Debates

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Thursday, 10 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.

Health, Ageing, Community and Social Services—Standing Committee
Report 3

DR BOURKE (Ginninderra) (10.02): Pursuant to order, I present the following report:

> Health, Ageing, Community and Social Services—Standing Committee—Report 3—*Report on Annual and Financial Reports 2012-2013*, dated April 2014, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

Madam Speaker, as you know inquiries into annual reports are a fundamental part of the parliament's scrutiny of the executive. The report I have just tabled is concerned with annual reports for the 2012-13 financial year. The Standing Committee on Health, Ageing, Community and Social Services had two annual reports referred to it: the Community Services Directorate annual report and the Health Directorate annual report.

As with all such inquiries, the committee has examined both the content of these annual reports and the documents themselves to assess their adherence to the government's annual report guidelines. I will direct my remarks firstly to subjects covered in the Community Services Directorate and Health Directorate reports and then comment on some matters of presentation and future directions of annual reports.

The Community Services Directorate, more commonly referred to as CSD, supports ministers with a wide range of portfolios. They are Aboriginal and Torres Strait Islander Affairs, housing, ageing, community services policy, women, multicultural affairs, disability, children and young people, and the arts.

The committee examined all but the arts portfolio, which is referred to the Standing Committee on Education, Training and Youth Affairs. The reason for this portfolio allocation between committees is not readily apparent. The committee believes that there are good practical reasons to change it and we have recommended that the Assembly review portfolio allocations between committees.

In its inquiry report, the committee has endorsed a number of current programs and recommended they continue. One example is the everyone everyday disability awareness program. The everyone everyday program targets children at primary school. It was developed in response to an identified need in the community to explicitly teach concepts relating to inclusivity. Its focus is on the inclusion of people with disability and the program aims to create a cultural shift in the way the community thinks about disability by positively influencing attitudes and behaviours within the community.

The underlying assumption is that we all benefit when the environments where we work, live and play are inclusive, and that we all have a role to play to create inclusive communities. The program shows a bit of thinking outside the box, and the committee has recommended that everyone everyday continues. Interested members should have a look at CSD's YouTube channel to see the everyone everyday video.

Another success story identified during the committee's inquiry is the chances program or, as it is now known, the Aboriginal and Torres Strait Islander job readiness support program. The program recognises that for people to concentrate on their education they may need help to address a range of challenges such as access to transport and childcare. Through the program vulnerable Indigenous people have been able to participate in vocational training. An outcome of the program is an increasing number of role models and people in jobs.

The Health Directorate, more commonly referred to as ACT Health, is very different to CSD. In 2012-13 the Community Services Directorate employed 1,320 people, compared to the Health Directorate's 6,540. The Community Services Directorate spent more than $122 million compared to the Health Directorate's $1.083 billion. The committee's examination of the Health Directorate focused on six areas: acute services; mental health, justice health and alcohol and drug services; public health services; cancer services; rehabilitation, aged and community care; and early intervention and prevention.

In its report the committee acknowledges that there are significant challenges in providing a high-quality healthcare service. One of the significant achievements in 2012-13 was the Canberra Hospital being re-accredited by the Australian Council on Healthcare Standards. This is a significant achievement and a good news story for everyone in the ACT. The committee has made two recommendations relating to the Health Directorate.

The first concerns the government's immunisation strategy. The committee has recommended that the immunisation strategy include data on a varied range of target groups to ensure high rates of immunisation for all sectors of the community. The committee's second recommendation is that ACT Health continues in the area of preventative health, and in particular programs focused on obesity, such as towards zero growth. Most alarming is an increase in the rates of obesity in children.

The committee has made assessments about the two annual reports it examined. In some cases more attention is required to adhere to government guidelines for

producing annual reports. It is important for directorates to remember that annual reports are useful tools in the accountability process. If they are difficult to read and/or navigate, then the scrutiny process is hampered. Looking to the future, the committee believes that the time is right for an innovation in the way triple bottom line data is reported. Individual directorate and agency reports are good, but there is need for a whole-of-government approach.

Last, but not least, the committee recognises the importance of the internet and social media in communicating with the community and other stakeholders. The committee has identified the need to report on how websites are used and how many people use them, and how directorates and agencies make use of social media. The committee notes that CSD has taken a lead here with its YouTube channel to promote everyone everybody. I commend the report to the Assembly.

Question resolved in the affirmative.

Report 2

Dr Bourke, by leave, presented the following paper:

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

Planning, Environment and Territory and Municipal Services—Standing Committee

Report 4

MR GENTLEMAN (Brindabella) (10.09): Pursuant to order, I present the following report:

> Planning, Environment and Territory and Municipal Services—Standing Committee—Report 4—*Report on Annual and Financial Reports 2012-2013*, dated 31 March 2014, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

This is the fourth report of the Eighth Assembly for the Standing Committee on Planning, Environment and Territory and Municipal Services. The annual and financial reports were referred to the standing committee on 19 September 2013. The following annual reports, or sections of annual reports, were referred to the standing committee on PETAMS: the Economic Development Directorate (Sport and Recreation Services/Venues and Events Services/Capital Works and Infrastructure); the Environment and Sustainable Development Directorate, including ACT Heritage Council, ACT Planning and Land Authority, Conservator of Flora and Fauna Environmental Protection Authority; the Land Development Agency; the

Office of the Commissioner for Sustainability and the Environment; and the Territory and Municipal Services Directorate, including ACTION, ACT Public Cemeteries Authority and the Animal Welfare Authority.

The committee held five public hearings and heard from 38 witnesses from the Economic Development Directorate, the Territory and Municipal Services Directorate and the Environment and Sustainable Development Directorate, as well as the Commissioner for Sustainability and the Environment and his staff.

Fifty-seven questions were taken on notice, which were all responded to promptly and are available on the committee's web page. The committee made 28 recommendations in a range of areas, including environmental programs, land development and land release, services provided by ACTION and further development of road projects and cycling infrastructure. During its deliberation a majority of the committee could not agree on only five proposed recommendations and these have been included in the committee's report as footnotes.

Finally, on behalf of the committee I would like to thank ACT government ministers and directorate officials, the Commissioner for Sustainability and the Environment and agency officials for their contribution to this inquiry and for their timely return of answers to questions taken on notice. Also I would like to thank Margie Morrison for her good work on this report and congratulate her on her permanent appointment to the secretary's position. I commend the report to the Assembly.

MR COE (Ginninderra) (10.12): I too want to extend my thanks to the secretary, Ms Margie Morrison, who did a superb job throughout the process and also to the support given by Mr John Croker and Mr Matthew Ghirardello. There are a couple of recommendations that I want to make specific mention of in my remarks now. In particular, I mention recommendation 21, which states:

> The Committee recommends that the ACT Government investigate options for minor renovations to the Mt Rogers Community Hub to improve security, safety and usability of the facility.

I think this is a particularly important recommendation. Those familiar with the facility would be aware that there are numerous issues with the ongoing operations of the buildings. I hope that the government sees this recommendation as an opportunity to revisit those issues. I also draw to the Assembly's attention recommendation 19, which states:

> The Committee recommends that the ACT Government implement a credit card direct debit capability for land tax and rates.

It seems interesting that for many other payments in the territory there is a direct debit capability for credit cards, but not on rates and land tax. Given many people pay those quarterly, and given that I imagine the majority, if not the vast majority, would use a credit card, I think that the government would receive far more timely payments if there was a direct debit capability for land tax and rates notices.

The next recommendation I want to draw to people's attention is recommendation 25, which states:

> The Committee recommends that the ACT Government undertake an in-house audit of missing links in the cycle path network, such as the Barton Highway and parts of Lake Tuggeranong.

I understand that parts of Lake Tuggeranong are being worked on at the moment, but there are still many missing links in the cyclepath network, especially the off-road network, but also the on-road network. I think it would be well worth while to ensure that whatever work has been done in respect of all the missing links in the past is brought together in a new and complete audit so that the priorities for the expansion of the cyclepath network can be rolled out efficiently.

The final recommendation I want to draw to the Assembly's attention is recommendation No 6:

> The Committee recommends that the ACT Government undertake a survey of why $73.5 million in land rent sales contracts were rescinded/terminated in 2012-13.

That is a huge amount; $73.5 million worth of contracts were terminated or rescinded. I think that it would be appropriate for the government to develop a good understanding on why that would be. That sort of amount—$73.5 million—may well represent 200 to 300 individual contracts. Therefore, a huge amount of work has gone into the preparation of those contracts. It would be a missed opportunity not to look into the reasons why those contracts are not being followed through.

Finally I would like to draw the Assembly's attention to note 83 on page 20. There are a few recommendations that were not endorsed by the committee. They are that:

> 1. The Committee recommends that the ACT Government publish quarterly updates on the total expenditure of the Capital Metro Project.
>
> 2. The Committee recommends that the ACT Government present their rationale as to why light rail (LRT) was chosen over the bus rapid transit (BRT), despite BRT offering more than double the economic return of LRT (as per the 2012 submission to Infrastructure Australia).

The next recommendation that was not endorsed by the committee, but which is included in note 83 is:

> The Committee recommends that the ACT Government present a timeline for the removal of trees (to make way for light rail) on Northbourne Avenue.

The final recommendation that I hoped would be included is:

> The Committee recommends that the ACT Government publish the patronage assumptions used for the economic modelling of light rail.

In conclusion, I would like to thank the other committee members for their participation throughout this process and I commend the report to the Assembly.

Question resolved in the affirmative.

Criminal Code (Controlled Drugs) Legislation Amendment Regulation 2014
Ministerial statement

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.17), by leave: I make this statement today to advise members about important changes affecting serious drug offences in the Criminal Code 2002. Trafficking offences in chapter 6 of the Criminal Code are underpinned by the Criminal Code Regulation 2005. The regulation describes the controlled drugs and the amounts for controlled drug offences. In May 2007, the former Ministerial Council on Drug Strategy noted that jurisdictions may consider adopting model schedules for drugs, plants and precursors.

In August 2009, I agreed that a drug schedules working group would consider options to give effect to this recommendation. This working group was made up of representatives from ACT Health, ACT Policing, the DPP and Legal Aid. On 25 October 2010, I, together with the Minister for Health, made the Criminal Code Amendment Regulation 2010 as the first stage of work to give effect to the model drug schedules.

The 2010 regulation substituted new definitions of controlled drugs and controlled precursors to extend the definition to analogues of substances already covered by the definition, inserted three new controlled drugs at schedule 1.2, which deals with prohibited substances and substituted a new schedule 3 of controlled precursors. Controlled precursor is something that is not a controlled drug itself but can be used to make a controlled drug.

The second stage of work has involved a comprehensive review of the controlled drug schedule. I am pleased to advise members that I and the Minister for Health have now made the Criminal Code (Controlled Drugs) Legislation Amendment Regulation 2014. This amendment regulation amends the Criminal Code Regulation by inserting 44 new illicit substances into schedule 1 of the regulation, changing the trafficable quantities of the four most-common drugs and their associated substances, adopting a mixed-weight regime for determining an amount of a drug and adopting a broadly uniform multiplier to govern the relationship between trafficable, commercial and large commercial quantities of drugs.

The progress of stage 2 has coincided with national efforts to address new psychoactive substances or NPS. These substances include synthetic cannabinoids, stimulants and hallucinogens being marketed as alternatives to traditional illicit drugs under names such as kronic, bath salts and n-bomb. Many of these substances have been implicated in serious injuries and deaths, with n-bomb, in particular, believed to be responsible for the tragic death of a New South Wales teenager last year.

The ACT has already amended the Criminal Code Regulation to control a number of NPS by including three new substances as part of stage 1, in 2010. Other classes of NPS are controlled through the Medicines, Poisons and Therapeutic Goods Act 2008. The amendment regulation that I and the Minister for Health have made adds 44 new substances to the schedule of controlled drugs.

Including these substances in the Criminal Code Regulation will ensure the ACT controls newly identified NPS and supports a nationally consistent approach. New psychoactive substances are presenting issues for health authorities and law enforcement around the world. At the directions of health and police ministers, the Intergovernmental Committee on Drugs, or IGCD, has been developing a framework for a national response to new psychoactive substances. Police ministers considered the progress of this work in November last year, and I expect the final results will be available for ministers to consider in the coming months.

The rate at which new NPS are emerging, and the fact that there is little available evidence of their health risks, poses challenges for identification, harm assessment and traditional regulatory responses. For this reason, the draft national response is seeking to take a principle-based approach. This approach will focus on improving detection and information sharing, including about the health and social harms associated with these substances.

The national response has also considered the approaches in other countries. The responses adopted in Ireland and New Zealand prohibit unknown psychoactive substances unless the seller can prove they are, in fact, a substance which is permitted under a law or is otherwise subject to an exception. Approaches in Ireland and New Zealand will no doubt be instructive for future decisions about how NPS should be controlled in Australia.

In reviewing the schedule of controlled drugs, Justice and Community Safety, with the assistance of ACT Health, engaged the drug policy modelling program, or DPMP, based in the National Drug and Alcohol Research Centre. The DPMP evaluated the current controlled drug trafficable quantities for the five most commonly used controlled drugs and provided advice on the harms associated with these drugs to assist in determining appropriate controlled drug trafficable quantities. Advice was also sought on how quantities of seized drugs should be measured and calculated.

The DPMP examined the trafficable thresholds under the criminal code regulation and contrasted this against four evidence-informed ways of assessing the seriousness of drug offences. The analysis demonstrated that, regardless of which measure of harm is adopted, the current legal thresholds are not proportional to the seriousness of drug trafficking offences and, instead, vary markedly, based on the particular drug and quantity that a defendant is found in possession of.

To prove trafficking, usually the prosecution must prove that the defendant actually trafficked drugs, that is, they sold the drug or they knowingly possessed the drug with the intention of selling it. Section 604 of the Criminal Code contains a reverse presumption for drug trafficking offences. It provides that if a person possessed a trafficable quantity of a controlled drug, it is presumed, unless the contrary is proved, that the defendant had the intention or belief about the sale of the drug required for the offence. It is therefore critical that amounts prescribed in the Criminal Code Regulation properly reflect the seriousness of the conduct because of the rebuttable presumptions for serious criminal offences.

Section 22(1) of the Human Rights Act provides that everyone charged with a criminal offence has the right to be presumed innocent until proved guilty according

to law. The effect of the presumption of innocence in section 22(1) and the proportionality test require that any reverse presumption dealing with trafficable quantities of a controlled drug are rational. In practical terms, there must be a strong probability that the only reason a person found in possession of a trafficable quantity has that drug is for the purpose of trafficking it and there must be a very low risk that anyone in possession of a trafficable quantity would be in possession of the drug for the purpose of personal use.

