure that our market is conducive to investment. I call on all members of the government to give their support to the construction sector, including the tens of thousands of families who directly depend on the industry for their livelihood. I call on them to support this motion, which requests an objective inquiry into what is probably Canberra's most important private sector industry.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.12): The government will not be supporting this motion today. It is not the job of boards of inquiry to undertake research and policy development work for Mr Coe. I would have thought that after an extended period of time in opposition the Liberals would have some sort of coherent planning and development policy framework in which to advance proposals to the Canberra community. Instead they seem to believe it should be funded by the taxpayer—for a board of inquiry to undertake their policy development work.

This proposal is one of significant overreach. First of all, it ignores a broad range of things and inquiries already conducted by this government. Mr Coe seems to think we need to inquire into a number of these things for a second or a third time. Further, the proposals fail to highlight and fail to recognise the proactive and constructive steps the government has taken to address the need for further support to the construction and development sector at a time when our economy is going through a significant downturn.

Perhaps most strikingly of all is that if Mr Coe is so concerned about all the factors impacting on the development sector in the ACT, why do his proposed terms of reference not refer to the most devastating impact on confidence in the construction sector in the ACT, which is the massive level of job losses in the commonwealth

government being caused by the new Abbott Liberal government? Talk to anyone around town today about the impact of uncertainty associated with the massive level of redundancy and the forthcoming Commission of Audit and they will tell you it is having a big impact on the construction sector and on confidence in investment.

Mr Coe seems to think that has got nothing to do with the impact on confidence in the construction sector. It is like Tony Abbott does not exist. I can understand why in this town Mr Coe would prefer to adopt a position that does not mention Tony Abbott or does not refer to the impact of federal government decisions on the construction sector, but the fact is that they have a major impact. But Mr Coe chooses to ignore that in his proposed establishment today.

I will deal with each of the issues raised in Mr Coe's motion. First of all, he asks for an inquiry into fees, fines, charges and taxes paid by the industry to government. I do not know whether Mr Coe noticed, but just in the last couple of weeks the Chief Minister on behalf of the government announced a major reform package which has been overwhelmingly endorsed by the industry sector, the Property Council, the HIA and the MBA. It is a program that puts in place a stimulus package to assist industry at a time of significant economic downturn, changes to the way lease variation charges are administered and changes dealing with outstanding liabilities under both lease variation charge and extension of time charges or commence and complete fees.

These changes have been overwhelmingly welcomed by industry, but Mr Coe seems to think we still need some board of inquiry. The fact is the industry have given the government a very strong endorsement of the reforms. They welcome the short-term stimulus measures the government has put in place by making those adjustments to lease variation charges and extension of time charges because they are making a real difference. We saw, for example, the fact that those changes have now prompted certain development decisions to be reconsidered and for those developments to be brought forward as a result of the government's announcements. There is absolutely no need to investigate this particular item in the context of Mr Coe's so-called board of inquiry.

Secondly, he asks to look at issues around the impact of rogue builders and phoenix companies. Just this year the Assembly has endorsed three significant legislative packages that I brought forward to this place to tackle the issue of poor performance by building practitioners. Just yesterday the Liberal opposition opposed the proposal that would put the details of dodgy builders on the public record so that the consumer can decide whether or not they should be engaged. The Liberal Party opposed that measure yesterday. How can they come into this place today and say, "We're very concerned about rogue builders," when they were not concerned about it yesterday when there was a law on the table to be supported to give better information to consumers when it comes to the practices of dodgy builders and building practitioners? Their sincerity on that issue certainly needs to be called into doubt.

Extraordinarily, another element of the proposed board of inquiry is the safety of construction sites. Where has Mr Coe been for the last two years? This government has commissioned a comprehensive inquiry. Do you know what it was called, Mr Coe? It was called *Getting home safely*. Remember that report, Mr Coe? *Getting*

home safely was a comprehensive report which has been endorsed by all stakeholders in the construction sector, including unions, industry associations and the government.

The government is reporting six monthly to the Assembly on implementation and we have taken a series of very detailed and concrete steps to improve safety on construction sites in the ACT. We have introduced pre-qualification arrangements for tendering for government jobs to make sure those dodgy companies that have poor work health and safety practices do not get government work. We have put in place an industrial magistrate. We have recruited additional work safety inspectors. We have put in place better education for workers. We are mandating improved training, and we are seeing similar responses from unions and from industry associations like the MBA and HIA.

Mr Coe is apparently in blissful ignorance of what has actually been happening in this policy space for the last two years and thinks, "Oh, I think we should have an inquiry into that." He fails to recognise what has been done and where that debate is at. It is just another example as to why this referral should not be supported today.

Next, Mr Coe highlights issues around the availability and delivery of land. The government has a comprehensive land release program. The government is delivering significant new land releases. As part of the stimulus package the government announced the bringing forward of a whole series of civil works contracts for new residential development in Gungahlin to act as a stimulus to the industry and to ensure that land was being brought forward in a measured and considered way to meet demand even at a time of a significant slowdown in the economy overall. Once again, Mr Coe fails to acknowledge what is actually being done to address these issues.

Finally, Mr Coe seems to fail to understand how the Inquiries Act operates. It is simply not legal for him to insert a requirement into this motion that the head of any such board of inquiry must be agreed between the Leader of the Opposition and the Chief Minister. The Inquiries Act gives power to appoint the head of an inquiry to the executive, not to the opposition. There is no binding requirement on the executive, and for Mr Coe to try and make up changes to the law through this motion simply highlights the level of ignorance of this opposition when it comes to the operation of the Inquiries Act.

Madam Speaker, for all of these reasons this proposal today is entirely a political tactic. It is a political stunt and an attempt by the Liberal Party to get someone else, preferably the taxpayer, to pay for their own policy development. If they do not have ideas on occupational health and safety and improving safety in the construction sector, for example, why do they not just go and read *Getting home safely*? Why do they not go and scrutinise what is happening as a result? If they have concerns about fines, fees and charges, why do they not go and examine the stimulus package and the reforms to LVC and extension of time charges which the government has put in place rather than say, "Oh, I think we should have an inquiry"? Why do they not do some work themselves for once?

Their own former Chief Minister, their own former leader, has said this opposition is shifting to the right, is becoming the home of conservatives and has lost its way in the

ACT political environment. They need to do some work. They need to demonstrate some credibility themselves on these issues rather than asking the taxpayer to fund some farcical board of inquiry. This is not a proposal supported by this government. We cannot support this motion today, and the opposition need to go and do some serious legwork themselves on these policy questions.

MR RATTENBURY (Molonglo) (10.24): I welcome debate on this motion today. Whilst I think that there are some significant issues in the building industry, I do not believe that the proposal put forward by Mr Coe to appoint a board of inquiry is the best way to proceed on this matter.

Certainly a board of inquiry under the Inquiries Act has extensive powers. They include the powers to subpoena and to issue search warrants. Board members have the same immunity as a Supreme Court judge. And the inquiry has the status of a legal proceeding for the criminal code. The appointment of a board of inquiry should be undertaken in circumstances where there is a suspected failure of due diligence or governance, or questions of criminal activity, fraud or corruption.

We have seen previous occasions where the Canberra Liberals have called for the use of the Inquiries Act in this place as a first point of call despite the fact that there are already a number of other probably more appropriate avenues for investigation. The example that springs to mind for me was that in 2012 they proposed that just such an inquiry be established to investigate the emergency department data issue. That was, instead, looked at by the Auditor-General. The Greens supported this at the time. We thought that that was a much more appropriate mechanism. And I know that the Canberra Liberals have cited that Auditor-General report frequently ever since. It reflects the fact that it did the job that needed to be done. It is about trying to find the right tool to get done the job that needs to be done.

It goes back to the conversation we had about the cost of the enlarged Cotter Dam last term. We ended up asking the ICRC to do the report. They came back with a very comprehensive economic analysis of the costs of the enlarged Cotter Dam which I think all members found very beneficial. We actually asked an organisation with the requisite skills to do the job that needed to be done.

I do not think that the issues that Mr Coe has raised today fit into the category of requiring a board of inquiry. I am not sure what category they do fit into, because Mr Coe has come with a very extensive range of issues which really warrant investigation in a range of different fora, in my view. The only common link is that they all link to the building and construction industry in Canberra, but within that it is a significant grab bag of different issues that need to be dealt with in different manners. Some of the issues have already been looked at for a number of years; some are still being looked into; and some are issues that go to government policy. But they certainly are a grab bag.

If I knew that there was one particular issue which Mr Coe thought particularly warranted such an inquiry, I would be more open to it—if there was some suggestion of a particular area of fraud, corruption or criminal activity, for example. But that is not the way the motion was presented. Normally, in the way a motion would be

drafted in this place, there would be some evidence that went to why a board of inquiry would be needed. This motion goes straight to "Let us have a board of inquiry to look into these things." Normally a motion in this place would be drafted in a way that reflects some of the issues that actually trigger it. Until I came to this place this morning, it was not entirely clear what was driving Mr Coe's particular view that we needed a board of inquiry.

That said, I think there are other mechanisms that would be more suitable to investigate these issues, such as an Assembly committee inquiry.

There are Auditor-General performance audit issues. I think they are better starting points. I know that the Auditor-General has written to all MLAs in the last month or so seeking feedback on potential future performance audits. I hope that Mr Coe has put some of these suggestions forward through that process as well. I expect that the Standing Committee on Planning, Environment and Territory and Municipal Services would be well suited to look into some of the issues related to planning and public works in the construction sector and that the public accounts committee might be able to address issues of economic and business development, regulatory reform, public sector management, taxation and revenue.

It is interesting that the Canberra Liberals do not seem to be inclined to refer these matters to Assembly committees, which are, of course, the formal system we have in this place to look at these issues in detail. That perhaps reflects that the opposition does not really see the committees as a place to work in a collegiate manner with their committee colleagues to resolve some of these questions for the benefit of the Canberra community and to find the common ground on policy issues that need to be resolved.

Let me turn to some of the specific points raised in the motion. They go to the detail of why I am not convinced that a large-scale, broad-ranging board of inquiry is in fact the best answer. If we look at the issues specifically raised by Mr Coe, and I know there are some important issues in here, we can see that we do not need a full-scale board of inquiry, because many of the issues are being dealt with through specific mechanisms already.

In relation to the regulation of fees, fines, charges and taxes paid by the industry to government, there have been a number of moves in this area in recent times. And we have seen changes to the extension of time fees and lease variation charges through the recently announced stimulus package that has just been negotiated with industry. The feedback I have seen in the public domain is that the industry has been supportive of those changes and sees them as an important improvement. On that basis, I think that progress has been made and work has been done.

In relation to the level of regulatory burden and the comprehensibility of government-issued rules, codes, plans and laws, I believe that many of these issues are being addressed by the Treasurer's red tape reduction task force, which is working across directorates and with key stakeholders. I know, for example, that in my own directorate, within Territory and Municipal Services, there is a significant piece of work going on, in partnership with industry, to look at design standards to ensure that

they are both meeting the needs of the Canberra community and also operating in a way that is practical and useful for industry. That has been going on for some time now; it is very complex. Personally, I would like it to go faster, and I have conveyed that view to TAMS, but their feedback to me is that the process of working with industry is taking more time because people have a significant level of feedback. Those sorts of areas are being addressed as we speak.

When it comes to the impact of rogue builders and phoenix companies, the issue of dodgy builders has been in the public domain for years now. Members will remember that both my former colleague Ms Le Couteur and former Canberra Liberal Mr Zed Seselja both tabled motions to establish an inquiry into these issues. As a result of this pressure, the Building Quality Forum was established in 2010 to look into what could be done. This is a complex issue which has had ongoing work from relevant stakeholders. There are actions in place stemming from the Building Quality Forum and the review which is currently in progress.

I think we all agree that the issue of rogue builders is one of great significance and one of concern to the Canberra community. We have seen recent reports in the press of the impact of that for communities and individuals across our city. Just yesterday—and Mr Corbell has already made some reference to this—we passed a law giving consumers access to information about construction licences, including conditions, suspensions, cancellations, and other disciplinary actions that may apply to builders. That will allow consumers to make better choices between companies that have a good record and those that have been shown to do the wrong thing. As Mr Corbell touched on—and I agree—it is exceptionally ironic that in the debate on the bill yesterday Mr Coe moved to prevent this register of companies which have had disciplinary action taken against them by the Construction Occupations Registrar from being made public. I thought this was the very thing that we needed to stop rogue builders—to ensure that consumers, home owners and prospective home owners are able to look into the credentials of these companies and builders to see whether they are reliable or known to be problematic. For consumers to have that basic information is surely an important step in tackling this issue.

The Auditor-General is currently undertaking a review of the development certification and application assessment processes, which includes looking at the private certification of developments and assessment approvals for non-compliant developments. This is a major issue of concern, yet it is not one which Mr Coe raised in his motion. I expect that we will see the Auditor-General's report on this very soon. Again, this will provide specific feedback on whether work needs to be done in this area to make improvements. I am pretty sure there will need to be improvements, and I am keenly awaiting the Auditor-General's report.

In any case, I do not think it is the impact of rogue and phoenix companies that we need to examine so much as the solutions. It is very clear what the impact is. It is the solutions that we need to look at—which we expect to see later this year through the major response to the Building Quality Forum which I spoke of earlier. I believe that we are expecting a tranche of construction occupations licensing legislation later this year as a result of the work over the past four years that has been taking place through the Building Quality Forum.

So we are expecting, and we will shortly see, I understand, significant movement in this area from work that has already been triggered over the last couple of years in recognition of these issues.

When it comes to the safety of construction sites—and again Mr Corbell has already spoken about this—the *Getting home safely* report on the inquiry into compliance with work health and safety requirements came out in late 2012. It looked at what was happening in the construction industry here in the ACT. The government has been working through these issues ever since. I think it is fair to say that this was a very serious and comprehensive inquiry and report conducted by Lynelle Briggs and Mark McCabe, the Work Safety Commissioner. The government accepted all of the recommendations in the inquiry report; it has provided funding for them in recent budgets; and it has, I think, been working through the recommendations fairly comprehensively.

Most recently we have seen the establishment of the active certification model to govern the employment of government construction contractors, something that will make an important difference and which the Greens have talked about for several years.

The reforms from the *Getting home safely* report relate to all stakeholders involved in the sector: government, workers, trainers and educators, and the private companies in the industry itself. They are engaged in implementing them as we speak.

Given all of this, I do not think it is the right time to launch another inquiry into the safety of the construction sector. I think that there is a significant level of work underway and there is a clear understanding of what the issues are. It is a matter now to let the reforms that have been put in place flow through the sector and have their full effect so that, hopefully—it must be our aspiration—we will not see another death on a work site in the ACT and there will be a cut in the level of injuries. That is an aspiration we should be striving hard to achieve, and I think that these reforms will go some way to delivering that sort of aspiration.

When it comes to the availability and delivery of land, that is being dealt with by the Economic Development Directorate and the LDA. In the next few years, and there are already signs of this, although there are differing views around town, I do not expect to see such significant growth in demand for housing. Most of the predictions are that we will see a cooling of the market. There is going to be a need for careful government consideration of how much land to release to ensure that there is enough for the demand but at the same time we are not oversupplying the market.

Having tackled all those specific points in Mr Coe's motion, I guess they really go to why I do not think a board of inquiry is the right thing at this time. In all of the areas that Mr Coe has touched on in his motion, there is work taking place, reforms underway. There is a clear recognition that some of these issues are important issues, and I think reforms that are either in place already or in the pipeline will tackle many of these things. I am not at all convinced that a large-scale board of inquiry, with the powers that it would have, is the right way to tackle this. If there are outstanding

specific areas, there is scope to look at the specific channels through which we should be seeking to address those issues, be they an Assembly inquiry or some other mechanism that could be set up.

So I will not be supporting Mr Coe's motion today. I do not think it is the right mechanism to tackle the issues and it fails to recognise the work that is already underway.

MR SMYTH (Brindabella) (10.37): It is interesting that Mr Rattenbury finishes by saying that clear recognition of problems exists, but "we're not interested in a comprehensive solution to all the problems". Yes, some bits and pieces have been done. Mr Corbell's immediate defence is, "We've got a stimulus package," the package that the Chief Minister hopes will stimulate but will not guarantee that it will do anything at all. But there is that clear recognition that something needs to be done—that there are problems and that something needs to be done.

What this motion does is bring it all together so that we can have a comprehensive response to one of the most important private sector industries in this territory. And it is important at a whole lot of levels. If you are going out and buying a house, the biggest purchase that an ordinary individual or couple will make, you really want to make sure that you get a great product, that you are getting value for money and that the industry is working for your benefit as well as for their own. The builders need to make a profit, and the staff need to get decent wages. But it has to work for everyone. This motion is about bringing it all together, because of the clear recognition that, in Mr Rattenbury's words, the opposition have of the dilemmas that exist in the industry across the sectors. And it is about time that we addressed it as a whole.

Yes, you could hive it off to various committees so that they could do their bits, but at the end of the day the best way to do this is to have someone, or a group of individuals, independent of the Assembly, have a look at the industry as a whole and come up with solutions that balance the competing needs of regulation versus price, delivery versus quality, so that we get the best out of our industry for all of us.

The government is entitled to the revenue that reasonable fees should bring. The workers are entitled to a safe workplace, free of bullying, free of intimidation, a safe place, and decent wages so that they can live. The owners of the companies that build should be able to make a profit, a reasonable profit, in this industry, so that, as they mainly do, they reinvest in the next project, which keeps the economy going. Those that own the buildings, rent the buildings or purchase the buildings should be able to get value for money and the quality of living or operations, in the case of a workplace, that they deserve.

That is what this motion is about. We have read the litany of stories, whether it be the number of deaths on our workplace sites that have occurred over a number of years under this Labor government, or the stories of people who have purchased properties that leak and they are finding it hard to get redress. We have all read the litany of stories that have occurred, from one extreme to the other. As Mr Coe said, this is not about blame; it is about building and protecting the industry that builds the territory in which we live. That is why we should have an independent inquiry.

Mr Corbell and Mr Rattenbury say that they have powers. Yes, they do have powers and they should have powers to get to the bottom of all of the dilemmas that face the industry and therefore come back to affect us as a society. It is an important industry to the ACT, whether it be the jobs that it creates, the investment that it builds, the profits that it generates that obviously get reinvested or, indeed, the homes and offices that we work in that should be the best that we can deliver.

Mr Coe in his speech said that there was a litany of things that would create success. It is about having fair fees and fines. It is about having a reasonable level of regulatory burden. It is about attacking rogue builders and phoenix companies, and weeding them out of our industry and our society.

But if you take note of the litany of adverse stories that seem to continue, despite the work that the government has done, there is something more to be done, and that is the reason for this. It is about having a strategic and a long-term response to cleaning up the industry and making the industry more productive, getting more out of it and building a better city.

We have seen the shift by the government. Only yesterday we had the debate on their priority projects bill. To have to have a priority projects bill says that something is not working. In the main that is probably your land release and the availability and delivery of land release, and it is the level of regulatory burden and comprehensibility of government-issued rules, codes, plans and laws. The fact that the government have to bring such a bill forward says that, (1), they are late to the game and, (2), they are slow to respond.

It was interesting to read Robert Macklin's comment that Andrew Barr had suddenly found that there might be something looming on the horizon with an Abbott-Hockey government. This side of the house has acknowledged that we also have fears about what might happen on the hill. We know now that the 14,457 jobs that are slated to go are Labor's cuts—something that the other side will not acknowledge.

It is well and good to blame Abbott. Go for your life; you will. We understand the politics of it. But the reality is that you should be taking to task Gillard and Rudd for their mismanagement and for using public servants, particularly ACT public servants, to balance items on their budget.

The Liberal Party in this place is the only party that stands up against all comers on the issue of jobs. Let us go back to the cuts by Rudd to the National Gallery, where the chief cheerleader of the cuts, Andrew Barr, was saying it was good because—

Mr Barr: Pinocchio, your nose is growing and growing.

MR SMYTH: that would mean people were coming to Canberra. Cutting regional projects—

MADAM SPEAKER: Sit down, Mr Smyth. Withdraw that comment now, Mr Barr.

Mr Barr: I withdraw, Madam Speaker.

MR SMYTH: You know Mr Barr is sensitive when he goes for the personal slight. He goes there straight, he goes there fast and he goes straight to the bottom when he is in trouble.

Mr Barr: I hope you pay as much attention to interjections on the other side too, Madam Speaker.

MR SMYTH: Not even Kate Lundy on that day could back Mr Barr up because she said—

MADAM SPEAKER: I am sorry, Mr Smyth. Could you stop the clock, please? That is entirely and utterly disorderly, Mr Barr. I have a very weather ear for those sorts of interjections. As I have said on a number of occasions, interjections on the policy and on the issues are fair game, but I will not tolerate interjections and comments in this place that go to people's character. Keep it in the policy square, not in the character square. If you make any more interjections like that, you are out of here without warning, because that is entirely disorderly, Mr Barr.

Mr Barr: If that is the standard you are setting, Madam Speaker, then it applies to both sides.

MADAM SPEAKER: Do you really want to march today? I have made my position very clear. One more interjection like that—I am warning you—and one more challenge to my rulings or snide comments on my ruling will get you marched from here.

MR SMYTH: It is interesting when you look at Mr Corbell's defence, which was, "We've got a stimulus package." "We've put in a priority projects bill"—the admission of failure of the planning system and the government's delivery. You then look at Mr Corbell's other defence, which is, of course, "We've got a stimulus package." Let us see what Ms Gallagher said about her stimulus package: "I am being honest. We are trying to provide some confidence and support to areas that are under pressure." She continued:

> We hope that it does stimulate some activity. But we are not standing on the roof tops saying that it is going to solve everybody's problems or protect the economy from the decisions the commonwealth might take.
>
> We are being realistic about our role. That is why in the context of everything I say I call us a small but significant player. We hope that it does stimulate the building and construction industry. That is what it is targeted to do but I am not sitting here saying how many jobs it will create, how much it will deliver, because I think that is very, very hard to do.

That is very hard to do because you have not done the work, and you have not looked at the very narrow targeting that you have put in place. I suspect most people will not get much benefit from the stimulus package. That is why fees, fines, charges and taxes paid by the industry, in paragraph (1)(a) of Mr Coe's motion, are very important.

LVC is the tax that Mr Barr says has no drag—the almost perfect tax that everybody agrees with. I sat in a room full of people earlier in the week and they did not agree with LVC because they know it is slowing down their projects. And he knows it is slowing down projects because they are now putting in a stimulus package and picking and choosing who will have some remission on LVC—and the same with the extension of time.

The government have failed in their fees, fines, charges and taxes structure. And it is a tax on the environment. I am surprised Mr Rattenbury supports it because the LVC is a tax on the environment. It stops density, it stops consolidation of the city and it forces greenfields development—unless that is the actual aim of the thing, so that they get more blocks to market: support the LDA, try and get the profit through that and say, "Well, it's not our fault if employment doesn't exist because we've squeezed the redevelopment market out of existence."

We all know that the LVC has not delivered. It is Andrew Barr's mining tax. It was a big promise, and you can see the decline in the revenues that it was proposed to bring over the years. It has never, in a quarter, except for the first quarter where there was a holdover from the previous system, delivered. And it will not deliver because it makes projects unviable.

That is why it is all well and good to have a stimulus package, but the truth is in the Chief Minister's comments:

> … I am not sitting here saying how many jobs it will create, how much it will deliver, because I think that is very, very hard to do.

That is because you have not done the right thing, and that is why we should have an inquiry under the Inquiries Act into the totality of the construction industry in the ACT, so that we do get to the bottom of what is driving the industry, we do fix the problems and we do acknowledge that there are problems in all of the sectors where unscrupulous companies, rogue builders and phoenix companies are doing damage to the industry's reputation. But at the same time you have to question some of the practices of other stakeholders in this game.

It is an important industry. It is an important motion. It should be supported. I finish with what Mr Rattenbury said. He started by saying, "These are significant issues." And he finished by saying, "There is clear recognition that something has to be done." It would seem he agrees, but just cannot bring himself to investigate the government as he should. *(Time expired)*

MR WALL (Brindabella) (10.48): Mr Coe's motion seeks to establish an inquiry into the territory's building and construction sector—an inquiry that will examine all aspects of the sector from fees and charges paid to government through to rogue operators, workplace safety, land availability and the impact that regulatory controls are having.

Often when there is a debate in this place about the construction sector there is a focus on the large end of town—the commercial developers or the large corporate

residential builders. It is, however, all too easy simply to forget that the vast majority of businesses in the construction sector are either sole traders or small business enterprises.

Small operators that are able to specialise in their chosen field, such as carpentry, bricklaying, plumbing, electrical, tiling or concreting, just to name a few, have the flexibility to respond to new methods of construction, meet niche demands in the sector and often are the leaders when it comes to implementing innovative, new best practice construction methods, especially in the areas of sustainable building. In many instances the individuals doing the work are the owners of the business. They have a greater sense of pride in the work that they are doing as it is their reputation and livelihood on the line every time they do a job.

All too often it is these small businesses that are the first to suffer when ineffective changes are made to the rules and regulations surrounding planning in the ACT. The changes often impose significant increases to the cost of meeting regulatory requirements and all too often erode the profitability of the business, preventing growth, investment and employment.

To give a simple example, the cost of meeting the regulatory requirements to obtain development and building approval for a minor alteration such as a carport, a small deck or even a pergola now, in some instances, exceeds the cost of the actual building work. This is simply prohibitive for home owners and it is unreasonable to expect them to afford to pay these costs. Simply, what this does is to erode the size of the marketplace in the building sector, reducing opportunities, and in many instances building works go ahead without approval.

I understand, Madam Speaker, that last year there were in excess of 60 locally owned businesses either in or supporting the local construction industry that closed their doors. When you consider the flow-on effects of this, such as the job losses and the impact of unpaid liabilities, the cost of which is left for other businesses to cover, it is evident that the current status quo simply is not sustainable.

The reason that we do not see vast numbers of lobbyists banging on our door about these issues or that there are not any protests in the streets is simply because these operators are too busy trying to earn a living and keep their doors open on a day-to-day basis.

I am a big believer that what gets measured gets done. This inquiry seeks to measure the strengths and weaknesses of the local construction industry. It will measure the impact that over-regulation of the sector has had and it will measure the impact that the ineffective fee structure has had on the local sector. In turn this will allow for improvements to be made that will ensure that the sector grows, employment opportunities exist and that there is confidence in the longevity of the construction sector in the ACT.

I thank Mr Coe for bringing this issue to the Assembly today and I encourage all members to think of the bigger picture when voting on the motion today.

MS BERRY (Ginninderra) (10.52): I rise to speak briefly to a couple of the points mentioned in Mr Coe's motion before the Assembly today. I really do think it is a distraction from the main issue. Something that the ACT government is keen on delivering to this city is the development and the protection of quality jobs in our city. Bringing this motion to the Assembly, I think, is to try to distract the government from doing the good work that it is doing by announcing a stimulus package that will create good, quality jobs in the ACT for our community.

Interestingly, I do have to say, though, that my spider senses were tingling when the motion mentioned the state of industrial relations. Then Mr Coe said, "But it's all right. Don't worry. This is not an attack on unions." But coincidentally, on the same day the royal commission into unions is having hearings in New South Wales, this motion is being discussed in the ACT parliament. Yes, I was a bit nervous about that. So I did just want to put that on the record and say that we should not be distracted by these sorts of motions by conservative members of parliament and that we should be concentrating on providing job opportunities, creating good, quality jobs in the ACT and protecting the people that protect people on the worksite.

MR HANSON (Molonglo—Leader of the Opposition) (10.53): I rise today obviously to support this motion. I would like to start by commending Mr Coe for bringing this forward. There were some snide comments made by the minister in his response to this motion. Essentially he was attempting to discredit Mr Coe and boost his own stocks perhaps. But let me assure you, Madam Speaker, that when I am out in the community, when I am speaking to the sector—be it small business, be it consumers or be it big business—they have very little confidence in the minister. My understanding from what I get from the sector is that it is impressed with the grasp of this complex sector by Mr Coe. So I want to put on the record that the truth is far from the sort of—

Mr Barr: Self-praise is no praise at all.

MR HANSON: We have got more interjections now from those opposite but it is important we put that on the record because it is, as unfortunately happened with the unseemly interjection from Mr Barr, more for his side now to try to smear and attack rather than deal with the substance of this debate, which is what the community is calling for.

I commend what Brendan Smyth said as well. He equally shares a passion for this area, as does my colleague Mr Wall who comes from this sector. There was no plug there for Patio World but, as many of you would be aware, he has actually lived this. He has lived this, breathed this and understands these issues personally as builders on the ground.

I am disappointed that we will not be getting the support of the Greens today. I think if it were Caroline Le Couteur sitting in that chair, Madam Speaker, we might. It does seem to me that—

Mr Corbell: You wish, Jeremy, you wish.

MR HANSON: Yes, I do wish, and I think many people do wish. Simon Corbell is laughing because he has got Shane Rattenbury sitting in that chair, Madam Speaker, rather than Caroline Le Couteur, and he says to me, "You wish, you wish," because he knows that Ms Le Couteur and I did not agree on many things. But what I think we can agree on is that she did have a passion and an understanding for this sector and also she had an independent mind—an independent mind beyond that of just simply the mantra fed to her from the Labor Party. I think she would have seen through what is going on here and she would have had a far more judicious look at this rather than just spruiking the sort of mantra that we are seeing from Mr Rattenbury who has, again, made himself indivisible from the Labor Party.

Turning to the substance of the issue, it is important to understand what this industry brings to Canberra. And it does bring employment. I note those opposite are trying to turn this into a debate but it is not. The building sector brings employment and we do need to diversify this economy. We need to build the economy beyond being simply a public service town, and this is the sector well positioned to do that. It has always provided many thousands of jobs either directly or indirectly, and this government is reducing those opportunities. It brings revenue and it brings important revenue for this town, be it through the land sale, be it through the building activity itself.

This revenue, I think, in many cases is too much but let us realise that the more building activity we have got, the more effective the construction sector is and the more it flourishes, the more revenue it will bring to us so that we can deliver those services like health on which now the Treasurer and the health minister are talking about reducing spending because, in their words, they do not have enough revenue. It builds our amenity, it builds our city. This is the industry that builds our houses where we live. It is an industry that builds our schools, our town centres and our cities. It is the industry that builds Canberra.

When we talk to the key stakeholders—and we have been doing that recently; in fact, just this week we talked to a key stakeholder group—they are not happy. They are not happy, on a range of issues, as has been articulated by my colleagues already. When we talk to individual builders, equally they are not happy. Their issues are on a different scale but equally they are challenged by the environment. When we talk to consumers, where this system has failed them equally, they are not happy.