Advice obtained by JACS indicates that the existing ACT trafficable quantities for controlled drugs do not adequately reflect usage patterns and the harms that flow from the five most-common controlled drugs. The current thresholds increase the risk that some traffickers will escape with a less serious sanction and that some people using for personal use only may receive a disproportionally harsh sanction.

Evidence about normal usage patterns place cocaine users at risk of exceeding the trafficable threshold quantities for an offence involving possession of an amount for personal use alone. In other words, in this instance, the bar is too low and ordinary users may unintentionally fall into the category of traffickers.

The evidence about heroin and methamphetamine use suggests that current trafficable thresholds are too high. A person could be in possession of a greater amount than is usual for personal use and may therefore be trafficking but the current threshold amounts mean that only simple possession offences can be charged. In other words, traffickers may be escaping appropriate penalties.

The amendment regulation amends the trafficable amounts for these four most-common controlled drugs. The amount for trafficking in heroin is now prescribed as five grams mixed, from the previous two grams pure. The amount for trafficking in methamphetamine is now prescribed as six grams mixed, from the previous two grams pure. The amount for trafficking in cocaine is now prescribed as six grams mixed, from the previous two grams pure. The amount for trafficking in MDMA is now prescribed as 10 grams mixed, from the previous 0.5 grams pure. The amount for trafficking in cannabis is unchanged, at 300 grams mixed.

The new amounts are an evidence-informed response to setting appropriate threshold quantities. The proposed new amounts will ensure that serious drug offences target drug traffickers rather than drug users, consistent with a harm minimisation approach to drug policy. In reforming the threshold quantities, the amendment regulation also adopts a broadly uniform multiplier.

The commercial quantity of a substance is now 500 times the trafficable quantity. The large commercial quantity is twice the commercial quantity. Cannabis will use its own multipliers to reflect the characteristics of trafficking in that drug. Researchers from the DPMP, together with the former New South Wales Director of Public Prosecutions, Mr Nicholas Cowdrey QC, have now considered the thresholds for all states and territories through a research project funded by a criminology research grant.

The key findings of this research have now been published on the Australian Institute of Criminology website. The publication entitled *Australian threshold quantities for drug trafficking: Are they placing drug users at risk of unjustified sanction?* provides

a summary of the research methodology and summarises its key findings. This publication finds that while the current legal threshold system helps to convict and sanction drug traffickers, it may be placing Australian drug users at risk of unjustified criminal charge or sanction. Too often, in relation to drugs, lawmakers and the community simply react to specific events. While that is understandable, it is not the best-practice approach to developing policy.

These reforms and this new regulation are therefore evidence based. They are well considered, well tested and respond to the realities of drug use in our city. I commend the regulation to the Assembly. I present a copy of the following paper:

> Criminal Code (Controlled Drugs) Legislation Amendment Regulation 2014—Ministerial statement, 10 April 2014.

I move:

> That the Assembly takes note of the paper.

MR RATTENBURY (Molonglo) (10.30): I rise to make a brief statement in response to the regulation that the Attorney-General has just tabled.

As the attorney explained, the regulation adds a list of over 40 new substances to the schedule of controlled substances in the ACT criminal code. This controlled substance schedule is essentially a list of banned drugs, the kind of things that you are not allowed to possess, manufacture or sell. I think that today, if most of us looked at this list, we would be surprised both by the large number of banned substances and by the unfamiliarity of the substances. There are names of drugs you would expect to be on the list, such as cannabis and heroin, but there is also a growing number of synthetic chemicals filling this schedule with names that would be unfamiliar to most of us.

This unusual picture is the result of a serious and emerging problem that is currently challenging policymakers, health professionals and law enforcement in local and international jurisdictions. The root of the problem is the issue of synthetic drugs. Particularly challenging is the rate at which these synthetic drugs are emerging and changing, with new drugs and new varieties practically every week.

The National Drug and Alcohol Research Centre reports this year that the use of emerging synthetic drugs is on the rise among drug users. We know that these synthetic drugs can be very dangerous. In Australia in the last 18 months we have seen the tragic deaths of five people linked to synthetic drugs. It is clear that we have to do something about the problem. But is it the right approach to be in constant reaction mode—to try and ban a new suite of drugs every year, every six months or even every month? The experts in the field say that this is not the right approach. We simply cannot keep up with an industry that is producing a new variation of a drug approximately every week.

As the Attorney-General tables this regulation today to ban the latest list of synthetics, the manufacturers and the black market are already tweaking the chemical compounds of their synthetic drugs, ensuring they can avoid the banned lists. Yet we have no way of knowing what the health impact will be on the people taking these new variants. Young people will keep buying them, using them and risking their lives.

In some ways, the law and order response of systematically banning new substances could actually be making the problem worse. An ever-evolving banned list encourages ever-evolving variations of drugs. That leads to dangerous, untested varieties out on the market. It is a pharmacological arms race where the bans are always one step behind.

A growing list of prohibitions can also cause problems for health care. Some banned substances have potential medical uses. Looking at the current list of banned substances, one can see several plant species. Some of them are plants we would usually think are benign, such as the wattle or acacia. Pharmaceutical companies in the business of researching and patenting medicines tend to lose interest in using particular drugs because of the administrative difficulties in accessing banned substances. Academics are unable to develop potential new therapies because of difficulties in accessing the same banned substances. It is clearly not a satisfactory outcome when we are adding substances to the banned list so rapidly that research on potentially beneficial medicines is affected. Canberra-based expert Dr David Caldicott summed up the situation when he spoke publicly on the issue of synthetic drugs recently. He said:

> … a knee-jerk approach of banning products will not work in years to come.

He said that our policy response "needs to be more clever and nimble".

So in response to this issue and to the regulation presented by the government today, I would like to recommend to the Assembly that it investigate a new approach to the issue of synthetic drugs. The approach is one that looks at the problem through a health lens. It does not say that we need to get tougher on drugs; it says that we need to get smarter on drugs and we need to prioritise the health of the community.

In particular, we can look to the model recently adopted by our close neighbour New Zealand. New Zealand enacted the Psychoactive Substances Bill in the middle of last year. The act is based on the principle of harm minimisation, and it is fair to say that it uses a new approach to the regulation of drugs. Under the New Zealand act, the government licenses the production and sale of psychoactive drugs for uses other than medical purposes. The act sets up a legal framework for the testing, manufacture, sale and regulation of psychoactive products. It reverses the onus of proof so that manufacturers who want to sell the substances have to prove they are low risk before they can be sold.

The legislation in New Zealand restricts the importation, manufacture and supply of psychoactive substances and only allows the sale of those psychoactive substances that can meet safety and manufacturing requirements. The products have to go through a clinical testing process at the cost of the manufacturer. Under the act the results of clinical testing are made publicly available irrespective of whether the substances passed the low risk test or not. This means that public and health professionals will have better information on what is in these products and their possible effects.

A regulatory authority authorises the sale of drugs for non-medical purposes after determining a drug to be low risk and non-addictive. It licenses manufacturers and retailers, it regulates advertising of the products, and it sets up a system of health warnings for active products. Any approved drugs would be restricted to people over 18 years old and could not be sold in supermarkets, convenience stores or petrol stations. Advertising is restricted to the point of sale. Drugs already deemed illegal would remain so.

What does this new approach mean? Essentially New Zealand has set up a regulated, scientific and health-based approach to psychoactive substances. Although it has been lauded as a world first and labelled cutting edge, I do not think we should necessarily see it that way. Making health and science based decisions for the good of the broader community should be a prime consideration in the minds of policymakers.

The New Zealand approach is almost the opposite approach to the one taken here in Australia, where we attempt to ban products as they emerge. The associate minister for health in New Zealand summed up their approach when he spoke on the legislation. He said:

> … this regime will be fundamentally based on reversing the onus of proof so those who profit from these products will have to prove they are as safe as is possible for psychoactive substances … We will no longer play the cat-and-mouse game of constantly chasing down substances after they are on the market.

One clear impact of New Zealand's law is that already the number of outlets selling psychoactive substances has been reduced from 3,000 or 4,000 to 170 as corner stores lost the right to sell. Also, the scheme allows local communities to have a say in where and when stores that sell psychoactive substances are allowed to open.

I raise this issue today and draw attention to the New Zealand model as I believe this is an approach the ACT can explore by raising the issue with our state, territory and federal counterparts. I look forward to having further talks with the Chief Minister and with the Attorney-General on this topic. I hope that in this Assembly term we can take some strides towards a more health-focused policy response to psychoactive substances.

Question resolved in the affirmative.

Planning and Development (Extension of Time) Amendment Bill 2014

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (10.38): I move:

That this bill be agreed to in principle.

Today I am tabling the Planning and Development (Extension of Time) Amendment Bill 2014.

The Chief Minister recently announced a stimulus package for the ACT building and construction industry. One of the initiatives was significant changes to the extension of time, EOT, system. The extension of time fee is a fee charged on blocks that are not developed within the time frames outlined in their crown lease. This fee is a regulatory tool to encourage land to be developed in a timely manner. However, in recent times, under the previous fee structure, EOT fees have increased significantly and in some cases have inhibited a lessee's ability to progress development. The reforms announced by the Chief Minister will relieve the burden of accrued debts, remove complex multiple fee structures, and focus on encouraging the completion of development. The bill I am introducing today will amend the Planning and Development Act 2007 and the Planning and Development Regulation 2008.

The new fee structure commences from 1 April 2014 for the calculation of EOT fees. The new, simplified fee structure will replace the current system and will provide a predictable, clear and transparent fee moving forward that is able to be easily calculated by lessees. Lessees will now have a period of four years from the completion date in the crown lease when no EOT fee will accrue. From the fifth year onwards, the EOT fee will be calculated based on one times the lessee's general rates in each respective year. This means that a standard residential block will have up to six years to develop before any fees will accrue. For a commercial development, this would typically be eight years. The new structure will be easier to understand and will avoid the issues of large escalation of fees over time that has occurred in some cases in the past. Importantly, though, lessees will be required to pay their debt annually, so that they are aware of the fee and do not accrue significant debts over time.

New crown leases issued by the territory from 1 April 2014 will no longer have a commencement clause, meaning that lessees will not be charged EOT fees on a breach of this condition. Lessees will only need to abide by the completion dates in their crown lease. For lessees who have an existing commencement date in the crown lease, there will no longer be a fee associated with a breach of that commencement date. This change recognises that some developments may take more time to commence due to a range of factors—design, architecture and financing requirements, amongst others.

The government recognises that the current hardship provisions do not adequately provide for cases where a change in circumstance has led to the inability to complete a development within the required time frames. This bill seeks to address this issue by broadening the hardship provisions. The hardship criteria will include a medical condition that prevents employment or full employment; a disability, including mental illness, that prevents employment or full employment; unemployment; personal bankruptcy; and if a person is a dependant and endures the death of a partner or other kin who has provided for that person.

The current hardship multiples will be removed in the regulation. There will be no specified fee structure in the regulation for the calculation of debt under hardship. This will provide greater flexibility for the territory to determine each case on its own merit and decide on an appropriate EOT debt, moving forward, that is suitable to individual needs. The territory will have the option to reduce, negate for a period or negate EOT fees indefinitely in circumstances of hardship.

To complement the new EOT fee structure and to provide relief to lessees with existing EOT debts, the government has announced that it will refund or waive all EOT fees accrued between the period of 22 June 2012 and 31 March 2014.

Lessees who have paid EOT fees since 1 July 2012 will be able to apply to the government for a refund or an act of grace for fees that relate to the period 22 June 2012 to 31 March 2014. Lessees will need to apply through an application form available on the Environment and Sustainable Development Directorate website, and the application period will remain open for a period of 12 months.

Current lessees who have accrued an EOT debt between 22 June and 31 March 2014 will be able to have that portion of the debt waived. Moving forward, debt accrued from 1 April 2014 will be calculated based on one times their general rates bill. There will be no expiry date for the administration of waivers of EOT debt. This will allow all lessees to be treated the same, regardless of when they became aware of the government's announcement of treatment of debt during this period.

The changes to the EOT systems as proposed by this bill, along with other measures in this package, respond to local industry feedback; provide a short-term stimulus for continued development across the city; will significantly reduce EOT fees for new and existing lessees across the territory; and will provide a clear and transparent fee structure moving forward, giving lessees a significantly greater length of time to develop a block of land, whilst maintaining some capacity for the territory to ensure the timely completion of development. It will cut red tape and it will increase flexibility for developers. I commend the bill to the Assembly.

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

Independent Competition and Regulatory Commission (Water and Sewerage Price Direction) Bill 2014

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (10.45): I move:

> That this bill be agreed to in principle.

On 2 April 2014 the ACT Auditor-General released her performance audit into the water and sewerage pricing process, which made a number of recommendations in relation to the overall pricing framework for the territory. The government appreciates the work undertaken by the Auditor-General to review and consider the current process for the setting of water and sewerage prices in the territory.

The government has agreed to most of the recommendations in the Auditor-General's report. As a result of the report, and in recognition that a substantial period of time has elapsed since the framework for water and sewerage pricing was last reviewed, the government will undertake a broad reassessment of the framework for the pricing of water and sewerage services in the ACT.

An issue raised by the Auditor-General was that there may be a question of the validity of the terms of reference and, as an extension of this, the most recent price direction for water and sewerage services by the Independent Competition and Regulatory Commission.

The concerns of the Auditor-General have been acknowledged. However, based on the advice that it has received, the government continues to consider that the terms of reference and the price direction are effective and valid—a view, I note, that is shared by the ICRC and many others.

However, in order to remove any doubt whatsoever in this area, I am introducing this bill which, if passed by the Assembly, would absolutely, beyond any doubt, confirm the validity of both the terms of reference and the price direction. But, more importantly, it would confirm the price cuts that average consumers have received as part of the ICRC's price direction.

The bill not only confirms the validity of the terms of reference but also provides some limited guidance for the industry panel which will review the ICRC's price direction. It is critical that the industry panel are able to undertake their work with certainty and, in order to ensure that the absence of a specified period within the terms of reference does not impact on the industry panel, the bill provides guidance about the regulatory period that can be set by the industry panel should they determine to substitute a new price direction following their deliberations.

The bill introduced today will absolutely confirm the validity of the terms of reference and price direction that removes any doubt whatsoever in this area and confirms, most importantly, the price cuts for average consumers that have resulted from the ICRC's price direction.

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

Statute Law Amendment Bill 2014

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.49): I move:

That this bill be agreed to in principle.