What is evident—and we saw it yesterday in the botched attempt to try to put legislation through that is now going off to a bit of a sham committee—is that there is a problem. We have seen a range of problems. We were debating it here yesterday. If things were so good we would not have had this debate that we had here yesterday, with extraordinarily poorly presented legislation that the government was trying to ram through this place with hardly any scrutiny and any ability for the industry and others connected, consumers indeed, to consult on that legislation. It is disgraceful the way the government is trying to essentially plaster over the increasingly large cracks that confront the building sector.

There is no single issue, and that has been expressed very clearly by my colleagues. It is a culmination of issues. We have got builders going broke or doing it very tough,

not putting on apprentices, not employing staff, laying staff off. We have developers who are investing outside Canberra, small developers and large developers not bringing their business to this town, Canberra-based developers looking for opportunities elsewhere, and people that would want to come to Canberra to invest not doing so because it is such a difficult environment. And we have got consumers being left high and dry. Why? There is an enormous regulatory burden of green tape and red tape that is imposed on builders and developers that is restricting people from doing business here, because it is simply easier to do it elsewhere.

The fees, fines, charges and taxes—and there has been much debate in this place, and we will have some further debate in the afternoon about the commence and complete fees—have been discussed. We have had much discussion about lease variation. The burden on people trying to do business in this town, the Andrew Barr school inherited from his predecessor, Mr Quinlan, of squeezing till they bleed but not until they die, is alive and well here in the ACT, particularly applicable to this industry.

We know that we have some rogue builders, unfortunately. In every basket of apples there will be a few rotten ones, and we want to make sure that every action is taken to make sure that that is dealt with. Equally, industrial relations is a complex issue, and we need to make sure that we deal with that also.

Ms Berry, in her contribution, needs to realise that there is a broader debate going on here in the industry, and she is not simply a spokesperson for the union. I understand that that is her base, that is where she is going to get her support perhaps, but she wants to realise that if she is going to contend to be the next minister—and I am not sure where that debate is at the moment—she will need to demonstrate in this place that she is simply more than a spokesperson and mouthpiece for the union. She is an MLA, not a unionist anymore, and that is an important distinction that she needs to bring into this place.

This is a government that has got land supply tragically wrong over the last decade or more. There are other issues such as the government agencies and their role—for example, the role of the LDA. Many people will question whether the LDA should be doing as much of the development in this town as they currently are and what effect that is having on business opportunities in Canberra. Of course there is the planning system itself. As I referred to before, yesterday's legislation is a clear example that that is a planning system that is simply not working.

It is important that we distinguish between the glossy plans this government put forward and the reality when it hits the sector, because the reality is that despite the busy work of this government in trying to create the illusion that there is much going on, that they are taking action, the reality is that when you speak to people on the ground they are not happy, the system is not working and it needs a full and comprehensive apolitical review. And that is what we are calling for. That is entirely reasonable, and that would help. I am disappointed that those opposite will not be supporting this motion today. *(Time expired.)*

MR COE (Ginninderra) (11.03), in reply: To wrap up this debate, the opposition is extremely disappointed that the Labor-Greens government are not seeing this board of

inquiry as an opportunity to make amends for wrongs which their government have put in place. As it stands at the moment, the construction sector is doing it tough in the ACT. There is no doubt about that. One of the contributing factors is the government's controls here in the territory. Whether it be land release, whether it be fees, taxes, charges and fines, whether it be the regulatory burden, whether it be planning—there are so many levers which the government controls—the controls are not being adequately managed at present. What this inquiry calls for is an independent look, a fresh set of eyes to review the conditions and the challenges facing this sector in the ACT.

It is interesting that Mr Rattenbury would say that he does not like the format of this motion. If he were to go back to the *Hansard* of this day back in 1997 he would see a board of inquiry motion by Ms Kerrie Tucker in exactly the same format as this motion today. But of course, that seems to be a moot point when there is a political point to be scored by Mr Rattenbury.

It is vital that we have a holistic view of the construction sector. The construction sector is so important to the ACT economy. When the ACT economy is going well, the construction sector is going well. When the construction sector is doing it tough, the ACT economy at large is doing it tough.

It is for that reason we need to make sure that every single lever which the government controls is properly managed, and at present the government seems to be doing all it can to make it harder and harder to do business here in the ACT. I call on all members to support this motion, to support the conducting of a board of inquiry, and to get independent advice and recommendations about how we can once again get the construction sector booming in the ACT.

Question put:

> That the motion be agreed to.

The Assembly voted—

Ayes 7		Noes 8	
Mr Coe	Ms Lawder	Mr Barr	Mr Corbell
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury

Question so resolved in the negative.

Racial discrimination—legislation reviews

DR BOURKE (Ginninderra) (11.08): I move:

> That this Assembly
>
> (1) notes:

(a) that Canberra is one of the most multicultural Australian cities and that our community harmony, built on respect for diversity, our common humanity and fairness, underpins our social and economic wellbeing;

(b) and recognises the value of protections under the law from racial abuse and discrimination;

(c) the Commonwealth Government's proposals to withdraw a range of protections offered under the Racial Discrimination Act; and

(d) the Law Reform Advisory Council is currently considering the *ACT Discrimination Act 1991*, to ensure that it offers the best possible protection against discrimination in the ACT; and

(2) calls on the ACT Government to:

(a) continue to review the *ACT Discrimination Act 1991* to ensure we have appropriate protections; and

(b) provide a submission to the current review of the Commonwealth's Racial Discrimination Act so it might continue to protect individuals from racial abuse in Canberra and Australia.

It is appropriate that we are discussing the protections our citizens should expect from racial abuse and discrimination. We are one of the most multicultural cities in one of the most multicultural nations. Our community harmony is built on respect and fairness—respect for our diversity, our common humanity and respect for individuals. Racism and discrimination have no place in our community.

A recent *Canberra Times* editorial suggested that people subjected to racial abuse are unduly sensitive and should perhaps just "toughen up". This is offensive and misrepresents the effects of abuse. Racial abuse is intended to hurt and humiliate. It attacks your identity, your sense of self and your place in the community. It is delivered with malice and forethought by people who believe themselves superior because of their race.

Perhaps Senator George Brandis believes the nursery rhyme, "Sticks and stones may break my bones but words shall never harm me." But does he know how it feels to be abused, to have your family abused, because of your race? Does he know the harm done, which can be worse than a physical blow?

We have outlawed bullying in schools and at work. Yet racial abuse not only harms an individual's mental health but it also destroys our hopes for community cohesion. Like many other Australians, I have been on the receiving end of racial abuse and the word "offensive" does not come close to describing how it felt.

Racism and bigotry are about what people think and intent is a principle that has been enshrined in our criminal law for centuries. A crime committed intentionally is viewed differently to one without intent. It is the difference between manslaughter and murder. It seems that our major sporting codes are tougher on racial abuse than our

federal government plans to be with the proposed changes to section 18C of the Racial Discrimination Act.

The current Australian Human Rights Commission program entitled "Racism: it stops with me" notes that one in five Australians has been subjected to racial abuse. Here in Canberra there were recent reports of racial abuse against a passenger on an ACTION bus. In my electorate of Ginninderra, I was recently introduced to an African woman by concerned mutual friends. We were not there to talk about the atrocities of the civil war from which she and her husband escaped, but rather the racial abuse emanating from the neighbours.

For eight years the family have made their home in a largely friendly neighbourhood. Three years ago a new family moved in next door. Since that time the African family has been on the receiving end of a constant outpouring of racial hatred. When they are at home they are too frightened to use the garden because the fence is low and they are subjected to swearing, yelling and thrown food.

There was an altercation over the bins and wet cigarette butts were left at the door, the car tyres let down and eggs and other rubbish thrown over the car. A letter distributed in the neighbourhood asking for charity donations for Africa was shredded and shoved into their letterbox. This family feels so threatened that they cannot face responding to, or negotiating with, the neighbours.

Mutual friends state, "There are many, many more examples of this abhorrent behaviour, too numerous to note, which are having a devastating effect on every member of that family." I have encouraged them to report this abuse and seek legal protection, which I am told has been effective.

This is happening in our city. Madam Deputy Speaker, do not just take it from me that racial abuse is harmful. It has been well reported in the medical journals. Professor David Williams from Harvard University last year noted:

> A large and growing body of evidence indicates that experiences of racial discrimination are an important type of psychosocial stressor that can lead to adverse changes in health status and altered behavioural patterns that increase health risks.

What sort of health effects? An editorial in the *British Medical Journal* tells us about US research which found associations between racial discrimination and hypertension and low birth weight. A UK study found that victims of discrimination were more likely to have respiratory illnesses, hypertension, anxiety, depression and psychosis. Another US study reported that a one per cent increase in racial disrespect in a US state was associated with an increase of 358 per 100,000 in "black" all-cause mortality.

In Europe a study was conducted of over 4,800 residents of Maastricht who screened negative for mental illness and paranoid traits as a baseline. Those who said that they had suffered from discrimination were twice as likely to develop psychotic symptoms

in the following three years. Dr Evelyn Barbee, writing in the *Journal of the American Psychiatric Nurses Association*, said:

> Regardless of social class, African Americans report experiencing racist events, including perceptions of racism presented in the media, so frequently that depression, tension and rage about racism are the most common problems they present in psychotherapy.

In New Zealand in 2009 researchers found that responses to the New Zealand health behaviour survey showed significant links between experiences of interpersonal and institutional racism and health disparities between Maori and non-Maori. The *Australian and New Zealand Journal of Public Health* in 2011 examined the racism experience of Aboriginal people living in Adelaide. The researcher said:

> Racism was found to be a significant determinant of mental health, with its effects not diminished by social connections and support. Our findings support a growing body of literature that suggests that racism has a strong impact on mental health. This finding is important to the current Australian government's policy goal of closing the gap between the health of Indigenous and non-Indigenous Australians in a generation.

A study of young Aborigines in Melbourne also found that self-reported racism was significantly associated with poor overall mental health and with poor general health. Madam Deputy Speaker, racism—racial abuse—hurts. This motion calls on the ACT government to provide a submission to the current review of the commonwealth's Racial Discrimination Act so it might continue to protect individuals from racial abuse in Canberra and Australia.

The review of the act is not prompted by any lesser need for protection from racial discrimination. It is because a group of Aboriginal people, attacked by conservative columnist Andrew Bolt over their race, used the act to defend themselves and correct the record.

I spoke about the much misrepresented Bolt case in one of my earliest speeches in the Assembly back in October 2011. I noted that Justice Bromberg ruled that these articles were likely to offend, insult, intimidate or humiliate fair-skinned Aboriginal people. Importantly though, this was not the point on which Mr Bolt's case turned. Our society does not outlaw, nor should it, all conduct which might be offensive or insulting. It is crucial to the functioning of our democratic institutions that people are free to speak their minds in good conscience on matters of public interest.

The federal Racial Discrimination Act reflects this fundamental principle. It exempts from liability offensive conduct which is nonetheless considered fair comment, artistic expression, or genuine academic or scientific debate. Mr Bolt, however, did not speak his mind in good conscience.

Justice Bromberg conducted a fine-grain analysis and found that Mr Bolt distorted the truth towards his own ends. He was flat-out wrong in his description of the racial heritages of several of the Aboriginal people he smeared. Evidently Mr Bolt is not one to let the facts get in the way of a good slur.

Justice Bromberg also found that Mr Bolt intended to be inflammatory. He wrote his articles with all the invective he could muster. He set out to be derisive, inflammatory and provocative. He was not seeking to further public debate, but to ridicule a group of people based on the colour of their skin. This is the sort of speech which has no place in a modern multicultural society.

In addition to the community outrage about the changes to section 18C, many Liberals are also now questioning the reasoning behind the changes and whether the end of making Mr Bolt happy justifies reopening Australia to racial abuse.

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) (11.19): I am pleased to speak in support of Dr Bourke's motion today. The motion provides the Assembly with a chance to affirm its commitment to promoting inclusion, fairness and tolerance as the foundation of our multicultural Canberra community. It is also a chance to make a strong and public statement that the territory recognises the value of legal protections from racial abuse and discrimination and the provision of a framework where people have redress against unacceptable and unsociable racial stigmatisation and vilification.

I urge the Assembly today to present a united voice on this matter and to clearly state that racial abuse and discrimination will not be tolerated in our community. Tolerance and inclusiveness are essential in achieving a vision for a city which is inclusive of all and that, no matter what their birthplace, they feel welcome, recognised and valued. Racial discrimination and vilification prevent people from feeling safe and secure in our community and it should be not be acceptable in the ACT.

The government is committed to creating a safe, peaceful and inclusive society through the improvement of the protection of rights for individuals. Part of this work involves ensuring that our legal frameworks provide protection for the rights of the individual in our community. The government has consistently honoured this commitment through the provision of a strong human rights framework. The territory is one of only two Australian jurisdictions with a human rights statute, the Human Rights Act 2004.

The Human Rights Act recognises a number of rights and sets out a framework to balance and protect the rights of Canberrans. The 20 broad civil and political rights set out in part 3 of the act are substantially based on those recognised by the international community in the adoption and ratification of the International Covenant on Civil and Political Rights. These rights, to be enjoyed without discrimination or distinction of any kind, include the right to freedom of expression and the right to freedom of thought, conscience, religion and belief.

At this point is worth highlighting that the International Covenant on Civil and Political Rights is quite explicit that the right to freedom of expression and the freedom to hold opinions is not an unfettered right. The convention states that the exercise of these rights carries with it special duties and responsibilities. It goes on to

state that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

The Australian government has ratified this covenant and also has legislation which gives effect to these rights. The Racial Discrimination Act, the act central to this discussion today, is one such piece of legislation. It was enacted with the purpose of prohibition of racial discrimination and certain other forms of discrimination and, in particular, to make provision for giving effect to the Convention on the Elimination of All Forms of Racial Discrimination. These are obligations that we have signed up to voluntarily as a nation and where we have binding treaty commitments.

Part IIA of the Racial Discrimination Act makes it unlawful for a person to do a public act if the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people; and the act is done because of the race, colour or national or ethnic origin of the other person or of some or all of the people in the group.

This provision, known as the racial vilification provision, is designed to prevent people from publicly abusing the right to freedom of expression by engaging in acts of racial abuse, vilification or intimidation. This provision serves to provide a clear legal indication that racially abusive behaviour is not accepted by our community.

This part has obviously been the subject of much controversy and public debate in recent times. The commonwealth Attorney-General has indicated he plans to reform the Racial Discrimination Act to repeal section 18C, and the related 18B, 18D and 18E, and replace it with provisions that, in my view, will substantially wind back and water down the racial vilification provisions in the Racial Discrimination Act. In March, the commonwealth attorney released an exposure draft of the repeal bill.

Under the proposed amendments to section 18 of the Racial Discrimination Act, it will be unlawful for a person to publicly do an act because of their race, colour or national or ethnic origin of a person or group of people if the act is reasonably likely to vilify another person or a group of persons or to intimidate another person or a group of persons. In the proposed new section 18, "vilify" means to incite hatred against a person or a group of persons, and "intimidate" means to cause fear of physical harm to a person, their property or to members of a group.

Senator Brandis would have us believe that this is a reasonable measure to strengthen the act's protections against racism while at the same time removing provisions which unreasonably limit freedom of speech. And so it may appear on the surface, but the devil is in the detail. While we might think that it is appropriate to consider what actions might constitute vilification and what might not, the fact of the matter is that the bill purports to exclude almost all facets of public interaction from the scope of the racial vilification protection.

Words, sounds, images or writing, spoken, broadcast, published or otherwise communicated in the course of participating in the public discussion of any political, social, cultural, religious, artistic, academic or scientific matter will not be subject to the proposed section 18. This is so excessively broad that the application of the racial

vilification protection will be practically impossible in any potential case of racial abuse or intimidation. It is very difficult, if not impossible, to imagine a situation where a racist act would not fall within one of these many and very broad exceptions.

The Australian Race Discrimination Commissioner has stated that these changes constitute a radical departure. Very simply, there would be significantly fewer instances of racist behaviour that would be captured as unlawful. Is this the sort of community we want Australia to become? As the former Chief Justice of the High Court, Justice Gleeson, said in the case of Coleman v Power:

> … almost any conduct … including indecency, obscenity, profanity, threats, abuse, insults, and offensiveness, is capable of occurring in a "political" context, especially if that term is given its most expansive application. Reconciling freedom of political expression with the reasonable requirements of public order becomes increasingly difficult when one is operating at the margins of the term "political".

The Race Discrimination Commissioner has concluded that if this so-called freedom of speech bill is passed in its current form, the dividing line between free speech and hate speech will be removed. There would be no distinction between venting racial hostility and conducting a legitimate public debate about ideas. The sheer breadth of the exceptions sends an inappropriate message that an individual who wishes to vilify or intimidate another on the basis of race will be able to do so with impunity. It encourages a "speak before you think" mentally.

The fact is that what we communicate has a real and lasting impact on the reputation, esteem and standing of others in our community. If someone is defamed or slandered, an apology can be offered, but the reality, in most instances, is that the damage is already done and it is permanent. Under the proposed bill there is no test about whether the communication is based on fact, is honest or is a reasonable contribution to a public discussion.

Under the proposed changes, whether an act is reasonably likely to have the effect of vilifying or intimidating a member of a racial group will be examined by the standards of an ordinary reasonable member of the Australian community, not by the standards of a particular racial group within the Australian community. In other words, whether or not the act has the effect of vilifying or intimidating a person because of their race will be determined by whether it would threaten the average white Christian male in Australia. I do not believe that is an appropriate test.

This motion is an important one today. The government has committed to making a submission to the commonwealth in relation to its proposed changes and that submission is currently being prepared. We will await the outcome of the federal parliament's debate on these questions and the form of any potential amendment before we consider our next steps in relation to ACT law. *(Time expired.)*

MR HANSON (Molonglo) (11.29): I welcome the opportunity to contribute to this debate. I thank Dr Bourke for bringing this motion before us. At the outset let me say very clearly something I think we would all agree on—that racism should never be tolerated. Bigotry should never be tolerated. It should be shunned and it should never

be condoned. We should stand up at every occasion to condemn those who might insult, demean and offend others simply on the basis of race. We should stop discrimination based on race whenever and wherever we see it.

The Canberra Liberals will be supporting this motion because we believe certain things. Should intimidating or threatening someone based on their race be a crime? Yes, it should. Should vilification or inciting hatred or creating harm be a crime? Yes, it should. But we do need to consider what the threshold for those crimes is. As outlined by the Attorney-General, section 16 of the ACT Human Rights Act 2004 decrees that everyone has the right to hold opinions without interference. Everyone has the right to freedom of expression. This includes freedom to seek, receive and impart information and ideas of all kinds, regardless of borders, whether orally, in writing or in print, by way of art, or in another way chosen by him or her.

But in our wish to protect one right we must be careful not to harm others. This debate is occurring in our federal parliament and around the world, including in the UK and the US. It is a debate that we should be part of. It is a debate between freedom of speech and freedom from discrimination. We do need laws in this nation to protect against behaviour that harms individuals who might be intimidated or vilified based on their race. Equally, we need to genuinely protect our legitimate free speech. We need to be cautious that when we start criminalising speech we are restricting that most precious of our human rights, our freedom of expression, and in many cases that may be appropriate to do so.

I am sure all of us would cite examples of where we have seen offensive or insulting behaviour, and indeed maybe some of us—Dr Bourke, I am sorry to hear what you have said—have personally experienced discrimination or racial abuse, and it is not acceptable. As leaders in our community, we have a responsibility to fight intolerance and make it clear that in our multicultural society we will always stand up to the bigots. But, as legislators, we must be very careful when we consider these issues to consider the question of what speech we should make a crime and what we should not. The exposure draft of the federal legislation gives the ACT an opportunity to contribute to that debate. I would ask that the government use care and deep consideration in making their submission.

MR RATTENBURY (Molonglo) (11.33): I thank Dr Bourke for bringing this motion to the Assembly. As colleagues will know, it is an issue on which I have made some public comments as well. It is an important one for this Assembly to be discussing today, and it is certainly appropriate that this Assembly reaffirms the importance of our multicultural society and the importance of respecting the racial and ethnic diversity we enjoy and which brings so many benefits to Canberra.

The context, of course, is that the federal government, led by George Brandis, has started what I would characterise as an attack on important protections against racial hatred in the federal Racial Discrimination Act. Specifically, these are protections against offensive behaviour done because of a person's race, colour or national or ethnic origin.

I strongly agree with the sentiment expressed in Dr Bourke's motion, just as I strongly disagree with the fairly odious sentiment expressed by Senator Brandis that Australians have a right to be bigots. To express that view is one thing; to express it in the context of repealing racial hatred provisions is another, as it suggests that Australians have a right to be bigots publicly at all times, and that this is a right that trumps all others, including the right of people to be free from racial intolerance and discrimination and the right for Australians to grow a harmonious, respectful multicultural society.

I also add that it is quite another thing for that phrase—that Australians have a right to be bigots—to be uttered by the federal Attorney-General, the first law officer of our country with key responsibility for the carriage of laws that protect us against that kind of behaviour.

The federal racial hatred protections had been in place for almost 20 years. They were introduced as amendments to the Racial Discrimination Act by the Racial Hatred Act in 1995. At this point, I note for members that in my comments today I will refer to the relevant parts of the Racial Discrimination Act as "the racial hatred provisions" rather than "racial vilification" or some other terminology.

I note that Senator Brandis has employed some crafty double-think and argued that his proposal will actually strengthen protections because it introduces the term "vilification", a term not currently referred to in the act. That is a completely spurious argument in my view, the kind of nonsensical defence that only a shameless government minister could say with a straight face to cover up some other agenda.

The second spurious argument employed by Senator Brandis and the Abbott government is that the changes are all about free speech. They are the champions of free speech. Free speech must prevail, they say. The implied corollary is that the existing racial hatred provisions are somehow curtailing free speech. That is simply nonsense. Does anyone really think that here in Australia our free speech is being restricted because of the racial hatred protections we enjoy?

As I have said, the protections have been in place for 20 years. When has free speech been curtailed? Apparently, according to the federal government, it has curtailed the ability of Andrew Bolt to spew out ridiculous, inaccurate and racially offensive diatribes. The so-called Bolt case is one of the few occasions where the federal racial hatred provisions have been used. Bolt and the federal government would have you believe that a respectable journalist had his legitimate views quashed and that the free market of ideas was closed down.

Let us look at what the court actually said about the Bolt case. The case concerned two newspaper articles he wrote which suggested that light-skinned Aboriginal people were not genuine Aboriginal people and pretended to be Aboriginal to access certain benefits and entitlements.

Note firstly that the courts have interpreted the racial hatred provisions to only capture behaviour that has "profound and serious effects, not to be likened to mere slights". It

is an exaggeration for George Brandis and others to suggest that the laws prevent us from offending anyone's sensibilities.

The court also made it clear that it is not unlawful to publish articles that deal with racial identity or challenge the genuineness of someone's racial identity. The problem was specifically the way in which Andrew Bolt wrote the articles. The court found that Andrew Bolt's articles contained multiple errors of material fact, distortions of the truth and inflammatory and provocative language.

It is also important to note that Andrew Bolt was not prosecuted. This is not a criminal law as some people have suggested. All that happens is the court issues a statement that the conduct is unlawful, and it can make orders such as the removal of material from websites or orders that the offending person pay compensation. In Bolt's case, Andrew Bolt merely had to apologise, remove the articles from websites and not re-publish them.

It is not like our free speech is really curtailed; it is just that we do not have the right to do the kind of thing that Andrew Bolt tried to do in a published article that had multiple errors of material fact, distortions of the truth, inflammatory and provocative language and, as the court found in this case, was likely to intimidate fair-skinned Aboriginal people, reinforce or encourage racial stereotyping and be destructive of racial tolerance. That is fair enough. It is hardly a restriction on free speech. It is certainly not a restriction on the type of speech that 99 per cent of Australians would ever think of making.

This is evidenced by the fact that the federal racial hatred laws have only ever been used on a few occasions. One was the Andrew Bolt case, as I have discussed. Another was a case that required the taking down of a website which denied the Holocaust and vilified Jewish people. It suggested that homicidal gas chambers at Auschwitz were unlikely and that some Jewish people, for improper purposes, including financial gain, had exaggerated the number of Jews killed during World War II. The publisher of the site, Frederick Toben, had been imprisoned in Germany for publishing similar material, so the order to remove the website in Australia was comparatively light. My interpretation of Senator Brandis's proposals for the Racial Discrimination Act is that a holocaust denial will once again be permitted in Australia.

I note that law professor Simon Rice also suggested that the Brandis proposals may not even capture the type of outrageous racial abuse that was recently seen on public transport in Melbourne and Sydney. Mr Abbott's response to the suggestion that the proposals would allow holocaust denial was to say:

> … the best antidote to folly is commonsense and the best way to refute a bad argument is with a good argument.

This completely ignores the reality that people who are the subject of racial hatred frequently do not have the opportunity to respond. They are commonly minorities, there may be a language or other cultural barrier and, of course, they simply might not get the same platform that someone like a newspaper columnist gets.

On this issue I think Waleed Aly makes an interesting point when he says that the Brandis proposals are the "whitest piece of proposed legislation" he has ever seen. He says it trades on all the assumptions about race that you are likely to hold if, in your experience, racism is just something that other people complain about.

Waleed Aly points to the Brandis proposal that sets a new standard for judging racial vilification—that is, whether it is reasonably likely to vilify someone based on the standards of an ordinary reasonable member of the Australian community, not by the standards of any particular group within the Australian community. What is an "ordinary reasonable member of the Australian community" when it comes to race? Waleed Aly says that the wording is just a mask for whiteness; in our society it is only whiteness that is ordinary and invisible.

I can only imagine how offensive it must be to the rich diversity of ethnically diverse people in Australia to see George Brandis and his privileged, white male colleagues telling them they should not be offended and that racism will be judged on the standard of an ordinary reasonable member of the Australian community.

It is important to emphasise in this debate that the right to free speech, like other rights, is not absolute. Australians also have a right to freedom from racial discrimination and racial hatred. That is why the United Nations adopted the International Convention on the Elimination of All Forms of Racial Discrimination in 1969 and why Australia signed up to the convention. Rights have to be balanced.

On this note, I need to point out the astonishing irony of the Abbott government's attack on race protections at the same time as they want to stifle the ability of Australian public servants to engage in political discourse, as we have seen reported in the media recently. Are they really so delicate and afraid that they cannot put up with a critical tweet from a public servant? It seems clearer every day that the Abbott government has no shame in implementing an agenda that serves its own interests with no regard for principles or consistency or the impact it might have on broader society.

Senator Brandis's public retreat from the obligations under this international treaty is an international embarrassment. It is a very sad fact—international travellers have probably encountered this—that Australia's reputation for racial tolerance is not the best at the moment. That is the reality—we are becoming known as a country that is not as welcoming as it should be to people of different races, that is abusive and uncaring towards asylum seekers and that needs to do more to respect our first peoples.

No doubt the international community has caught wind that our elected government wants to repeal racial hatred provisions and that it wants to make sure people have a right to be bigots. This is part of the bigger context of the Brandis proposals. It is not just a technical change to legislation; it is a message about the type of country the government thinks we should have. The Racial Discrimination Act, of which the racial hatred provisions are an important part, is a statement about our shared values, and it says that racism and discrimination have no place in our community.

I am stunned that of all the issues that need our urgent attention in Australia the government has moved within its first year to repeal racial hatred laws. It is determined to implement its agenda to ensure all Australians have the right to be bigots. What a backward step in a country where, sadly, racial intolerance remains a real problem. It is a country where in 2005 an alcohol-fuelled mob marched through Cronulla and attacked and abused people of Middle Eastern appearance, incited by widely circulated text messages calling for "wog and chink bashing". It is a country where in 2014 about 20 per cent of people still feel discriminated against because of their skin colour, ethnic origin or religious beliefs, up from 12 per cent in just 2012—an eight per cent increase in two years. This result was released just last month in the mapping social cohesion survey, conducted by the Scanlon Foundation.

This problem, and the corresponding international reputation, is one the Greens are committed to combating. I know many Australians feel the same way, and I would hope that everyone in this Assembly feels the same way. I have had considerable positive feedback from people after my comments appeared in the *Canberra Times* recently in which I indicated my disagreement with the Brandis approach and my view that the ACT could legislate in this space if the federal government vacated this space.

The proposal by Mr Brandis has, not surprisingly, attracted a lot of attention from the community. And, not surprisingly, a lot of people are unhappy, offended and insulted by the way in which Mr Brandis has presented his proposals. On the other hand, I am sure the unattractive underbelly of Australian society where bigots and racists lurk are rejoicing and feel they have been given tacit approval. I shudder to think of the result for the millions of ethnically diverse Australians, Australian multiculturalism and the quality of public debate if these proposals were to pass and become law.

As I have said publicly in recent weeks, I think the ACT can and should investigate how we amend our own Discrimination Act to pick up any concepts lost through federal changes. Fortunately, we are in a good place to do this, as the federal Racial Discrimination Act specifically allows for state and territory laws to operate concurrently with federal laws as long as they promote the objects of the international convention to eliminate race discrimination. I have had some good initial discussions and advice about this matter. Members may have seen the supportive comments from George Williams, suggesting that it is possible to do this without running into legal problems.

In terms of the timing on these possible changes, I think it is prudent to wait until the federal government exposure draft process is over so we can have a full understanding of the federal laws so we can accurately respond and ensure that here in the ACT we have in place provisions that are about promoting a harmonious and accepting society and not one that invites bigotry.

I note that Dr Bourke's motion suggests the government will make a submission to the federal government on the proposals. That is a good idea, but I encourage all parties in this Assembly to oppose the Brandis changes. I will certainly do it on behalf of the Greens. It is clear the Labor Party intends to, and I hope the Canberra Liberals

will distance themselves from the federal Attorney-General's position that Australians have a right to be bigots and take a more inclusive approach to these issues.

In conclusion, I thank Dr Bourke for bringing forward this motion on a very important issue. It is one where, unfortunately, I think the ACT is again obligated to respond to ensure that the ACT does not regress and that we have a more respectful and tolerant approach than that being suggested by the federal government.

MS BURCH (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (11.48): I thank Dr Bourke for bringing this motion to the Assembly. At the start, I will say that it is heartening to see that we stand as one and say that there is no space or any condition that would accept or allow any racial discrimination in our community.

As Dr Bourke's motion notes, Canberra is one of the most multicultural Australian cities. Our community embraces multiculturalism, as was shown by the 250,000 people that came into Civic over three days for the National Multicultural Festival earlier this year. We are truly blessed to live in a place in which the contributions of people from diverse groups and communities are valued, appreciated, respected and celebrated.

Yet, sadly, bullying and racism remain part of our life. Figures released by the national kids helpline telephone counselling service show that Aboriginal and Torres Strait Islander students and students from language backgrounds other than English are much more likely to experience bullying at school than other students are. One of the saddest cases involved a 13-year-old boy and his brother who were constantly bullied about their Aboriginal background. The students were asked to stop; they ended up being suspended and their parents were consulted. However, it turned out that the parents also harassed Aboriginal and Torres Strait Islander members of their community.

This is why protections are so important. As the Race Discrimination Commissioner said in a speech earlier this month, the commonwealth government's proposed changes mean that "Australians would have to look elsewhere for civil remedies against racial abuse and harassment". And while many would say that they can sue for defamation, the Race Discrimination Commissioner points out that civil legal action is an "avenue that is far from universally accessible to Australians, particularly minorities who come from lower socio-economic backgrounds". He also said:

> It is also cold comfort to say that those who experience racial vilification still have the means to repudiate racist speech with their own speech, or should be content with entrusting their faith in their fellow citizens to speak up on their behalf. What some of those calling for more free speech do not recognise is that racial vilification can often harm free speech, by silencing those on which it is targeted. Here, there is a very fundamental failure of human understanding on the part of some protagonists in the debate—a disappointing lack of empathy and psychological insight. These protagonists do not understand that those who are vulnerable to abuse may not have the ability or assurance to fight back with their own words. They do not understand the searing pain of racist laceration. They do not understand that a riposte does not heal the deep wound of racist abuse.

There is also an excellent article in the *Age* by Professor Sarah Joseph, the Director of the Castan Centre for Human Rights Law at Monash University. She says:

> Governments must sometimes take positive steps to protect freedom. For instance, it enacts anti-discrimination law to prevent people from being deprived of opportunities on irrelevant grounds such as race or gender.

Professor Joseph points out that while the current commonwealth law restricts our freedom of speech, especially for bigots, it enhances countervailing freedoms. Indeed, she says:

> Speech which humiliates or intimidates on a racial basis, particularly for those battered by it for much of their lives, can seriously restrict a targeted person's perception of what they are able to do, or where they are able to go. Their freedom is practically inhibited. Yet such speech will be largely lawful if the proposed amendments are adopted, due to narrow definitions and very broad defences.

I also draw the Assembly's attention to Professor Joseph's very good point about the current commonwealth government's inconsistent approach to freedom. She points out:

> The government—

the current commonwealth government—

> does not, for example, favour the freedom to marry a same-sex partner, the freedom to die voluntarily with dignity, or freedom from random spying by a friendly foreign government.

These are very important points to consider when the ACT government considers its submission to the current review of the Racial Discrimination Act. Indeed, it is hard to see why the proposed changes are needed when most complaints brought to the court under the current laws are dismissed.

We cannot walk away from Australia's obligations to implement protection against racial hatred under the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. The first dot point in Dr Bourke's motion today notes:

> … that Canberra is one of the most multicultural Australian cities and that our community harmony, built on respect for diversity, our common humanity and fairness, underpins our social and economic wellbeing …

I would like to go to our multicultural strategy, which underpins and reflects the respect of all in our community and the strong, diverse community that we have. The ACT multicultural strategy's vision is:

> That the Australian Capital Territory is recognised as a leader in multicultural affairs and human rights.

It goes on to say:

> The Canberra community is fortunate in that it is both enriched and strengthened by its diverse and multicultural population.
>
> In celebrating a multicultural city, we need to acknowledge the traditional custodians of the land upon which we live.
>
> The original owners have contributed to our region for over 20,000 years and we need to acknowledge this ongoing contribution to Canberra and its region. We need also to pay our respects to their elders past and present.

That is something that I take great pride in when I am at events—acknowledging the traditional owners of this land. The strategy also says:

> The very nature of our multicultural Canberra was created on the foundation of the gentle and inclusive nature of Aboriginal and Torres Strait Islander people.

This strategy also goes to how we strengthen our multicultural Canberra. It notes:

> The ACT is strengthened when people of multicultural backgrounds have equal access to opportunities for social, economic and political inclusion. This is achieved through protective laws, enabling policies and community connectedness.

The strategy says:

> The *Human Rights Act 2004* (ACT) and the *Discrimination Act 1991* (ACT) are key protective laws. These laws provide rights for all Canberrans.
>
> Within the law, in the ACT all individuals have the right to:
>
> - participate and contribute socially, culturally and economically;
> - equitable access to quality ACT Government services and programs; and
> - practice and maintain faith, language and cultural heritage.
>
> With these rights come individual responsibilities, which include:
>
> - accepting the rights of others …

As Dr Bourke said in moving his motion, ACT citizens are more directly and comprehensively protected than the citizens of any other jurisdiction, through our strong human rights framework. We will continue to protect our citizens from racial discrimination while also protecting their rights to freedom of speech, to hold opinions, to express opinions and, most fundamentally, to have respect and regard for others in our community.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (11.57): I would firstly like to thank Dr Bourke for bringing this motion to the Assembly this morning and for raising an issue that potentially will have negative impacts on many in the community that we represent. I say from the outset that I am proud to stand up today as a member of the ACT Labor Party and the ACT government to support Dr Bourke's motion and to confirm the government's continued commitment to address racism and discrimination in our community. I want to ensure that Canberrans of all backgrounds know that this government will do what it can to stand up against the removal of protections by the federal Liberal government.

Canberra prides itself on being a multicultural city. We value and enjoy our cultural diversity and recognise the contribution citizens of all backgrounds make to enhancing the cultural fabric of our city. The ACT government has a strong record of encouraging, promoting and celebrating our diversity and ensuring our community is both fair and safe. We work closely with our multicultural communities, encouraging them to share their culture with the broader community. We bring together many groups to share and acknowledge each other's heritage, and we celebrate multiculturalism by providing a platform for community interactions, including, I think, Australia's most successful multicultural festival.

The ACT government knows the importance of remaining vigilant in upholding basic human rights and in eliminating racism and discrimination. We on this side of the chamber share a vision for Canberra becoming a place where all people reach their potential, are able to make a contribution and share the benefits of our wonderful community. We are keen to ensure that the ACT's human rights legislation, the first in Australia, remains relevant and that the territory is at the forefront of developments in this important area of law. The Law Reform Advisory Council is currently reviewing the Discrimination Act 1991 to ensure that it offers the best possible protection against discrimination in the territory. This will ensure that all Canberrans are shown the dignity and respect to which they are entitled.

It is unfortunate that the federal Liberal government does not share this same vision for the rest of Australia. As the Australian Human Rights Commission's Race Discrimination Commissioner, Dr Tim Soutphommasane, said in a recent speech on the meaning of harmony, public debate on the federal government's amending of the Racial Discrimination Act is "fundamentally about the harmony of our values as a society".

Currently, Australian commonwealth law within the Racial Discrimination Act, section 18C, makes it unlawful to commit an act that is reasonably likely to offend, insult, humiliate or intimidate a person or group of people because of their race, their colour or their ethnic origin. Often section 18C of the act is referred to whilst ignoring that it is also accompanied by section 18D, which protects free speech in the form of artistic works, scientific debate and fair comment and reporting of matters of public interest.

The fact that the laws we currently have in place have been supported by Australian communities and applied in a consistent manner by the courts for almost two decades should be enough to prove that Senator Brandis's proposed amendments do nothing to promote a more inclusive and tolerant society. All they do is impose upon the community a particular ideology that not only ignores the provisions already in place in the Racial Discrimination Act but do nothing to minimise feelings and behaviours which may lead to racism and discrimination in our community. The federal government's aim should be to ensure that our country values the benefits of cultural diversity and of community harmony. We should be celebrating our nation's diversity and sharing what we have in common, not making it easier for citizens to be singled out and ridiculed on the basis of the colour of their skin.

The ACT government will continue to build on our strong record of promoting and celebrating diversity and ensuring that all Canberrans are shown the dignity and respect to which they are entitled.

MS BERRY (Ginninderra) (12.02): I wish to speak in support of Dr Bourke's motion today. I believe that one of the great things that this country has achieved in the past 40 years has been our transformation to a multicultural society. I think it is a wonderful thing that this country has been able to go from a place sheltered and stunted by its childlike attachment to the British Empire and its fear of its place in the world and its place in Asia to a country that is now home to one of the most diverse populations on Earth.

Australia has, if we are honest, a troubled history when it comes to issues of race. From the beginnings of white invasion and settlement in the 18th and 19th centuries to the white Australia policy that dominated Australia's early years of federation, the mainstream view of what it meant to be an Australian was that you supported discriminatory policies. Thankfully the walls of white Australia were gradually pulled down over the period beginning in the late 1940s to the early 70s by governments across both sides of the chamber, firstly with Chifley, then Menzies and Holt, and finally through to Whitlam, who in turn laid the foundations for the policies that created the multicultural country that we celebrate today. It is important, I think, to reflect for a moment on the fact that the move to an inclusive Australia happened through the actions of both Labor and Liberal governments.

The reasons for opening up Australia changed as the times changed. In the 1940s, the reasons were to meet immediate pragmatic challenges. It was an imperative to rebuild Australia and to meet our obligations under the newly formed United Nations to take refugees from war-ravaged Europe. In the 1950s and 1960s it was to undertake great nation-building projects like the Snowy hydro scheme and creating a great food bowl in places like the Riverina. What I am trying to say is that in our current debates on immigration, refugees, human rights and race we should recognise the efforts of all sides in achieving this transformation. We should at the very minimum hold ourselves to the standard of our predecessors.

Part of the pivot from white Australia to multicultural Australia included the passing of the Racial Discrimination Act 1975, which I know has been talked about by other

members of this place today—the last achievements of the Whitlam Labor government. The Racial Discrimination Act 1975 made racial discrimination unlawful in Australia and, as my colleagues have said today, the act made it against the law to discriminate in areas such as seeking employment, buying or renting property, engaging in buying goods or services such as opening a bank account or wanting to buy a car, trying to access public facilities such as pools and libraries, advertising, joining a trade union, and certain offensive behaviour offends, insults, humiliates or intimidates people of a certain race, colour or national or ethnic origin. It is this last point on which the federal government is seeking to take us backwards, but I will come back to that in just a moment.

Continuing the building of the multicultural project, the Fraser Liberal government commissioned a far-reaching review into immigration in 1978 that, according to the department of immigration, included a three-year rolling program to replace the annual immigration targets of the past, a renewed commitment to apply immigration policy without racial discrimination, a more consistent and structured approach to migrant selection and an emphasis on attracting people who would represent a positive gain to Australia. In the 1980s and 90s, further reforms were made to entrench a multicultural Australia. State and territory governments passed their own acts, including the ACT who passed its own Racial Discrimination Act in 1991. Governments also did a lot to help immigrants integrate in the Australian community.

The transition to a multicultural Australia has transformed this country. It has transformed this country but we would be naive to think that there have not been attempts to undermine this great project. In 1996 Australia elected a Liberal government led by one of the few critics of multiculturalism, John Howard. In the 1980s Mr Howard tried to push the idea of a one Australia policy that would have led to a huge reduction in immigration from Asia. His government in the 1990s quickly got to work defunding programs and policies that were aimed at educating migrants and providing support for new arrivals. Within such an environment we should not have been surprised to see the rise of Hanson-ism in the 1990s.

Since that time multiculturalism has been consistently under attack, and this in turn has led to real-world consequences—consequences like the Cronulla riots, consequences like the way that we currently treat refugees and asylum seekers. In recent years we have even seen an increase in overt discrimination.

My colleagues have already talked about the article in the *Herald Sun* dated 6 April. The latest mapping social cohesion survey by the Scanlon Foundation found that last year 19 per cent of Australians were discriminated against because of their skin colour, ethnic origin or religious beliefs, which is up from 12 per cent in 2012. It was the highest level since the survey began in 2007. I make these points because I want to highlight the role that people like each of us in this Assembly can play in setting the standard for what is acceptable behaviour in this country.

I turn to the current review into the Racial Discrimination Act by the federal Attorney-General, Senator Brandis. As Dr Bourke has eloquently argued today, we have entered a new paradigm where the perceived rights of bigots are considered to be more important than the rights of people to not suffer from offensive behaviour. I

would like to thank Dr Bourke for sharing his stories with us today, that racist comments are more than words. They are vicious attacks on members of our community, and it really should stop with us. We should be above this.

Both parties have chequered pasts on issues of race, but we both have proud achievements in moving away from the past. And I am worried by the stance of the current federal government. I hope they will not take us back to our sorry past.

MR GENTLEMAN (Brindabella) (12.09): I thank Dr Bourke for this important motion. I speak today in support of the motion and its condemnation of the deplorable attempt to repeal section 18C of the federal Racial Discrimination Act 1975 as proposed by the Abbott government.

Canberra is one of the most multicultural and diverse cities within Australia. My electorate of Brindabella has a range of diverse communities from many parts of the world—from Europe, Asia, Africa and the Americas. Sixty per cent of Canberrans are not from the ACT originally. They come from other states and territories and, of course, from overseas. Canberra is the city with the most fluid and integrated population in Australia.

It is a wonderful thing to be able to participate in events such as the Multicultural Festival held in Civic each year, attended by thousands of people—I think some 200-and-something thousand people this year. It is always a marvellous success. This sort of event would not be possible without the diverse range of backgrounds and cultures present within my electorate and the ACT in general. This sort of cultural integration is facilitated by laws such as the Racial Discrimination Act. Section 18C prevents inflammatory and insulting language stoking resentment between our various culturally diverse communities. Without this, one can only imagine that there would be tensions between these groups due to high levels of derogatory and senseless antagonistic rhetoric. I wish to reiterate my support for this motion and the Racial Discrimination Act 1975 as it stands, again due to the effects that racial abuse and derogatory comments can have on the victims of such attacks.

It only takes one look at the severe issues within many Australian schools to see the effects of this kind of behaviour and language, as outlined in the *Report of the National Inquiry into Racist Violence in Australia* of 1991 and *Sticks and stones: Report on violence in Australian schools* from the House of Representative's Standing Committee on Employment, Education and Training in 1994. Racist comments, abuse and harassment are often commonplace in some schools. The victims of such attacks will often perform poorly in their education, be socially isolated and have higher incidences of self-harm, school non-completion and psychological issues later in life.

The implications of changes to section 18C of the Racial Discrimination Act include essentially telling the perpetrators of these attacks in the schoolyard that this behaviour is okay. Without the legislation, one child calling another nasty names because of their ethnicity would be completely legal under federal law. How can there be ramifications for the perpetrators or protection for the victims in a schoolyard if the act is legal under Australian law? It really does astound me that Senator George Brandis and the Liberal Party feel that children in school should have

the right to vilify their peers on the grounds of race and cultural background. This is not conducive to our wonderfully multicultural Australia in which I was born and am proud to live.

I would like to note the hypocrisy shown by the federal government in their move to repeal 18C. The Liberal Party often talk about efficiency in the workplace or the lack thereof. They use this argument to attempt to undermine the rights of workers of Australia on a regular basis. Racial harassment and vilification are shown to clearly reduce the capacity at work, reduce one's state of mental health and in turn reduce one's efficiency in the workplace. If the Liberal Party were truly in favour of having a fair, yet efficient workplace they would not be proposing such a repeal.

This repeal will have the effect of allowing circumstances in the workplace to affect employees so severely that they become inefficient, due to the terrible state of mental health caused by racial vilification supposedly acceptable amongst members of the Liberal Party. And I say this is wrong. The repeal is bad for Australian people and the wrong thing for the Liberal Party to do, and that is why I commend Dr Bourke's motion today.

The absurdity and possible consequences of the repeal of section 18C of the Racial Discrimination Act can be seen through the consequences of relaxed racial vilification laws across Europe in the past few years. The rise of the extreme right—Jobbik in Hungary, Front National in France and, most pertinently, Golden Dawn in Greece—demonstrate what can happen when racist and xenophobic minority movements are allowed to build a soapbox, particularly during times of economic hardship.

This leads to the spread of racist rhetoric into the minds of the general public, following which we see immigrants and refugees being assaulted in the street and denied access to care in public hospitals, as is a very common occurrence in the streets of Athens these days. This sort of environment is not what I want for my electorate of Brindabella, the ACT or Australia. The aims set out in this motion help to attempt to prevent that happening within the ACT at least.

I would like to also outline my support for a submission to the review of the commonwealth Racial Discrimination Act. It is important that, as members of the community and government which have its citizens' welfare most at heart, we send a message to the federal government that it is not acceptable to spread hate, fear and exclusion. It is important that we know that this place values all people equally and we do not agree with allowing people to abuse, harass and vilify members of different ethnic, racial or cultural groups.

If the federal government will not do its job in protecting vulnerable citizens from racist and derogatory abuse and hate speech, a review of the ACT's Discrimination Act 1991 may eventually provide this protection at least for ACT citizens. A strengthening of the Discrimination Act 1991, the ACT's act, would provide protection from racial abuse where federal legislation fails to do so, depending on what the review finds and the eventual outcome of the federal government's repeal attempts. This has the potential to be an excellent amendment to legislation.

To move now from the impact of the proposed repeal on the wider community, I would like to focus on this motion's intent regarding the original inhabitants of the land on which we meet today. The discrimination against Aboriginal and Torres Strait Islander people in this country is a grave problem, beginning with the colonisation of the nation and the stolen generations. Despite the referendum on citizenship for Aboriginal people in 1967 and the apology to the stolen generations in 2007, discrimination and hate speech against Aboriginal and Torres Strait Islander people still continues today.

Cases such as that of Andrew Bolt in 2011 are perfect examples of the potential impact of the repeal of 18C. The things Andrew Bolt said were outrageous, uninformed and disgraceful. With a position such as his—he has many listeners and a high amount of influence in the public sphere—it is atrocious that he might try to spread false information vilifying a race of people for no reason other than the colour of their skin. This was deemed unacceptable under 18C and should not be, and is not, acceptable. Alas, it appears that under the current federal administration this type of inflammatory rhetoric against the original inhabitants of this land is deemed reasonable discussion.

What other sorts of uninformed racist and derogatory statements may we expect from people in positions of influence if 18C is repealed? 18C was able to draw the line on parties such as One Nation and its leader, Pauline Hanson, in the 1990s as to what was acceptable for them to claim during their short-lived time in the political spotlight. One can only imagine the types of false and inflammatory allegations that might have been made in front of the media and the Australian public had there not been the provision of the full commonwealth Racial Discrimination Act.

I wish to see the progression of this nation continue with fair and reasonable discussion of issues relating to cultural and multicultural matters. A discussion of our differences in a reflective manner can be complementary to our daily lives and the enjoyment of learning opportunities offered by members of other cultures in the society of the ACT.

The motion which Dr Bourke has moved in this place acknowledges this, and I endorse the motion and wish to commend it to the Assembly once again. It shows the commitment which members of this place have towards Canberra being one of the most multicultural cities in this country. I firmly believe that this diversity is one of the foundations of the community in the ACT, and the protections under law for minority groups is a valuable path for maintaining this excellent multicultural atmosphere within my electorate and across Canberra.

The submission of the Assembly to review the federal Racial Discrimination Act will show our perspective on the issue and show our commitment to the federal Racial Discrimination Act as it stands. A society built on fairness, solidarity and not a false inflammatory claim is the best society in which to progress and where betterment can be made.

MS PORTER (Ginninderra) (12.19): I welcome the opportunity to speak on this topic and thank my colleague Dr Chris Bourke for moving the motion. For a long time Australia has been known as a welcoming country willing to give us all a fair go. I would say that the ACT in particular can be proud of that. Some would argue that when it comes to accepting migrants to our country, be it through refugee programs or through school migration, we are punching above our weight, though personally I believe we could do better.

Many would know that I am a beneficiary of an earlier migrant program, arriving here as a 12 year old with my parents and my sister through an assisted passage in the 1950s. As we know, and as many members have mentioned this morning, the ACT itself is one of the most diverse jurisdictions in Australia, with a very large percentage of its population having been born overseas. Many members have spoken about the way we celebrate this diversity in our community.

The ACT is also home to a number of educational institutions that welcome thousands of international students who come here to study each year. Further to this, Canberra, as the seat of Australia's government, is also the home to over 90 diplomatic missions and embassies with many diplomatic staff employed from their home countries, which adds to our diversity.

Under ACT Labor we have seen Canberra blossom into one of the most inclusive and cohesive communities in Australia. Research has proven it to be true that a cohesive and inclusive community has many social and economic benefits. For example, it makes the ACT an attractive place for a skilled workforce across a range of fields, particularly when the government is focused on diversity and the economy, to come here and work.

It attracts tourism from all over Australia and, indeed, from the world to our major events and exhibitions. We saw this last year when we were celebrating our centenary, and it continues into this year, when we successfully hosted international events such as the women's golf, rugby and cricket matches. As I have previously stated, we have attracted international students to our world-class tertiary institutions.

Madam Speaker, this is necessarily a good thing and something that needs to be nurtured and protected because, as you know, there are disturbing developments that can threaten our community. As much as I do not like admitting this, it is true that racism is present in the Australian community today. It can be seen in incidents of racial abuse and harassment in public places and in bigotry.

Only recently we saw various incidents of racism at our major sporting codes, as has been mentioned this morning. I do not hesitate to commend the leadership of these codes on the swift action taken to address it. Mr Rattenbury reminds us of the Cronulla riots. Who can forget the infamous maiden speech made by Pauline Hanson to the House of Representatives. Many have said that this speech unleashed a torrent of racism through the Australian community at the time.

We also know that racism can take other forms, such as prejudice attitudes, lack of recognition of cultural diversity, cultural bias practices and so on. Racism is also about someone not getting a job interview because of your non-English sounding name or even missing out on a rental property because of the colour of your skin. This is how racism looks in Australia today. According to recent surveys, Australians being discriminated against because of their skin colour, ethnic origin or religious belief is becoming increasingly prevalent. This is simply unacceptable.

That is why it came as a surprise to many that the federal government's proposed change to the Racial Discrimination Act would, in effect, remove the provision that makes it unlawful for someone to publicly offend, insult, humiliate or intimidate people because of their race or ethnicity. This, as you know, will water down the current provisions and, learning from history, it does not take much to destroy the delicate balance of tolerance in the Australian society, one that we all enjoy and should be proud of and that, needless to say, we have all worked hard to achieve.

The argument put forward for the need for change I do not believe is plausible. We are yet to hear any credible support to this effect from the community. The majority view is that it is a needless political exercise and there are numerous warnings of the danger of walking this path that have been publicly voiced. There has even been criticism from the Australian Human Rights Commission's Professor Gillian Triggs, as reported in the *Canberra Times* on 7 March.

Only last week the New South Wales Premier directly contradicted the federal Attorney-General when, in relation to bigotry, he categorically stated, "It should never be sanctioned whether intentionally or unintentionally. Vilification on the grounds of race or religion is always wrong."

Other experts have come out and highlighted the dangers of racist content online and on social media, remarking that racial commentary disguised as humour and other forms of racist hate speech have a potential to go viral, particularly if measures to prevent this that are in existing law are suddenly removed. I suggest that we could see a massive increase in the amount of such commentary online and in social media.

The negative impact of the proposed changes to section 18C of the Racial Discrimination Act on the community should not be underestimated. We know only too well that abuse and harassment can lead and has led to suicide, self-harm and substance abuse in our community. I believe the federal government should think about this move a little more carefully before putting the Australian community at risk through these proposed changes.

They should remember that section 18C was not put in place to limit freedom of speech. That was never the goal. Section 18C is about the government offering legislative protection to the most vulnerable and marginalised members of our society—our Indigenous population, along with culturally and ethnically diverse communities and religious minority groups.

It has been very pleasing that citizens are more directly and comprehensively protected in the ACT than citizens in any other jurisdiction through the ACT's strong human rights framework and the ACT Discrimination Act 1991, which already clearly covers racial vilification as detailed by Mr Corbell earlier.

Notwithstanding this, I support Dr Bourke's motion in calling on the ACT government to continue to review the act to ensure that we have appropriate protections in place in the ACT post any proposed federal government changes. In addition, I urge that the government provide a submission to the current review of the commonwealth's Racial Discrimination Act so that it might continue to protect individuals from racial abuse in Canberra and in Australia. I am pleased that it appears all members of this place will support Dr Bourke's motion today.

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

Sitting suspended from 12.27 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): Madam Speaker, both the Chief Minister and Minister Burch are absent from question time today. I will endeavour to assist members with their respective portfolios.

Questions without notice

Health—hospital staff protection

MR HANSON: My question is to the Acting Minster for Health. However, in her absence, it may go to the Minister for Corrections. Minister, a Health Services Commissioner's report tabled in the Assembly yesterday described an incident where a prisoner who "was serving a sentence for a significant offence engaged in a serious episode of self-harm. The attempt at self-harm was deliberate, rapid, sustained and had a very high potential to be lethal". The prisoner was taken to hospital by ambulance officers, assessed at the Canberra Hospital's emergency department and then the mental health assessment unit, and ultimately handcuffed to a bed for five days. Minister, what other options were considered and are available to Health and prison staff to handle such cases?

MR BARR: The Leader of the Opposition does indeed highlight an issue that is a difficult area of service provision. I can advise the Assembly that, in relation to the report that was released yesterday, the government recognises that it makes a number of worthwhile recommendations for improvement. ACT Health certainly are supportive of seven of the recommendations and have provided in-principle support particularly for recommendation 6, which recommends changing the mental health act and the Corrections Management Act to allow transfer of custody from Corrective Services to ACT Health when a detainee is transferred to a mental health facility. This

recommendation is made regardless of the availability of a secure forensic mental health facility in the ACT and should not be delayed pending the construction of such a facility. The government agrees in principle that custody should transfer to ACT Health.

Mr Hanson: Madam Speaker, on a point of order, he is having a go at it, but I am not sure that he is being directly relevant to the question.

MADAM SPEAKER: Stop the clock, please.

Mr Hanson: Simply reading the recommendations of a report that we have already read does not really suffice, Madam Speaker. If the minister can be directly relevant, the question was: what other options were considered and are available to Health and prison staff to handle such cases?

MADAM SPEAKER: I understand the point of order. I think the point of order has merit, but in listening to the acting minister's answer, I was thinking that he was getting there, so I would allow some latitude. But I would remind the minister to be directly relevant to the question: what other options are available or were considered?

MR BARR: Madam Speaker, as I was saying, the Health Directorate is working towards an objective to establish a purpose-built secure mental health facility. This is, as we have seen debated considerably in this place, an urgent priority and is scheduled to be completed in the second half of 2016. The question of the aligning of the timing of transfer of custody arrangements with that facility becoming available is one that the government needs to consider.

In the context of the mental health act review and new standard operating procedures and collaborations, that ought to provide more options to address the issues that the Leader of the Opposition has raised. Two service areas are involved—

Mr Hanson: I have another point of order.

MADAM SPEAKER: Mr Barr, will you sit down, please.

Mr Hanson: I asked the minister to be specifically relevant to what options are available to Health and corrections officers. He is talking about a mental health facility that does not even exist, so it is clearly not available. And he is talking about a review of the mental health act. What I need to know, and what I am asking, is: what are the options available right now to start to deal with these sorts of cases?

MADAM SPEAKER: I uphold the point of order. It is clear that the minister has not yet come to the issues about what options are available, and I would ask the minister to come to the point of the question.

MR BARR: They are somewhat limited, Madam Speaker, as I am attempting to explain. The two service areas that are involved in this case, mental health and corrections, are working to provide improved services. We acknowledge that the use of mechanical constraints in a therapeutic context is not optimal and may potentially

compromise health service outcomes. We also recognise that there are circumstances where the use of such restraint is justified on a case-by-case basis.

Clearly, the issues that have been raised by this report warrant a more detailed response, and there are a limited range of options in the current context. But there is a way forward that both Health and corrections are collaborating on to ensure that there are more options in the future.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, what facilities currently exist at the hospital or elsewhere for people who are at risk of self-harm with a very high potential to be lethal?

MR BARR: I will need to take that question on notice, Madam Speaker.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, what measures are in place to protect staff and others from high risk patients who are not handcuffed within the facility?

MR BARR: I will take that question on notice as well.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Why is it important to ensure the safety of detainees, staff and the public in these circumstances?

MR BARR: Clearly the issues that have been raised in this case warrant a serious response across the relevant areas of territory government. There is significant work underway, and certainly the government is very keen to be able to progress the secure mental health unit as a priority and has put into this place legislation that would enable the fast tracking of such a facility. And we certainly hope that the Assembly will support that legislation.

Transport—light rail

MR COE: My question is for the Minister for the Environment and Sustainable Development and it relates to the government's light rail project. Minister, what will be the operational cost of the light rail system?

MR CORBELL: This is associated with the development of the capital metro project, including assessment of the ongoing operational cost of the light rail project. Those assessments are subject to further consideration by the government as part of cabinet consideration of the light rail project.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, how did the government derive the $7.5 million operational cost quoted to an Assembly committee?

MR CORBELL: Without being aware of the specific Assembly committee evidence Mr Coe appears to be referring to, I will check the record and provide further advice to the member.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, what is the operational cost that was incorporated in the economic modelling?

MR CORBELL: As Mr Smyth would be aware, there has been a series of economic assessments undertaken in relation to this project. Without knowing specifically which one Mr Smyth is referring to, I am not able to answer that question.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: In reference to the economic modelling the minister just referred to in his previous answer, would he give us the operational cost that was incorporated in each of those economic models?

MR CORBELL: That matter is currently subject to cabinet consideration and I am not at liberty to disclose it.

Health—Tuggeranong Community Health Centre

MR GENTLEMAN: My question is to the acting Minister for Health. Could the minister update the Assembly on progress with the Tuggeranong Community Health Centre refurbishment/

MR BARR: I thank Mr Gentleman for the question. I am very pleased to be able to advise the Assembly of the government's ongoing commitment to continued investment in quality health care for Canberrans. On 22 March I along with my cabinet colleagues and Mr Gentleman were pleased to be there for the official opening of the Tuggeranong Community Health Centre. The Tuggeranong Community Health Centre is the third community health centre to be delivered as part of the ACT government's 10-year program of investment in improving health infrastructure across the territory. It is known as the health infrastructure program—an imaginative title.

The overall aim of the health infrastructure program is that it improves the quality of care that is provided for people accessing healthcare services. It is also about ensuring the efficient and effective delivery of services in the territory. The new Tuggeranong centre not only enhances the services offered there but also gives the people of Tuggeranong access to services in a community-based setting that they have previously only been able to access at the hospital.

The new clinical facilities are state of the art with modern equipment and open planning that allows for great collaboration between service providers. The centre has been custom designed in consultation with staff and healthcare consumers.

Importantly, there is an emphasis in the service delivery on bringing together and connecting all aspects of a person's treatment, involving individuals and their families in decision-making throughout the process.

The centre also incorporates numerous elements of energy and water efficient design, has excellent transport access, including ample parking in the surrounding car parks, five dedicated spaces for people with a disability directly behind the building, two along Anketell Street at the front of the building and seven in the car park across Pitman Street. The centre is also very close –just across the road, in fact—from the Tuggeranong bus interchange.