The Statute Law Amendment Bill deals with three kinds of matters. Schedule 1 provides for minor, non-controversial amendments proposed by a government agency that have required the approval of the Chief Minister. Schedule 2 contains amendments to the Legislation Act proposed by the parliamentary counsel. Schedule 3 contains technical amendments proposed by the parliamentary counsel to correct minor typographical or clerical errors, improve language, omit redundant provisions, include explanatory notes and otherwise update or improve the form of the legislation.

I will briefly mention a few matters outlined in this technical and minor amendment bill. Schedule 1 of the bill amends the Corrections Management Act to increase the field from which the minister may appoint an adjudicator for the purposes of the act. Section 177 provides that the minister may appoint at least one adjudicator. An adjudicator reviews disciplinary matters and segregation decisions under the act. Currently, adjudicators are required to be magistrates. The amendment will allow the minister to appoint as an adjudicator a person who is judicially qualified—that is, a judge or magistrate, retired judge or magistrate, or someone who has been a legal practitioner for not less than five years.

Schedule 1 of the bill also amends the Cultural Facilities Corporation Act to repeal section 15. Under section 15, the Cultural Facilities Corporation is required, at the end of each quarter, to give the minister a report on the quarter about the operation of the corporation and the act. The minister must then present the report to the Assembly within six sitting days. The report is usually not the subject of discussion in the Assembly. It generally contains information that is also available in other publications the corporation produces, such as the annual report, seasonal calendars of events and the two websites the corporation maintains.

The corporation will continue to report on its activities and performance under the Annual Reports (Government Agencies) Act 2004. The amendments relating to the repeal of section 15 are to commence on 1 July 2014. This will enable the corporation to give the minister a final quarterly report for the quarter ending on 30 June this year.

Schedule 1 of the bill also amends the Dangerous Substances Act as a consequence of the enactment of the Work Health and Safety Act. Since the enactment of the latter act it has been possible for a person to have corresponding duties under the Dangerous Substances Act and the Work Health and Safety Act in relation to dangerous substances, including asbestos and hazardous chemicals. The inclusion of new section 8A in the Dangerous Substances Act makes it clear that a person with corresponding duties under the Dangerous Substances Act and the Work Health and Safety Act in relation to a dangerous substance will be complying with the person's duties under the Dangerous Substances Act if the person complies with their duties under the Work Health and Safety Act.

Section 8A(2) makes it clear that if the person has a duty or power under the Dangerous Substances Act in relation to a dangerous substance that is inconsistent with a duty under the Work Health and Safety Act in relation to the same substance, the duty under the Dangerous Substances Act has no effect to the extent of the inconsistency. However, section 8A(3) provides that a duty under the Dangerous Substances Act is not to be taken to be inconsistent with a duty under the Work Health and Safety Act to the extent that both duties can operate concurrently.

Schedule 2 contains minor, non-controversial structural amendments of the Legislation Act initiated by the Office of the Parliamentary Counsel. Structural issues are particularly concerned with making the statute book more coherent and concise, and therefore more accessible. Strategies to achieve these objectives include avoiding unnecessary duplication and achieving the maximum degree of standardisation of legislative provisions.

In this bill, the Legislation Act 2001, dictionary, part 1 is amended to include a definition of "coroner" to help users of legislation. Schedule 3 includes amendments of acts and regulations that have been reviewed as part of the ongoing program of updating and improving the language and form of legislation. These amendments are explained in the explanatory notes and are routine, technical matters such as the correction of minor errors, improving syntax and omitting redundant provisions.

In particular, amendments are made to relocate, from the Work Health and Safety Regulation 2011 to the Work Health and Safety Act, transitional provisions dealing with investigations under the former Work Safety Act 2008. Act dictionaries are updated to include signpost definitions for terms defined elsewhere in the act, standard notes are included in acts and regulations to help users of the legislation and archaic words such as 'shall' and 'any or all' are replaced in a number of acts with more current language.

In addition to the explanatory notes in the bill, as always the parliamentary counsel is available to provide any further explanation or information to members who are seeking advice on this bill. I commend the bill to the Assembly.

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

Planning, Building and Environment Legislation Amendment Bill 2014

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.56): I move:

> That this bill be agreed to in principle.

This bill I present today proposes editorial, technical, consequential and minor policy amendments to the Building Act, Building (General) Regulation, Planning and Development Act, Planning and Development Regulation, Unit Titles Act and Utilities Act.

The bill responds to needs identified by the Environment and Sustainable Development Directorate and parliamentary counsel and includes minor policy, technical and editorial amendments. The bill includes eight minor policy amendments which I will seek to briefly outline today.

Clauses 4 and 5 of the bill amend section 50 of the Building Act. This amendment restores the intended operation of this section.

Section 50 of the Building Act previously imposed a broader obligation on certifiers to inform the Construction Occupations Registrar of any contraventions of the Building Act. In 2007, amendments to the Building Act removed this general obligation to report on contraventions of the act.

The intention of this amendment was to narrow the certifier's role to their functions under the Building Act that relate to certifier and building work. Essentially the amendments make certifiers responsible for notification of building work that did not comply with a DA issued under the Planning and Development Act.

In light of experience this adjustment appears to have gone too far in that it had the effect of removing certain arguably important obligations on certifiers relating to the certifier and building work. These obligations were an important aspect of the role of the certifier as the front-line regulator of building work. The bill therefore amends section 50 to restore these obligations on certifiers.

A certifier will be required to inform the Construction Occupations Registrar of any contravention of the Building Act relating to building work, stop and demolition notices and occupation and use of buildings which comes to the certifier's attention. The bill amends section 50 to provide that a certifier commits an offence if they do not tell the Construction Occupations Registrar about a contravention of part 3 of the Building Act, which relates to those matters.

The certifier also commits an offence if he or she does not tell the Construction Occupations Registrar about conduct that they reasonably believe may be an offence under section 76, which relates to occupation and use of buildings, section 77, which relates to use of buildings that is restricted and 78, which relates to occupation and use of ex-government buildings.

Clause 12 of the bill amends section 298 of the Planning and Development Act. This section applies to the transfer of land that is subject to a building and development provision. This section prohibits the transfer of a new crown lease before the developer has complied with building and development requirements in that lease. This section contains some exceptions.

Section 298(4) provides that the Planning and Land Authority can grant permission to transfer the lease on certain grounds, including situations where the lease is a holding lease and the transfer is the first sale of newly subdivided land. Clause 12 of the bill amends section 298(4) to remove the requirement for the land to be subdivided.

A holding lease is a lease that is issued to allow for urban development and subdivision. It is a short-term lease which provides for the developer to construct and return public infrastructure to the territory. Currently, the exception for holding leases only applies if there is subdivision involved. Experience has suggested this is an arbitrary distinction and the authority has been informed of cases in which land sales and development have been delayed due to the subdivision restriction.

The use of a holding lease is an unexceptional part of the development and sale of land. When the holding lease is transferred the purchaser takes on the responsibility for the development of the land. There is no practical reason for maintaining the subdivision restriction.

Clause 12 of the bill extends the scope of the authority's consent under section 298(4) so that it applies to the development of new land even if the proposed transfer is of the whole of the holding lease. In this situation there would be no subdivision involved.

Clause 14 of the bill inserts a new chapter 18 into the Planning and Development Act. This is a transitional chapter which applies to the status of the lease of the University of Canberra.

The University of Canberra lease was granted as an in perpetuity specific purpose commonwealth lease under the Canberra College of Advanced Education (Leases) Act 1977. This commonwealth act was repealed around the time of self-government. The university is, of course, now established under territory law, the University of Canberra Act 1989.

In keeping with the unusual origins and nature of this commonwealth lease, the lease was expressly excluded from standard territory lease administration provisions in the former Land (Planning and Environment) Act 1991 and this exclusion was carried over into the current Planning and Development Act.

The exclusion of the University of Canberra lease from the Planning and Development Act has proven to be problematic. The exclusion means there is no practical way for the lessee to make a lease variation as a precursor to proposed development. From the territory's point of view there is no workable way to enforce the provisions of the lease.

Given that both the land as well as the administration of the university are now within the regulatory responsibility of the territory, there would appear to be no good reason why the lease should not be subject to the standard lease administration legislation like any other lease.

This proposal, therefore, is to address these issues by amending the act so that it applies to the University of Canberra lease. An amendment of this kind has supported in principle by the university.

Clause 14 therefore amends the Planning and Development Act to provide that it applies to the University of Canberra lease. This means there is now a practical way for the territory to enforce the lease provisions and for the lessee to apply for lease variations.

Clause 28 of the bill amends section 17 of the Unit Titles Act to remove a requirement to superimpose dual occupancy developments. In September 2009 changes to the Unit Titles Act came into effect which restricted unit titling of some dual occupancy development.

The amendments meant that dual occupancy developments were only permitted to be unit titled where one unit was wholly or partly superimposed on the other unit. The superimposing requirement had the practical effect of ensuring that the original and succeeding building owners were fully aware of the unit titling scheme applying to the buildings.

Experience has suggested that this change resulted in a significant decline in dual occupancy development in the ACT. In hindsight, the superimposing requirement imposed an artificial and arbitrary constraint on this type of development. Because of these consequences the bill removes the requirement to superimpose the units.

Development proponents can now unit title a parcel of land into two units without the need to superimpose them. This amendment, I should make clear, does not open the floodgates for unit titling in relation to this type of development. Unit titling will still only be available in areas presently permitted by the territory plan.

The bill also makes a number of minor policy amendments to the Planning and Development Regulation. Clause 18 limits the ability for a development proponent to modify a development which is under construction without the need for an application to amend the approved plans.

This clause omits sections 35(2), (3) and (4) of the regulation. Section 35 of the regulation sets out circumstances in which the proponent may deviate from the development approval without needing to apply for an amendment. Section 35(2) allowed a development to deviate from the approval in circumstances where the change would not, in itself, require development approval.

Section 35(3) allowed a development to deviate from the approval if the change consisted of adding an exempt development. Section 35(4) provided that a development could not be modified under sections 35(2) and (3) if the aggregate development would result in more than one single residence on the block, multiple dwellings or would include more than two exempt class 10 buildings within 1.5 metres of a side or rear boundary.

This amendment is being made in response to concerns expressed to me and the Chief Minister by members of the community about changes being made to developments which are under construction.

Clause 27 of the bill adds two new schedules to schedule 2 of the regulation. Schedule 2 lists developments in the merit track which are subject to minor public notification only. Clause 27 of the bill adds merit track development applications for minor additions or alterations to a residential unit within a multi-unit residential development to the list of minor notification matters.

Under this amendment minor notification would be permitted if the change to a residential unit results in additional gross floor area that is not greater than 10 per cent of the existing gross floor area or does not add more than 20 square metres to the gross floor area. These matters have been added to the list in schedule 2 because the current requirement for major notification is considered to be disproportionate to the scale of the relevant development and as such is not warranted.

Clause 17 of the bill amends section 25(3) of the Planning and Development Regulation. This regulation provides that a development application must be accompanied by a survey certificate unless otherwise prescribed. The act provides that a survey certificate is not required for development applications for residential development less than 75 square metres and section 25(3) provides that a survey certificate is not required for commercial or industrial development of less than 150 square metres.

The reference to commercial or industrial development has led to some inconsistencies. Under the current law a survey certificate is still required for other non-residential development of similar or smaller impact. For example, a small-scale community facility of less than 150 square metres would still require a survey certificate.

A larger area is permitted for commercial or industrial development than residential development because the impact of the development would not be as significant as development in a residential area. The same rationale could also apply to other non-residential development. To resolve these inequities and inconsistencies the bill amends section 25(3) to refer to non-residential development rather than industrial or commercial development.

The bill also contains a number of minor technical and editorial amendments to acts and regulations. These amendments include updating cross-references to other legislation and the clarification of existing legislative requirements. I commend the bill to the Assembly.

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

Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2014

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

Title read by Clerk.

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (11.08): I move:

> That this bill be agreed to in principle.

I am pleased today to table the Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2014. In November 2012 I presented a bill to amend the Aboriginal and Torres Strait Islander Elected Body Act 2008 to allow greater participation of Aboriginal and Torres Strait Islander Canberrans in the election of their representative body.

That bill permitted the election to be held over the NAIDOC period that would see increased engagement of candidates and maximise the ability of Aboriginal and Torres Strait Islander people to participate. NAIDOC Week, formerly the National Aboriginal and Islander Day of Observance Committee, is a time of celebration and engagement of Aboriginal and Torres Strait Islander people, culture and community.

Since that time discussions have been held with the Aboriginal and Torres Strait Islander community and the elected body on the upcoming election in July this year. In those discussions the elected body and community have asked that the election commence on the first Saturday that NAIDOC celebrations are held here in the ACT. This is the official start day in the ACT with the ACT NAIDOC awards and ball. A number of those here in the Assembly today have attended this wonderful event.

This amendment bill makes minor amendments to the Aboriginal and Torres Strait Islander Elected Body Act 2008 that will allow the Aboriginal and Torres Strait Islander Elected Body election polling to commence on the first day of NAIDOC celebrations in the territory. This will mean that polling will be from Saturday to Saturday during NAIDOC celebrations. Given that dates of events change over time, an additional clause has been added to allow the responsible minister to declare the polling start date through notifiable instrument. This will prevent the potential need to amend the act again in the future.

In closing, I commend the Aboriginal and Torres Strait Islander Elected Body Amendment Bill 2014 to the Assembly and recognise the commitment and capability of our elected body to bring to government the views and expectations of the Aboriginal and Torres Strait Islander community.

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

Standing order 6A—amendment

MR SMYTH (Brindabella) (11.11): I move:

> That standing order 6A be amended as follows:

> Add "In the event that both the Speaker and Deputy Speaker are absent, Members will be informed in writing by the Clerk of these absences, and an Assistant Speaker shall perform the duties and have the powers of the Speaker as specified above."

This amendment is quite simple. It allows almost a succession to be put in place when the Speaker, and potentially the Deputy Speaker, are absent, particularly over long periods between the sitting weeks. I understand there might be an occasion in the near future when the Speaker will be away and perhaps even you, Madam Deputy Speaker, will be unavailable. In that case, we do not have someone who is capable of doing the ordinary duties of the Speaker—forwarding on reports, signing legislation, et cetera—so it is reasonable to have in place a procedure to set up so that one of the assistant speakers then becomes the acting speaker for that period. Mr Gentleman will be moving an amendment, which he has informed me of, which makes the process a little clearer still. With that, we will be supporting the amendment and the amended standing order.