The government is very pleased to have delivered on its commitment to the people of Tuggeranong. Like its counterparts in Belconnen and Gungahlin, the Tuggeranong Community Health Centre will drive further improvements in the way we deliver health services across the Canberra community and will serve the Tuggeranong community well into the future.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, what services will be provided at the new Tuggeranong community health centre?

MR BARR: It is important to recognise that the infrastructure program is not just about new buildings; it is about developing new ways of delivering care and more efficient ways of delivering care. It is also about designing models of care that are focused on the needs of patients.

The new community health centre will offer a comprehensive set of community health services, with each one benefiting from being integrated and co-located. The list of individual services is extensive and includes aged care and rehabilitation, alcohol and drug counselling, adult mental health, cancer counselling, community nursing, community paediatric and child health, continence, dental services for children and youth, diabetes and nutrition services, pathology collection, physiotherapy, podiatry, social work and women's health, amongst others.

In addition, the Canberra Afterhours Locum Medical Service, CALMS, will continue to operate from the centre. The Tuggeranong community health centre will also offer a range of ambulatory care services that are normally only accessible from a hospital, including the community dialysis service which will open later in 2014.

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Minister, when will the walk-in centre be open in Tuggeranong?

MR BARR: I thank Ms Porter for the question. In 2012 the government made a commitment to double the funding for the walk-in centre service so that we could open centres in Belconnen and Tuggeranong. I am pleased to advise the Assembly that we are, indeed, following through on that commitment and will open both new centres in the middle of this year.

The ACT has led the way with its nurse-led walk-in centre service and the government expects that the Tuggeranong community will embrace having a walk-in centre in the town centre. Indeed, the advice I have relating to the existing walk-in centre patients in the 18 months to December 2013 shows that a little over 40per cent, or nearly 11,000 people who accessed the service, were from Tuggeranong.

It has always been the government's intention to have a nurse-led walk-in centre co-located in community locations that would be easily accessed by people who use them and the data has certainly shown that the government's position on this matter is correct.

MR HANSON: Supplementary.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, when will you scrap the walk-in centre at the Canberra Hospital that you promised to keep open during the 2012 election campaign?

MR BARR: The government's commitment was to double funding for the nurse-led walk-in centres, and we were always very clear that we would be locating them in the community, in Belconnen and in Tuggeranong.

Sport—canteen upgrades

MRS JONES: My question is directed to Minister Barr in his capacity as Minister for Sport and Recreation. Minister, health protection services has advised sporting clubs that some canteens and kiosks require upgrades to meet current Food Act standards. Can the minister advise how many sportsground canteens are currently not in conformity with current Food Act regulations?

MR BARR: Certainly the government has been working closely with sport and recreation organisations to ensure that the vast number of canteens and food service opportunities that take place across any given weekend of community sport in the territory are meeting the food safety requirements. We have certainly been working closely between Sport and Recreation Services and—

Mrs Jones: On a point of order as to relevance, Madam Speaker, the question was directly how many sportsground canteens are not in conformity. I am wondering whether or not we are headed in that direction.

MADAM SPEAKER: I uphold the point of order. I would remind the minister that the standing orders require him to be directly relevant. I am hoping that what he is saying is that he is getting to the point of being able to come up with a number.

MR BARR: The point I was trying to make, Madam Speaker, in the four minutes I am allotted to answer a question, was that there are a large number of facilities across the ACT. We are working closely between Sport and Recreation Services and the relevant food health folk within the Health Directorate and sport and recreation organisations to ensure that the community can have confidence that food that is served will not make them sick. That is an important thing to do. We are working through a process with sport and recreation organisations. I do not have in front of me,

nor do I retain in my head, the exact number of canteens that have been through that process.

Opposition members interjecting—

MR BARR: I am happy, if I would be allowed to finish an answer, to take that element of the question on notice and provide information to Mrs Jones, but I do believe I am allowed to give some context to the work that is undertaken in the informative answer that I have been able to complete in two minutes and 15 seconds.

MADAM SPEAKER: Just before I call Mrs Jones for a supplementary question, I am getting the distinct impression, Mr Barr, that you would like to chip me as much as possible today about my handling of the chair. It is not within my power to prevent a member taking a point of order, and when a point of order is taken I have to deal with it. I think that the ruling that I gave was to remind you to be directly relevant, but I thought that you were getting to the point—a reasonable middle road between addressing the point of order and giving you some latitude to answer the question in the four minutes available to you. A supplementary question, Mrs Jones.

MRS JONES: Minister, when will sport and recreation services complete the required upgrades to canteens licensed by them?

MR BARR: There is an ongoing program. Sport and recreation services are provided funding to upgrade sport and recreation facilities annually in the budget. We will provide further information on that program in the 2014 territory budget.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, has any club been advised that they will not be able to use a canteen or kiosk until the necessary upgrades are done?

MR BARR: Not that I am aware of, but I will seek some further information in relation to that matter, as to whether there are any. I do not believe there are, but I will double-check that and confirm it. If I am wrong, I will come back to the Assembly and advise of that.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, what alternative canteen options have been offered to sports clubs with canteens not in conformity with the Food Act?

MR BARR: There would be a range of reasons potentially for there not being conformity. All that may require is some capital works or alternatively some changes to the nature of the food types that are served. For example, until certain facilities are upgraded, certain types of food may not be able to be served.

Again, I will seek some further advice on the progress of this program. But I think that the important point to stress, Madam Speaker, is that we do not want people getting sick as a result of poor food hygiene. That is a fairly important principle I think that we would want to maintain in terms of food standards across the territory.

Sport—crowd figures

MS LAWDER: Madam Speaker, my question is directed to the minister for sport. Minister, you are quoted in the *Canberra Times* of 7 April claiming that crowd figures to Canberra's professional football codes have been inflated in previous years, leading to lower recorded numbers this year. Minister, on what do you base those assertions?

MR BARR: Advice from the venues. There was a practice prior to upgrading of ticketing facilities, certainly at Canberra stadium, for there to be a turnstile count and then a number added on top of that that reflected an estimation of the number of members or juniors, and potentially even people who just happened to be at work at the venue at the time, who were all included in crowd numbers.

I became aware of this and the discrepancy between the approach utilised at Manuka oval and the approach utilised at Canberra stadium. I sought advice from Territory Venues & Events, who manage both facilities, and asked for a consistent approach across the venues—that a turnstile count would be provided. With the upgrades to facilities at Canberra stadium, that certainly has allowed for greater accuracy in crowd numbers. I think the practice of inflating numbers was most prevalent during the super league era back in the 1990s, but it certainly continued until about three years ago.

There is now a greater level of sophistication in relation to ticketing arrangements for the venues. I think we can be confident that we now have a much more accurate count of those who attend events at both venues.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, have you had any sporting groups or clubs contact you with a differing view about the numbers?

MR BARR: I have certainly had a number of people who are regular attendees at events at both venues comment at times about the unbelievability of figures now compared to before, and have wondered why it is that crowd numbers are somewhat lower now than they were previously. In their assessment, having attended hundreds of events at the respective venues, they did not think there was that much of a difference between the crowd numbers. Undoubtedly, with the new technology, we are in a better position to be able to have an accurate count. I think that is in the interests of the users of the facility. Also, in the context of media comparisons regarding attendance at various events, you want honesty in crowd numbers.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, what connection has a campaign about lower crowd numbers at the GIO Stadium with your dream for a new indoor facility?

MR BARR: There is no doubt that football codes are competing with a variety of other forms of entertainment for the consumer dollar. They are also competing with a vastly improved product on offer in terms of the pay television broadcasts of specific

sports. So we are seeing that the experience at the venue together with the costs of entry to events are certainly impacting upon crowd attendance. As both the Brumbies and the Raiders have pointed out, the conditions in a Canberra winter, particularly at night time when games are regularly scheduled in order to meet the TV broadcaster's requirements, make it very difficult for them to attract crowds.

Canberra stadium is old. The facilities are not purpose built for rectangular sports. You are a long way away at the back of the Meninga Stand or the back of the Gregan-Larkham Stand from the action of a code played on a rectangular field at that venue.

Pretty much every other city in this country which hosts these major sporting events has been investing in recent times in new stadium infrastructure—in Melbourne, in Adelaide, in Brisbane, in Sydney and soon in Perth. There will be a need at the end of Canberra stadium's economic life—and stadia normally last about 50 years—for new infrastructure.

Mr Coe: Where in Sydney, Andrew?

MR BARR: The Olympic stadium. And the Sydney Cricket Ground has also been upgraded with support of the New South Wales government. There has been investment from state governments in stadium infrastructure. *(Time expired.)*

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, how do you propose to pay for such an indoor facility?

MR BARR: As part of the city to the lake project, the government will be seeking investment partners in a new facility. There are countless examples around the world. In fact, we will be at the opening of the new Singapore sports hub where the Brumbies will be representing Canberra at a tournament to open that new facility. That was a public-private partnership. There are countless examples—

Mr Hanson: Who is going on that trip?

MR BARR: It is at the same time as my trade mission to Singapore, and the ICT conference is on at the same time. Amazingly, Singapore are coinciding a number of events. Isn't that extraordinary!

The point is that there are private investors interested in investing in stadium infrastructure. The government will certainly need to supply the land, and we will certainly need to supply a range of development opportunities that are associated with new stadium infrastructure. But, like the government seeks to provide new public infrastructure in a variety of areas, this project, together with a new convention centre and a range of other important pieces of public infrastructure, is part of the Chief Minister's delegation, and her approach in China will be part of my approach in Singapore.

There is certainly a great degree of local interest from the football codes themselves, from other development partners, to partner with government to deliver new stadium infrastructure for Canberra.

We will need it ultimately. Canberra stadium will not last forever. It does need replacing in the fullness of time. We believe the appropriate time frame for that is at the end of this decade, moving into the 2020s.

Housing—homelessness

MS PORTER: My question is to the Minister for Housing. Minister, the federal government recently announced that the national partnership agreement on homelessness funding would be extended for a further 12 months from July this year. What does this announcement mean for ACT's homelessness service providers?

MR RATTENBURY: I am very pleased that the federal government recently announced a 12 month extension of the national partnership agreement on homelessness. This was something that had been causing the homelessness sector in Australia great concern. Unfortunately, 12 months before we had only seen a one-year agreement and there was a lack of clarity as to whether the new government would commit to that.

But a partnership has now been agreed. That is very important because it is a viable source of funding for homelessness services in the ACT. It is a transitional agreement and I am certainly keen that the federal government work with the states and territories to ensure that beyond this we get a longer-term three to five-year agreement.

I can say that this is very important money. I am pleased that the ACT government has already committed to matching the funding. The $1.52 million from the commonwealth will be matched by the ACT government for the coming financial year to ensure that we get that commonwealth funding. That will go to the provision of important homelessness services here in the territory.

What this announcement means is that the providers in the sector can now get on with planning their services and stop having to worry about whether the money will actually be coming this year. The feedback I have had from the sector is that they are very pleased that that is now the case.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, what types of services are currently funded by this partnership agreement?

MR RATTENBURY: The services that have been funded under the national partnership agreement since it was implemented include FirstPoint, street to home, the Supportive Tenancy Service, and our place, or the foyer-like services. They are delivering good outcomes for clients. These services have provided a specific service response to address gaps, including increasing supports at the prevention end of the continuum, which I think is particularly important. In particular, the Supportive Tenancy Service is about assisting people who perhaps have an existing tenancy but

are struggling to maintain that tenancy, rather than ending up on the homelessness queue, so to speak. So these are very important services.

The introduction of FirstPoint, which operates a central intake system, has enabled the Community Services Directorate to have a concentration of data to understand the demand for homelessness services better than ever before. That has been very useful internally. More importantly, from a client point of view, it means that people can now just ring up one place when they need homelessness support rather than perhaps having to ring around to a series of shelters, trying to find out if there is a bed that night. They can just ring the FirstPoint contact number and get the provision of services and be directed in the right direction rather than having to run around themselves.

The street to home program, which is operated by St Vincent de Paul, is a unique assertive outreach model that is directly targeted at rough sleepers. What we saw in the last census was a fall in the number of rough sleepers in the ACT, from around 50 to around 29. It is still too many, of course, but what has been identified is that those people who are rough sleepers are particularly hard to engage from a service outreach point of view. So this program is specifically targeted at going out and finding people on the street and seeking to give them assistance.

These are the sort of things that have been funded under the partnership agreement and now will be able to continue.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, what have you heard from youth homeless advocates on their personal stories here in Canberra?

MR RATTENBURY: It is a good reminder from Mr Gentleman that today is Youth Homelessness Matters Day. I know quite a few members of the Assembly were present at the event in the reception room at lunchtime organised by the Youth Coalition to focus on youth homelessness.

What the figures show is that around 50 per cent of people accessing homelessness services in the ACT are under the age of 25. For young people, homelessness can mean a range of things. It can mean spending time in a shelter; it can mean couch surfing with mates or perhaps a brother or a relative. We heard a story today; a young lady got up and told her story and her experience of homelessness. It was very brave, I think, for someone to get up and share their personal stories in that way. It gave people at the event a real insight into an experience that, certainly for the MLAs, most of us have had the good fortune not to experience.

She told her story, that with the passing of her mother she ended up in a bit of a downward spiral and was having all sorts of problems, but through the provision of supported services, particularly the youth accommodation network, she had been able to get back on her feet. She had both accommodation and supporting services. She is now back studying and has a full-time job. Laura told her story to the whole audience. There were probably 100 or so people in the room.

I think the event gave people a great focus on, I guess, the dark reality of youth homeless and also the optimism and the resilience of young people. It is a good reminder for all of us that tackling youth homelessness is a job for everybody.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, will the extension of funds have any effect on day services at Toora House?

MR RATTENBURY: No, it will not. Toora House is not funded under that program. The particular programs that I mentioned—FirstPoint, street to home, the Supportive Tenancy Service and our place—are the services provided under this program. Toora House is funded under a separate program, NAHA, the national agreement on housing affordability. That program is the one that has been reduced significantly in recent years as a result of changes to the federal funding formula. Those funding cuts are starting to roll out and will continue through the course of this year.

Sport—Woden oval redevelopment

MR DOSZPOT: My question is directed to the Minister for Sport and Recreation. Minister, yesterday you implied that Woden Valley Football club had been informed that their home ground at Woden is not available to them for the 2014 season. The relocation has resulted in higher costs, such as line marking, team transport and a loss in revenue from the canteen. Minister, why was a club based in Woden offered only the choice of Hawker or Kaleen as an alternative playing and training venue? Was there any support offered to them to assist in their relocation?

MR BARR: In relation to the upgrades at Woden park, it is obviously an important project, principally for the athletics community. Yes, it does unfortunately, because of the timing of completion of works in July of this year, require—

Mr Doszpot interjecting—

MADAM SPEAKER: Order, Mr Doszpot!

MR BARR: obviously some disruption to the Woden Valley Football club. Certainly, the government apologises for that dislocation for a period of time and it is, of course, working with the club, through Capital Football, to provide an appropriate quality venue in order for the club to complete its season.

Those are the options, Madam Speaker. That is the situation that confronts Sport and Recreation Services and they are working closely with Capital Football, and have been working closely with Heather Reid in particular, to ensure that alternative arrangements are put in place.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, what financial assistance by way of reduced ground hire charges or similar support has or will be offered to Woden?

MR BARR: The government will look at the relevant issues, and if assistance can be provided, we will.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, what feedback have you had on sporting grounds upgrades from the community across the ACT?

Mr Doszpot: On a point of order—

MADAM SPEAKER: Mr Doszpot, can you tell me what your first question was?

Mr Doszpot: The whole question is around Woden Football Club, not generally.

MADAM SPEAKER: And it was about why the club based in Woden was offered Hawker or Kaleen and what support was offered. The next question was: what financial assistance was offered? However, you, Mr Barr, did talk about the upgrades in your answer. I will rule the question in order.

MR BARR: Thank you, Madam Speaker. The government is undertaking an extensive upgrade of sport and recreation facilities across the territory. The locations include Tuggeranong in the south, Gungahlin in the north, Molonglo in the west and places in the eastern part of Canberra. At Watson I was recently able to open the refurbished oval, new cricket nets and upgraded pavilion.

Also this week, we were able to open the Gungahlin town centre enclosed oval that provides a world-class facility for four sports, the four football codes. It is a wonderful investment in sport and recreation in the territory and will certainly provide for the growing Gungahlin community and the needs of the premier league teams in their respective football codes.

I think the value of the sport and recreation industry to the ACT is more than $300 million each year. There are 30,000-odd Canberrans who volunteer their time to support sport and recreation in the territory in any given week, which is a fantastic level of community support for sport and recreation, and the government, through our annual sports grants funding, our sports capital funding, our asset repair and maintenance funding, certainly are providing timely support to assist a wide variety of sports—sports as diverse as volleyball, archery, grid iron, the football codes, cricket.

Each year we provide support for nearly 80 different sport and recreation organisations through our annual grants round. So we are very active in our support of sport and recreation and, as a result, Canberra's—*(Time expired.)*

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, what assurances can you provide to the Woden club that the refurbished Woden oval will be completed and available for their use in the 2015 season?

MR BARR: The works are scheduled for completion in July of 2014. They are well underway. Pending major issues, such as if it rained continuously for six months which might delay the completion of the works, the advice I have is that they are scheduled for completion in July of 2014. I think that will give an ample buffer for the 2015 season.

Roads—speed and red light cameras

MR WALL: My question is to the minister for justice and community safety. Minister, last month the Auditor-General released her report into the ACT speed camera system. In relation to the government's $1.63 million point-to-point camera system she said:

> … the initial value for money of the point-to-point system pilot compared to alternative systems is likely to have been compromised by changes to the lengths of the two installations. This did not prompt further discussion … about the value for money of the point-to-point pilot when it would have been reasonable to have done so.

Minister, why did the government not consider the value for money of point-to-point speed cameras before implementing them?

MR CORBELL: I thank Mr Wall for his question. The answer to his question is that the government did consider value-for-money propositions at the time that a decision was taken to budget fund these projects.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, does the government still intend to install more point-to-point cameras across Canberra?

MR CORBELL: I thank Mr Wall for his supplementary. The government has not yet taken a decision as to whether or not to continue with point-to-point camera installation at new sites. The government is currently giving consideration to its response to the matters raised by the Auditor-General.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, will the government consider the value for money of point-to-point cameras before installing additional ones?

MR CORBELL: The government has had regard to value for money questions in the past in relation to these projects and will continue to do so into the future.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, what is the direct local effect on traffic from the installation of speed cameras?

MR CORBELL: I thank Mr Gentleman for his supplementary. The comments of the Auditor-General make clear that there is an area-specific effect in relation to speed cameras. They vary according to the different types of speed cameras we are discussing. The Auditor-General also concluded that the system-wide effect of speed cameras was not proven. That is a finding the government is taking very seriously and is looking very closely at as it prepares its response to her report.

High Court—Norrie case

DR BOURKE: My question is to the Attorney-General. Attorney, I note the High Court handed down its decision last week in the Norrie case concluding that the New South Wales Births, Deaths and Marriages Registration Act recognises that a person may be other than male or female. Can you please tell the Assembly about recent reforms in the ACT in this area?

MR CORBELL: I thank Dr Bourke for his question. The Norrie case, the decision by the High Court in relation to Norrie, concludes that there is scope under New South Wales law, as it currently exists, to register a person's birth other than as male or female. This decision, of course, is consistent with the decision taken by this Assembly to make amendments to the territory's birth, deaths and marriages law to provide for recognition of gender and sex other than male or female.

Of course, the ACT government commenced on this process with the referral to the Law Reform Advisory Council in its inquiry into the steps necessary to provide for legal recognition of sex and gender diverse people in the ACT. We looked at this issue closely as a result of the LRAC report *Beyond the Binary* and we have, of course, now legislated to provide for those mechanisms. In particular, these amendments, as members would know, remove the requirement for gender reassignment surgery and declare that an interstate recognition certificate from another state or territory is evidence that the person mentioned in them is of the sex stated in that certificate. These are very important reforms. They extend equality and legal recognition on an equal basis.

Mr Hanson: Madam Speaker—

MADAM SPEAKER: Have you got a point of order, Mr Hanson?

Mr Hanson: I am probably seeking your guidance on this. The question that has been asked relates directly to an explanation about a piece of legislation that has been debated and dealt with in this place. The minister is simply giving a running commentary on legislation already debated.

MADAM SPEAKER: Can you stop the clock, please.

Mr Hanson: I am just wondering whether there is a point of order on relevance or—

MADAM SPEAKER: No, there is not.

Mr Hanson: appropriateness of the question, reflecting on previous debates on this in this place or previous votes.

MADAM SPEAKER: No.

Mr Hanson: It seems entirely odd to me.

MADAM SPEAKER: It is a reasonable inquiry. There is not a point of order. However, I did reflect on this as Dr Bourke was asking the question. There is nothing to stop the minister being asked, and the minister answering, a question about recent developments, even if they were only quite recent. It is not a reflection on the vote. The answer is entirely in order. Mr Corbell.

MR CORBELL: Thank you, Madam Speaker. Of course, the significance of the question relates to the fact that the High Court has confirmed that the approach adopted by this place in its amendments to the births, deaths and marriages law is one that is appropriate in the context of contemporary Australia. For the High Court of Australia to determine that it is legally appropriate for there to be recognition of sex and gender other than the binary male and female definition is a very significant one.

The territory's law reform in this area preceded, of course, the High Court decision but has been confirmed by that decision. We welcome that decision. We welcome the support of this place for reform in this area, because it is about extending equality and recognition before the law for sex and gender diverse people in our community.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Attorney, can you please expand on the recent legislative changes in regard to Canberrans no longer requiring sexual reassignment surgery to change their sex on a birth certificate.

MR CORBELL: Of course, these amendments do remove, as I said earlier, the requirement to have sexual reassignment surgery to be able to alter your birth certificate. That power now has been replaced with a provision for certification from an appropriate medical professional as to the identification of that person in terms of their sex and it provides for a clinical treatment definition rather than sexual reassignment surgery.

This is a very important reform and indeed was the key issue arising from the LRAC report. The Law Reform Advisory Council said that these provisions for sexual reassignment surgery were unnecessary, were intrusive and impacted on rights such as the right to refuse medical treatment, and therefore should not be in an ACT statute. I am very pleased to see that essentially the High Court decision reflects these legislative developments here in the ACT and is confirmation of the territory's reforms in this area.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Attorney-General, have there been any other recent High Court decisions that might have impacted on ACT legislation?

Mr Corbell: I will take a point of order on it, Madam Speaker, because I am not sure whether Mr Hanson's question relates specifically to the matter that was the subject of the previous question.

MADAM SPEAKER: I actually expected this question, or a question rather like this, because Dr Bourke's opening comments were about a recent High Court decision and how they impacted on ACT law, and I rule the question is in order.

MR CORBELL: If Mr Hanson's question is have there been, as he well knows, the answer is yes, there have been.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Minister, can you please expand on what categories are now available on birth certificates?

MR CORBELL: I thank Ms Berry for her supplementary. As articulated in the LRAC report *Beyond the binary*, there was support for moving beyond a definition of solely "male" or "female". We now have a provision to be able to record sex on a birth certificate as "indeterminant", "intersex" or "unspecified". This is consistent with the Australian government's guidelines on the recognition of sex and gender and the Australian Passport Office policy.

The government welcomes the feedback we have received from members of the sex and gender diverse community here in the ACT following the passage of these reforms. All members should feel reassured that these reforms have been very warmly welcomed. They make both a symbolic but also a practical difference in the lives of those people in our community who are transitioning from one gender to another who perhaps do not identify as either gender exclusively. These are very important reforms in respecting and acknowledging the particular circumstances of those people in our community.

Transport—light rail

MR SMYTH: My question is to the Minister for the Environment and Sustainable Development and it relates to the government's light rail project. Minister, what is the land uplift for light rail?

MR CORBELL: There are a variety of ways of measuring land uplift and they will also vary depending on specific sites that are in question.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, what modelling has been used to calculate the uplift figure and will you provide this modelling to the Assembly?

MR CORBELL: Modelling in relation to uplift of land value is currently the subject of a business case being developed by the Capital Metro Agency. This will be subject to whole-of-government consideration later this year.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, what was the land uplift value included in the economic modelling that formed part of the 2012 Infrastructure Australia submission?

MR CORBELL: As that question relates to a report prepared in 2012, I will seek advice on the specific detail that Mr Coe is requesting, take the question on notice and provide further information.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, where else, where other light rail projects have been undertaken, has land value been so important?

MR CORBELL: I thank Dr Bourke for his supplementary question. There are a range of projects right around the world where land uplift has been a central part of the development of light rail projects.

We know from experience in Brisbane and the Gold Coast, we know from experience in Adelaide, we know from experience overseas—indeed, even in cities like Portland in Oregon, and many other cities across the United States and many other cities in Europe—that the development of dedicated transit through a light rail project has resulted in significant uplift in the value of the land. In some cities that has been captured through the specific revenue measures. That is particularly the case, for example, in Portland, Oregon, where the Portland municipal government is able to capture the increased value resulting from investment in dedicated transit light rail facilities through particular rating settings in that local government area.

So it is very clear that the experience tells us that it can result in significant uplift in value, and the government are looking very closely at the experience of these other jurisdictions as we finalise the business case for capital metro here in Canberra.

Youth—National Youth Week

MS BERRY: My question is to the Minister for Community Services and relates to how the ACT government engages with young people and community groups to address their needs. Minister, could you inform the Assembly how National Youth Week is being celebrated in the ACT for 2014?

MR BARR: I thank Ms Berry for the question. Minister Burch launched the ACT's National Youth Week celebrations last Friday at an expo in Garema Place. This event

features young performers, artists, musicians, a range of information stalls, and competitions that cater to the many and varied interests of young Canberrans. This is the 15th year of National Youth Week. It has become an institution across Australia. The ACT government is very pleased to be able to support activities here in Canberra this year.

There are more than 40 events taking place during the week, all designed to interest, excite and engage young people across the city. A few examples of the diversity of the events include a local music festival showcasing young producers and artists. At the Tuggeranong Arts Centre there will be a creative exhibition featuring repurposed skateboard decks. It is now on show and running until 17 April. For the athletic, there is a circus skills workshop which is held to improve coordination, general teamwork skills and to build body confidence.

There is a young writers workshop for young writers to boost their skills. For young carers and their families, there is a special breakfast at the National Zoo and Aquarium. These are but some of the activities. National Youth Week recognises the talent and enthusiasm of younger Canberrans and the contribution that they make to the entire community.

It is particularly fitting that the Assembly congratulate 24-year-old James Presneill of Giralang who has been shortlisted for the 2014 National Youth Awards. James has been recognised in the safer communities category for his leadership in promoting safer behaviours amongst young people, particularly in party and alcohol fuelled environments.

For the broader community and for MLAs National Youth Week gives us all the chance to reflect upon the needs, the aspirations and the unique challenges that young people face and to ensure that we are open to their input on issues of importance.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Minister, how can young people engage with youth events in the ACT during this week?

MR BARR: The events are designed to be as accessible as possible with a very strong focus on participation and inclusion. This has certainly helped to drive the success of the event over its 15-year existence. All National Youth Week events are free and are hosted in central areas close to bus interchanges. ACT schools across the public and private school sectors are also hosting events within their own school communities.

The week is being promoted through various media outlets, in a large school calendar on the national website through the Youth ACT web portal and via the various social media channels. With most of today's young Australians being what might be described as internet or social media "natives", it certainly is appropriate that there is an increased emphasis on social media channels.

For those organising events, the government provides a Youth Week grants program and a school seeding grants program. As is often the case, the most popular and most

relevant events for a celebration such as this tend to be those developed and run by young people themselves, and the government is very keen to see these activities continue.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, can you advise who will be attending the Youth InterACT Forum this week and what will be discussed.

MR BARR: Youth InterACT is a participative initiative set up by the ACT government in 2002 that encourages young people to have their say about issues in Canberra. This year's forum will be held on Friday here in the Legislative Assembly and will be hosted by the Youth Advisory Council. "Our voice, our impact" is the theme of National Youth Week, and it is also the theme of the forum. The forum will focus on how young people aged 15 to 25 can use their voice to create change within the community and to influence government decision-making.

The forum will be attended by around 50 young people, including student representative council members; representatives from all public, Catholic and independent schools; youth-led organisations; and student associations. The forum will be co-facilitated by members of the Youth Advisory Council. There will also be a discussion panel of MLAs and youth sector representatives. I understand that Ms Berry and Mr Wall will be representing the Assembly at that discussion.

It is an excellent opportunity for young Canberrans to come and engage with important issues in their parliament. The government looks forward to welcoming them on Friday.

ACTION bus service—network

MR SMYTH: My question is to the Minister for Territory and Municipal Services. Minister, consultation on the draft ACTION network 14 took place between September and October last year. In January this year I understand you told Mr Coe that "currently the ACT government is in the process of finalising the details of network 14 and has not yet made a decision about the final network". Minister, when will the new ACTION network commence?

MR RATTENBURY: I am anticipating that the network will commence in the middle of the year.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, why has it taken so long to finalise the new network?

MR RATTENBURY: There are two reasons it has taken a while. The first is that we received very extensive feedback on the first version of the draft network. We took it out to community consultation and received around 2,500 individual items of

feedback. ACTION took that on board and there have been a number of changes to the proposed network—some services have been reinstated, some services have been tweaked. That is obviously the purpose behind the consultation. That was part of the reason it has taken a while—additional work based on community feedback.

The second reason is now there has to be a process of working with the drivers to get the new rosters in place. That work is currently underway.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: How much taxpayer money has been spent preparing the new network?

MR RATTENBURY: I will take that on notice. Going to the insinuation in Mr Coe's question, a normal part of running the service is that one should update the network from time to time to improve the service for the customers here in the ACT.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, what part of driver training or tweaks to the network were not anticipated when you announced changes to the network?

MR RATTENBURY: I do not recall making any references to driver training, so I cannot answer that. I did say we need to go out and work with the drivers on the timetable and the rostering of the new network. That was, I think, the reference you have picked up on.

In terms of the tweaking or the changes, basically the ACTION modelling team sat down with the MyWay data and various other bits of feedback—feedback from drivers and feedback from the public that we have received in recent years—about how to make improvements to the network. On that basis, they came up with the proposed new network. We then put it out to consultation, in that genuine spirit of consultation, and people came back to us and said, "Some of these things don't work for me." So adjustments were made.

One, for example—this is one you may have written to me about, Mr Coe, or certainly some of the Ginninderra members wrote to me about it—was Canopus Street in Giralang. A range of people were particularly concerned about that.

Another example I have spoken of publicly was in the area around the north end of Lyneham where, in an attempt to straighten out some of the routes, the connection between north Lyneham and Dickson was eliminated and the services were channelled towards the city. What we had there was a range of feedback from older people in particular who said that was a key connection for them to get to their local shops at Dickson. The consultation process identified a particular group of residents who really needed that service. So, based on that feedback, we put that back. Similarly, the services in Braddon: again, a lot of older people found the new network really did not suit them.

Another example I can think of is the Xpresso route through Curtin where we received extensive feedback that that left people with increased travel time. They are the sorts of examples where adjustments have been made based on community feedback.

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

Racial discrimination—legislation reviews

Debate resumed.

DR BOURKE (Ginninderra) (3.35), in reply: This has been an important debate about protecting individuals from racial abuse in Canberra and Australia. It is about the right to freedom of speech being balanced with the freedom from racial abuse—two important foundations for our modern Australian democracy.

It seemed strange then that the debate put forward in favour of the right to freedom of speech was just about listing protections from racial abuse. Meanwhile, defamation laws protecting a person's public reputation, and arguably a more commonly evoked limitation of the freedom of speech, are left to stand. Perhaps this turns on the influence of those being protected in each case.

I see this debate as part of the process of the current review of the commonwealth Racial Discrimination Act and the public debate that all Australians and all communities to which we belong should be a part of. I look forward to the ACT making a submission to the review. It seems the promises made by the then federal opposition in 2011 to somehow free Andrew Bolt to hurl abuse are harder to deliver in government.

Some of the government's biggest supporters—Warren Mundine, New South Wales Premier Barry O'Farrell, as mentioned by Ms Porter, and various members of the federal Liberal Party, including Ken Wyatt AM—are voicing their opposition to the changes. I understand Senator Brandis's proposal was altered substantially when it came to cabinet, and more changes are likely.

Dr Tim Soutphommasane, Race Discrimination Commissioner, as quoted this morning, has spoken on the matter. He pointed out the faults in the changes and the effects of racial abuse. One of those was suppression of alternative voices, individuals and communities bullied by racial abuse and keeping them quiet, suffering in silence.

Our society's greatest achievement is overcoming our past and embracing multiculturalism. Let us not return to the dark ages when only the strongest voices of white Australia had a say in our society.

I welcome the support of the ACT Greens and the Canberra Liberals for this motion. A bit of bipartisanship, or should I say tripartisanship, can go a long way. Ms Porter, Ms Berry and ministers Barr and Burch spoke of the strength of Canberra's multicultural community and how popular our celebration of it in the National

Multicultural Festival is. Around 200,000 people attended the last festival and celebrated the contributions of our diverse community. One hundred and fifty languages are spoken in Canberra homes. That reflects the fact that 40 per cent of Canberrans are either born overseas or their parents were born overseas.

Ministers Corbell and Rattenbury spoke of the dangers of Senator Brandis's watered-down section 18C of the Racial Discrimination Act. They highlighted the flaws in the test of how racial abuse might be judged. It is a test so weak that you might as well just ask the perpetrator what the nature of the abuse is. It makes the section almost irrelevant and tolerates racism and bigotry.

Mr Assistant Speaker, you highlighted the effects of racial abuse in schools and the damaging effect it has on young people's sense of belonging and their chance to take their rightful place in society. Ms Berry discussed what sort of country we want to live in.

I welcome the support in particular of the Canberra Liberals for this motion and thank Mr Hanson for his contribution. I look forward to their input to the public discussion and hope they maintain their stance, no matter what their federal colleagues decide. I am sure that many in their party will be proud of them.

Motion agreed to.

Environment—Koppers site

MS LAWDER (Brindabella) (3.39): I move:

That this Assembly

(1) notes:

(a) Koppers Wood Products timber treatment plant operated from the early 1980s until 2005 in Hume;

(b) during the period from 1998 to 2005 the treatment plant failed to submit all the required testing to the Environmental Protection Authority;

(c) an independent audit in 2007, of the then recently vacated site, indicated there was groundwater pollution which breached the safe national limits;

(d) Hexavalent chromium in the groundwater was recorded up to 2430 times the legal limit;

(e) the failings of the ACT authorities in not ensuring the required testing was completed during the time the company was occupying the block; and

(f) the failings of the ACT Government in not obtaining any independent tests over the seven years from 2007, until this was raised as an issue in the media; and

(2) calls on:

(a) the ACT Auditor-General to conduct a performance audit of the management of the environmental reporting guidelines with specific reference to the Koppers Wood Products timber treatment plant in Hume; and

(b) the Government to provide detailed information, by Thursday, 8 May 2014, on what action is being taken to remediate the site and to ensure this situation is not repeated.

I rise today to talk about a serious issue which has come to light over the last few weeks. That issue is pollution at the Koppers Wood Products timber treatment plant in Hume.

I have no doubt that we have all heard the recent media reports on this topic and, like many in the community, I share concerns about this situation. The concerns I raise today highlight the lack of enforcement from the Environment Protection Authority during the time Koppers operated in Hume, as well as concerns about remediation of the site since Koppers vacated the site.

Koppers Wood Products timber treatment plant operated from the early 1980s until 2005 on a block of land in Hume. It has been alleged that during the period from 1998, when stricter environmental reporting was introduced, until 2005, when Koppers Wood Products vacated this site, the Environment Protection Authority had been lax in ensuring that the required testing was completed and submitted by the company.

The company was required to send groundwater test results to the EPA every four months between 1998 and 2005. However, in this time not even close to half of the reports were submitted. The company appears to have been negligent in meeting its reporting requirements, which is never good for our environmental management. However, what is more important here, and more concerning to most Canberrans, is the fact that our Environment Protection Authority, the body tasked with keeping our environment intact and safe, failed to enforce and follow up on these test results.

The EPA was established under the Environment Protection Act 1997 with an objective to protect the environment, ensure decision making incorporated ecologically sustainable development principles, establish a single and integrated framework for environmental protection and encourage general environmental duty of care.

The issue with the Koppers log site clearly shows that the EPA failed in some of these objectives. And it is not only about the time that Koppers occupied the site; there is concern about lack of action since they vacated the block. When independent testing was completed on this site in 2007, the government was advised that the groundwater recorded a carcinogen known as hexavalent chromium at 2,430 times the safe limit. Yet no action was taken by the government at this time.

It has been nine years since Koppers vacated the block in Hume. Nine years later, there are still concerns about the level of toxins in the groundwater on this site. The toxins are apparently contained in a perched aquifer and it is not very likely, assuming the conditions are not dramatically changed, that the toxins will seep into the other water. However, there are mixed opinions as to whether the toxins could spread in the future to surface water, under the right conditions.

Despite knowing of the pollution from 2007, no further testing was completed in the seven years from 2007 until this story broke in the media at the end of March and a test suddenly took place. It appears that the government scrambled to prove that the site was safe and suddenly commissioned testing to be done. The testing which was released last week indicates that the bore water around this area has not yet been contaminated. The minister has to date assured us there is no potential risk to the environment or to the population. But this is about an even bigger picture. It is about the failings of the EPA, the failings of the government and the potential for wider environmental harm into the future.

I am asking for support for this motion today not in the form of any finger pointing or blame, but because the ACT community deserves to know that we are fixing any loopholes or gaps that can exist, so that we can all look forward to better environmental management in the ACT moving forward.

We need to see the government's plan for managing this situation. We also need to ensure that the EPA has the appropriate systems and processes now and into the future to enforce environmental protection requirements.

We believe the Auditor-General is best placed to review the environmental reporting guidelines and the practices of the EPA so that we can give that assurance to the Canberra community that this is not going to be repeated and assurances that the objectives of the EPA are being met. This is a serious situation and it needs to be resolved. There needs to be a lesson learnt to ensure things are done better in the future in the very unlikely instance that another occurrence takes place. I commend the motion to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (3.45): I have circulated an amendment to Ms Lawder's motion. I move that amendment now that has been circulated in my name:

> Omit all words after paragraph (1)(b), substitute:
>
> "(c) prior to self-government there was no requirement for groundwater testing;
>
> (d) the independent audit undertaken between 2005 and 2007 of the recently vacated site found pollution only in the perched aquifer which is a pocket of groundwater separated from the main water table by an impervious layer and not connected to it;

(e) all tests during operation of the plant and the subsequent independent audit indicated that the site posed no risk to the environment or human health and testing on neighbouring properties in 2008 and 2011 confirmed those results;

(f) further independent testing on 21 March 2014 analysed off-site groundwater and reconfirmed that Chromium VI is not present; and

(g) under the nationally recognised 'polluter pays' principle, on-site testing and remediation is the responsibility of the owner;

(2) and further notes that:

(a) the EPA will work with the owners to ensure that on-site contamination is actively managed into the future;

(b) the Government has already undertaken a review of the Environment Protection Act, and proposed legislative amendments will strengthen reporting and compliance enforcement;

(c) the Government will commission an independent analysis of all testing and results to date, to provide independent assessment of the pollution and any possible impact on adjacent sites; and

(d) the Government will table the results of this analysis in the Assembly by 3 June 2014.".

The government is very strongly committed to the protection of our natural environment. The licensing of activities and remediation of sites which have the potential to cause harm to both human health and the environment are a key part of our environment protection law. The legislation that provides the framework for the protection of our environment for activities that have the potential to cause harm to the environment is the Environment Protection Act.

One of the key objectives of this legislation is the nationally recognised polluter-pays principle in that the assessment, including testing and remediation of a site, is the responsibility of the polluter in the first instance and the landowner in the second. The act requires that certain activities are subject to formal regulation or licensing by the EPA.

In relation to the regulation of the former Koppers site, it was licensed by the commonwealth from 1983, when it commenced operations, until the territory took over responsibility for regulation with self-government in 1989 under the commonwealth water pollution ordinance. It is worth outlining that throughout this time, until self-government, groundwater monitoring was not a requirement of the commonwealth's licensing of the facility. The commonwealth did not monitor groundwater and pollution of groundwater during any time that it had responsibility for this site.

Following self-government, the ACT did regulate the site, initially under the Water Pollution Act, which was administered by the then ACT Pollution Control Authority. In line with contemporary environmental practice at the time, groundwater monitoring was instigated by the ACT government as a condition of regulation following the introduction of the Environment Protection Act in 1997 and the creation of the EPA.

The Koppers site was required, through the conditions of its ACT licence, to manage all surface water within the site to ensure there were no unlawful discharges. Controlled discharges from the site were not permitted without Koppers first sampling the discharge water and obtaining the approval of the EPA. It is worth highlighting to members that during the entire period of the ACT's licensing of the site there were no approved discharges from the site.

Test results received by the government until the plant closed in 2005 indicated that there were no impacts of concern in the surface water dams used to manage water within the site, soils where treated logs were stored or groundwater at the two licensed bores at the down-gradient boundary of the site.

It is the case, Mr Assistant Speaker, that there were lapses in the information supplied to the EPA by Koppers but this did not fundamentally change the fact that there were no significant issues arising from the monitoring of the facilities operation as assessed by the EPA.

The provision of monitoring information was highlighted as an enforcement issue requiring attention by the EPA. As the act was then structured, the EPA was limited in the compliance action it could take. This is in 2005. The EPA needed to demonstrate that environmental harm had been caused by the noncompliance due to the failure to provide reports by Koppers and that any noncompliance needed to be undertaken through a prosecution in the courts.

The EPA recognised that this was a restriction on its enforcement capacity and in 2005 it introduced a strict liability offence for breaches of conditions of an environmental authorisation. This provided the EPA with an appropriate tool—that is, a fine—to deal with matters such as those that had occurred during the regulation of the Koppers facility and the failure of Koppers to provide regular reports.

Since its introduction in 2005 this has been an effective enforcement mechanism for the EPA and has also been used to educate activity managers. The penalties available now range from $1,000 for an individual to $5,000 for a corporation and have proven sufficient to provide an incentive for compliance.

The EPA regulates in excess of 286 environmental authorisations. Since 2005 this mechanism has proved effective in ensuring compliance. The proposed amendments to the act, which are currently being considered by the government as a whole, will further improve the EPA's abilities in this regard, especially in relation to the current issue pertaining to the need to demonstrate the occurrence of actual environmental harm before action can be taken. This again is worth highlighting in relation to this site.

Even with the failure to provide a report, there is still the requirement for the EPA to demonstrate actual environmental harm and take action in relation to such noncompliance. The change to provide for the potential for environmental harm, which the government is currently considering, will give the EPA much greater scope for action in this regard.

Proposals currently before the government to modernise the objects of the Environment Protection Act include broadening the definition of "environmental harm" to include "likely to cause harm to the environment" thus allowing the act to operate in a more proactive manner.

The proposals will additionally capture activities that contribute to gradual deterioration of the environment and allow the EPA to take appropriate regulatory action by providing an element that objectively assesses the seriousness of the offence. These changes will align our law with contemporary practice of other Australian jurisdictions and will put the ACT again at the forefront of environment protection law.

I will now turn briefly to the issues of contamination at the Koppers site itself and how these matters are regulated. Following the decommissioning of the Koppers site in 2005, detailed independent soil and groundwater assessments were undertaken. In relation to groundwater, in addition to the two off-site licensing wells, an additional 33 monitoring wells were installed.

The site was assessed, remediated and independently audited in accordance with the ACT EPA's contaminated sites environment protection policy and the development conditions related to the redevelopment of the site. The contaminated sites policy was introduced with the contaminated land provision in the EPA act in 1999 and detailed the approach for managing contaminated land in the ACT.

The legislation introduced the use of independent EPA-approved auditors to provide a more robust and independent process for contaminated sites management. The law and its policies for managing contaminated sites in the ACT have been updated regularly in accordance with national and interstate policy development and are currently based on New South Wales law, which is also national and international best practice.

The use of accredited independent audits was first utilised by the ACT and Victoria in the 1980s and is now in place across Australia. The use of independent auditors is legislated in the EPA act with an approved auditor in the ACT being one that is accredited as an auditor in either New South Wales or Victoria. To maintain their accreditation, independent auditors are reviewed and audited by the relevant state EPA under a comprehensive accreditation scheme.

Furthermore, the ACT EPA also reviews all contaminated land audits undertaken in the ACT and participates in the state accreditation and review process for auditors. The use of the independent auditor process has proven to be robust and effective. It has been used in the ACT since the 1980s for both privately held sites and

government sites, including former sheep dip sites, commonwealth sites and major brownfield developments such as the Kingston Foreshore industrial area.

Assessment at the Koppers site was undertaken from 2005 to 2007 by Koppers' expert environmental consultants, ERM. The soil, following remedial works at the Koppers site, was found suitable for the proposed and permitted land uses under the lease for the site—that is, industrial land uses. These findings were supported by the independent EPA-approved auditor and detailed in the site audit report provided to the EPA in 2007.

There is isolated, or what is called perched, groundwater contamination only in the vicinity of the previous, now demolished, Koppers plant. The plant itself was located in the upper centre of the site and was some distance from the site boundary. The detailed groundwater assessments utilising the 33 wells in place had indicated that this perched groundwater is not connected—is not connected—to the underlying deeper groundwater aquifer.

The distance between the isolated plume extent and the down gradient property boundary is approximately 150 metres. Based on the investigations by the appropriate qualified environmental consultants, there is a high degree of scientific confidence that offsite migration of this pollution is not an issue. This high degree of scientific confidence was achieved by the combination of the nature of the perched aquifer itself and subterranean soils, the near zero rate of water movement in the perched zone, and other natural processes such as oxidation and adsorption. This, combined with the lack of known or anticipated users of groundwater from the perched zone, precluded its consideration as a potential harmful exposure pathway.

Whilst acknowledging the lack of progress in remediating the remaining contamination of isolated groundwater at the site, which is a consequence of protracted civil litigation between the previous and current owners, it was on the basis of this high degree of scientific evidence, confirmed by an independent auditor, that the EPA did not intervene while a court case was in progress about remediation responsibility. This was because there was no foreseeable or likely risk to human health or the environment based on the information presented.

The sale of the site, specifically the responsibility for the remediation of the remaining groundwater contamination from Koppers, was subject to Supreme Court proceedings from 2007 until 2013. In 2013 the Supreme Court found in favour of Koppers, confirming that the new owner, Canberra Hire, is now responsible for the remaining remediation at the site. Koppers and Canberra Hire have now both confirmed this in writing to the EPA and Canberra Hire has approached the original consultants, ERM, to undertake further works.

The works will be audited by an EPA-approved independent auditor. The EPA will work closely with the owners and the independent auditor to ensure that the remaining groundwater contamination is actively managed and cleaned up to the required standards. The EPA is in regular contact with Canberra Hire, who has indicated a detailed program of proposed works to the authority.

With the improvements to the act that I have outlined I believe that the government has the appropriate regulatory framework and policies in place to address both the management of existing activities and the remediation of these legacy sites. The government has been proactive in implementing and reviewing its policies and the legal framework to ensure that our laws remain contemporary and are cognisant of community expectations.

This is evident by the strengthening of the legislation which the government commenced the process of last year. Remediation of legacy sites such as the Koppers site is complex and it can take time. But these issues must be properly addressed by suitably qualified professionals through a nationally recognised robust regulatory and policy framework.

I have circulated and moved some amendments to Ms Lawder's motion today. I think they make clear the context in which this particular contaminated site has been managed and the factual history behind it. I note also that there is a review underway of the EPA act and proposed legislative amendments, which I have referred to, and that there has been further independent assessment of the remaining offsite groundwater bore that confirmed that there has been no further contamination—indeed, no contamination—of the groundwater.

In addition, the government is proposing that it will commission a further independent analysis of all the testing and results to date to provide an independent assessment of that pollution—that is, the assessment undertaken by the EPA—to confirm that that analysis is correct and that we will table these results in the Assembly in June.

I think this is important to provide further reassurance to the community that the small amount of pollution in the perched aquifer below the old Koppers site is not in the groundwater, does not present a risk of harm to either human health or to the environment and that that is the advice that has consistently been provided to me by the EPA.

But given the level of interest in this issue, I think it is worthy of a further assessment and the government is committing to that process. I commend the amendment to the Assembly.

MR RATTENBURY (Molonglo) (4.00): I would like to thank Ms Lawder for bringing this motion to the Assembly today. I think the issues that she has raised are serious ones. I support her in her view that they require further investigation and that the public would like further information and assurance that there is not a significant environmental issue arising from these matters.

The Koppers wood treatment plant commenced operations in the 1980s at its Hume facility, a facility that was always going to use the toxic chemicals of arsenic, copper and chromium. As one would imagine, over the life of the facility's operation there were a number of environmental agreements put in place with the regulator about how the facility would operate and what reporting was required. These authorisations came from both the commonwealth and then the ACT government.

Initially the facility was guided in its operation by the crown lease, from 1989. After that, after self-government, there were two environmental authorisations put in place by the ACT authorities: firstly, a three-year agreement with Environment ACT in 1998, and then an ongoing authorisation from the Environment Protection Authority in 2002. All of these agreements required reporting from Koppers in regard to the levels of chemicals on site.

The agreements became more sophisticated over time, but they generally included water and soil sampling. Water sampling involved both sampling the bores on site and also the retention dams. There were requirements that Koppers should report either quarterly, or every four months in the earlier agreement. Unfortunately, the history of this company in fulfilling its requirements under the authorisations granted to it by the relevant authority was pretty appalling.

They failed to meet their reporting requirements repeatedly and, in fact, only submitted six reports on testing between 1998 and 2002, when there should have been reports every four months. Only two samples appear to have been recorded between 2002 and 2005, when there should have been quarterly reports. Indeed, some of the reporting indicates that there were occasions on which the required levels set for the company under the authorisations were breached. They were not necessarily large breaches, but they are indications that the levels set had been exceeded on several occasions.

Also of note is that under the final period of authorisation that was granted by the Environment Protection Authority in 2002, a review of the agreement between the EPA and Koppers was supposed to occur annually. Indeed, the front cover of the agreement states that this should happen, as was required under the legislation at the time, but this did not happen. In fact, the EPA only reviewed the agreement once and that was for the period 2004-05, more than two years into the agreement.

The review found that, while there were no incidents of environmental harm reported, the company had breached its compliance. It raises the question about how anyone would have known about any actual incidences given that the company's reporting record was so poor. The audit also found that there were no records of quarterly monitoring being undertaken, that the general manager advised that there were records but did not know where they were, and that the company had been storing treated logs in a location that they should not have been. These sorts of things really should have been ringing alarm bells.

The audit also found that there had been no discharges during the review period. Indeed, Koppers never notified of a discharge, and yet anecdotal evidence from a number of people indicates that it is likely that there were some discharges from the site, even if only during rain events. By 2005, however, Koppers had indicated to the EPA that they were winding up their operations at Hume and the response of the EPA continued to be muted.

The question for policymakers, as we now stand here, is why this happened. Did the EPA not have the legislative mechanisms it required to elevate its concerns to the

company? Did the EPA even notice that the company had not fulfilled its reporting time lines? And what were they able to do about this? What, in fact, did they do? For me, these are important questions. I think the question I am most interested in is: what is the best thing to do now? What are the best measures that this Assembly can take to ensure that we have a clear understanding of the current situation and ensure that there is no repeat of this sort of lack of scrutiny, this lack of oversight, when it comes to monitoring and enforcing environmental licences?

I think it is important that we acknowledge that this all occurred some time ago. It started way back in the late 90s, in fact, during the period of a previous government, and then has continued through a range of ministers and a range of staff at the EPA. What we also know is that Koppers is no longer operating on the site. While Canberra Hire appear to have inherited the legacy that was left, it is quite clear that Koppers is no longer generating the pollution. I think any issues around pollution run-off will be hard to detect. I imagine, from the research that I and my office have been able to do so far, it would be very difficult to mount a case against the company with any sort of prosecution.

The first question that I have out of all that then is: what do we need to know? Firstly, we need to know that there is no ongoing risk to the environment and to human health from any pollution on the site or that has run off the site. I requested in the discussion with Minister Corbell this morning that he ensure that we can be assured, and he agreed to undertake the independent review of testing and the independent assessment of the pollution and any impact on the site. That is contained in his amendment.

I welcome that because we have had reports from the work undertaken by Chris Knaus, the journalist from the *Canberra Times*, and then the responses from the EPA. In terms of us non-scientists in the room having a really clear sense of what the situation currently is, there is real benefit in having an independent environmental scientist look at the various pieces of analysis that have been done and then form a view on what the current environmental situation is and whether there is any risk to the environment and to human health on an ongoing basis from the pollution at the site.

I welcome the fact that Minister Corbell has agreed to this and I look forward to getting confirmation, on behalf of the community, that there are no further risks. The EPA have certainly indicated in their work and with their recent testing that they think there are not any ongoing risks, and I hope that that is the case. I think that members of the Assembly and the community will be able to more confidently rest assured if this has been evaluated by somebody that has not got skin in the game.

The second thing that we need to know is that such a situation will not occur again. Before we know that, we need to know what the EPA did in response to these circumstances. Were the problems that they faced in monitoring and enforcing this legislative or were they cultural? Was there a reluctance within the EPA to prosecute or did they simply not have the mechanisms and the tools available to them and the capability to enforce the environmental authorisations in a way that the community would expect?

I think we need to figure out whether the issues will be addressed by the legislative changes that the minister has forecast. In the amendment that I have circulated, and which I will move shortly, I have attempted to begin this process by adding paragraph (3) to the motion, where the Assembly calls on the EPA to provide information about their response to the Koppers situation. There have been various reports. If you look closely at what has come out through the freedom of information process that the *Canberra Times* has undertaken, there are various pieces of information.

There are many questions, and I think it is for the EPA now to provide a detailed account of their understanding of their analysis of the situation—the time lines and the steps that took place and where they think the pitfalls were. These things can be perhaps easier in hindsight, but I think the EPA should spell out their analysis of what happened and provide the Assembly and the community with that information so that we can make a further assessment of what happened and consider what can be done to ensure that it will not happen again.

The third thing is that the public needs to have confidence in the EPA and the function of the Environment Protection Act. I look forward to the public consultation around the changes to the legislation that the minister has forecast. I know there has been a consultation process to get to this point where the legislative changes are being prepared. Once those are made public it will be important to look closely at them and take into account the views of people like the Environmental Defender's Office, academic experts and the like, who look at these things closely, in terms of whether the issues that have been raised by this matter have been addressed. I look forward to seeing whether those amendments do the job as is needed.

Ms Lawder in her motion has suggested that the Auditor-General conduct the investigation. Having really thought about this, I am not convinced that the Auditor-General is the right mechanism—firstly because of the reasons I have just talked to and the options that are available. The other observation I would make is that there is, of course, no obligation on the Auditor-General to conduct the inquiry. Members know that we cannot direct the Auditor-General to do something specific. Obviously, the Auditor-General, if the Assembly made such a request, takes that request very seriously. It is not that we cannot ask, but there is no guarantee.

Given the importance of the issues here, I think the mechanisms that have now been identified will actually take place and in a relatively short time frame. The Auditor-General already has a program of work, so it is unclear exactly when they would be able to undertake this. I acknowledge that the Auditor-General may well prioritise this. I am keen to make sure that these specific things happen.

Going to the resources and the program of the Auditor-General that is already in place, and given that there are legislative changes coming for the Environment Protection Act, I think it is important that we get these things done in a fairly timely manner. I am concerned that the Auditor-General may not be able to undertake the inquiry easily given the time that has passed, as the end of this saga was more or less seven years ago.

The government has a process underway to review the Environment Protection Act. Public submissions were called for in the second half of 2012 and, as I have discussed, the minister has flagged amendments. Again, the timing with the Auditor-General is unclear. I will now move the amendments circulated in my name which amend Mr Corbell's amendment. I seek leave to move the two amendments circulated in my name together.

Leave granted.

MR RATTENBURY: I move:

(1) Omit paragraphs (1)(d) and (e), substitute:

"(d) an independent audit of the site between 2005-2007 found hexavalent chromium recorded up to 2430 times the safe national limit in the perched aquifer, which is a pocket of groundwater separated from the main water table by an impervious layer and not connected to it;

(e) all tests during operation of the plant and the subsequent independent audit indicated that the site posed no risk to the environment or human health and testing on neighbouring properties in 2008 and 2011 indicated the levels of heavy metals were within acceptable criteria;".

(2) Add:

"(3) calls on the Minister for the Environment and Sustainable Development to table a statement from the Environment Protection Authority in the first sitting week in May 2014 outlining the actions of the Authority:

(a) in regard to their management of the environmental authorisations for the Koppers facility;

(b) in response to the 2007 independent audit that highlighted the high levels of contamination and the poor compliance with testing at the site; and

(c) in response to community concerns about contaminated run-off from the Koppers Wood Products timber treatment plant.".

As I have touched on, I have made a number of suggested amendments, and I seek members' support for those. In relation to part (1) of the motion, it is important that we acknowledge what was found by the independent audit in terms of the pollution itself—that there was significant pollution found on the site, even if it does not necessarily imply environmental harm or risk to human health in itself. We also need to be cautious about assuming that one test result delivers a guarantee of safety. That goes to some of the issues I have proposed to amend in part (1). This picks up the spirit of both what Ms Lawder was proposing in her original text and some of the comments from the minister for the environment.

In proposed new part (3) I have talked about the EPA having the opportunity to offer to the Assembly an explanation of what happened from their perspective and what

some of the issues were in terms of their capacity to respond to the situation. This will help us with an understanding of what legislative changes might be required and help Assembly members identify if there are other issues that were in play. There is also the possibility that the Assembly may decide that there is further investigation required if the answers provided are not satisfactory. But the first and most important thing is to get the various pieces of information that are proposed through both Mr Corbell's amendment and my amendments.

In summary, there is often commentary about the effectiveness or otherwise of the EPA. I suspect that much of the good work that the EPA do goes unnoticed. That is likely to be the case. If they do their job and do it well, these sorts of issues never come to the fore. So I want to acknowledge the considerable effort that is put in by the staff of the EPA. But in this case, we need to be clear what drove the actions, or perhaps the lack of action, from the EPA at the time this was going on and whether or not there were changes made by the EPA to remedy what appear to be poor internal processes. We need to be clear that the legislative changes that the minister is proposing will ensure that something like this does not happen again. We need to take this opportunity to acknowledge that the work of the EPA is essential, that they require the support of government in terms of resourcing and in terms of legislative power.

I thank Ms Lawder for bringing this matter before the Assembly today. It is important that we discuss it. I appreciate that the minister has been open-minded about what is needed from the government to respond to recent revelations. And I would like to acknowledge the work undertaken by Christopher Knaus, the journalist at the *Canberra Times* who has put this issue on the agenda. I appreciate that, whatever the actions or the explanations from those involved, it is important, and I think welcomed, that a journalist has gone to the effort of actually researching this sort of issue in such significant detail; bringing it into public discourse; and spending a considerable time perusing the documents and ensuring that matters like this do not simply get forgotten with the passage of time.

MS LAWDER (Brindabella) (4.15): I will close. I will speak to the amendments. I would like to thank Minister Corbell and Minister Rattenbury for their very strong interest in this matter, which, as I said earlier, reflects very strong interest from the community. However, I cannot help thinking that this amendment to the amendment and the original amendment significantly water down the original motion, which sought an inquiry by the ACT Auditor-General. The issue is not just the pollution itself, but whether we now have the correct structures in place for the EPA and other relevant government agencies to reassure the public that this management system breakdown will not occur again.

To put it crudely, this amendment asked those who failed to act in the first place to clean up their mess and then reassure us that everything is okay. As Mr Rattenbury so simply put it, the only person with no skin in the game here is actually the ACT Auditor-General. Earlier today, when we were speaking to a motion about racial discrimination, Minister Rattenbury accused the federal Attorney-General of a public retreat from earlier stated principles. I point out that it was Mr Rattenbury who first raised the suggestion of an Auditor-General investigation into this issue, and the

Canberra Liberals agreed. It is interesting that Minister Rattenbury is now backing away from his own earlier suggestion. I quote from the *Canberra Times* of 25 March:

> Revelations about the pollution of groundwater underneath the former Koppers Wood Products timber treatment plant in Hume have raised broader concerns from Greens MLA Shane Rattenbury about environmental protection in the ACT.
>
> The water was contaminated with up to 2430 times the safe limit of the carcinogenic chemical hexavalent chromium, known for its association with the Erin Brockovich case in the United States.
>
> The Koppers pollution, which is believed to be isolated to the 20 hectare site, exposed a series of failures by authorities in enforcing the multinational corporation's compliance with environmental law.
>
> That included failing to enforce regular groundwater monitoring at the site between 1998 and 2005, the year the company closed the plant.
>
> The Environment Protection Authority did not conduct annual checks of Koppers' compliance with their legally-binding environmental authorisation, a set of conditions designed to protect the ACT from the company's use of copper, chrome, and arsenic to treat timber for the production of Koppers logs.
>
> Greens MLA Shane Rattenbury says he will write to Environment Minister Simon Corbell to ensure the problems will not be repeated.
>
> He said an assessment of the EPA could potentially be done through a performance audit by the ACT Auditor-General.