MR GENTLEMAN (Brindabella) (11.12): I move the amendment circulated in my name:

> After "Members will be informed in writing by the Clerk of those absences, and an Assistant Speaker", insert ", on the Speaker's appointment,".

This amendment, as indicated by Mr Smyth, provides a little more clarity to the provision and allows the Speaker to make an appointment before she leaves.

MR RATTENBURY (Molonglo) (11.12): I just rise to indicate my support for both the amendment to the standing orders moved by Mr Smyth and Mr Gentleman's amendment to it.

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) (11.13): The Labor Party also will support these amendments, both the substantive and the proposal by Mr Gentleman. I particularly note that Mr Gentleman's amendment seeks to deal with which of the assistant speakers would have the authority to act and perform the duties of the Speaker in circumstances where both the Speaker and the Deputy Speaker were absent. I think this is important. There are a number of assistant speakers and to avoid confusion, particularly if there are pressing or controversial matters, it is important that there is clarity about which of the assistant speakers is performing those duties in the absence of both the Speaker and the Deputy Speaker.

Amendment agreed to.

Motion, as amended, agreed to.

Executive members' business—precedence

Ordered that executive members' business be called on.

Officers of the Assembly Legislation Amendment Bill 2014

Mr Rattenbury, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR RATTENBURY (Molonglo) (11.14): I move:

> That this bill be agreed to in principle.

Visitors

MADAM DEPUTY SPEAKER: Before you stand to speak, Mr Rattenbury, I would just welcome the adult migrant education program from the CIT into the visitors gallery.

Officers of the Assembly Legislation Amendment Bill 2014

MR RATTENBURY: I welcome our guests too. This bill is required to correct a minor error that has left an inconsistency between the Auditor-General Act and the Financial Management Act. As members are aware, this error was identified by the Clerk and communicated to members via the Speaker earlier this year. The current situation is that both the Speaker and the public accounts committee are responsible for providing the recommended appropriation for the Auditor-General to the Treasurer.

The bill corrects this inconsistency by removing part 4 of the Auditor-General Act and clarifying the provisions of the Financial Management Act to ensure that they pick up relevant sections of the Auditor-General Act and apply it to all the officers of the Assembly equally. The only exception to this equality is the requirement for independent audits of the Auditor-General's financial statements, given that, of course, the Auditor-General cannot audit herself.

The bill also includes the current process in the Auditor-General Act that allows for recommendations for additional appropriations during the financial year to be made to the Treasurer in circumstances where the officer of the Assembly believes that they have inadequate funds to fulfil their functions. This process has been added to the Financial Management Act in largely the same terms as it previously applied to the Auditor-General to ensure that it can be used for each of the officers of the Assembly if the need so arises.

It is important to note that in determining whether or not to make a Treasurer's advance to an officer of the Assembly the Treasurer must apply the same criteria as for any other use of the Treasurer's advance under section 18 of the Financial Management Act.

Finally, the bill also responds to a concern raised by the Auditor-General after the passage of the previous bill. The Auditor-General expressed some concern that

application of the requirement that officers of the Assembly be accountable to the Speaker for the financial management of their offices could create a perception of a reduction in independence. To overcome this concern, the bill will make the officers of the Assembly directly responsible to the Assembly for their fulfilment of the requirements of parts 2 to 5 of the Financial Management Act.

The bill will commence on the same day as the Officers of the Assembly Act that was passed last year and will mean that the current inconsistencies are resolved prior to the commencement of the act and, hopefully, ensure a smooth transition to the new arrangements for officers of the Assembly.

Members, these minor changes come about because of inconsistencies arising from the previous act. This bill resolves these issues and improves arrangements to ensure that we have a very strong framework for the office holders themselves as well as Assembly committees and the Assembly collectively to work within. I commend the bill to the Assembly.

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

Justice and Community Safety—Standing Committee
Statement by chair

MR DOSZPOT (Molonglo): Pursuant to standing order 246A I wish to make a statement informing the Assembly of statutory appointments considered by the Standing Committee on Justice and Community Safety for the period 1 July to 31 December 2013. In that period, the committee considered 44 statutory appointments proposed by the Attorney-General, Minister for Police and Emergency Services and Minister for Workplace Safety and Industrial Relations, as shown in the schedule 1 table today. For all of these, the committee considered the proposed statutory appointments and made no further recommendation as far as the appointments were concerned.

However, the committee has asked for further information regarding statutory appointments. It hopes that more information can be provided about the positions and bodies to which the appointments are made and the selection process. This would place the committee in a better position to consider the appointments with all relevant information on hand. In the committee's view, this would be a positive step in the important business of committees being consulted on statutory appointments.

I present the following paper:

> Justice and Community Safety—Standing Committee—Schedule of Statutory Appointments—8th Assembly—Period 1 July to 31 December 2013.

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

MR GENTLEMAN (Brindabella): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Planning, Environment and

Territory and Municipal Services relating to the recent meeting hosted by the committee with a group of ACT school students who participated in the 2020 vision project.

As members may be aware, the 2020 vision project was delivered during 2012-13 as an interactive, participation-based sustainability project for ACT schools. The project was coordinated by SEE-Change with funding from the community centenary initiatives fund and aimed to encourage as many students as possible to consider sustainability and discuss ways that the Canberra community can reduce its ecological footprint. As part of the project, participating students from kinder to year 12 took part in activities to discuss and learn about the range of sustainability topics.

The project culminated in the hosting of a two-day youth parliament in November 2013 at the Australian National University. The youth parliament provided the opportunity for students to discuss ideas and proposals that had been developed by individual schools. In the final session student parliamentarians considered reports from its eight parliamentary committees on various aspects of sustainability and appointed a cabinet of 16 ministers from 10 schools and colleges.

A key outcome of the parliament was the production of a white paper which included 24 recommendations. On 25 March 2014, the committee met with eight members of the student cabinet to discuss the white paper, in particular the 24 recommendations developed by the students. Each student minister presented a summary of their portfolio and the associated proposals that had been finalised and agreed at the two-day youth parliament.

The meeting was held in committee room 1, which enabled the students to gain an insight into committee proceedings and, in particular, the format of public hearings and other committee activities. Following the formal presentation and questions, the committee had the opportunity to continue informal discussion and share ideas with students over lunch in the exhibition room. The committee was also able to discuss the project with project coordinators from SEE-Change as well as parents and teachers from participating schools.

On behalf of the committee, I would like to thank the student ministers for meeting with us and sharing their ideas with such enthusiasm. It was clear to the committee that the final recommendations had been well thought out and developed in consultation with all students who had participated in the project. As a committee, we were all encouraged by the high level of youth engagement and the willingness to participate in a project on such an important issue.

Finally, for the information of members, I seek leave to table a copy of the white paper developed as part of the 2020 vision project titled "How should Canberra change by 2020 to meet its ambitious carbon emission targets and become more sustainable?".

Leave granted.

I table the following paper:

> Planning, Environment and Territory and Municipal Services—Standing Committee—ACT Centenary 2020 Vision Parliament of Youth Sustainability—White paper—How should Canberra change by 2020 to meet its ambitious carbon emission targets and become more sustainable? dated November 2013.

Executive business—precedence

Ordered that executive business be called on.

Lifetime Care and Support (Catastrophic Injuries) Bill 2014

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

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (11.24): The Liberal Party will be supporting this bill today. Indeed, it is something I have been calling for for some time. I welcome its arrival. Those who are injured in motor vehicle crashes and who receive catastrophic injuries certainly deserve an easier path to care and treatment. They certainly deserve certainty that they will have that treatment available to them for the rest of their lives. It is a long time coming and has been the subject of a number of inquiries. I believe there are a couple of recommendations that suggested we have such a scheme.

I would start by thanking the minister and his staff for the briefing. I would also thank the minister for circulating his amendments early so that we could have a look at them.

I note, from the bill's explanatory statement and from the briefings that we received, with this bill the government has put forward the following elements: it establishes the role of the LTCSC, the Lifetime Care and Support Commissioner, to manage and administer the scheme in the ACT. The bill is to respond to the reasonable and necessary treatment and care expenses of participants in the scheme, and these will include things such as medical treatment, rehabilitation, attendant care services and, if required, home and transport modifications. The bill, when passed, will make a person eligible to participate in the LTCS scheme if the person has suffered a motor accident injury that satisfies the eligibility criteria set out in section 15 and the LTCS guidelines issued by the LTCS Commissioner.

Participation in the scheme is either as an interim participant or as a lifetime participant. All participants will be interim participants for two years or until such time as they are accepted as a lifetime participant. An application for participation in the scheme can be made on behalf of the injured person or by an insurer for a motor crash claim in respect of the injury. A person will not be eligible to participate in the scheme if the person has been awarded common law damages for their treatment and care needs, and participation in the scheme will mean that a person's treatment and care needs will be met by the scheme and will not be recoverable as damages.

The EM goes on to say that funding for the LTCS scheme will be provided by way of a special levy akin to a premium amount to be paid by the persons who pay a CTP

premium under the Road Transport (Third-Party Insurance) Act 2008, with the levy to be collected on behalf of the scheme by Road User Services at the time of registration.

In short, this bill seeks to establish a lifetime care and support scheme, consistent with nationally agreed minimum benchmarks for the NDIS, for people injured in motor accidents. This scheme is intended to be a no-fault scheme that will provide universal cover to individuals who are catastrophically injured in a motor vehicle crash in the ACT. I have—and I know others have—asked for this to happen in the past in various reports, and I think it is odd that we only finally get to this because the NDIS is coming.

We have been in consultation with key stakeholders. We understand that the ACT government has had considerable discussion with the New South Wales government and that really this is a plan to tack the ACT scheme onto the New South Wales scheme. What was interesting to note, though, was that the Treasurer went on the public record on 24 February this year in the *Canberra Times* announcing that the Chief Minister had struck a deal with the New South Wales Premier:

> "The deal struck between the Chief Minister, Katy Gallagher, and the New South Wales Premier, Barry O'Farrell, was for the ACT to pay its own way under the scheme. We are not subsidising them and they are not subsidising us," he said.

This will require some clarification. I am not sure—and I have not been able to find out—what deal has been struck. I think the Treasurer, through his own officials, in the briefing that we received, said that there is currently no formal agreement between the ACT and New South Wales. In fact, I am told there is yet to be a formal signoff from the New South Wales government. I asked the officials, "If that is the case, what would happen then?" They said, "We would have to run the scheme in the ACT ourselves until such time as that happens." So I am not sure what scheme or what deal the Treasurer was referring to in the *Canberra Times* on the 24th, but it would be worth some clarification, given that his officials clearly do not know of it.

We have also had consultation with others in the sector regarding this bill, and much of the feedback we received called for using the New South Wales experience and then improving on it. I have a number of amendments which have been circulated and we will get to those through the course of the detail stage.

Firstly, there were calls from various groups that there be an ability to opt out of the scheme. This was confirmed by the scrutiny of bills committee who brought up as a potential issue the inability for injured people to choose to sue for damages, as opposed to participating in the LTCS scheme.

Secondly, we note that the bill does not allow LTCS participants to receive gratuitous services from family and friends. This is odd. If you have a loved one who is injured and a member of the scheme and you stay home and care for them, a family member or friend, there is no payment. So if you give up your job and you stay at home, there is no cost, apparently. But if you go to work, the government will then pay for, potentially, a full-time carer. I think that is a flaw. Sometimes the best care can be provided by loved ones and those that know the injured person. I think there should be consideration given to that, and I have amendments to that.

Equally, the bill does not allow the scheme participants to sue for damages with respect to such services, and linked to that is that it is noted that there is no recourse for legal representation for scheme participants and that there is an awful lot of power vested in the commissioner and the review panels. In the bill as proposed, if you have an issue, you go before a panel. If you are not happy with their determination or their decision, you then go to a review panel. If you are not happy with that, it would appear that it is bad luck, unless of course there is a point of law and the AD(JR) becomes involved.

I think it is not unreasonable to suggest that to have the commission make the original decision and a panel appointed by the commission make the final decision means that the commission really does have a lot of power vested in it. It would not be unreasonable, for instance, for somebody to take it to ACAT. It is a well-known process in the ACT. It seems to be working reasonably well. Why could they not be an appeal body in this case? Establishing an avenue for reviews to be heard through ACAT seems reasonable.

This bill is, in effect, expecting catastrophically injured individuals to be representing themselves, because the bill does not allow for the payment of legal expenses. So if I go into the scheme and I have a falling out with the scheme, I am upset with the decision of the scheme or I do not like one of the determinations, virtually I, the patient, cannot now appeal what is going on. And if I were able to do that, the commissioner is excluded from paying legal fees. If there is a case to be made, people need the assistance if they are not in a position to pay.

I have some amendments to assist that. I am sure members in this chamber can understand that somebody with a brain injury or recovering from a permanent injury will perhaps not be fully capable to represent themselves and will need the assistance of legal counsel. As I have said, family and friends who have been called on to provide care would not be in the right state to perhaps provide representational assistance, not to mention that many of them would not be properly skilled to give such advice.

The last bit of the bill relies heavily on guidelines issued by the commissioner as notifiable instruments. I think there is a valid point to be made that the reliance on variable guidelines as opposed to legislation can render long-term treatment and support somewhat uncertain, and dramatic changes could occur without this place being consulted. We would certainly see them but we would not have the opportunity. So I think the move to change notifiable instruments to disallowable instruments in this case is warranted.

I look forward to the determination of the cost of the additional premium that will go onto the registration fee. We were told it is expected to be approximately $34. That is interesting, given that we do not have an agreement with New South Wales. How would we know? I would hope that long term what we see is the setting up of the lifetime care and support service will actually dampen the volatility of premiums and perhaps, one would hope, lower CTP premiums would result.

These are valid issues. They should be addressed. This bill is important and it should pass. But we do need to get it right. I am aware that there is constant review in New South Wales of how their scheme is operating. Truly, these people are injured and the last thing they need is uncertainty in the scheme. So, with that, I will be moving my amendments in the detail stage.

MR RATTENBURY (Molonglo) (11.34): As members are no doubt aware, in 2011 the Productivity Commission released an inquiry report called *Disability care and support*. I think we can classify this as a landmark report, as it recommended the establishment of the national disability insurance scheme, the NDIS, which, as we know, is a scheme to provide long-term, high-quality care and support for people with significant disabilities. It is a scheme the Greens have strongly supported and I am pleased that the ACT is a launch site for the NDIS.

The second part of that Productivity Commission report recommended establishing a no-fault national injury insurance scheme, NIIS, a model intended to comprise a federation of individual state and territory schemes to provide fully funded care and support for all cases of catastrophic injury.