The Canberra Liberals still strongly believe that the Auditor-General would be best placed to conduct such an inquiry. I believe the general community would agree. It is concerning—in fact, I think it is quite sad—to see that Mr Rattenbury, the Greens MLA, is taking the side of the Labor government rather than being true to his own constituency and principles and ensuring that environment considerations are paramount.

We do not support the amendment or the amendment to the amendment. We would like to see an inquiry by the ACT Auditor-General.

Question put:

> That Mr Rattenbury's amendments to Mr Corbell's proposed amendment be agreed to.

The Assembly voted—

Ayes 7		Noes 6	
Mr Barr	Mr Gentleman	Mr Coe	Mr Smyth
Ms Berry	Ms Porter	Mrs Dunne	Mr Wall
Dr Bourke	Mr Rattenbury	Mr Hanson	
Mr Corbell		Ms Lawder	

Question so resolved in the affirmative.

Question put:

> That Mr Corbell's amendment, as amended, be agreed to.

The Assembly voted—

Ayes 7		Noes 6	
Mr Barr	Mr Gentleman	Mr Coe	Mr Smyth
Ms Berry	Ms Porter	Mrs Dunne	Mr Wall
Dr Bourke	Mr Rattenbury	Mr Hanson	
Mr Corbell		Ms Lawder	

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Planning—proposed Conder medical centre

MR SMYTH (Brindabella) (4.24): I move:

> That this Assembly
>
> (1) notes that:
>
> (a) the ACT has the lowest rate of bulk-billing in Australia;
>
> (b) there is an urgent need for more bulk-billing medical centres in Tuggeranong;
>
> (c) the construction of a bulk-billing medical centre on Block 12 Section 229 in Conder has stalled as a result of the Government's reluctance to waive the extension of time fee for the site;
>
> (d) the intention of the site's owner is to develop his block, which will in turn provide a much needed localised medical service in Conder and surrounding suburbs;
>
> (e) delays in the development of the site have been due to factors outside of the site owner's control, and hence, he should not be penalised;
>
> (f) this is a priority project, which the Government had initially encouraged; and
>
> (g) this is not a land-banking case; and

(2) calls on the Government to grant a full waiver to the extension of time fee on Block 12 Section 229 in Conder, so that development of a much needed bulk-billing medical centre can commence.

Mr Assistant Speaker, in 2007 a Dr Jamiel, the current owner, and his business partner bought block 12, section 229 near the Conder shopping centre from the ACT government. The block was designated for use as a health facility. Unfortunately, after purchasing the land Dr Jamiel's business relationship with his partner broke down. This led to a court battle over the land and the joint investment, which continued until 2011. During this period there was a caveat over the block, which made it impossible for Dr Jamiel to develop the block.

As a result of these factors, Dr Jamiel could not develop on his block. It was not land banking. Subsequently, he racked up late building fees of $254,866. Let us remember that the commence and complete fees, the extension of time fees as they are known now, were put in place to stop land banking, to primarily ensure that development occurred and not to have people sitting on blocks of land to speculate. Dr Jamiel is a doctor, a medical doctor. He is not a land developer. He was not speculating.

A number of members of the Assembly have made representations on Dr Jamiel's behalf. I did so last year, and I note in a letter from the Treasurer to Dr Jamiel dated 20 March 2014 that he was given a partial waiver of $138,000, leaving some $110,000 still to be paid. This is all fine and well; however, Dr Jamiel, as a regular GP trying to get on with his medical practice, does not have the facility to pay the extra fee. As such, the block cannot be developed until the fee is paid. Dr Jamiel is not a land developer. The development has been held up by court processes mainly beyond his control, and he is certainly not what we would see as the stereotypical land banking, white shoe wearing land developer of the ACT—not that there are many of those anyway because the government has never been able to produce a single example of land banking.

Dr Jamiel is currently paying over $22,000 in rates every year. The longer this project cannot commence the more money it is costing him. I say again: he is not land banking. There is no endless pool of money to feed the government's fees and charges. This is not an abstract debate; this is tangible. This is very real and this could very well financially hurt—and I assume is currently hurting—a well-intentioned medical doctor as well as Lanyon residents who miss out on a bulk-billing facility in the valley. The longer this matter drags on, the longer residents of Conder, and, indeed, broader Lanyon, cannot get their bulk-billing medical centre.

My colleague Mr Coe said it best when he commented in October last year that the stalling of this development is a lose-lose situation for Canberrans. Mr Coe said in the *Canberra Times* on 27 October that:

> The government does not collect the fee and the community does not get the benefit of the facility the developers are proposing.

That is true and accurate. Let us not forget the public health and wellbeing issues. Compounding this is the public health aspect of this case. The ACT has the lowest bulk-billing rates in the country, if you believe the government reports and the other findings, with 51.3 per cent of GPs in the ACT bulk-billing in the September quarter of 2012 compared to 86.5 per cent in New South Wales and 61.6 per cent nationally. And let us not forget the Productivity Commission's ROGS findings that in 2012-13 almost nine per cent of patients deferred GP visits due to cost compared to the national rate of 5.8 per cent.

The situation that Dr Jamiel has found himself in in dealing with this government is scarily Kafkaesque. He could not build on the site while resolving the issue with his partner. He has currently already paid the ACT government well in excess of $1 million through the purchase of the land, land tax, interest on payments and legal fees, and now he is being slugged with the late development bill. Between all of those factors he has racked up a significant bill. He is not sitting there hoping the land appreciates to cover that because, as we all know, the land will not appreciate in the short term to cover that bill.

Mr Coe: Actually the opposite.

MR SMYTH: As Mr Coe points out, quite the opposite is happening. When the Treasurer claims that our city is open for business, he cannot possibly mean preying on hard-working businesses like those proposed by Dr Jamiel. Dr Jamiel had no hand in intentionally delaying the development of his block. If somebody wants to put the case that he deliberately bought a block with a partner so that they could stage some sort of business break-up, so that they could go to court, so that they could pay thousands of dollars in legal fees, so that they could do all this in anticipation of the government changing the commence and complete fees and so that they could then ask for a waiver, then they are fooling themselves. Dr Jamiel had no hand in intentionally delaying the development of this block for some future financial gain on the land. One would doubt how he will gain on the land in the short term, and, indeed, it may be very difficult as well in the mid to long term.

The issue here is very simple—the government wants a health facility at block 12, section 229. They zoned it for that purpose. The residents of Banks and Conder and Lanyon and Gordon certainly want a medical facility there. Dr Jamiel wants to build one there. I know you, Madam Assistant Speaker, would like additional medical facilities in the Lanyon valley. I know Mr Wall, the other member for Brindabella from the Liberal Party, wants a medical facility there in Lanyon. One would only assume that Mr Gentleman and Minister Burch would also like a medical facility in Lanyon. Indeed, as I stated, the government wants a facility there because they zoned it for that purpose and sold it for that purpose.

This motion calls for that to happen. It notes that there is a public need for such a medical facility and that the extension of time fees levied by the government on Dr Jamiel, even with a partial waiver, are making it financially unviable for him to build his medical centre. This is a well-intentioned medical doctor who escaped war-torn Iraq losing almost everything he owned to start a new life in Canberra. He has

worked hard. He has a skill that our local community needs. He has sunk his life savings into developing a bulk-billing medical centre that Lanyon residents need and want, and the government's response to the good doctor who is trying to do the right thing has simply been, "Pay up."

This is absurd. This is senseless. As I have already said, this is Kafkaesque. This motion highlights the fact that with this Assembly's support this can be a win-win outcome for the government and the people of Lanyon. Indeed, as Mr Coe said, no-one need lose here, but everyone is losing at the moment. Should the motion not succeed, this could very well be the end of the possibility of having a medical facility on block 12, section 229, Conder, certainly in the near future. I leave this for members in this Assembly to decide the fate of the medical centre.

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) (4.32): I thank Mr Smyth for raising this matter. Before I turn to the specific development in question, I will just touch on the first points of Mr Smyth's motion. I certainly enjoy the irony of those opposite purporting to have any interest at all in bulk-billing, coming from the party that hates Medicare—hated and voted against its introduction, has hated it throughout its existence and is now proposing to undermine it in its federal budget. One has only to look at the federal coalition opening the door to charging co-payments. Bulk-billing is gone and we are getting co-payments. We are getting co-payments from the commonwealth government, from the Liberal Party, who opposed the introduction of Medicare in the first place.

Mr Smyth: On a point of order, Madam Assistant Speaker, the motion—unfortunately Mr Barr seems not to have read it—is about a medical centre in Tuggeranong. I ask you to bring him to order and make him relevant to the debate.

MADAM ASSISTANT SPEAKER (Ms Lawder): Thank you, Mr Smyth. I think Mr Barr was getting to the point. He was referring to some of your opening comments. Mr Barr, I am sure you will be addressing the motion.

MR BARR: Thank you, Madam Assistant Speaker. Looking at the news this morning, there is the prospect of patients being charged a co-payment for use of health services for those people who have conditions that could be treated by general practitioners. The commonwealth are proposing to put in place a co-payment, so no wonder those opposite are sensitive. One only has to look at the comments made yesterday from the coalition that they will be scrapping funding for GP clinics around the country. Undermining Medicare is the Liberal way; they have been doing it for 30 years. And these moves certainly speak great volumes about the Liberal Party's commitment to bulk-billing.

In regard to bulk-billing in the territory itself, the territory government is not able to influence the rate of bulk-billing of patients. These are, of course, matters of a private business and are determined between the doctor or practice and the patient. Further, the medical benefit schedule of fees is, of course, set by the federal government. The ACT government is not able to change the scheduled fees nor require GPs to bulk-bill.

However, the government can influence the supply of GPs, and we certainly have acted on this through allowing competitive pressures and innovative business models and through targeted funding. For example, the government provided $12 million over four years up to the 2012-13 fiscal year for a range of strategies to support and grow the GP workforce in the territory.

The Chief Minister reported in August last year that 88 per cent of practices within the territory say they are now taking on new patients, that GP numbers have increased overall and that the proportion of practices who bulk-bill some patients has now risen to 89 per cent. Clearly, the more GPs we have in the territory, the more competition there is between practices and the more likely it is that GPs will look at innovative business models and pricing that attracts patients to their practices.

In looking at the specific question Mr Smyth has raised this afternoon, I can confirm that I have received an application for a waiver of fees for this lease under section 131 of the Financial Management Act. This request was received on 3 April, so six days ago. I can advise the Assembly that the application will be assessed on its merits, as are all waiver requests that I receive. It will be assessed under the waiver criteria of the Financial Management Act 1996, and I repeat for the benefit of the Assembly the criteria for a waiver: that the legislation is producing an unforeseen or perverse outcome; that the territory has contributed through action or inaction of one of its agencies for the liability or value of the fee; or that a fair or just result can be brought about only by a waiver of the fee.

The application is under active consideration. I will not be providing a running commentary this afternoon of that consideration. It is simply not appropriate for me as Treasurer to be commenting on the personal business and taxation affairs of any local resident or business. This is consistent with the approach I brought to a similar motion about the tax and business arrangements of a particular business the opposition put forward last October. It may be worth them noting that, as I said at the time and as I repeat again this afternoon, I will not be providing a commentary in this place on private business and taxation affairs.

Any requests for a waiver will be granted on the merits of the individual case, taking full account of the details of that case. This is the only appropriate, the only fair and the only just way that waiver requests can be considered. If we are going to go down a process of those who are lucky enough to have their case sponsored by a member of the Assembly, if there is some perception that that will achieve a beneficial outcome, then that is a very serious path that we should not go down. MPs are rightly able to make representations and should rightly make representations, but if there is an expectation that a private members motion brought to this place will result in an outcome, that is an unrealistic expectation and it is a very bad precedent to set. I repeat again this afternoon that applications are assessed against criteria and provided to me as Treasurer with advice from the relevant agency.

Particularly in the context of one of the criteria for a waiver—that is, that the territory has contributed to the reason for the particular fee—it is appropriate to seek advice from the various territory agencies who may or may not have had involvement. But the idea that there is some benefit in raising a motion on private members day I wish

to dismiss. Frankly, I think politicising these sorts of issues is a very bad precedent to set.

I have indicated to anyone who seeks a waiver that their application will be assessed in accordance with the criteria. I will receive advice, as I do, on each application that comes before me—not that there are that many, but there are some, from the particular relevant directorates. That is appropriate. That information is made available to me and then I am able to make a final decision in accordance with the legislation. That is how waivers should be considered; not by way of private members' motions and whoever happens to get in the ear of the shadow treasurer or who might be a mate of the shadow treasurer. That is certainly not how I will be approaching these particular matters.

Mr Smyth: Excuse me, Madam Assistant Speaker, on a point of order, there is an imputation—"a mate of the shadow treasurer." I do not think I had met the gentleman before he sent an email to many members of parliament, and I ask the Treasurer to withdraw the imputation.

MR BARR: Madam Assistant Speaker, I am happy to withdraw. If the shadow treasurer takes offence at that, I stand—

Members interjecting—

MADAM ASSISTANT SPEAKER: Order, members! It has been withdrawn. Let us continue.

MR BARR: Thank you. I stand by the point, though, that political patronage and private members' motions will not influence my decision-making. I will undertake my decision-making in accordance with the Financial Management Act and with the benefit of advice from the various ACT government agencies.

On that basis, the government will not be supporting Mr Smyth's motion today because I do not wish to give an indication that I will be giving a waiver in relation to this matter until it has been considered. I will not support Mr Smyth's motion, but I give the undertaking that we will consider this particular application with the same criteria and context as we consider all applications. But voting for this motion today would imply that I will give a favourable decision in relation to this case, and I am not in a position yet to make that determination. I will not support Mr Smyth's motion this afternoon.

MR RATTENBURY (Molonglo) (4.42): Let me first clarify for the concerned members of the opposition why I stood up on the point of order. It was to seek some clarification of what the standards are in this place. In the last item that we discussed, in your closing remarks you made a series of imputations about what I had decided to step away from or to take a different approach on, as to whether the Auditor-General should be involved or not. Yet on that side of the table, as soon as Mr Barr had some criticism of them, they are on their feet complaining like a pack of glass jaws—

Mr Hanson: Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: Is this a point of order, Mr Hanson?

Mr Hanson: Yes, it is a point of order. It is a point of order on relevance. There is a motion before the Assembly about commence and complete for a medical centre. It sounds more like a point of order that Mr Rattenbury is making. I ask that if he has a point of order, he makes that point of order; otherwise he should be directly relevant to the debate.

MADAM ASSISTANT SPEAKER: Thank you, Mr Hanson. Mr Rattenbury, you are speaking to the motion?

MR RATTENBURY: Yes. For the sake of clarification, I was actually responding to the interjections that have been put across the room by Mr Hanson.

MADAM ASSISTANT SPEAKER: Please do not respond to the interjections across the room.

MR RATTENBURY: No problem. I will not be supporting Mr Smyth's motion today. I am aware of this case as I received correspondence last week and yesterday from Dr Jamiel, who is the GP—

Opposition members interjecting—

MR RATTENBURY: who has been working towards developing a medical centre at block 12, section 229 in Conder. Forgive me for the pause there; I was having trouble making out what insult was being flung, amongst the cacophony of insults that were being charged across the chamber.

Opposition members interjecting—

MADAM ASSISTANT SPEAKER: Order, members! It has been a long day. Let us not prolong it any further.

MR RATTENBURY: I understand that Dr Jamiel has had some difficulties in developing the site due to a breakdown in the relationship with his business partner and a court battle that subsequently ensued—circumstances which have resulted in the project being delayed and extension of time fees being accumulated. I understand he has previously been granted a partial waiver for the land tax component of the extension of time fees and that he has recently requested a full fee waiver.

I understand that Treasury is currently working out the amount of the fee reduction that he will be entitled to in light of recent changes to the scheme, as he will be entitled to a waiver for the period from July 2012 to April 2014. I believe that Dr Jamiel is also requesting a discretionary waiver on the basis of his particular circumstances, which is currently under active consideration by the Treasurer, and which he is able to do under section 131 of the Financial Management Act.

While I have some sympathy for Dr Jamiel's predicament, I do not believe that it is appropriate for me to make a recommendation about the outcome of his application for a fee waiver as I simply do not have sufficient information about the exact circumstances of the case. Nor do I believe it is appropriate for MLAs to direct the Treasurer towards a specific outcome in an individual case.

In October last year Mr Wall brought the issue of extension of time fees to the Assembly with a similar motion that called for a waiver for a specific development—at that time, the Kings pool in Calwell. In that case I amended the motion to ask the Treasurer to consider the application for a fee remission instead of calling for a particular outcome, and I do believe that is the appropriate course of action. There is legislation that sets out the various criteria for these matters and sets down that the Treasurer is the person who makes that decision under that process. There is a capability there whereby the Treasurer can waive fees in individual cases for hardship reasons. I believe that this legislation and these guidelines will be considered in this case.

In that motion I added an amendment calling for the Treasurer to undertake a review of the commence and complete fees scheme, which, as we know, the Treasurer has done quite substantially, with legislation coming to the Assembly shortly to enact changes that he has already announced, including that waiver.

As I have said previously, I do not think it is appropriate for the Assembly to call on the Treasurer to waive fees in any individual circumstance, but I am happy to have a public debate on the policy of commence and complete fees—which we did have, of course, with Mr Wall's motion last year, and it has come up on a number of occasions with Mr Coe's various planning motions. For those reasons I will not be supporting the motion today.

MR HANSON (Molonglo—Leader of the Opposition) (4.46): I commend Mr Smyth for bringing this motion forward. Indeed a number of members have received representations but when Mr Smyth brought this to my attention and suggested that this would be a good motion to bring forward because of the strength of the case, I was a little bit incredulous that this was actually the reality. I did some checking to make sure that this was actually the case as it has been outlined by Dr Jamiel because what this perverse fee is resulting in, in terms of outcomes for our community, is just extraordinary.

Turning to the points that have been made by the minister and Mr Rattenbury, the government announced earlier this week that they are going to be cutting health funding, so it is pretty extraordinary that they would not want to be doing everything in their capacity to help the health sector in this community. We know that if we have a vibrant primary health sector, if we have availability of GPs, and in particular bulk-billing GPs, it takes pressure off our health system. How can that not be a good thing? How can that not be an outcome that we would want?

This is a government that is about to spend millions of dollars on a nurse-led walk-in clinic that was in some part prompted by a lack of GPs. So it is prepared to spend the

millions there but it is going to hold up a medical centre based on hundreds of thousands of dollars. It just does not make sense.

It does speak somewhat to the ideology of this government. They say that back in the dim, distant past the federal Liberal Party did not support Medicare. Let us have a look at the lack of support and the cultural disdain that this government have for those who are trying to run a business. That includes GPs like Dr Jamiel.

The sad reality is that we do have the lowest rates of bulk-billing in the nation. Although there has been some improvement in GP numbers, it was under this government that the GP crisis emerged where we had the lowest number of GPs per capita in the nation. Finding a GP in this town became incredibly difficult.

The minister can make this waiver, and he has outlined the criteria for doing so. On the two points, as to whether this is providing a perverse outcome and whether it is a fair or just result, I would say there is a very strong case for the minister to waive this. It is a perverse outcome. As Mr Smyth has highlighted, this is meant to stop land banking. This is meant to stop speculative investments where someone just holds on to the land for a while and does not develop it. That is clearly not the case. Dr Jamiel has written to the minister outlining this situation. So the minister is aware of the facts of the case and has not waived the entire fee as he is able to do under the FMA.

It is not dissimilar to the Kingswim school that the opposition, by way of Mr Wall, advocated for very strongly. And there are many others. We have spoken to others in the community. We will come to this place repeatedly, and I do not care whether the minister likes it or not. This is not all going to be done in the backrooms where the minister plays the king and determines whether he is going to grant a waiver or not. Clearly, he is not going to be making decisions that are in the best interests of the community without significant prompting from the likes of the opposition.

We will consider these cases and whether they have merit. Clearly, in the case of the Kingswim school and in the case of Dr Jamiel's proposal for a medical facility, they do have merit. We will continually bring into this place items where we think there is merit in waiving the extension of time.

The suggestion that Mr Barr made, that "it's going to be the shadow treasurer's mates", was disgraceful and I am glad that he withdrew it. But I think it does smack of arrogance to say that we would only be doing this to look after some developer mate when the minister knows the circumstances of this case. He knows full well that this is about a medical centre and not some supposed developer mate. It is an outrageous comment and I think it brings the minister no credit at all.

I commend Mr Smyth. We will bring forward more motions like this because where there is a perverse outcome, where it is not just and fair—and it is quite clear that there are many cases across Canberra where that is the case—we will stand up for members of the community. Whether it is a swim school, whether it is a medical centre or whether it is another case that is not fair or just but is perverse, we will stand up and we will not allow this minister to allow such perverse outcomes to be inflicted on the Canberra community.

MR COE (Ginninderra) (4.52): I too want to reiterate the thoughts which have been carefully conveyed by Mr Smyth and Mr Hanson regarding this very important motion. I want to speak to the policy at large. This is a policy which the government have admitted is flawed. By giving various waivers in addition to the stimulus package which was announced on 6 March, they are in fact admitting that their policy is not working.

This is a policy which the opposition have been critical of for many years. Just like the lease variation charge, the extension of time fees—formerly the commence and complete charges—were put in place as a cash grab by this government because they cannot rein in their spending. As a result of fees and charges like this, which are so inefficient and so ineffective from a government revenue point of view, they now have to cut the health budget because they are not getting the expected revenue. The fact is that this government are repeatedly putting in place perverse policies that get the wrong outcome. That is exactly what is happening with these extension of time fees.

What is perhaps of greater concern is Minister Barr's comments in the Assembly a few minutes ago which show he is pretty much opening up his door to lobbyists. Lobbyists do not even need to knock; they can just go right on in, it seems. Minister Barr is saying, "Don't go to the opposition, who will raise it in a transparent way. Don't go to the opposition, who might raise it in the Legislative Assembly. Come to me directly and we'll negotiate it behind closed doors."

This is no different to the project facilitation bill, which is, of course, a lobbyist's dream. It is a bill which gives the government near unfettered powers when it comes to approving buildings and developments in and around our city. It is a far cry from what the government articulated just a few years ago and a very long way from what the Labor Party campaigned on back when they were in opposition.

The stimulus package announced on 6 March is an admission that the commence and complete regime or the extension of time regime is wrong. It is simply not working. We get perverse outcomes such as the one that has been highlighted by Mr Smyth today. The community lose out because they do not get a medical facility, and the government lose out because they only collect the revenue when construction starts. But construction is not going to start because of these ridiculous fees.

I hope that all in this place will see sense and will acknowledge that the commence and complete or extension of time regime is simply not working and that we need to reform it as a matter of urgency in order to stimulate business in the ACT and to ensure that medical facilities such as the one Mr Smyth has highlighted do in fact get off the ground.

MR GENTLEMAN (Brindabella) (4.56): I rise to speak against this motion tonight because I am really concerned at the inference from both Mr Smyth and Mr Hanson about the lack of investment in health for the Tuggeranong community. In the last several years the ACT community has seen a large amount of money invested in healthcare facilities in the ACT. Providing health care closer to communities is a very

important part of urban development indeed. Among the projects which have been undertaken in regard to health care in the north of Canberra, we can see the recent development of a national health cooperative and the health wellbeing centre. The sixth such centre was recently opened in Chisholm.

In my electorate of Brindabella we have recently seen the opening of the refurbished Tuggeranong community health centre. The national health co-op has been developing a health cooperative and health and wellbeing centre on Canberra's northern fringe since 2004. And the energy for this cooperative came from the community following persistent concerns raised by residents about the lack of affordable GPs and health services. Using a membership-based bulk-billing system, the co-op is available to offer bulk-bill appointments to its members. The health co-op has been a huge success in the ACT, bringing health services to those who need it in most of our community, with Chisholm being its sixth centre, as I said. And it will not be the last, I am sure.

During the opening I attended with Minister Burch and members of the Bendigo Bank, I had the opportunity to walk around the new purpose-designed area and was delighted with what I found: several consult rooms, test rooms and a large community meeting area. I am proud to be part of a government that gave $200,000 for the construction of the building.

The definite highlight of my tour of the fantastic facility was talking to the enrolled nurse in the program at this location, Ms Vicky Jackson. Vicky was an utter gem who was more than giving of her time at the event. I have rarely met someone so happy to be at work and so excited to show her working surrounds. She told us how she had decided to give up working in the health area but came back to the health co-op to give it a go after leaving the sector a few years ago. And I think it is one of the many things that help the co-op thrive.

Mr Smyth: On a point of order, Madam Assistant Speaker, on the question of relevance, I am not sure which motion Mr Gentleman is speaking to, but mine is on the establishment of a bulk-billing clinic in Conder. I would ask you to draw his attention to that matter. If he has not got anything to say, perhaps he should sit down.

MADAM ASSISTANT SPEAKER: Thank you, Mr Smyth, you have made your point. Mr Gentleman, are you addressing the motion?

MR GENTLEMAN: On the point of order, Madam Assistant Speaker, I am addressing directly the comments made by Mr Smyth and Mr Hanson during their commentary and part of Mr Smyth's motion on the notice paper today. But I want to continue and talk about health in the Tuggeranong area, which I think is a very important topic.

I go back to Ms Vicky Jackson. She told us how previously she decided to give up working. She is extremely experienced, and the friendly staff at the co-op were giving a fantastic—

Mr Smyth: On a point of order, Madam Assistant Speaker, I have just reviewed the motion and it does not talk about the failure of the government to put health facilities in the Lanyon valley. So I would ask which part of the motion Mr Gentleman is speaking to.

Mr Barr: On the point of order, Madam Assistant Speaker, the second point of Mr Smyth's motion refers to an urgent need for more medical centres in Tuggeranong. I think in the context of the debate Mr Gentleman is perfectly able to talk about other medical facilities in Tuggeranong.

MR GENTLEMAN: On the point of order, Madam Assistant Speaker, it is directly relevant to paragraph (2), bulk-billing clinics in the Tuggeranong area.

MADAM ASSISTANT SPEAKER: Thank you, Mr Gentleman. If you can make sure you are addressing the motion, please continue.

MR GENTLEMAN: Thank you. In regard to bulk-billing areas in the Tuggeranong area, at the health cooperative Vicky also showed us the purpose-used ECG area separated from other rooms to ensure a private and peaceful area for patients who need it. In addition, she took real pride in the community meeting room available at the centre. I think it is really important to spread the word about the fantastic work that these centres do and to show that the investments that the government is making in bulk-billing clinics in Tuggeranong are actually working.

There are also classes operating at the bulk-billing centre. These classes may include nutrition and mothers groups, two very successful programs currently undertaken in west Belconnen. I was happy to hear that the meeting area will not be just limited to use by the co-op, with plans to open it up to the community for use when needed, ensuring that no part of the centre is left unutilised.

Members interjecting—

MADAM ASSISTANT SPEAKER: Thank you, the level of conversation is too high.

MR GENTLEMAN: Of course, this is only part of what the ACT government is doing in the Health portfolio. In Brindabella we have recently seen the opening of the $19 million upgrade to Tuggeranong community health centre, and that centre now delivers a comprehensive range of healthcare services to the local community. The centre offers services aimed at assisting clients to better manage acute and chronic conditions in the community and closer to home while reducing the reliance on hospitals. Just a few of the services which are offered by this vital community health service are community nursing, including ambulatory care clinics; allied health services such as physiotherapy, podiatry and nutrition; diabetes services, including services for those with gestational diabetes; nurse educator and dietician; women, youth and children's services; adult mental health services; alcohol and drug counselling; and pathology collection. The upgrade of this facility is welcomed by the community. The community health services in Tuggeranong will be something that that area can be truly proud of as a leader in the area.

During the election campaign, I and a team doorknocked over 6,000 south Tuggeranong residents about the very topic of health care in Tuggeranong. ACT Labor's commitment was to increase the health services in Tuggeranong by creating an additional centre in Tuggeranong. The Brindabella community are by far the highest users of the current Woden walk-in centre, with over 40 per cent of the presentations, as we heard from Mr Barr earlier, being from the Tuggeranong area. It has meant that it was, therefore, a good investment to upgrade health facilities closer to home in the heart of Tuggeranong. This will also take some pressure off facilities at Woden.

Most residents that we spoke to throughout our visits during the campaign were pleased with the government's decision to take walk-in centres into the town centres, boosting the availability to those who need it most. With some $951,000 being allocated to the Tuggeranong and Belconnen walk-in centre design and fit-out in the 2013-14 budget, this government is showing its commitment to the future of these walk-in clinics—another important health structure for the Tuggeranong area.

This is exactly what the government's health reform is about—spending money and ensuring health services for the Tuggeranong valley. The government is committed to ensuring that affordable and, wherever possible, free health care—bulk-billing, if you like—is accessible to all residents who require it.

I am speaking against the motion because the government is committed to continue to provide improved and upgraded healthcare facilities across the ACT in an effort to bring healthcare facilities closer to those who need it, whether it be in the north, south, east or west of the territory, despite what the motion might insinuate. It will be great in the future to see more investment in the national health cooperative, more upgrades such as the one we have recently opened at the Tuggeranong community health centre and in the near future it will be exciting to see the Canberra nurse-led walk-in centre opened at Tuggeranong.

MR SMYTH (Brindabella) (5.05), in reply: I am just stunned at that last offering from Mr Gentleman. Here is a serious motion about services to a particular part of his electorate and I do not think he spoke about the particular service once. He just stood up and said, "I'm against this," and then proceeded to talk about everything but the motion. And I expect Mr Gentleman to come back down and correct the record. He said that I had made comments against the government's investment in Lanyon and Tuggeranong, and I did not. So I suggest he review the record and come back and apologise and withdraw the comments that are incorrect and misleading.

This is a serious motion. It actually raises a couple of serious issues. The first is the motion itself and the particular service and the second is the attitude that the government has to the way people bring their concerns to members of the opposition and, indeed, members of the government and what we do with it. And I will deal with the actual place itself. To have Mr Barr stand up and attack the Liberal Party, because we voted against Medicare or something that happened a long time ago or something that is happening in the commonwealth today, at a time when his government is proposing to cut the health budget in the future, is galling in the extreme. He says, "Let's not—

Mr Barr: On a point of order, Madam Assistant Speaker, the government is not proposing to cut the health budget in the future.

MADAM ASSISTANT SPEAKER: Sit down, Mr Smyth. I cannot hear Mr Barr.

Mr Barr: The shadow treasurer is misleading the Assembly, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: A substantive motion is required for misleading in which—

Mr Barr: If he does it again, I will move one.

MADAM ASSISTANT SPEAKER: Duly noted. Mr Smyth.

MR SMYTH: Thank you, Madam Assistant Speaker. It is interesting that the reports on this issue appeared in the *Canberra Times* last year. This is not a matter we went public with. This is a matter on which the individual himself, feeling all avenues were shut to him by the government, by this minister in particular, sought out the support of his local members. Indeed, he went to Mr Gentleman. There he is on the list. He went to Minister Burch. I wonder what representations Mr Gentleman and Ms Burch have made to the minister on this.

Then we have got the situation where, if you do this, the slur is cast that somehow you are just doing a job for a mate. Lots of people come to my office that I have never met before that I make representations for, as do all members. It is that low level of debate that we know the minister slinks to very quickly when he is in trouble. Instead of addressing the issue—

Mr Barr interjecting—

MADAM ASSISTANT SPEAKER: Thank you, Mr Barr. Please do not speak across the chamber.

Mr Barr interjecting—

MADAM ASSISTANT SPEAKER: Mr Barr!

MR SMYTH: The gentleman gave me his data. He is desperate and he said, "Yes, you may use it." The gentleman gave me the data. I am not making this up. I have not detailed all of the data. I have used a broad figure—costs of more than $1 million—because he told me that. He said I could use it. He specifically gave me the other figures because he wanted them used, because he does not know where to go. He does not know what to do because his government is letting him down. He cannot afford to continue in this way. He cannot afford to build the centre.

So what does he do? Should he take the wisdom of Andrew Barr and say, "That's it; game up. I should go home"? He does not want to do that. He wants to be a doctor.

He wants to be a doctor with a practice in Lanyon. He wants to bulk-bill and he wants to build a facility on the block of land that he purchased for that purpose, which the government sold for that purpose. As Mr Coe said last year, is it a lose-lose. Everyone is losing here until this centre is built.

Indeed, Mr Rattenbury got it wrong as well. Mr Rattenbury said he will not support something which directs the government to do anything. We do not direct the government. We are calling on the government to grant the waiver. The minister will no doubt have a process. One hopes that it is an efficient and effective process. I thought about writing the word "direct". But I just went with the standard form, which is "calls on". If you had read the motion, Mr Rattenbury, that is what you would have seen. The problem here is that—

Mr Hanson: Caroline would have.

MR SMYTH: Caroline would have probably read it. That is right.

Mr Rattenbury: I will pass on your love to Caroline.

Mr Coe: Please do.

Mr Hanson: Please do.

MADAM ASSISTANT SPEAKER: Order!

MR SMYTH: Please do. We feel we were more aligned with Caroline Le Couter and we wish she was back here in lieu of Mr Rattenbury. This is an important issue for the thousands of people that live in Lanyon and that want better services. I think it was most unfortunate that Mr Gentleman continued with his speech because in it he failed to acknowledge their needs and he certainly failed to make a case against why this motion should not be supported.

You have to then ask the question at large: what is the process when somebody is disgruntled with the government if the tsar of Treasury over there deigns not to speak to mortals and makes a decision that somebody does not agree with? From what Mr Barr says, after that decision it is now up to that individual to accept his decision that they cannot go further. How dare they go and talk to somebody else.

The process I normally put in place when people come to me is that I say to them, "There are a number of options here. You can write letters. I can write a letter. We can go to the *Canberra Times.* We can go to the media. We can go to a TV station or a radio station. We can ask questions in the Assembly. We can move a motion in the Assembly. There are a number of things."

I always clear this with constituents before we take these steps because one should not have to do this. But in this case the people of my electorate are missing out. The government is missing out on revenue. We have had a number of motions on the building industry and its desperate straits. We are getting priority projects status and all sorts of other things are going to happen. The building industry misses out. The

construction industry misses out in this not going ahead. The health and wellbeing of the people particularly of Lanyon may well miss out because they do not have a bulk-billing medical practice down there.

It does raise an interesting question about the views of the minister about what the Assembly is for. Behind your head, Madam Assistant Speaker, the shield says, "For the Queen, the Law, and the People". Apparently, the people do not get a rating in here because, under Andrew Barr's theory, you should not bring individual circumstances of people here. I find that quite disgraceful. When somebody comes to me and says, "I'm at my wit's end. Do whatever you can for me," I will do whatever I can for them. That can involve bringing it to this place and having, hopefully, a reasonable discussion, which certainly has come from one side of this chamber but not from the other today.

We look up there at the words, "For the Queen, the Law, and the People," but maybe it is for the executive, the revenue and the Greens. Maybe that is what the motto of the ACT should be changed to. When we forget that we are elected to represent the individuals that come to our offices, who contact us or who seek our assistance and we get this bizarre notion from the Treasurer that that should not, if necessary, culminate in it coming to the Assembly, then you really have to question what some members of this place are in this place for.

In respect of every letter that I have written to you, minister, that you have accepted or rejected, I have not then turned around and come to this place. But in some cases I do. We do it on a merits system. We did it on merit, and I will continue to do it.

Mr Barr: Fine. I'm not going to be intimidated by that.

MR SMYTH: It was not an attempt to intimidate you.

MADAM ASSISTANT SPEAKER: There is no need to address Mr Barr, thank you.

MR SMYTH: This is bizarre. Now if you bring the concerns of an individual to the Assembly to ask the assistance of their Assembly in trying to get a just and fair outcome from the government, it is intimidation. Andrew Barr will not be intimidated if I bring a motion to the Assembly on an individual case. There you go. This is just spinning out of control.

I think what the individual over there is showing is that he should not be sitting in the top seat because that is his attitude to the ordinary punter, to the ordinary citizen, to the doctor, to the small businessman, to the husband, to the father who is out there. That is truly a sad day for this place. He is intimidated by the fact that an individual's concerns are brought to this place. I think you are damning yourself by your own words.

This is a reasonable motion. This place is for the Queen, the law and the people, and "the people" probably should be in much bigger letters because obviously some people in this place forget the people. It is about what we do that affects the lives of

individuals and their wellbeing. I am proud to move this motion today. I would ask members to vote for it. It is not unreasonable when other processes have run out that we bring a matter back to the ultimate court of the land, which is the Assembly. I would seek your assistance on this motion.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 6		Noes 7	
Mr Coe	Mr Smyth	Mr Barr	Mr Gentleman
Mrs Dunne	Mr Wall	Ms Berry	Ms Porter
Mr Hanson		Dr Bourke	Mr Rattenbury
Ms Lawder		Mr Corbell	

Question so resolved in the negative.

Economy—digital Canberra action plan

MS BERRY (Ginninderra) (5.19): I move:

That this Assembly:

(1) notes:

(a) the importance of the ACT Government's Digital Canberra Action Plan to accelerate business engagement with the digital economy and help businesses access new customers and markets;

(b) the ACT Government's investment of more than $12 million in NICTA over 2012-2016 towards research into innovative service delivery in areas such as e-health and e-government;

(c) that access to hi-speed internet improves education opportunities for all Canberrans;

(d) the benefits that free Wi-Fi will bring to civic life and tourism in our town centres;

(e) the potential for high skilled job growth in our innovative information and communications technology sector in the ACT; and

(f) the Federal Government's plan to limit the construction of the National Broadband Network to fibre to the node instead of fibre to the premises; and

(2) calls on the Government to continue to:

(a) invest in our economy and community through the Digital Canberra Action Plan;

(b) support the Digital Canberra Challenge to encourage innovation in our information technology and communications sector; and

(c) build partnerships across Federal Government, the tertiary education sector and the private sector to encourage more investment in the information and communications technology sector in the ACT.

My motion today is about positioning Canberra as a progressive and innovative city, a world leading digital city. As a tech-savvy city and a city of early adopters, Canberra is ideally placed to evolve further as a flagship digital economy. But this process will not happen without deliberate and strategic involvement of government. My motion outlines the importance of this program continuing—in particular, as a fundamental part of the government's work to create future growth and jobs in our economy.

With this principle as a focus, the Chief Minister launched the digital Canberra action plan recently during her state of the territory address. As part of the announcement, the Chief Minister identified a number of key enabling projects which the government has already begun to deliver: the largest free wi-fi network in Australia—due to go live in Civic around the middle of this year before extending to other town centres—a new town digital hub as a focus of the city's digital community; grants for business workshops and employee training, which will continue to grow the digital skill base of our economy; and a forum for new innovations to be embraced by government in the way we deliver services to the community.

The action plan responds to some key principles which the ACT government sees as central to the future prosperity of the community and the efficient running of government. Of course, the action plan builds on the ACT government's long record of investment and support for digital innovation and exports.

Since 2002 the government has been a partner in Australia's ICT research centre of excellence, NICTA. This is continuing through current investment of more than $12 million in the four years to 2016—a commitment we have made because there is still much untapped potential in the world of ICT. The ACT government's support for NICTA is a direct investment in Canberra's digital, innovation and economic future.

NICTA's Canberra researchers are working with the ACT government, local businesses and research groups at ANU and the University of Canberra on applications with huge potential in our community: e-government innovations; smart grid developments; solar energy; e-health; and transport evaluation and planning.

Just last week, NICTA opened its e-health living laboratory, known as "the lab", at the GP super clinic building at the University of Canberra. The lab aims to develop

technology to improve how health care is practised, delivered and monitored. In solar, NICTA's Canberra laboratory is teaming up with solar energy experts from the ANU, ActewAGL and local ACT companies Armada Solar and LAROS Technologies to develop ways of predicting the expected power output from rooftop solar energy systems.

This work offers the potential of major efficiencies and savings for government, growth for business and improvements to the way our community can access vital services. Importantly, this is not just our claim. An independent analysis by Deloitte estimates NICTA's economic impact to the nation at $2 billion per year through productivity and efficiency savings. Clearly, NICTA is a leader in Canberra's evolution as a digital city.

Equally, good digital access for Canberrans and visitors is an increasingly important part of our city and economic life. Cities around the world have implemented public wireless broadband capabilities, improving the city's image, social inclusion and enhancing their overall experience. Free public wi-fi is based on an international standard that makes it easy to connect to using mobile services and means. We can address the digital divide by delivering universal access. Tourists will not have to pay premium roaming charges when visiting Canberra. No more 3G congestion in town centres during peaks times, particularly at bus interchanges. Mobile workers will be able to do their work on the move, delivering more efficient services to the community.

Free public wi-fi will allow Canberrans to become more intensive users of the internet, anytime. Specifically, it will help people to participate online for free, regardless of age or socio-economic status, access online services and make online transactions. Free public wi-fi is a key enabler of a connected society. It will increase digital engagement. We already know the link between digital engagement and commercial success has been well documented.

Businesses using digital technologies are able to lower communication costs, find new customers and international markets and access information and other outputs more easily. Consumers want and expect faster access to products and services and employees increasingly expect greater flexibility in regards to their work location. What we need to remember is that digital technology is no longer a perk for the highly educated and highly paid but a vital ingredient for opportunity in our community.

Upcoming milestones in our education system illustrate the vital importance high speed internet has taken on in the classroom. E-books in ACT schools through the library management system will be piloted in June 2014, pilots of Google apps for education and Microsoft 365 cloud-based services will occur with eight schools in 2014, and a further expansion of safe and secure wireless access will create better access for students from their own personal devices.

At the tertiary level, the importance of a strong digital presence is also growing. The government's study Canberra initiative, which the Chief Minister is also promoting in China this week, is now showcased online by a new website available in both English and Chinese. It reflects a concerted shift in university education to the online

environment, not only in study itself but in the promotion of universities to potential students from around the world.

Just as with NICTA, the ACT government's investment in study Canberra is a commitment we have made because of the enormous potential it creates. Study Canberra is a unity ticket of government and universities working together in the digital space because of the benefits for both parties in further growing Canberra's university sector.

More broadly in our business sector, the evidence is absolutely clear on the role of digital technology in skills and jobs growth. Further analysis by Deloitte in 2013 found that Australian small businesses with high digital engagement earn twice as much revenue per employee and are four times more likely to be hiring more staff.

So we know that job growth comes from new businesses. We also know that most organisations want to experience the technology and use it hands on before they commit to implementing it. Canberra businesses typically want to get their digital information from workshops and they want to experience it and have it targeted to their needs.

This evidence underpins the government's decision to provide funding for business workshops under the digital Canberra action plan. Delivered in partnership with the Canberra Business Council, the government will be running workshops which target the key digital skills for businesses in the ACT. Our workshops will help replace the federal government's lapsing digital enterprise program.

Unfortunately, as we know, the federal government has also chosen to reduce the capability of the national broadband network, moving from fibre to the home to fibre to the node. I note an article today published in iTWire.com that announced that the federal government has of today issued new instructions to NBN Co to scrap federal Labor's fibre-to-the-premise rollout and instead use a mix of new and existing broadband technologies which, if the government can be believed, will be rolled out faster than Labor's original plan but will be nowhere near as fast for its users.

For a small business, a critical issue for competitiveness in a digital economy is the availability of affordable, reliable and very fast broadband, not just for downloading but also for uploading. The ACT government has made representations to NBN Co and direct to the relevant Senate select committee on the need for the rollout of NBN in the ACT to progress as fast as possible. All the ingredients are here to be the great NBN success story and exemplar of high speed connectivity, with 50 per cent uptake of the NBN in Gungahlin and with the digital Canberra survey showing that our businesses have the highest use of fibre by small businesses, at 14 per cent, the top use of telework in Australia, at 50 per cent, and far and away the highest proportion using social media in Australia.

We have been pleased to see NBN Co start work in Civic in recent days. However, I acknowledge that this rollout is less than we were promised by NBN Co in 2013 when we were told that the rollout of the national broadband network in the ACT would commence across the entire ACT by the end of 2015. There are significant areas of

the ACT, including important business hubs such as those in Belconnen, where the quality of broadband service is at the D or E quality level, according to the commonwealth's MyBroadband website.

NBN Co is currently unable to provide advice on when these areas will be connected to the NBN. On current estimates, approximately 25 per cent of the population of Canberra and many of the industrial centres will continue to lack access to reliable high speed broadband by the end of 2016. To be competitive in the digital economy, the ACT government understands that small businesses need access to fast, reliable and affordable broadband. Without this, business cannot be sure that it can compete for electronic tenders, support interactive websites and teleconference with customers and suppliers. The ACT government will continue to strongly advocate for the NBN to be rolled out across the entire ACT as soon as possible to the original target of the end of 2015.

The vast digital economy moves in a way that no government can control. But to do anything less than engage fully in such a core area of our future, both in economic and social terms, would be extremely negligent. The ACT government is deeply involved in helping our economy to succeed in the digital arena, enabling the great innovators and entrepreneurs of Canberra to reach their potential. The benefits of this approach can touch our entire community. I look forward to the government continuing its work across the ACT.

MR DOSZPOT (Molonglo) (5.31): I thank Ms Berry for her motion today. In broad terms we support this motion. There is much to commend, but we do not think it goes far enough. On behalf of the Canberra Liberals, I will be moving an amendment, which I will come to later, which I think will strengthen the motion and the purpose for which Ms Berry has brought it on today.

The digital Canberra action plan was released by the Chief Minister last month. The Chief Minister calls this action plan a road map. Well, let us hope it has GPS capabilities, because with this government you never know where you are going to end up. Without firm directions, it will get lost. One could be excused for thinking that this is just another 20-page glossy brochure full of feeling and emotion but lacking the substance and street signs needed to get it to the destination.

You will find no argument from this side of the chamber that investing in our digital economy is fundamentally important in ensuring the growth of business, education, employment, health and research. When you get to the substance of the motion, Ms Berry lists a number of important aspects:

> (a) the importance of the ACT Government's Digital Canberra Action Plan to accelerate business engagement with the digital economy and help businesses access new customers and markets;
>
> (b) the ACT Government's investment of more than $12 million in NICTA over 2012-2016 towards research into innovative service delivery in areas such as e-health and e-government;

> (c) that access to hi-speed internet improves education opportunities for all Canberrans;
>
> (d) the benefits that free Wi-Fi will bring to civic life and tourism in our town centres;
>
> (e) the potential for high skilled job growth in our innovative information and communications technology sector in the ACT …

These are all good points, and we ourselves support them. However, till now all ACT taxpayers have been presented with is a 20-page brochure. Even the brochure itself describes the plan as follows:

> It is a statement of Canberra's digital aspirations and the principles and actions to work towards this future.

Yet we are being asked to blindly trust this government. And the only financial figure mentioned is $4.4 million. Given that the statement is aspirational, are we to assume this $4.4 million is also aspirational? Where are the details? When exactly will each priority and action be delivered? By whom? And for how much?

According to a report prepared in 2012 by the Department of Industry, Innovation, Science, Research and Tertiary Education, the ACT had a total of 24,307 small businesses. Yet only 489 responded to the Canberra digital survey. That means that 489 out of over 24,000 businesses responded to this survey. It represents a very small number, and this small number has been the basis of this action plan: 0.02 per cent of businesses are represented in this plan.

Let us take a look at some more of the information provided in the brochure. If you look at page 7 of the plan, it looks at the total usage of social media. Ms Burch may be interested to know that, of the respondents to the survey, 41 per cent use Twitter for news and events. Might I suggest that some use it a little more eloquently than others.

It is not until page 12 that we actually get into the "guiding principles" of the plan and discuss the vision and actions—but again without the detail required to provide ACT taxpayers with assurances of successful delivery.

The potential benefits that free wi-fi will bring to civic life and tourism in our town centres, I would argue, will be directly proportionate to the quality of the service delivered. Again, in the absence of any detail, it is hard to determine whether this will in fact be the case, whether it will be a plus for Canberra. We need to make sure that the service provides enough bandwidth to deal with the take-up. Ensuring privacy for consumers is paramount in the success of this project. With the trial of free wi-fi on ACTION buses to "commence soon"—when you take into account that this was promised two years ago, it cannot be soon enough—it is also difficult to determine where this project will end up. Will free wi-fi be on all ACTION buses? Will the success or otherwise of this trial result in the project being extended or reduced across Canberra? None of this is known. And we are missing direction on the level of service to be delivered.

The theme here really is the lack of detail which the government has provided. We know the aspirations of the government. We know that a figure of $4.4 million has been mentioned in the media. But again, where is the detail? To put it into context, the *Canberra Times* reported on 14 March this year that, according to the Treasurer, the ACT deficit had blown out from $254 million to $361 million. If we have already got a budget blowout, is this project going to add to the budget blowout? If it is, we need to know accurately by how much? We cannot keep spending money we do not have. Labor is good at doing that, but there comes a time when the debt has to be repaid. All we have to do is look at the national situation on this.

Ms Berry's motion also refers to the federal government's plans for the NBN. They have given a commitment to utilise highly effective smart technologies in the delivery of a high-speed broadband network service which will ensure that Australia does not fall behind in the worldwide digital revolution. We agree that is important. What is even more important is that the coalition government will provide the NBN to all Australians sooner and at less cost to taxpayers than was on offer under Labor. This is in stark contrast to the former Labor government, which was behind schedule and over budget.

Under the coalition NBN model, access to high-speed internet will be provided through utilising a suite of technologies, including, fibre, fixed wireless and satellite, dependent on where you live. The NBN will provide endless possibilities for the education sector, the disability sector and, more notably, the health sector, to name a few. Importantly, under this federal government's rollout of the NBN, there is the potential for further ICT job growth in the ACT and surrounds, as well as supporting education opportunities for all Canberrans.

I reiterate: you will find no argument from this side of the chamber that investing in our digital economy is fundamentally important in ensuring the growth of business, education, employment, health and research. But this investment must be cost effective and, more importantly, beneficial to Canberrans. The little glossy brochure, which is really all we have to go on, provides little insight as to whether any of these requirements will be met. With no time frames, individual costings or detail, it is less action plan and more procrastination plan. It has the potential to join a whole suite of services the government has promised but not yet delivered.

The digital Canberra challenge is a great initiative and something which we certainly support. Providing the public with the ability to outline issues they see need addressing and then allowing those in the ICT sector the opportunity to challenge themselves to create a solution provides an opportunity for innovative thinking within the context of a dynamic supported environment.

In summary, we support the broader terms of this motion. It highlights some very important developments that the ACT needs. However, it is lacking rigour around money and timing. We believe that this motion can be enhanced by an amendment. We believe that this amendment will provide an opportunity for the government to provide details of the costings that the current action plan fails to deliver, ensuring

that ACT taxpayers are fully informed of the costs, time frames and expected outcomes. I move:

> Add new subparagraph (2)(d):
>
> "(d) provide to the Assembly in the forthcoming budget an indicative timetable and detailed budget outline for delivery of the plan.".

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (5.40): The goal of a truly modern city with a strong digital economy and interconnected information technology is commendable, and offers us many benefits. In the text of her motion, Ms Berry has sought to outline some of those key points, and it raises some very substantial issues that the Assembly needs to be considering.

As more and more of us are using digital devices for work and play, it is inevitable that our demands on the systems that support this way of life will increase. And, as we all know, the pace of technology is accelerating every day. It is therefore important that the government is keeping abreast of the latest developments and seeing how it can enhance people's lives, both as a facilitator and as a provider.

A lot of government services can be enhanced, particularly through this area. Digital technology is playing a greater role in many areas of government activity. For example, it is vital in ACT education, both for our own students and for this key export industry. It is part of the vision of a city that has free wi-fi in public places. We will see that play a particularly valuable role in the transport hubs, and even on ACTION buses, which will be of great benefit, particularly, to our many students.

There are also benefits for tourists, who may come to Canberra needing more information about what our city has to offer, and for local traders and businesses as well. As the Minister for Ageing, I am aware that it is important that all Canberrans are able to be part of digital Canberra. Many older Canberrans have developed their wisdom through the analogue age; they can tend to be left out of the digital age. I am pleased that the Ministerial Advisory Council on Ageing is looking at the social inclusion of our older Canberrans; this includes looking at how we include older Canberrans in digital initiatives. For example, as we introduce more online options for the delivery of public services, including information and consultation through to billing and payment, we need to remember to provide options for those who are not au fait with the technology. A smartphone app will not really work that well on the old rotary-dial landline!

It would be fair to say that the government is aware of these issues. Another example is that where we are moving towards cashless options for payment, we retain other options of cash or even cheques. Also, when we do websites, we need to still think about where we need to retain printed material for particular audiences.

I can advise the Assembly that Libraries ACT is among the leaders in providing programs for older Canberrans on how to use computers and the internet. Libraries

ACT offers services to all customers, but some are particularly popular with the senior community. Internet and computer training, from basic hardware and software familiarisation through to online security, is available in all Libraries ACT branches. Online computer training—the "Teach me" interactive self-paced computer training from Learningfast—is available to all library members using a membership number and PIN login. And Libraries ACT has the digital hub—free, easy training and information on a range of topics, with group and one-on-one sessions available.

These are all promoted and available through branches of Libraries ACT. Libraries ACT also attends the annual seniors expo held during Seniors Week to promote these services.

I share these few pieces of information with the Assembly to indicate the breadth of issues when we come to thinking about the digital Canberra action plan and how we need to think about the different audiences or different communities that are out there. I fear that too often it is all about young people, young business entrepreneurs and all that sort of thing; we need to be mindful of how it plays out for the rest of the community. As I say, with responsibility for the portfolio of ageing, it is something I am very conscious of.

From a party perspective, the ACT Greens have a long-held interest in supporting a greener, more digital city. We are also aware of the need to pursue this in a way that is sustainable. In 2010, my former colleague—and favourite member of the Liberal Party!—Caroline Le Couteur successfully moved a motion—

Mr Hanson: Hear, hear!

MR RATTENBURY: You have got to have a sense of humour about these things.

Mr Barr: I think you need to make sure that the punctuation is correct there. It could be very important.

MR RATTENBURY: Yes, the punctuation was important in that sentence; it did come out rather awkwardly. Ms Le Couteur successfully moved a motion calling on the government to consider that while ICT is a major enabler of government functions and a major source of employment, we also need to be aware of the long-term life cycles of the hardware used. This motion called for the expedition of the ICT sustainability plan, and my office has again raised this issue with my cabinet colleagues today. It would be good to see this report in the near future.

With our diverse population, we need to ensure that we are supporting all of our residents to fully engage with new and emerging technologies. For young people and old, students and professionals, we need to see a connected Canberra.

Members interjecting—

MADAM DEPUTY SPEAKER: Sit down, Mr Rattenbury, for two seconds. Stop the clock. It may be all very amusing, but I can hardly hear Mr Rattenbury for all the banter that is going on on this side of the chamber—and some from the other side of

the chamber as well. So could we just save it till later. You can all have a little joke later on when we have finished, if you wish.

Mr Hanson: When we catch up at the pub later?

MADAM DEPUTY SPEAKER: Yes, when you catch up later on and have some social time together, which will be very nice—highly recommended. Are we all done for now, members, so I can hear Mr Rattenbury? Thank you.

MR RATTENBURY: Thank you, Madam Deputy Speaker. I appreciate you intervening, as I am getting concerned by the unhealthy obsession that my colleagues across the chamber are developing about my former colleague.

When it comes to the ACT government's delivery of services, all of our directorates are moving towards using technological innovation where we can. Members may have seen the new app that has just been released by the TAMS Directorate which is part of a new waste and recycling initiative. Members can download an app that gives you information about when your bin will be collected. It provides updates if there is an interruption to service. It has got a whole lot of information on what can and cannot be recycled. It is called my-waste. It is available for free and it is all about making it easier to manage household waste and recycling. Rather than having to wander down the driveway in their pyjamas, Canberra residents can look up, in the comfort of their own homes, online, when the next garbage collection is due—rather than having to observe what their neighbours are up to.

Members interjecting—

MADAM DEPUTY SPEAKER: Mr Hanson! Mr Coe! Stop the clock, please. Sit down, Mr Rattenbury.

MR RATTENBURY: It is because you missed the first part of the sentence.

MADAM DEPUTY SPEAKER: Sit down, Mr Rattenbury. Do not encourage them. I know it is a late night sitting and we all get a bit like this in the middle of the week.

Mr Coe interjecting—

MADAM DEPUTY SPEAKER: Mr Coe! I know we all get like this in the middle of the week. However, this is a serious subject and we need to pay it respect. Especially, we need to pay respect to Mr Rattenbury at the moment, because he is on his feet. So can we have some silence, please. Mr Rattenbury.

MR RATTENBURY: Thank you. I will not talk for much longer, because it is clearly a challenge for my colleagues.

The digital Canberra plan outlines a range of positive actions, and I look forward to seeing these implemented over the next four years. I support the need for these actions to be regularly discussed; it is useful not only to us in the Assembly but to those very businesses and people we are trying to attract to the ACT that this plan is carried

forward, that there is a good understanding of what it offers both from a business and an individual point of view, and that it is given the promotion and implementation that it needs.

We know that the community will embrace these digital opportunities in many different ways, probably ways that we cannot even imagine yet. That is part of the exciting task of ensuring that we have a good digital environment here in this city in which people are thinking of new ways to both improve services to the community and the government through the business sector and create new economic opportunities for our city.

I will be supporting the motion today. When it comes to Mr Doszpot's amendment, I have had a close look at this. I think there is merit in having some accountability and some clear outlining of the process for that accountability. I have looked very closely at it and I have had some discussions with the Chief Minister's office today. I think that the budget is not the right place for that sort of thing—it does not fit in the usual form of the budget—but I agree that there needs to be an enhanced level of accountability so that members can follow the progress of the implementation of this plan. I believe Mr Barr is going to move an amendment, and I will speak to that further once he has moved it.

MR HANSON (Molonglo—Leader of the Opposition) (5.50): I was not intending to speak to this motion but it seems extraordinary to me that, with respect to the great revolutionary advances that we are taking in the digital sphere within the ACT, Mr Rattenbury's great plan is that it will allow us to sit at our computers to work out what night bin night is. I thought that bin night was the same every week. Bin night, certainly in my suburb, is the same night.

Mr Coe interjecting—

MADAM DEPUTY SPEAKER: Mr Coe!

MR HANSON: What was the interjection? I must admit I did not hear it.

Mr Coe interjecting—

MADAM DEPUTY SPEAKER: Mr Coe, your colleague is on his feet. Will you please be silent.

Mr Barr interjecting—

MADAM DEPUTY SPEAKER: Mr Barr!

MR HANSON: Perhaps it is with a sense of irony that I get up to speak. But the minister for TAMS is saying that you have to sit at your computer in order to work out what night bin night is going to be because you do not remember that it is the same night every week and there is the challenge of looking out the window and seeing whether your neighbours are putting their bins out or not. If this is the quality

and standard of debate and forward thinking about ICT that we are seeing from this minister and from the Greens, God help us.

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) (5.52): I thank Ms Berry for bringing forward this motion this afternoon and for outlining the different ways in which the government is developing our city's digital economy.

These initiatives are indeed many and they are varied. One of the fundamental elements of the government's work is the broad spread of applications and the broad spread of beneficiaries within our community. This work not only supports the future growth of our ICT sector but also it creates the conditions for a new level of digital engagement and innovation throughout Canberra's economy. I refer in particular to new efficiencies in government, new channels for marketing Canberra abroad and further cuts to red tape for small businesses and the population at large.

The government's digital strategy is a vital part of the broader diversification and growth agendas for our economy. As such, it is the key to our response to the change and uncertainty facing the territory economy. As the federal Commission of Audit release date and budget approach, we continue to wait for an indication of the full extent of the mugging of our economy by the Liberal Party—the full extent of those budget cuts and their impacts upon the territory.

I think it is fair to say that most Canberrans maintain a very cautious outlook regarding the devastation that is proposed to be wreaked on this city by the Liberal Party. But we have some things within our own control, within our own destiny. Wide-ranging strategies such as the business development strategy and the digital Canberra action plan position us far better than if we were standing still.

Despite the range of external pressures that we are facing, our private sector is growing, it is becoming more diverse and it is creating a wider range of knowledge-intensive jobs. The government is continuing to support this growth by providing the right environment in which businesses can invest, innovate and grow.

There is no doubt that the digital economy is one of our major strengths. Canberra leads Australia on a range of digital indicators, including use of digital media, telework and the use of smart devices by local businesses. Our highly educated and early adopting workforce also lends itself to pushing further ahead with innovation in the way people work and do business.

Flagship ICT research organisations are leading this evolution, including NICTA, the CSIRO, our universities, a range of defence and telecommunications companies and, importantly, an ever growing number of innovative small and medium-sized enterprises.

Canberra's reputation for world-leading knowledge and business innovation is certainly gathering momentum. We are seeing a burgeoning of entrepreneurial activity within the territory, the establishment of more ICT start-ups and venture capitalists.

The recent ANU Connect Ventures conference, at which the Chief Minister launched the new Griffin accelerator and announced $70,000 of government funding, is but one reflection of the growth of the digital sector.

Regardless of whether we are talking to the start-up community, small businesses, larger Australian businesses or foreign investors, a key issue is our city's credentials and capabilities as a digital city. Ms Berry's motion this evening calls on the government to continue its efforts across the digital economy, and it is clear that we are doing just that.