The Lifetime Care and Support (Catastrophic Injuries) Bill will implement one aspect of the NIIS in the ACT, and I am pleased to support it. I understand that Mr Barr will be presenting some minor amendments to the bill shortly, as well as a revised explanatory statement, which will address some of the issues that I raised with him during discussions on the bill. I thank Mr Barr and his office for the useful discussions and willingness to cooperate.

The bill establishes a scheme of no-fault, minimum care and support arrangements for people suffering catastrophic injuries received through a motor vehicle accident. The arrangements will be funded by a fee added to compulsory third-party premiums, estimated to be $34.

The lifetime care and support scheme, referred to as the LTCS, will be administered by a commissioner who will assess an applicant's eligibility and treatment and care needs. Motor vehicle accidents are the first injury type to be subject to this scheme. Someone catastrophically injured in a motor vehicle accident, whether they can show fault or not, will be eligible for the scheme. A motor vehicle accident requires the involvement of a motor vehicle, which means that cyclists and pedestrians will be covered in relation to incidents that involve a motor vehicle. If they are hit by a car, they will be covered. If they have an accident while riding alone, they will not be. The Productivity Commission recommended that ultimately the NIIS should cover almost all causes of catastrophic injuries, including medical treatment, criminal injury and general accidents occurring within the community or at home.

Currently in the ACT, a person injured in a motor vehicle accident who cannot show that someone else was at fault is not able to claim under the compulsory third-party insurance scheme. The scheme established under this bill will cover this gap, ensuring that these injured people receive the care and treatment they need for their lifetime. This is a significant change that will make a very important difference to the lives of

people and their families who have the misfortune to suffer catastrophic injuries in a motor vehicle accident. The types of injuries usually classified as catastrophic injuries are quadriplegia, spinal damage, multiple amputations or serious burns.

I think the general benefits of the scheme are quite clear. There is also a fairly sound rationale for the mechanics of the scheme which I will go to in a moment as I note that Mr Smyth is proposing some amendments to the legislation. Suggestions for change have also been raised by stakeholders such as the Law Society and the scrutiny of bills committee. I will flag now that I will support one of Mr Smyth's amendments but not the others. I will elaborate on the reasons why as I discuss various aspects of the bill.

One of the key elements of this bill is that it establishes lifetime care and support for people injured in motor vehicle accidents when there is no fault but also where there is fault. A question arises, therefore, why a person cannot opt out of the scheme in order to pursue care and support through regular common law means. I am satisfied with the approach proposed in the bill. It implements the approach recommended by the Productivity Commission, which is to remove the common law right to sue for future care and support needs, replacing it with this lifetime care and support scheme.

The Productivity Commission report gave several cogent reasons for this. It noted that even when an at-fault party can be identified, the processes for securing compensation for support through litigation are drawn out and costly. It noted that there was not evidence that the common law right to sue for compensation for care costs increases incentives for prudent behaviour by drivers—which is relevant to this bill—as well as doctors and other parties for other types of injuries. The report goes on to say that the creation of the national injury scheme will avoid many of the deficiencies of common law compensation systems and improve outcomes for people with catastrophic injuries. It would reduce the legal and frictional costs associated with the current fault-based adversarial arrangements. It would promote rehabilitation and adjustment and, where possible, employment.

I understand the rationale behind the idea of an opt-out or opt-in system as proposed by Mr Smyth and others, but at this point I believe we should implement the system in its pure form as proposed by the Productivity Commission and as agreed between states and territories. I also note the administrative difficulty that would probably exist if we had a dual system where people could opt in or out.

On this issue, I also note that the Productivity Commission's report recommends that jurisdictions with a small client base or without sufficient expertise—and this would include the ACT—could use the scheme management already established in another state to reduce the fixed costs of establishing their own schemes. This is the approach that the ACT is taking. I understand that the intention is to utilise the administration of New South Wales. This leaves us with a strong incentive to mirror the New South Wales scheme wherever possible, and that has had some weight in my decision to support the scheme in its current form.

I wish to flag that I will support Mr Smyth's motion to make the guidelines for the scheme a disallowable instrument, his amendment No 12. This is a good idea and one

that I had also flagged with the government. I understand the government will also support this amendment. The guidelines will be very important for the overall operation of the scheme, and there should be scope for them to come before the Assembly. Part of the rationale for supporting the bill in its form today is that we have the future option of looking at the detail of its operation. So I thank Mr Smyth for putting forward that particular amendment.

Another issue of some contention is which of an applicant's costs the lifetime care and support commissioner will reimburse. The bill proposes that the commissioner will pay for legal costs in relation to determining whether an injury was caused by a motor vehicle accident or not. However, legal costs are not payable for other legal services, such as those provided to a participant in the scheme in relation to the assessment of the participant's treatment and care needs.

I understand why the Law Society has suggested that the commission should pay other legal costs as well. But I also understand the rationale for leaving the system largely free of legal representation. The rationale is that the relevant assessments will be made by medical experts, not by lawyers. Lawyers are relevant to the question of whether something is a motor accident or not—it is a technical and legal question. Questions of eligibility and the standard of care are to be assessed by health experts. External legal advice will be available where necessary.

I am inclined to agree with Mr Barr's assessment of the scheme, as detailed in his reply to the scrutiny committee, that the scheme's review process is adequate, that it will involve people with relevant expertise, and that it is appropriate to leave the assessments to a panel of healthcare professionals. In this way it also makes sense to me that the decisions remain with this panel, rather than be remade on merits review by ACAT. I do note, though, that judicial review remains available, leaving an applicant open to challenge decisions, for example, on the basis that not all relevant matters were taken into consideration.

I am also aware of the argument that an injured person may need an advocate to engage with the lifetime care scheme. I do not believe that this is an issue that specifically needs legal representation; I would expect that they primarily need administrative support, to enter the system, and then to be assessed in the usual way by the commissioner.

A final issue of contention is the issue of whether the commissioner should reimburse a participant in the scheme for services that they did not have to pay for. An example might be for care that is provided to them by a family member at no cost. I understand the sentiment behind this amendment, and family and carers certainly provide a lot of unacknowledged work in situations like this. One of the benefits of the scheme itself, of course, is that it should remove a large burden from family and carers because it will provide for the care of an injured person. The bill leaves the discretion to pay for gratuitous services in special circumstances. I have received guidance from the minister that these special circumstances will be similar to those allowed in New South Wales—for example, where there is geographic isolation or there are special cultural circumstances. These will be set out in the guidelines, which, now that this will be a disallowable instrument, will come before the Assembly for consideration. I

do acknowledge that services provided by family and carers remain an ongoing issue for society more broadly, and it crosses over with other areas of policy, such as the level of Centrelink payments available to a person who is a carer.

In summary, I welcome the introduction of this scheme. It is a significant change to ACT law and one that I am convinced will bring life-changing benefits to people and families who suffer the tragedy of a catastrophic injury from a motor vehicle accident. I note that the scheme has an in-built review mechanism for five years. I would ask that, given the size of the change and that this is a new scheme, the minister consider providing a report to the Assembly sooner than that on how the scheme has operated and any areas for potential change. Recognising that there may be low numbers of people going into this scheme, I do not want to put a definitive time frame on that, but I think it would be useful for the Assembly to receive an update sooner than the five-year review time frame so that we may be informed of how the scheme is practically operating on the ground.

MR GENTLEMAN (Brindabella) (11.45): The Lifetime Care and Support (Catastrophic Injuries) Bill 2014 is a fundamental reform to the territory's statutory indemnity insurance arrangements by this government. With the passing of this bill, the territory will effectively have two complementary, but not overlapping, statutory insurance schemes for motor vehicle accident injuries rather than just the existing single compulsory third-party insurance scheme. The bill will establish a lifetime care and support scheme that will meet the ACT's commitment to introduce a national injury insurance scheme by 1 July 2014 for those catastrophically injured in a motor vehicle accident.

Specifically, the bill will implement a statutory indemnity insurance scheme to respond to the treatment and care needs of persons catastrophically injured in a motor vehicle accident in the ACT on a no-fault basis. The scheme will respond to the reasonable and necessary treatment and care needs of participants in the scheme. It will enhance the current motor accident compensation environment by providing coverage for these injuries on a no-fault basis. This means that cover will be extended under the new scheme to those persons who may have been considered to be at fault or to someone who was involved in a single vehicle accident or even a blameless accident.

No-fault schemes are emerging as the best practice approach to dealing with personal injuries as a result of an accident. This is particularly the case for those catastrophically injured whose treatment and care needs will be ongoing for the rest of their life. The scheme will offer interim participation and lifetime participation. Interim participation provides flexibility, allowing the scheme to respond immediately to the early treatment and care needs of those who sustain severe injuries, but where the catastrophic nature of those injuries may take some time to assess or fully develop. The most likely type of injury where this may be the case are persons with brain injuries.

Under the bill, an injured person may be accepted into the scheme as an interim participant for a period of up to two years. With the benefit of immediate access to targeted and specialised treatment pathways that will become available under the

scheme, some participants will improve to a point where they no longer are classified as having a catastrophic injury under the scheme. If this occurs, they will progress to become a lifetime participant. This early intervention will significantly improve the potential for such people to continue to participate in society and contribute to the workforce. After two years, an interim participant who remains eligible is accepted as a lifetime participant. The bill offers some flexibility around the need for the full two year interim participation period.

I understand that there has been some concern about the preserving of an injured person's common law rights where they are eligible for the proposed lifetime care and support scheme. This bill includes consequential amendments to the Road Transport (Third-Party Insurance) Act 2008, which clarify the treatment, care and support costs of a participant in the lifetime care and support scheme. They will no longer be a risk covered by the compulsory third-party arrangements in the ACT.

An eligible claimant will participate in the lifetime care and support scheme to obtain these entitlements. This does not reduce the claimant's common law rights to pursue a claim for common law damages for other heads of damage such as loss of earning capacity and non-economic loss. These entitlements under the compulsory third-party claim will remain unchanged. However, as the new scheme will provide for their reasonable and necessary treatment and care needs, such needs no longer require financial compensation through common law damages.

In this new structure of statutory arrangements, it is important to ensure that an injured party is directed to the scheme which will most appropriately address their needs. Compulsory third-party insurers to whom claims are made will be able to apply on behalf of a claimant to participate in the lifetime care and support scheme if they are eligible without needing the consent of the injured person.

This provision of the bill is in order to facilitate the referral of the injured person to the appropriate statutory scheme. The lifetime care and support scheme has been specifically designed for catastrophically injured persons. The advantage of the scheme, compared to the more generic compulsory third-party scheme, is that it will provide certainty and peace of mind that the injured person will be in fact able to receive the treatment and care that they need for life.

It removes the stress of litigation on those catastrophically injured to access these entitlements. It also removes the uncertainty under the existing compulsory third-party insurance scheme associated with the lump sum award or settlement of managing that amount to last for the rest of the catastrophically injured person's life. In designing this new structure of statutory arrangements, as well as taking into consideration the best interests of catastrophically injured persons, it was also necessary and appropriate to avoid any duplication of costs between the new scheme and the compulsory third-party insurance scheme.

A duplication of costs would have arisen if the bill allowed an overlap in risk between the two schemes in relation to liability for treatment and care needs for those catastrophically injured in a motor vehicle accident. The overlap would have occurred if catastrophically injured persons were able to choose whether to apply for the new scheme or claim common law damages for treatment and care costs.

Such an overlap would ultimately be borne twice by Canberrans who would be required to pay the compulsory cost of both compulsory third-party premiums and also the levy under the lifetime care and support scheme. The levy for the scheme will be set by the lifetime care and support commissioner, based on actuarial advice, in accordance with the bill.

As the Treasurer has previously indicated, the levy currently is estimated to be an annual premium of approximately $34. This is based on an estimated average number of participants and an average cost of claim for each participant. However, given the small exposure that we are talking about in the ACT and the nature of injuries covered by the scheme, it is likely that the actual experience will fluctuate from year to year.

I am sure that members of the Assembly would agree that it would not be palatable for the new bill to apply a levy, in addition to the existing CTP premium paid by Canberra drivers, which did not seek to remove the overlap in risk and potential duplication in cost between the two schemes. This is particularly so given the benefits I have already highlighted and that the new scheme affords catastrophically injured persons.

As members of the Assembly will be aware, the lifetime care and support scheme established under this bill will meet the ACT's responsibility to implement a national injury insurance scheme as part of the rollout of the national disability insurance scheme. I understand that generally there may be some confusion about how these two national schemes interrelate and questions about forum shopping between the two schemes.

While the schemes will operate side by side, it will be the primary responsibility of the lifetime care and support scheme to respond to the treatment and carer needs of those who are catastrophically injured. In particular, the lifetime care and support scheme will provide for the injured person's medical treatment and rehabilitation services, which will not be part of the NDIS. In addition, the maximum age limit of 65 years for the NDIS will not apply to the lifetime care and support scheme. So there is no question that for someone catastrophically injured this is the best scheme for them.

The benefits that will be offered under the proposed lifetime care scheme are clear and will meet the ongoing needs of participants for their lifetime, giving those catastrophically injured in a motor vehicle accident certainty of their long-term reasonable and necessary treatment and care.

I commend the bill to the Assembly.

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) (11.53), in reply: I thank members for their contribution to the debate this morning. The lifetime care and support scheme to be established under this bill is part of the recent national developments in response to the Productivity Commission's report into disability care and support, which was published on 31 July 2011.

Since the release of the commission's report, work has been progressing nationally on the development of the national disability insurance scheme and its companion scheme, the national injury insurance scheme. This scheme will meet the ACT's commitment to establish a national injury insurance scheme and will coincide with the rollout of the NDIS. The bill will establish the lifetime care and support scheme in the ACT to commence on 1 July 2014 and will apply in respect of injury from motor vehicle accidents. As all members are I am sure aware, all governments around the country have agreed to national minimum benchmarks for a national injury insurance scheme in the case of motor vehicle accidents.

The purpose of the benchmarks is to facilitate broad consistency in scheme coverage across Australia, at least to the level of the agreed minimum benchmarks. Jurisdictions may, of course, exceed these minimum benchmarks and, in fact, the scheme to be implemented under the bill will exceed the minimum benchmarks in the treatment and care needs that can be provided to participants.