Following consultation with business and the community, last month the Chief Minister released the digital Canberra action plan. The plan provides a roadmap for identifying, testing and implementing a range of ideas and solutions to take advantage of digital opportunities.

The plan sets out five key priorities. The first of these is that Canberra is a smart city. Leading digital cities need town centres which focus community activity and interaction in the digital space. I think there is universal agreement that free public wi-fi is a key enabler of a connected society and allows residents and tourists alike to utilise a range of devices. It can certainly transform community centres and spaces into digital spaces where people can engage in the local economy and in local activity, and national and international activity. It may be as simple as finding directions to the closest available car parking space. All of these things feed in to the growth of a smart and connected city.

The second priority is accelerating digital uptake and raising productivity. Businesses using digital technologies are able to lower communication costs, find new customers and access more efficient supply chains. Customers want and expect faster access to products and services and employees increasingly expect greater flexibility in regard to their work location.

The third priority is a more connected community. This creates a focus on new and better connections across the different parts of the Canberra community, including government. This vision of online government includes the community engaging online and helping to co-create policies, services and projects. This online collaboration can also drive community-led initiatives and find alliances between retail, tourism, education, professional services and community groups.

Priority 4 is open and transparent government. The record of this government is one of increasing transparency and online services. The continuing of new applications such as NXTBUS, the release of the mobile Canberra app and the "Canberra Live" video registry website are some examples.

Priority 5 moves the government further towards its own target of "digital by default". There is no doubt that technological advancement is creating new possibilities in service delivery and new expectations in service quality. The government will progress a large number of new opportunities with a focus on citizen-centric design for new and easier access to government services. Beyond the new action plan the

government is continuing an extensive program which contributes to digital Canberra objectives.

One such initiative which I am pleased the shadow minister has supported is the digital Canberra challenge—one aspect of the government's business development strategy. The challenge is a program that promotes more effective and efficient government through competitive challenge rounds each year. The first round was launched in August last year. Twenty-one challenges were put forward by the ACT public service.

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR BARR: Submissions were put forward for 21 unresolved business requirements and we then sought submissions to provide solutions to these challenges. Eleven innovators submitted their solutions. Two were selected to develop proof-of-concept prototypes. Last month I was pleased to announce the winner of the challenge, DigiACTive, who partnered with Territory and Municipal Services to develop a proof-of-concept prototype to provide an online permit approval service. I would also like to acknowledge Design Managers, who were the runner-up in that first round. Round 2 has now been opened and new challenges have been set.

In November last year, through the accelerating innovation program, I agreed to review innovation activities in the ACT to look at ways of achieving even better outcomes. In February a workshop was held with over 30 key stakeholders. It made a series of recommendations, and I was pleased to be able to announce earlier today the establishment of the Canberra Innovation Network. The government will be inviting ANU, NICTA, CSIRO and the University of Canberra to be core partners in this particular network.

The government, through the department's annual report, will be providing updates in relation to the delivery of this particular program. So we will not be supporting Mr Doszpot's amendment. Clearly, the budget will contain a range of initiatives that will go part of the way towards what Mr Doszpot is seeking. The balance of that will be met, clearly, through annual reports and further updates provided by the government through the delivery of these particular programs and others. So we will not be supporting the amendment this afternoon but we do undertake to provide regular updates to the Assembly in relation to the delivery of the program. *(Time expired.)*

MR GENTLEMAN (Brindabella) (6.02): I rise tonight to support this motion and thank Ms Berry for bringing it forward. I want to talk on the positive work being done moving forward into the digital age and I will start in education. ACT schools are taking this development and the challenges associated with it head on with several different and exciting resources now being placed into schools. One of the recent steps towards this has been the creation of the digital backpack, an online portal for ACT teachers and students that has been live since October 2013. The portal allows

single sign-on access to a range of online learning applications and digital content for staff and students.

This new backpack provides safe, secure and easy access to the Australian curriculum digital resources via the Scootle digital content library as well as a range of safe and secure ICT tools that enable online learning 24 hours a day, seven days a week regardless of whether the student is at school, home or even on the smartphone or iPad.

The use of Scootle is also directly affecting student outcomes as a teacher resource. This resource enables ACT teachers to incorporate high-quality digital resources into teaching and learning and links our teachers with the Scootle community, a social media hub devoted to teaching and learning in Australia, as well as Improve, a diagnostic testing resource that links Scootle resources together.

As we are all aware, portable devices are now an integral part of our lives, and the school is no exception. ACT schools have taken to these new devices in a myriad of ways, with Alfred Deakin High School trialling a program where students begin with their own devices such as iPads, laptops and Google Chrome books and connect to the school's wireless network. I am proud to say my three children all come out of Alfred Deakin high and are all very efficient in IT. Student engagement has increased as they are able to use the device of their choice. Over in Harrison school, students use iPads in class to access learning resources, online learning, video conferencing, novels and subject information. Students can also use their iPads before school in addition to during class time.

ACT students are taking these new opportunities and embracing them, and in doing so they are learning important job-specific skills for the future. A prime example of this would be Hawker College student Josh Luongo. He designed and created the Hawker College iPhone app, which contains the latest college news, timetable information, study guides, and it also connects to our ETD learning management system, connected learning communities. The app is free for download via the iTunes store.

Earlier we heard from Ms Berry in regard to NICTA and the eHealth Living Laboratory, and I want to go into a little bit more detail about the living lab. I quote from their information:

> The National eHealth Living Laboratory (NELL) will provide infrastructure, research and engineering and business-development for novel Information Informatics Research solutions in health care.
>
> The National eHealth Living Laboratory is a user-driven open innovation system based on a partnership between industry, citizens, health professionals and government. It enables users to take an active part in the research, development and innovation process to leverage best practice from across Australia to improve national health outcomes through broadband-enabled sites. The living lab will combine preventative care and ambulatory (outpatient) care with access to sub-acute care; promoting, innovating and delivering the future of health-care connected to "smart" homes.

The living lab will link with several Australian research centres as well as international agencies. The laboratory lead node will be at the University of Canberra, in the new planned Clinical Teaching Building as part of the Health Innovation Precinct. The lab is supported by more than 28 partner organizations including research organizations, consumer health groups, industry groups, health service providers, health technology businesses and ICT vendors. The major benefits of the laboratory include

- Improved workforce productivity and workforce training
- Catalysis of advanced research in eHealth
- Platform to drive community engagement in eHealth Research
- Engagement of small-to-medium enterprises and Health Care providers in eHealth innovation

The living lab will support access to new export markets for Australian electronic health businesses and expand Australia's ICT skills in a competitive global market. It will also provide a central point within Australia that combines research, clinical activity, preventative health care and education in an innovative environment that will provide best-of-breed ICT development and demonstration.

The laboratory will leverage government support for the Australian e-Government Technology Cluster through the formation of an eHealth Interest Group within the cluster. The lead node of the laboratory will be at the University of Canberra, in the Faculty of Health Clinical Teaching Building. The laboratory will leverage existing research activity, and provide business incubation and engineering support to transition prototypes through tests, clinical trials user adoption and into sustainable health businesses.

The living lab is designed to grow—including new locations and new areas of research by allowing open access to a networked laboratory model that balances technology/research "push" with market and enduser "pull" by:

- Showcasing ICT skills as an essential component of the international eHealth value chain.
- Bringing all stakeholders within the eHealth value chain into contact – clinicians, educators, community, ICT developers, government, vendors, CIOs.
- Creating eHealth opportunities and integrated learning in clinical practice.
- Delivering a venue for ICT companies to demonstrate their product and to innovate in a collaborative forum for experimentation and extension of existing ICT developments in eHealth.
- Providing training and experience for the next generation of eHealth practitioners.
- Inspiring senior decision-makers and providing differentiation between technological solutions.
- Lowering the risk of innovation and proving business cases for innovations in health.

The National eHealth Living Laboratory will provide substantial ICT data centres and engineering support. This will develop and maintain interoperable health information services allowing clinical information networks and health business processes to be examined and augmented. The living lab will support

> the development of middleware services (software that operates between multiple data sources and services) and user testing without interfering with the work of health professionals.
>
> The lab aims to develop technology and business processes that will enable health care providers to deliver better services, increased access and open new opportunities for businesses. The business process will be developed to facilitate effective change management to improve adoption of innovation within health. The living represents a physical realization of how advanced ICT is transforming the delivery of health services. The living lab will bring together participants in the Australian eGovernment Technology Cluster's eHealth interest group. This will provide access to the research capabilities of partner research institutes, commercial activities in the health field and through dissemination and coordination of local activity in the national context. The National eHealth Living Lab is world-first in its scope and distributed approach.

So, fantastic opportunities there for the investment from the ACT into that larger sphere of e-health.

I want to touch base on some comments earlier from Mr Doszpot in regard to the action plan. He made the comment, unfortunately, that the action plan was just a glossy brochure. It clearly is not. If you have a look at the digital Canberra action plan, you will see a detailed strategy for delivery. There is evidence-based research which looked at all the ideas, votes and comments crowd-sourced through the digital consultation on the time to talk website and the survey of respondents who participated in the digital Canberra survey. It has clear goals: to improve resident and visitor experience, provide mobile access and services and enhance our innovative culture. It has a series of guiding principles on partnership, promotion, networking, leadership, open data, social inclusion, innovation and performance. And, of course, it has a set of priorities on a smart city, digital economy, connected community, open government and digital service. But it follows that, too, with key action plans. It looks at free public wi-fi, the digital space in Garema Place, the innovative pitch panel, digital business capability workshops and science, technology, engineering and mathematics internships.

There are fantastic results for the efforts the ACT government is putting in and the expenditure. As you can see, the digital economy can provide a wealth of opportunities for business and Canberra in the wider community. I urge members to support the motion.

Amendment negatived.

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) (6.13), by leave: I move:

> Add new subparagraph (2)(d):
>
> "(d) provide the Assembly with regular updates on the delivery of the plan.".

As I said in my concluding remarks to my earlier contribution, which unfortunately was cut a little short by hitting 6 o'clock and I lost two minutes of my speaking time as a result, the government—

Mr Coe: You're a victim!

MR BARR: I know, it is a sad thing, but I am going to make up for my two minutes now. It certainly is the government's intention to provide the Assembly with regular updates on the delivery of the plan, and that will take many forms. As I indicated to Mr Doszpot, clearly, some matters will be progressed through the budget and forthcoming budgets. There will, of course, be reports and information from various directorates in their annual reports, and the Chief Minister's directorate will provide an overarching update for members on an annual basis. There will be a budget update related to initiatives in the budget, then annual report updates and I also anticipate there being a range of other information provided outside of those formal processes in relation to different elements of the overall action plan.

I can provide one of those updates right now in that in November last year we began a process of reviewing innovation activities within the ACT to look at ways of achieving even better outcomes. In February this year a workshop was held with over 30 key stakeholders, including the ANU, NICTA, CSIRO, the University of Canberra, Australian Capital Ventures, the Canberra Business Council, Epicorp and the Lighthouse Business Innovation Centre. This workshop recommended the development of an innovation network that would support the growth of innovative companies wherever they were located in the territory.

This week I have announced on behalf of the government that we will be implementing the outcomes of the workshop. An innovation network with the working title CBR innovation network will be established and its ownership will be shared by the key stakeholders and the ACT government. The government will be inviting the ANU, NICTA, CSIRO and the University of Canberra to become the core partners in the network. Other contributors will also be most welcome.

The vision for the network is to link businesses and entrepreneurs to accelerate innovation and growth to maximise wealth creation. To achieve this vision the network will have an ACT-wide purview described at the workshop as from Mount Stromlo to Bruce and beyond. The network will provide a triage model for all entities which contact it but with services that engage effectively with potential high-growth businesses.

The network will have a governance structure that provides avenues for buy-in from all of the key stakeholders. The network will embrace all innovative ideas, not just digital and technology intensive companies, for example, life sciences and social sciences in the ACT and the real opportunities they present for enterprise development. The network will be available to all potential high-growth companies, not just companies spun out of research institutions or ICT companies. The network will support and encourage alternative models for accelerating innovation, including providing services to any potential high-growth business.

The network will seek private sector sponsorship and involvement and it will develop linkages to position high growth potential companies into international supply chains. It will be the responsibility of the network to establish the program in accordance with the ACT government's broad guidelines. This will include developing channels to ensure that all potential high-growth businesses and entrepreneurs from all sectors across the ACT have access to the service and the services and activities provided are fully relevant to their needs.

I turn quickly to the matter of the ACT government's ICT sustainability plan, another area on which I understand members are keen for an update. In short, this is a four-year plan to enhance the sustainability of the government's ICT operations. The plan aims to improve the environmental performance of the ACT government's ICT assets, to embed sustainability practices into future ICT solutions and service offerings for the ACT government's ICT service provision and to support the government's targeted outcomes for energy management and climate change mitigation. The plan has been drafted and is in its final consultation phase. It has been circulated to directorates through the ICT collaboration forum and the carbon neutral implementation committee and is now being finalised.

In conclusion, the amendment I have moved today gives a clear indication of the government's commitment to keep the Assembly regularly advised on progress in this area. We are committed to getting on with the job of helping the territory to become an even more digitally focused and innovative jurisdiction. We are investing in our economy and our community through the digital Canberra action plan. We are promoting innovation, we are promoting start-ups, and we are promoting better service delivery through the digital Canberra challenge. We are building partnerships across government, we are building partnerships with the tertiary sector and we are building partnerships with the private sector to encourage more investment in the information and communication technology sector in the ACT.

I commend my amendment and Ms Berry's motion to the Assembly. This is important work, and, by and large, it seems there is support across the political divide for this. I think it is an important area of policy for the ACT.

MR DOSZPOT (Molonglo) (6.20): I would like to speak to Mr Barr's amendment. It is a pity in many ways that the government had to amend their own motion. Any pretence that there is a crossbench has well and truly been exposed by Mr Rattenbury not supporting other issues here today. That was not that hard to do. We supported the majority of Ms Berry's issues, and there was nothing sinister or political in what was suggested. The Canberra public would expect nothing less of us than to extend some scrutiny on this government, and I would say that the Canberra community would have expected the same call from Mr Rattenbury as well.

Mr Barr's amendment to provide the Assembly with regular updates on the delivery of the plan falls short of what we would have expected, but it is a step in the right direction, and we commend that aspect of it. There is no reason why that information could not be provided in the budget process, which is what we were asking for.

In many ways it is a sad situation that the commitment that was supposedly given by the crossbench some years ago is not being carried through today, and today's episode highlights that quite effectively. We will be accepting the amendment.

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) (6.22): The broken record has clearly been put on the turntable and we are going to hear it for the next couple of years. Every time I happen to disagree with the Liberal Party, it is a complete failure of my soul. The fact is that I simply disagree and have a different way to do it.

We saw the same garbage from Ms Lawder before when she wanted to send a matter off to the Auditor-General and we could not even be guaranteed the Auditor-General would look into it. I have worked with the various parties, including having spoken to Ms Lawder earlier in the day, and she came up with some mechanisms that we implemented immediately. But somehow it was a sell-out.

Mr Coe: On a point of order.

MR RATTENBURY: Here come the gaggle of glass jaws again, and they are straight into it.

MADAM SPEAKER: I beg your pardon, Mr Rattenbury. When there is a point of order, the custom and practice of this place is to sit down, preferably without comment. On the point of order, Mr Coe.

Mr Coe: Entertaining as the tirade is, I think Mr Rattenbury reflecting on discussions with Mr Lawder about a previous motion is hardly relevant to this amendment to Ms Berry's motion.

MR RATTENBURY: Fine, I will let it go.

MADAM SPEAKER: I do not think that there is a point of order. I was a little concerned about the comment that a member had been speaking garbage in this place. I am not quite sure that that is unparliamentary either, but it was probably less than felicitous. Mr Rattenbury, on the question that the amendment be agreed to.

MR RATTENBURY: Yes, and given the hour, I should finish up so that we can finish this item this evening. Suffice it to say, I will be supporting Mr Barr's amendment.

Whilst Mr Doszpot has some concern about the fact that it is not exactly the way he wants it done, what we are going to see, with Mr Barr having moved an amendment that will provide the Assembly with regular updates to the plan, is that implementation will be reported in the CMTD annual report. I understand implementation of digital Canberra will be regularly reported on in the soon-to-be launched digital Canberra website. So I think Mr Doszpot needs to reflect on his own words in the sense that just because it is not exactly in the form that he wants it does

not mean there is not a level of accountability, and he will be in a series of fora in which he can also ask questions. So I would encourage him to do that, given it is of such significant interest to him.

MS BERRY (Ginninderra) (6.24): To close, I just want to bring to the attention of the Assembly the problems with internet in western Belconnen and, as a resident of Dunlop, I can attest to the feelings of disconnectedness that can be created by poor access to reliable internet. Unless you are lucky to live in the newer parts of Macgregor, which was one of the very few places in Australia to receive the original NBN, it is very hard to get reliable broadband in most western parts of Belconnen. In fact, even with the fascination that those opposite have with a former MLA, Caroline Le Couteur, downloading a song that they might like to listen to, *Sweet Caroline*, would be difficult in those western suburbs. Good telecommunications infrastructure is critical, and it is something that I intend on fixing in my time as a member for Ginninderra.

Mr Rattenbury has provided some useful examples in his speech about how fast, reliable access to internet and new technology can bring great benefits to our local community. He talked about the waste management app, which was laughed at by those opposite. It is quite useful if you are away and you are not sure which is the garbage night. You cannot look out your window. You can contact your friends and look at your app and let them know when the garbage has to be put out.

So just on those two important issues around access to internet and the apps that are being installed, and the very timely and prompt update to be provided by the government following its amendment to my motion, I commend the amended motion to the Assembly and hopefully everyone will support it.

Amendment agreed to

Motion, as amended, agreed to.

Legislative Assembly—conduct in the chamber

MADAM SPEAKER: Before I call the minister, I would just like to make a couple of observations about conduct in the chamber today. They relate to sitting and standing at the appropriate times. I will start with the most recent one. When a member stands to make a point of order, the standing orders clearly state that the member speaking must sit down. I have noticed a number of times, especially today, that when points of order have been taken, members on the other side continue to speak, which is disorderly and should be avoided.

There have been occasions today when it has been brought to my attention that there are members standing at the wrong times and sitting at the wrong times. Mr Barr and I had a discussion this morning where he took exception to a ruling, and he argued his case while sitting. Members do not speak while sitting unless they have a dispensation because of infirmity.

Another thing that I noticed today that I think members should be aware of is that at the luncheon adjournment I was conscious of going through the forms of moving a matter over to a later hour of the day and telling people when they should be back while everyone was standing up and packing up their goods. Actually you should not be standing up and packing up your goods at that time.

So these are just little things that show perhaps a little lack of respect by members. And could I ask members to be a bit more mindful of the simple things in the standing orders.

Adjournment

Motion by **Mr Barr** proposed:

> That the Assembly do now adjourn.

Ginninderra Catchment Group
Volunteering ACT

MR COE (Ginninderra) (6.28): Firstly I would like to add some thanks for the good work done by the staff of the Ginninderra Catchment Group. I spoke about the organisation yesterday, and I would like to formally put on the record the good work done by Karissa Preuss, Damon Cusack and Anke Maria Hoefer, who do wonderful work to facilitate the operations of the organisation.

I rise this evening to speak about the work of Volunteering ACT. Volunteering ACT is an organisation which advocates, supports and promotes volunteering opportunities in Canberra. The organisation also, importantly, provides a link between people interested in volunteering and the organisation's membership base, which consists of over 200 not-for-profit organisations. This link helps facilitate volunteering opportunities for interested volunteers right throughout Canberra. Over the last 12 months, the organisation has impressively assisted over 7,336 people become a volunteer, referred 5,419 prospective volunteers to member organisations, provided 1,832 instances of support to volunteer-involving organisations and hosted 31 events to enhance and celebrate volunteering.

On top of this, the organisation provides training to volunteers and conducts research in order to improve the quality and quantity of volunteering in the territory. Through this research, the organisation has identified the need to engage young people in volunteering. This has led to further research being conducted on how best to engage school children in volunteering.

Volunteering ACT is run by the CEO in conjunction with the board of governance. The current CEO is Maureen Cane, former Canberra Citizen of the Year, and a successful senior manager in the Australian public service. The board of governance consists of eight members, four office bearers and four regular members and is drawn from people from both member organisations and the general community.

Current office bearers of the board of governance are the president, Jane Haydon, who is the current CEO of Lifeline Australia; the vice-president, Jason Moffett; the treasurer, Cameron Lynch; and the secretary, Wendy Prowse. The four regular members of the board are Brendon Lynch, Dianne Carlos, John Lewis and Rhys Morrison. There are also two cooperative members of the board; they are Avi Rebera and Jason Cummins. Volunteering ACT is also proudly represented by Major-General the Hon Michael Jeffrey AC, AO, CVO, MC, who serves as its patron.

This time of year is busy for Volunteering ACT as it gears up to celebrate National Volunteering Week, which runs this year from 12 to 18 May. This year National Volunteering Week turns 25, and Volunteering ACT is hosting events to celebrate this milestone and the week in general.

I would encourage members to get involved in events if they are able to. Three in particular I would like to point out would be a sausage sizzle with Senator Seselja on Thursday, 8 May; the ACT Volunteer of the Year awards being held on Tuesday, 13 May at the National Museum; and a volunteering open day held on Thursday, 15 May in which volunteer organisations are encouraged to open their doors and allow potential volunteers to see what volunteering programs are available.

I commend all those in Volunteering ACT. For more information about the work of the group I recommend members visit its website at www.volunteeringact.org.au.

Volunteering ACT
Belconnen Community Men's Shed

MS PORTER (Ginninderra) (6.31): I echo Mr Coe's remarks about Volunteering ACT and I also encourage people to go to the IAVE website to look at the upcoming world conference that will be held in Australia in September this year.

Madam Speaker, I wish to speak this evening about another volunteer activity, the official opening of the Belconnen Community Men's Shed in Page that recently occurred. I attended along with my colleague Ms Berry and the former Raider Alan Tongue, who actually formally opened the shed.

As members would be aware, ACT men's sheds have become a well-established, important part of our community. It is now well documented that men's sheds have been proven to improve men's health and wellbeing. Particularly after men retire, their usual busy routine is disrupted and their day-to-day contact with their workmates is obviously curtailed.

You may also be aware that Belconnen Community Men's Shed is auspiced by the Mosaic Baptist Church in Belconnen, which also donated the land beside the church's community centre on which the shed is now built. In February 2011 a committee was formed to create a place where men could meet and share their stories, their skills, learn new skills and support one another. Thanks to the overwhelming response by businesses and members of the community, the men's shed is now open, very busy and clearly thriving.

On several occasions, the group has invited me to visit them so I could see the progress that was being made from the early days through to the recent official opening. Through these visits I learned how the men's shed movement in Belconnen is making a significant difference for men.

There were some heartbreaking stories that were told at the opening by people who know of suicide by men, who battle with isolation, loneliness and depression, and whose lives could have been saved had there been such a facility as a men's shed where they were. But I also heard some very positive stories that reassured me that the shed was already making a big difference to men in the Belconnen area, turning lives of isolation around and building relationships.

I must say that I have been very privileged these last few years to follow the journey of the men's sheds' development, both at a personal level and as a local member. This group of Canberrans has shown with their spirited determination that a small group of people can make a difference in our community. It is really pleasing to see the Belconnen Community Men's Shed now taking its next steps in its evolving journey.

I congratulate Gordon Cooper, the Men's Shed manager, Mark Quilligan, the shed's secretary, and Dean Wishart for a successful and well-attended event. The official opening was a great success. I believe that the rain could not dampen the enthusiasm and the warmth of the atmosphere of the day. I also thank all volunteers, community groups, private companies and everyone else who contributed in one way or another to make the Belconnen Community Men's Shed the success it is today.

Finally, thanks to all the women who came along with their partners to find out why it was that their men loved being there, as well as lending their support on the day. And of course I should not finish without thanking Alan Tongue, who lends his support to many community initiatives since retiring as a playing member of the Raiders.

Basketball Australia

MS BERRY (Ginninderra) (6.34): I was deeply saddened this morning to read that WNBL player Abby Bishop would be unable to represent her country as an Australian Opal at this year's world championship due to the lack of funding support from Basketball Australia. I think many Canberrans have been touched by the story of this 25-year-old elite athlete who has, for what I am very sure are compelling reasons, taken on the care of her sister's seven-month-old daughter. As a single mother myself, I have some understanding of the challenges that she is facing.

As a Capitals fan, I have spent several seasons barracking for Abby Bishop, and I think it is a great pity that such a fine player and hard-working young woman would be denied the opportunity to represent her country. I know there are stresses on the finances of sporting organisations, especially in women's sport, but the outcome in this case is just plain wrong. Tomorrow night I am going to the opening of the nationals under-18 and under-20 championships. It breaks my heart to see that many of the fine young athletes that I will be watching will have their sporting careers limited by a lack of funding.

Part of the problem in finding funding for sporting teams is that there is a belief that there is no audience for anything other than elite men's sport. I know that this is not true. So I will continue to do what I have always done, to urge everybody I know to get out and watch our elite women's and para-athletic sporting teams. The players on these teams have all the skill, dedication and grit of their better-paid counterparts. When we show up to support their teams we make the case for investment in their development.

I would like to congratulate Abby Bishop's WNBL and European team for supporting her as the carer of a young child and I would like to encourage all Assembly members to get down and show their support for the development of all young athletes at the Belco stadium from the 10th to the 17th of this month.

Youth Homelessness Matters Day

MR WALL (Brindabella) (6.36): Today is Youth Homelessness Matters Day, and I am very pleased to participate in this initiative as an ambassador, along with many of my colleagues here in this Assembly and along with the territory's federal representatives. Today, along with many members—and I think all of the members that are currently in this chamber who attended—I attended the launch of Youth Homelessness Matters Day, which is supported by the ACT peak body for the youth sector, the Youth Coalition of the ACT.

This is the 20th year of the National Youth Coalition for Housing initiative, which this year is being held during National Youth Week. Nationally, half of the homeless population are aged under 25, which equates to more than 26,000 young people who will not have a secure place to sleep on any given night.

Youth Homelessness Matters Day aims to raise awareness and break down some of the stereotypes that exist about homeless youth. Often there is a perception that young people choose to be homeless or to leave home. However, more often than not young people become or are at risk of being homeless due to family circumstances. Those that do run away from home by choice are often escaping a violent, abusive, unsupportive or severely broken home.

In the ACT we have the additional issue of hosting many young people who come here from regional centres with the attraction of work or study. Usually these young people are subsisting on a minimum wage or apprenticeship wage, and this can mean that they find themselves facing serious challenges as they search for suitable accommodation and affordable accommodation within the ACT. These challenges can be overcome and should not and do not dictate a person's future.

It is important also to remember that being homeless does not mean that things will not improve. There is always hope, and I encourage all members in this place to have the conversation today about youth homelessness and why it matters with family, friends and colleagues. I commend this initiative to the Assembly.

Greek Independence Day

MR GENTLEMAN (Brindabella) (6.38): I rise tonight to advise that on the 29th of last month I was pleased to attend on behalf of the Chief Minister the Greek national day event at the Hellenic Club in Woden. 25 March is Greek National Independence Day and is a celebration of the emancipation of the Greek people from the Ottoman Empire with the treaty of Erdine in 1829.

The actual date commemorated—25 March 1821—is the day that the general uprising against the Ottomans began, with Bishop Germanos of Patras raising the flag of revolution over the monastery of Agia Lavra in the Peloponnese. From this point, the cry "Death or freedom" became the motto of the long-fought revolution. After this bold move and uprisings on many of the Greek islands and in several mainland regions, Athens was taken by the revolutionaries in 1822. Several years of success were unfortunately followed by large losses by 1827, when Athens was retaken by the Ottomans.

With this loss and others around Greece, it was decided by Great Britain, the Kingdom of France and Russia to intervene on the Greek side of the conflict. With such a large combined international force, the war was won, and the treaty of Erdine was signed on 25 March 1829. The revolution and subsequent revolutionary independence war cost the lives of over 100,000 Greeks over eight years.

It was not long after the end of the Independence War that the first trickle of Greek people began to arrive in Australia, with the Victorian gold rush in the 1850s. This very small community associated with the gold rush were quite ephemeral and intended to return home rich men, which led to there being around 127 Greek-born men in Australia in 1871 compared to only 19 Greek-born women.

By the turn of the 20th century there was a significant number of Greek people in Australia, particularly in Melbourne, and this is where the first Greek Orthodox Church and other Greek community establishments appeared, a good decade before the founding of Canberra of course. The number of Greek people who lived in Canberra during the foundation years following 1913 is unclear. We do know, however, that in 1930, 12 Greek people had made Canberra their home. This number has dramatically increased over the years to now approximately 4,500 people of Greek origin living in the ACT, and this Greek community is a wonderful part of our multicultural society which exists in Canberra.

We see Greek community presence at the annual Multicultural Festival, the Hellenic Club, and there is also a new Hellenic preschool which has recently opened. The preschool was built on the site of the previous Hellenic preschool which was run by the Canberra Greek Orthodox community. The Hellenic Club of Canberra donated more than a million dollars for the building of the new preschool, for which I am sure the students and community are very grateful. This is just one example of the Canberra Greek community's contribution to Canberra as a whole.

Since its establishment before 1930, the Canberra Greek community has contributed much knowledge and effort to the ACT. Lots of this contribution has been through small business enterprise and the construction sector, but the main addition to society in the ACT has been the cultural flavour which the Greek community has added through the years of their strong presence and influence in the territory.

This cultural flavour was very evident at the celebration of the Greek national day held at the Hellenic Club. The event started with an excellent entree, and then we had the pleasure of Father Petros saying grace before the beginning of proceedings. We then had a few words from George Karkazis about the event, and that was followed by His Excellency Mr Haris Dafaranos, who is the ambassador for Greece in Australia. I had the privilege of a very interesting conversation with him throughout the evening.

I would like to thank several people for their contribution to the event, in no particular order. They were Antonios Vlachos; Haris Dafaranos, ambassador of Greece, and his wife; Mr Andreas Hadjithemistos, and Ms Angeles Rodrigues from the Cypriot high commission; Mr Loukas Tsokos, first secretary of the Greek embassy, and his wife; Mr John Kalokerinos, president of the Hellenic Club of Canberra, and his wife; Mr George Karkazis, president of the Greek community of Canberra, and his wife; Reverend Father Kipouros; Reverend Father Kosta Kostakos; Mrs Yiola Alexandrou, president of the Cyprus community of Canberra; Mr Con Poulos, president of the Greek community in Queanbeyan; and Mrs Sotiria Liangis and Mr John Liangis. Well done to the Greek community on that very important day.

Question resolved in the affirmative.

The Assembly adjourned at 6.44 pm.