In addition to the needs identified in the minimum benchmarks, the ACT will also provide workplace educational modifications for participants where this is assessed to be reasonable and necessary. To be eligible to participate in the scheme, an injured person will have been catastrophically injured in a motor vehicle accident. A catastrophically injured person is a person with spinal cord injuries, moderate to severe brain injury, amputations, severe burns or permanent blindness. The scheme will provide for the treatment and care needs of injured persons where the injury was acquired as a pedestrian, a cyclist, or as a motorbike or a motor vehicle user, as long as there is at least one registrable vehicle involved in the motor vehicle accident.

The bill establishes what are the treatment and care needs and sets out the framework for assessment of treatment and care needs, dispute mechanisms and the functions and powers of a lifetime care and support scheme commissioner. The bill also establishes a financial framework which provides an appropriate level of transparency and accountability for the lifetime care and support levy and associated fund.

The bill allows for guidelines to be made under the scheme. Whilst the act is the primary legislative basis for the scheme and sets the principles and frameworks for the scheme, the proposed guidelines will provide further operational detail, such as detailed criteria for making decisions around eligibility based on medical assessment criteria and tools.

The delegation of such operational detail, in particular to the extent that it is a technical medical matter, is a common and appropriate approach. It allows for the appropriate flexibility in the guidelines for adopting different medical assessment tools, in line with national developments and reviews of these tools, as you would expect, from time to time. The guidelines will specify the factors to be considered in deciding what is reasonable and necessary.

These factors will reflect nationally agreed minimum benchmarks. Broadly, these factors will require consideration of the benefit to the participant, appropriateness of the service or request, the appropriateness of the provider, relationship of the service or request to the injury sustained in the accident and cost-effectiveness considerations.

Again, as is normal legislative practice, the guidelines will also set out the more technical and detailed elements of procedures and administrative processes under the scheme that are more suited to guidelines. Examples of such matters are the processes of application to the scheme and dispute resolution. These guidelines will, of course, be publicly available on the ACT legislation register.

The establishment of this scheme will result in a change in the way we respond to the needs of those who are catastrophically injured in a motor vehicle accident. It clearly brings a focus to the timely provision of treatment and care for participants in the scheme. I think it is worth reflecting that that is the priority here: the timely provision of treatment and care for participants in the scheme.

Specifically, part 6 of the bill requires the lifetime care and support scheme to provide for the treatment and care needs of the participant and to pay the expenses of those needs, where expenses are incurred, on an ongoing basis for the rest of the participant's lifetime. This represents a significant reform to the territory's current arrangements whereby those with serious injuries seek compensation under a compulsory third-party insurance claim, typically by pursuing common law damages.

If successfully prosecuted, a process which can involve significant time and costs especially in the case of catastrophic injury, the claimant would likely receive lump sum compensation. This bill seeks to change that environment for those most vulnerable, being those catastrophically injured in motor vehicle accidents on our roads. So rather than a single statutory scheme for motor vehicle accidents, we now have two statutory schemes with one dedicated to the provision of the treatment and care needs of those catastrophically injured.

This scheme will offer immediate provision of treatment and care needs to a catastrophically injured person who becomes a participant in the scheme. It significantly—significantly, Madam Deputy Speaker—reduces the stress of litigation on those with catastrophic injuries whose common law damages claims would otherwise have taken many years, as many as eight years or more, to resolve where their circumstances are such that in the meantime they might be relying upon short-term loans with potentially high interest rates.

Further, the scheme to be established under this bill will ensure that the treatment and care of those who are catastrophically injured in a motor accident are met for the lifetime of the person. This is an important point. Participants or their families do not have to worry about whether a lump sum payment will, in fact, cover all of the treatment and care expenses for the rest of the participant's life, as is the current case.

As I have already stated, under this bill the government is committed to maximising an injured person's recovery by focusing on their treatment and care needs. This is exactly what the lifetime care and support scheme levy is to cover. So Canberrans who are paying this levy can be assured that the money they will be paying in premiums is being directed towards the reasonable and necessary treatment and care of those catastrophically injured in a motor accident.

We are not asking Canberrans to pay a premium for costs that are additional to or unreasonable for the efficient and prudent management of the proposed scheme. The bill contains a number of provisions that have been interpreted to be cost saving measures but whose genesis is, in fact, policy based. I can assure members that this bill does not prevent a participant from seeking legal advice.

In fact, the government recognises that for disputes about whether a person's injury is a motor accident injury there may be benefit in seeking legal advice and having that legal advice paid for by the scheme. As such, division 7.2 allows for the reasonable legal costs to be paid by the commissioner in relation to motor accident injury disputes.

This bill protects fundamental family relationships by not unnecessarily tying family members with the burden of caring for a catastrophically injured family member. The bill does this by providing an opportunity and capacity to access paid professional carers rather than having to rely on a family member.

When family members are paid to provide care, undesirable circumstances may arise where the carer becomes financially dependent on the injured person, continuing to live with them in order to maintain their own income stream. The needs of the injured person may change in such a way that the family member cannot provide adequate care or, alternatively, the family member may become ill or, with age, no longer be able to perform the care that the injured person requires.

Of course, it is important to stress that the bill provides discretion to pay family members in special circumstances. If a family member does provide care to an injured person, usually by choice, a payment can be made in special circumstances, such as where this is due to the geographical location of the injured person or for cultural or severe mental health reasons when only a family member can provide the care.

The scheme established by the bill represents the first time that the government has been able to offer broad access on a no-fault basis to a scheme that provides those catastrophically injured in a motor vehicle accident on ACT roads after the commencement date, 1 July 2014, with the certainty that their treatment and care needs will be met for life—I repeat: that their treatment and care needs will be met for life.

It will provide universal and consistent cover for eligible persons which will mirror that that is available to those catastrophically injured in a motor accident just across the border in New South Wales. For the benefit of the shadow treasurer, having that consistency with New South Wales is important. That is why there was an exchange of letters—correspondence—between the Chief Minister and the New South Wales Premier in relation to the operation of this scheme.

It was on the basis of the exchange of letters that I made the public statements that I did. I have no reason at all to doubt the integrity of the New South Wales Premier that when he commits in-principle support to such arrangements that he means that. All indications are at officials level that the New South Wales and ACT officials are working very well together to establish this scheme.

That is a very good thing for people in the ACT and it is an excellent decision from the New South Wales government to work with us on this scheme. I commend them and I commend all who have been involved in the development of this legislation for the successful operation of the scheme. It is a very important social reform for Canberrans. I commend this bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

MR SMYTH (Brindabella): I seek leave of the Assembly to propose amendments that have not been circulated in accordance with standing order 178A.

Leave granted.

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): I also seek leave to propose amendments to the Assembly that have not been circulated in accordance with standing order 178A.

Leave granted.

Clauses 1 to 15, by leave, taken together and agreed to.

Clause 16.

MR SMYTH (Brindabella) (12.06): I move amendment No 1 circulated in my name *[see schedule 1 at page 1006]*.

This amendment allows for a person to opt out by giving notice to the LTCS commissioner. It is important that people have the ability to determine their own affairs. If one goes to the annual reviews of the Life Time Care & Support Authority in New South Wales, which was formed in 2006, one will see that this is an issue that has arisen interstate. I think that we should all have control of ourselves. Where we are capable of doing it, we should be allowed to follow the path that we want. This allows people to exercise that right and opt out of the scheme.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (12.07): The government will not be supporting Mr Smyth's amendment. Amendment 1 and amendment 14 are, in effect, the opt-out amendments that Mr Smyth refers to.

The general comment I make is that the amendments that Mr Smyth has put forward are a significant divergence from similar schemes that are operating in other

jurisdictions. The New South Wales scheme that we are seeking to align with has been in operation for more than seven years; it is recognised as a sector leader in lifetime care service provision and it is the scheme on which the minimum benchmarks were based. An overall comment I will make is that clearly this bill reflects a range of complex arrangements and policy settings. It is not easy to amend one provision without having significant implications elsewhere in the arrangements. Amendments cannot be made to this scheme without considering the interrelationship with both the CTP scheme and the operation of the NDIS.

More specifically on the opt-out amendments, they would allow an injured person to elect not to participate in the scheme if it was reasonable in all the circumstances to do so. Unfortunately, in Mr Smyth's amendment the words "if it is reasonable in all circumstances to do so" are not defined, so that would be difficult to interpret. And whilst this would allow an injured person to opt out, the injured person would not receive treatment and care costs under CTP common law damages, as consequential amendments under the bill mean that these costs would no longer be covered by CTP arrangements in the ACT. As a result, an injured person opting out would receive no treatment and care support under either scheme.

The proposed scheme is specifically designed to provide for the needs of those who are catastrophically injured. The new scheme's facilitation of early provision of treatment and care—which is, of course, critical to long-term recovery—is the key element here, the scheme recognising that someone with catastrophic injuries will probably have ongoing needs for the rest of their life and providing participants with the comfort of knowing that their treatment and care needs will be provided on an ongoing basis for their lifetime.

This is a pretty clear issue of principle. There are technical issues also in relation to the way this particular amendment has been framed, but the government does not support the broader principle. Even if we did support the broader principle, I do not think this would be the right way to do it. So we will not be supporting the amendment.

Amendment negatived.

Clause 16 agreed to.

Clauses 17 to 22, by leave, taken together and agreed to.

Clause 23.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (12.10): Pursuant to standing order 182A(c), I seek leave to move amendments to this bill that are in response to comments made by the scrutiny committee.

Leave granted.

MR BARR: I move amendment No 1 circulated in my name *[see schedule 2 at page 1010]* and table a supplementary explanatory statement to the amendments and also the revised explanatory statement for the bill overall.

My first amendment inserts a new section that provides information on what should be taken into consideration when deciding whether treatment and care needs are reasonable and necessary. When assessing the treatment and care needs of a participant, the commissioner must determine that those treatment and care needs are reasonable and necessary in the circumstances. The bill does not currently define what is reasonable and necessary. The intention was to define this in the guidelines. However, to address the concerns of both the scrutiny committee and the Law Society that this term be more clearly articulated in the primary act, this amendment inserts the principles of what is reasonable and necessary into the act. The principles reflect the considerations required under the agreed minimum benchmarks for the NIIS. The guidelines will contain further detail on what is reasonable and necessary, based upon these principles.

MR SMYTH (Brindabella) (12.11): The amendment seems a reasonable response to the concerns raised by the scrutiny of bills committee, and we will support it. Again, it highlights the importance of the guidelines: as with much legislation these days, the devil is in the detail. We will read the guidelines with great interest when they are promulgated and make sure that the minister has attended to all that he should.

MR RATTENBURY (Molonglo) (12.12): I will also be supporting this amendment. It gives us some detail on the important question of what is reasonable and necessary care and treatment for a person entering the lifetime care and support scheme. The detail is useful, no doubt, for the commissioner, as well as for us in the Assembly and people in the community who are seeking to understand how decisions are made in this scheme. The issues for consideration set out in this amendment are sensible and reasonable, and I understand that they mirror those in the New South Wales guidelines, which again makes this appropriate in our endeavour to mirror that New South Wales scheme as closely as possible.

Amendment agreed to.

Clause 23, as amended, agreed to.

Clause 24.

MR SMYTH (Brindabella) (12.13): I will be opposing this clause. The clause states that the commissioner's assessment of a participant's treatment and care needs is final and binding for this act and any court proceedings under the act. It excludes the situation of people disagreeing and then trying to find some other path to resolution.

The 2006 act in New South Wales has a clause that has an annual review. The last one that I can find is recommendation 5 from a review by a committee of the New South Wales parliament:

> That the Lifetime Care and Support Authority work with the Brain Injury Rehabilitation Directorate and other stakeholders to examine the feasibility of a more robust and independent dispute resolution process for disputes concerning eligibility and treatment.

We are basing ourselves on the New South Wales system. A review of that system says that we need robust and independent dispute resolution. If this clause is here, it closes off those avenues. In that regard, we will oppose the clause.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (12.14): The government will be supporting this particular clause. My comments here will cover off on Mr Smyth's amendments 2, 5, 6, 8, 9, 11 and 13, which could all be grouped in the "decisions reviewable" category. The amendments allow decisions in relation to eligibility of treatment and care to be reviewable by ACAT and remove statements that decisions are final and binding.

Removing the provision making treatment and care needs assessments final and binding brings into question the status of treatment and care needs assessments while disputes, including court proceedings, occur. There is a question about whether the commissioner's act could action the treatment of care and needs assessments while they were being disputed. There is also a question of whether treatment and care needs assessments can be reassessed during this time to cater for new circumstances or health needs. Section 24(2), proposed for removal, states that treatment and care assessments supersede any earlier assessment of a participant's needs. Normally treatment and care needs are regularly assessed, particularly in the early years of an injury while the injury is stabilising.

The proposed ability to review a decision is in addition to the mechanisms already contained in the bill. The bill already allows for a decision to be reviewed by a panel and for the panel decision to be reviewed by a review panel. In addition, a participant can seek judicial review of a decision on a matter of law. This amendment and the series of other amendments proposed by Mr Smyth allow a review by ACAT after the initial decision on eligibility, the treatment and care assessment or review by the second panel. I really have to question the practicality of these amendments from a timeliness perspective, given the time that would elapse to obtain a court decision. The whole point here is that timeliness of treatment is important when dealing with catastrophic injuries, in order to maximise outcomes.

For those reasons, the government will not be supporting Mr Smyth's amendments 2, 5, 6, 8, 9, 11 and 13, which all are around this reviewability question. We will not be supporting those, but I will not speak further on each of those throughout the course of the debate.

Clause 24 agreed to.

Clause 25.

MR SMYTH (Brindabella) (12.17): I move amendment No 3 circulated in my name *[see schedule 1 at page 1006]*.

Clause 25 says:

> The LTCS commissioner is not liable for legal costs for legal services provided to a participant in the LTCS scheme in relation to an assessment of the participant's treatment and care needs.

If you are under the control of the commission in this regard, and if you disagree with a decision, I think it is reasonable to try and get some advice on how to combat that. Again I go back to the last report I have been able to find from New South Wales. There were a number of recommendations which led me to move this amendment. Recommendation 3, for instance, says:

> That the Lifetime Care and Support Authority evaluate the current medical assessment tools used to assess eligibility criteria, and investigate and report on any alternative and/or additional tools or strategies that may be appropriately used to avoid inequity in Scheme eligibility. The Authority should consult with stakeholders during this process.

Recommendation 6 says:

> That the Lifetime Care and Support Authority collaborate with the Brain Injury Rehabilitation Directorate, the State Spinal Cord Injury Service, the Children's Hospital at Westmead and other service providers to simplify and standardise forms with a view to minimising the duplication of information and limiting the administrative burden on service providers.

In some of the reports that I have been able to read, there seems to be a theme about how the system works, whether it is overly bureaucratic, and whether the tools that are being used actually provide a true and accurate assessment. If you are using a faulty assessment tool and you get a decision that you as a patient inside the scheme are not happy with, then—once we lock out their ability to appeal to a higher body and their ability to seek financial assistance so that they can get another opinion and if necessary have a legal opinion to be able to carry that forward—what you are doing is simply protecting the lifetime care and support commission and the decisions they make rather than looking after the needs of the patient.

I admit that we will, no doubt, under the guidelines issued by the minister, have the best expert panels that we can. But that does not mean that there will never be a dispute. Various doctors have different views on the way patients should be treated. There will be emerging procedures and emerging treatments all the time for these injuries, particularly with all the work currently being done on the brain and spinal injuries. I think it is reasonable that people should have the opportunity to take the clinician to an independent dispute resolution process—as I read previously from recommendation 5, to have the opportunity for "a more robust and independent dispute resolution process for disputes concerning eligibility and treatment". This goes to the heart of it: eligibility and treatment. What we are doing is locking people

into the commission. We have removed their ability not to be a patient or a client receiving treatment. Now what we are doing is stopping their ability to take the commission—if they see fit, as should be their right—to a different body and receive some assistance to do that.

I hope that members will agree to the amendment.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (12.21): The government will not be agreeing to this amendment. There are four such amendments Mr Smyth has put forward—3, 4, 7 and 10—that broadly fit within this category of legal costs. Initially, the question would be—to respond to Mr Smyth—who is determining what are reasonable and necessary legal costs?

The second point to make is that there is an adequate and appropriate review and appeal mechanism available under the bill. Both eligibility disputes and treatment and care needs assessment disputes are primarily concerned with clinical and care matters. Two stages of review are provided for with disputes decided by a panel of current medical and allied health professionals who are experts in their field and in areas relevant to the case being considered. Assessors will have current knowledge and experience in making the clinical and care decisions needed under the scheme. In both of these cases, if the panel considers there is an ancillary legal issue to be resolved, the panel may of course obtain external legal advice with the scheme covering reasonable costs.

In the case of a motor accident injury dispute, where it is recognised that legal questions may be more prevalent, the bill provides for review by suitably qualified persons, which would include persons with relevant claims, assessment and legal experience, and for the reasonable legal costs of the injured person in relation to such a referral and determination of a motor accident injury dispute to be met.

The amendments that Mr Smyth has put forward provide for the payment of legal costs regardless of who wins the ACAT review. This is not standard practice. Further, the wording would cover consultation legal costs for the injured person, not just litigation costs. Once again, this is not standard practice. It is worth noting that there are no similar clauses in the CTP legislation.

In relation to the eligibility disputes, amendment to clause 42 also extends to cover legal costs provided to an insurer, not just the injured person. The inclusion of such costs would, of course, increase the cost of the scheme and, hence, the cost of the levy payable by motorists on motor vehicle registrations. For those reasons, the government will not be supporting amendments 3, 4, 7 and 10 put forward by Mr Smyth today.

Amendment negatived.

Clause 25 agreed to.

Clauses 26 and 27, by leave, taken together and agreed to.

Clause 28.

MR SMYTH (Brindabella) (12.24): I move amendment No 4 circulated in my name *[see schedule 1 at page 1006]*.

As the minister has rightly pointed out, this is consequential, and I assume it will go down.

Amendment negatived.

Clause 28 agreed to.

Clauses 29 to 38, by leave, taken together and agreed to.

Clause 39.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (12.25): I move amendment No 1 circulated in my name *[see schedule 3 at page 1010]*.

I have already spoken on this matter.

Amendment agreed to.

MR SMYTH (Brindabella) (12.26): I move amendment No 5 circulated in my name *[see schedule 1 at page 1006]*.

MADAM SPEAKER: Can I just seek a little bit of guidance here? I understand that there are a number of amendments, including Mr Smyth's amendment No 5, which are contingent upon the passage of amendment No 2, or do they stand alone?

MR SMYTH: My belief is this one could stand alone.

MADAM SPEAKER: I am just conscious that there are some that—

Mr Barr: I have grouped them broadly under headings. Some are consequential; others could stand alone.

MR SMYTH: One can still try, Madam Speaker. I will try and delete the ones that are consequential. I think this one may be useful. This amendment allows a decision made under section 3 to be a reviewable decision.

Amendment negatived.

Clause 39, as amended, agreed to.

Clause 40.

MR SMYTH (Brindabella) (12.27): I will be opposing the clause. Again, in 40(2) it says:

> The decision is final and binding for this Act and any court proceeding under this Act.

I am always open to the consideration that things should be reviewed in another area.

Clause 40 agreed to.

Clause 41 agreed to.

Clause 42.

MR SMYTH (Brindabella) (12.28): I move amendment No 7 circulated in my name *[see schedule 1 at page 1007]*.

Accepting that a previous amendment did not get up, this is perhaps a last-ditch attempt before I get to No 10 to allow reasonable legal costs to be provided to an injured person so that they can defend themselves or seek what they wish to receive to best help them in their recovery and in their future life.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (12.28): For the reasons I outlined earlier, the government will not be supporting this amendment.

Amendment negatived.

Clause 42 agreed to.

Clauses 43 and 44, by leave, taken together and agreed to.

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

Sitting suspended from 12.29 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): I welcome Minister Burch back to question time. I formally advise that the Chief Minister is absent again today and I will take questions in her portfolios.

Questions without notice
ACTEW Corporation Ltd—flood mitigation

MR HANSON: I have a question for the Treasurer regarding ACTEW. Treasurer, given that Googong Dam is virtually at 100 per cent, what regulation or mitigation of flooding is in place?

MR BARR: The usual arrangements would be in place that were in place from the establishment—

Opposition members interjecting—

MR BARR: It has been at 100 per cent for quite some time. They have a spillway and they have arrangements in place, including the possibility to transfer water.

MR CORBELL: Madam Speaker, if I could I will add to the Treasurer's answer.

MADAM SPEAKER: Yes, I was thinking that it was more of a water resources question than a shareholder question.

MR CORBELL: It is a combination of dam safety regulation and also emergency services planning, which both fall within my own portfolios. In relation to dam safety matters, obviously Googong Dam does not have gates; it has a concrete spillway only. So once the dam reaches 100 per cent capacity any overtopping results in the spillway activating and water flowing downstream. ACTEW have in place comprehensive measures to advise downstream communities if there are to be any significant flows from Googong spillway, and in particular with the Queanbeyan City Council area, given that that is where the water then travels prior to entering back into the ACT.

The ACT emergency services authorities are in close contact also with ACTEW. There are well-established protocols in place for the sharing of information about flows from Googong, and those are activated as appropriate to manage any flooding risk. But as Googong does not have the capacity to retain water once the water level reaches the top of the spillway, it is important that there are communication arrangements in place, and those protocols are well tested and well established.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: To whichever minister is going to answer: what water which has flowed over the spillway has been transferred to the ACT water supply system, if any?

MADAM SPEAKER: Sorry; I missed a bit.

MR HANSON: The question is whether water that has flowed over the spillway has been transferred to the ACT water supply system or not.

MR CORBELL: I assume Mr Hanson is referring to the drinking water supply. I seek that clarification from him. Is that what he is asking?

MADAM SPEAKER: Yes.

MR CORBELL: No; it does not transfer to the drinking water supply.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Again to either minister: how much water has flowed over the Googong spillway in the last week or so?

MR CORBELL: I would need to seek advice from ACTEW as to the volume of water over that period.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, which dam is the ACT water supply currently being drawn from?

MR CORBELL: That is an operational matter for ACTEW and I would need to seek advice from ACTEW as to what their current configuration of water supply arrangements is. As members would be aware, ACTEW is able to draw water from either the Googong or from the Cotter catchments, depending on their operational requirements.

Planning—fees

MR COE: My question is for the Treasurer. Recently the Chief Minister said in a statement that the ACT government will be simplifying and significantly reducing extension of time charges. In addition to that, in 2012 the Treasurer announced that the government will waive commence and complete fees for commercial, mixed-use and multi-unit residential developments.

Treasurer, given the most significant EOT fees are for leaseholders who have had land for several years, what benefits from the stimulus package are there for leaseholders who purchased land prior to 1 July 2012?

MR BARR: I thank Mr Coe for the question. Depending, of course, on when the land was purchased, there are a number of benefits available, most particularly reductions in the multiples of fees that are associated with multiple years of non-delivery of the associated construction. There was also a two-year moratorium on EOT fees during the global financial crisis that also significantly reduced fees for those who purchased blocks just prior to the global financial crisis. For those who purchased even earlier and whose land purchases may go back towards the start of this particular century, those owners would have benefited from a number of years of moratorium together with a number of years of waiver as a result of recent announcements.

MADAM SPEAKER: Mr Coe, a supplementary question.

MR COE: Minister, specifically what benefits from the stimulus package will be received by leaseholders who purchased land between 2008 and 2012?

MR BARR: They received a two-year moratorium in that period. So they would only be paying fees for a smaller amount of time—in that instance, probably only one or two years of a three or four-year period, depending of course on when the land was purchased. There was a two-year moratorium. So no fees were accrued in that two-year moratorium period as a result of a stimulus measure associated with the global financial crisis. There would be benefits accruing in relation to, as I said, the multiples.

The way the previous fee system worked in year one, once you were past your time to complete your development, you paid a multiple of one times your rates, and that increased to two times in the subsequent year. One year plus two years equals three times. Then, in the third year, it was three. That meant six times cumulative. That cumulative impact has been removed and now those people who have accrued a debt will pay annually from now on and their debts will be reduced commensurate with the new policy.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, what extension of time fees would apply to leaseholders who bought land from the government between 2008 and 2012?

MR BARR: Can you repeat the first part of the question?

MR SMYTH: What extension of time fees will apply to leaseholders who bought land from the government between 2008 and 2012?

MR BARR: There is a fee scheme in place. There are a series of remissions, and there were a series of moratoriums. So depending on when the land was purchased, because it may well have been in a period where a moratorium was applied, no debts would accrue. That said, if you purchased the land in that period then you would be unlikely to have gone beyond now the four-year period for commence and complete under the original schemes. So now you only have a completion date and that would be in total eight years, in effect, from when you purchased the land to when construction would be required before a penalty would apply. So it is unlikely that anyone who bought in that time would be accruing significant fees at this time.

MADAM SPEAKER: Supplementary question, Mr Smyth.

MR SMYTH: Minister, what liability will be accruing to someone who purchased a block from the government in 2011-2012?

MR BARR: If they purchased a block from the government in 2011 and 2012, they would not be outside the four-year period. So they would not even be entering into the system at this point.

Canberra innovation network

DR BOURKE: My question is to the acting Chief Minister and Minister for Economic Development. Minister, can you inform the Assembly of recent

government initiatives and announcements that will boost innovation in the ACT, particularly in terms of promoting Canberra as a digital city.

MR BARR: Yesterday I announced that the government will establish the Canberra innovation network, which will be a not-for-profit body to work with all stakeholders to accelerate the rate of innovation in the territory. Boosting innovation is one of the three key priorities in the government's 2012 business development strategy.

Yesterday's announcement follows on from a workshop in February attended by over 30 key stakeholders in the ACT's innovation ecosystem that recommended a new approach to growing innovative businesses. This was not because the old model was not working, but because the workshop saw areas where even closer cooperation between research institutions, the business community and government could result in even better outcomes.

The key features of the new network are as follows. It will have a remit to deliver services, programs and support to a wide cross-section of growth-oriented companies and entrepreneurs. It will have a physical location and it will also have a charter of outreach that establishes multiple delivery points and partner delivery arrangements. It will be managed by the stakeholders under a governance structure shaped and agreed by the stakeholders. Potential stakeholders include the ANU, CSIRO, NICTA and the University of Canberra, amongst others. Further discussions will be held with a range of other potential stakeholders. It will be structured to ensure that smaller players are able to play a role in the direction of the network. It will be managed by a board under an experienced and independent chair. The ACT government will have representation on the management body.

The new network will be contracted by the ACT government to provide a range of services to potential high-growth businesses, including mentoring, access to capital, skills development, managerial skills and links to international supply chains, amongst many other services.

The network will also be made accessible to companies across all sectors, not just companies spun out of research institutions or ICT companies.

While the key aim of the network is to support innovative and potential high-growth businesses, I am keen to ensure that the innovation network services all businesses in the territory. To achieve this, the intellectual property associated with Canberra BusinessPoint, including the primary website, will be made available to the network as part of the ongoing offering to start-up businesses. This will be linked to a wide range of existing services, supported by email and telephone services.

The Canberra BusinessPoint brand is likely to continue and be used by the network to describe its services for all start-up businesses. The network will reach out to entrepreneurs and innovative companies wherever they are located in the ACT. An illustration of this will be the relationship between the innovation network and the proposed digital hub. Located in Garema Place, the hub will include a co-working space and public access point supporting the digital Canberra action plan. It will be a focal point for digital government and for the digital economy and builds on the establishment of the Garema Place digital space.

The innovation network will reach out to emerging companies and entrepreneurs located in the proposed hub and assist those entrepreneurs to develop the skills they need to grow and create wealth. The government sees this is as a connective service model being replicated across the ACT—perhaps at the space and spatial industry precinct at Mount Stromlo, the sports and health precincts at the University of Canberra, the IT precinct at NICTA, the life sciences precinct at Black Mountain or at a potential incubator in city west.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, how will the future stages of the digital challenge enhance Canberra's role as a digital city?

MR BARR: The digital challenge is an initiative of the business development strategy and aligns with the government's broader digital Canberra agenda. It aims to stimulate innovation in electronic and mobile technologies and in turn help improve community access to government and public sector services. It brings ACT government agencies and our innovation community together to develop solutions for real, live service issues.

It features two competition rounds a year over three years. The first round was finished just last month and was a great success. It demonstrated that there was a keen interest amongst the general public as well as members of the ACT public service in putting forward unresolved business requirements or challenges, that there is an ample supply of talent within the ACT innovation community and that collaboration between the government, the innovation community and the broader business community has proven to be a very effective way of tapping into the potential of Canberra as a digital city. I am sure future rounds will produce proof-of-concept prototypes with demonstrated commercial potential to help improve government and public sector services and to continue to build on our city's reputation as a centre of innovation in the delivery of government and public sector services.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Treasurer, has the government considered compensation for any businesses in the city centre that have already set up public wi-fi networks?

MR BARR: No, the government has not. The addition of additional wi-fi capability within the CBD is a good thing. Whether that provision comes by way of a telco or a private sector provider wanting to expand beyond the borders of their physical premise is a fact of life, Mr Coe. Your suggestion that somehow wi-fi be contained within a commercial precinct is somewhat laughable.

I know the Liberal Party has a particular objection to the rollout of this new technology. In fact, what we have seen from Minister Turnbull in relation to the latest on the national broadband network is that the Turnbull federal Liberal version is not national, nor is it broadband and nor is it a network. It is a farce what is being proposed. They are already breaking their commitments in relation to what will be

delivered for Australians by 2016. They are already walking away from that. So it is just as well that the ACT government are investing in the digital capability of our city, because the federal government are walking away from a national broadband network. The Turnbull solution is not national; it is not broadband; and it is not a network.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Can the minister advise the Assembly how the Griffin accelerator, launched by the Chief Minister at the ANU Connect Ventures innovation showcase, will help promote innovation in Canberra.

MR BARR: The Griffin accelerator is a major new addition to Canberra's innovation ecosystem and, through the ANU, it is a driving force in delivering innovation. The accelerator is owned by investors, and 12 investors have contributed $25,000 to a trust to invest in selected businesses. Applicants will be judged on their ability to sell to the market and their growth potential, with an aim of providing a substantial return to investors.

The ACT government has provided $70,000 towards the first Griffin accelerator program to meet some of its delivery costs. This allows all of the funds committed by investors to be used as development equity. The program will be advertised nationwide. Selected companies will either be located in Canberra or required to relocate here.

The first half of the program runs from 1 July to 30 September this year and has a theme of servicing government, with up to eight companies to be selected. Companies will receive a $25,000 investment in return for a 10 per cent equity stake in the company. They will receive intensive mentoring and be assisted to attract further investment. In effect, the Griffin accelerator is a microcosm of the services and strategies that will be used by the innovation network.

It is a unique model. It brings together many key stakeholders in the ACT's innovation ecosystem, and the 12 investors have each contributed $25,000 to a trust fund for investing in selected businesses. The major research institutions—the ANU, the CSIRO, NICTA and the University of Canberra—have all participated in the establishment of the accelerator. The Capital Angels group and Australian Venture Capital Ltd have also been core players.

Independent Competition and Regulatory Commission—water pricing

MR SMYTH: My question is to the Treasurer. Treasurer, the Auditor-General in her recent report noted that the water and sewerage pricing process has been characterised by "poor communication and a poor relationship between the ICRC and ACTEW". Treasurer, as the minister with oversight of the ICRC and as a shareholder of ACTEW, when were you made aware of the poor relationship between the two organisations?

MR BARR: I think it is taking a little bit of licence to describe it as a poor relationship. I think that is contested by the ICRC and ACTEW. Yes, they had their differences during the regulatory process. To a certain extent you would want a

degree of tension between a regulator and the body that is being regulated. Too cosy a relationship in that context can be problematic. To the extent to which the audit has identified areas of legislative improvement and areas where the process can be improved in the future, the government has certainly indicated a willingness to review and reform those areas.

I think the ICRC's response to the Auditor-General's report certainly contrasts with the views put in the audit report and would leave the independent observer wanting to further examine the issues that have been raised by both independent bodies. The government, in its response, recognised a need to move on a number of the areas that the auditor identified, but also agreed with a number of the points that were raised by the ICRC. In concluding this particular process the government has indicated a willingness to particularly look at the legislation that, I think, was framed under the previous Liberal government and has proved to be wanting, it would seem, in this case.

MADAM SPEAKER: Supplementary question, Mr Smyth.

MR SMYTH: Treasurer, were the poor relations between the ICRC and ACTEW the result of this price determination or did it go back further? What was the root cause?

MR BARR: In large part the shadow treasurer is seeking for me to speculate on hypotheticals, Madam Speaker. I do not intend to do so. I do not fundamentally accept the premise of the question.

Mr Smyth: So the Auditor-General is wrong. That is what you are saying.

MADAM SPEAKER: Order, Mr Smyth!

MR BARR: The Auditor-General's views are strongly contested by both parties, both auditees. So that does leave you with questions in relation to some elements of the Auditor-General's report. But there are a variety of different opinions. No-one is necessarily right or wrong. This may not be a black and white issue. I think it is fairly clear from the responses of the auditees, and particularly from the strength of the response from the ICRC, that they very strongly disagree with elements of the auditor's report.

The government has agreed with some elements of the auditor's report and not with others. We will progress with our response and respond to the issues as we have outlined in our response to the Auditor-General's report.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Treasurer, in light of your comments, does the Auditor-General still have your confidence?

MR BARR: Yes.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Treasurer, in light of this report, what will you be doing to ensure a better relationship between both organisations? Why will you succeed this time when you have failed in the past?

MR BARR: I am not the manager of relations between regulators and those being regulated. I do not sit in every meeting. This process in independent.

Mr Smyth: Are you the minister?

MR BARR: If Mr Smyth wanted me to sit in every meeting, then we may as well do away with an Independent Competition and Regulatory Commission.

Mr Smyth: Are you the minister responsible?

MR BARR: I am the minister responsible under the legislation for the ICRC, and I am a shareholder in ACTEW under the Territory-owned Corporations Act. I have legislative responsibilities, but I am not a guidance counsellor for individuals' relationships and I do not sit in every meeting between the regulator and the body being regulated. Nor should I and nor should any Treasurer. It would be a waste of time. I am not there to hold people's hands when they need to do their jobs.

Mr Smyth: But you are there to make it work.

MR BARR: The process has worked. We have a determination. The legal framework allows for a review of that process. ACTEW are entitled under the legislation to seek that review. They are doing so in accordance with the law. That is paramount.

Multicultural affairs—National Multicultural Festival

MR WALL: My question is to the Minister for Multicultural Affairs. Minister, have any concerns been raised with you about contractors working for the government at this year's Multicultural Festival? If so, which service providers?

MS BURCH: Can you repeat the first part of the question?

MR WALL: The first part of the question is: Minister, have any concerns been raised with you about contractors working for the government at the Multicultural Festival?

MS BURCH: Nothing comes to mind, Mr Wall; no.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: The minister might like to take the answer to the last one on notice. As a supplementary, minister, what checks did your office, the directorate or the government as a whole undertake to ensure the appropriateness of contractors that worked at the Multicultural Festival?

MS BURCH: There are a number of people that work at the Multicultural Festival. There are the volunteers, there are those that are appointed to manage stage and other activities and then there is other service provision such as removal of rubbish and the like. Where there is a public procurement process, it is independent. There is a procurement process and the Office of Multicultural Affairs goes through that. Where we ask volunteers to manage certain activities there is a separate process for that. That does not come from my office; it is managed through the Office of Multicultural Affairs.

Going back to your earlier question, there has come to my office—sorry, I remember this now—a discussion between some people managing the stage. It was about the sound, the equipment and the management of the stage. But I think that has been worked through, as I understand it, through the Office of Multicultural Affairs.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, what actions has your directorate undertaken to ensure that contractors working for the government comply with the law?

MS BURCH: There is a process. If you are contracted to provide a service there are terms and conditions of honouring that contract. Also, part of the feedback loop and the quality loop of the national festival is a feedback session. We invite stallholders, volunteers, all those involved—indeed, shop owners within Civic—to come back. We do this each and every year. We invite them to come back and provide advice. We always look to that advice. If there are good areas of improvement for planning the next festival, that is what we do.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, are you and the government satisfied that the services provided by contractors at the Multicultural Festival were compliant?

MS BURCH: I believe they are.

Canberra—public drinking fountains

MS BERRY: My question is to the Minister for Territory and Municipal Services. Minister, how will the government decide the location of the 30 new drinking fountains it has committed to locate in public places across Canberra?

MR RATTENBURY: The government has announced a process to identify the locations for new public drinking fountains in public spaces. The first package includes 10 new fountains which will be installed at preselected sporting fields across the city, and that is because they are identified as particular locations of high demand for a drinking fountain.

The second package of fountains includes 20 stations, and Territory and Municipal Services has just released a voting process to invite members of the public to come

and indicate where they think the most useful places would be to have those drinking fountains. The short list of possible locations was determined with consideration to the following factors: proximity to a potable water supply and associated infrastructure, accessibility, high levels of passive surveillance to avoid vandalism and damage to the units and locating stations in highly used open space areas, including town centres, sporting facilities, parks and areas in close proximity to schools.

That is currently open for consultation, and members of the public are invited to come onto the time to talk website and, I guess, essentially vote for the place they think it would be most useful to have a drinking fountain, in effect. There are also hardcopy surveys at the libraries, as there are with many of these government consultation processes.

MADAM SPEAKER: Supplementary question, Ms Berry.

MS BERRY: Minister, when did 10 sites win preselection, where are they and how will they benefit the community?

MR RATTENBURY: Sport and Recreation Services determined the 10 sites for drinking fountains to be installed at the sporting fields and neighbourhood ovals. As well as having a high level of sporting use, these sites were considered because they have known high levels of pedestrian activity due to being located along paths of travel to nearby shops, schools and offices. This will ensure that the fountains are well used outside of the sporting functions as well.

The introduction of new drinking fountains with refill stations will not only provide people with a convenient means to access fresh free water but hopefully reduce the amount of plastic bottles as the new fountains are designed to be able to refill existing bottles. The government is doing this because we want to provide people with healthy lifestyle choices in a more easy and convenient manner. Certainly, obviously the advantage of reusable bottles is less plastic being produced and consumed and potentially thrown away into the environment.

In terms of where the sites are, I can quickly read members the list. It is Dickson district playing fields, Deakin district playing fields, Downer neighbour oval, Harrison district playing fields, Aranda district playing fields, Kambah district playing fields, Mawson district playing fields, Calwell district playing fields, Rivett neighbourhood oval and Majura district playing field.

Mr Hanson: Hear, hear!

MR RATTENBURY: I hear the "hear, hear!" from Mr Hanson. I seem to recall that that is where he has boot camp. Is that where you have boot camp, Mr Hanson?

Mr Hanson: Myself and Mr Corbell both, minister.

MADAM SPEAKER: Order! This is disorderly.

Members interjecting—

MADAM SPEAKER: It is very disorderly and Mr Rattenbury should know better than to engage in conversation across the chamber.

Members interjecting—

MADAM SPEAKER: Mr Hanson, Mr Corbell, cease now.

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson, cease now. Mr Rattenbury.

MR RATTENBURY: I can assure the house that the location of that said boot camp was not taken into account in making the decision.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, will the drinking fountains have individual water meters attached to them?

MR RATTENBURY: I will have to take that on notice. I am not aware if they will or not, but I will get an answer.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, will the community also be asked for design ideas and will the fountains be suitable for providing water for pets as well?

MR RATTENBURY: There will be no community input directly into design decisions for the drinking fountain model. However, focus group testing informed the graphic design and the new water brand that will go on the fountains to make them more attractive to people and encourage them to use them. The drinking fountain design was selected through a tender process. The selection of the Aquafil drinking fountain and refill station was based on achieving the highest score in the following criteria: they are vandal resistant, wheelchair friendly and hygiene standard. They contain taps or nozzles for refilling water bottles. They will be prominently signposted. They will have the option of installing filters that remove chlorine from the water and they have the option to install accessories such as dog bowls and meters, which goes to Mr Coe's question.

Mr Smyth: You haven't read the answer.

MR RATTENBURY: I had forgotten the answer I previously read. These stations have been successfully installed at other locations.

Mr Coe interjecting—

MADAM SPEAKER: Mr Coe, be quiet please. Mr Rattenbury, tell us about the water fountains.

MR RATTENBURY: These designs have successfully been used in other locations such as Manly in New South Wales and Port Phillip in Victoria, and they have also been installed at ANU, the botanical gardens and GIO Stadium.

In terms of their useability for pets, dog bowls are not included in the first package of 10 to be installed. I think the community feedback we get through the survey process will determine whether there is a demand for dog bowls and pet capability on them.

MADAM SPEAKER: Before I call Mr Doszpot, can we all just take a breath. I am actually starting to feel sympathy with a previous Speaker who made a comment about outbursts of humour. It is becoming a bit wearing.

ACT public service—IT security

MR DOSZPOT: My question is to the Treasurer. Minister, as of today Microsoft has released its final security update for Windows XP. This operating system will no longer be supported and has the potential for serious security breaches to those still running the system. Which ACT government directorates are still running Windows XP?

MR BARR: I do not believe many. I understand that upgrades have occurred across nearly all areas of ACT government. I will seek some absolute clarification on that, because there may be some legacy systems in some directorates. But, across the board, I do not believe this is an issue. Certainly, we have been aware, obviously, of the withdrawal of support for XP. It probably first came on the scene more than a decade ago, so it is not surprising that Microsoft would withdraw support after this period of time.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Thank you, minister. We look forward to getting your further information on that. Could you also take it on notice to look at what updates will take place on those areas that are still using—

Dr Bourke: On a point of order, he is doing a preamble, Madam Speaker.

MADAM SPEAKER: Sorry?

Dr Bourke: There is a preamble going on here.

MADAM SPEAKER: The preamble has come and gone, Dr Bourke, and the preamble was a thanks to the minister for answering the question. So could you ask the question again, Mr Doszpot, because I am now distracted about what the question was.

MR DOSZPOT: Minister, thank you for giving those updates that you have promised, and can you also take on notice when exactly updates will take place on the areas still using XP and to what systems?

MR BARR: Happy to do that, Madam Speaker.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, are the upgrades to these systems covered under the current budget?

MR BARR: Yes, there is an IT budget for the ACT government that is allocated across directorates. A large proportion of that, though, is of course retained centrally within the Shared Services ICT area.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, were any health department systems dependent upon the use of Windows XP?

MR BARR: I have never held the health portfolio so I am not intimately across the detail of Health Directorate systems. I will seek some advice and come back to the member.

Environment—bilateral agreement

MR GENTLEMAN: My question is to the Minister for the Environment and Sustainable Development. Minister, there was recently a joint announcement from the Chief Minister and the federal environment minister about streamlining environmental assessments in the ACT. Can you please tell the Assembly more about this?

MR CORBELL: I thank Mr Gentleman for his question. On 28 March the Chief Minister and the commonwealth Minister for the Environment, Mr Hunt, jointly made an announcement about the establishment of a draft assessment bilateral agreement between the ACT and the commonwealth.

Bilateral agreements are made under the commonwealth EPBC Act, the Environment Protection and Biodiversity Conservation Act, and are agreements between two levels of government over the processes for environmental approval. Consistent with the COAG 2012 agreement, the objective of a bilateral agreement is to minimise unnecessary costs to business by removing duplication and double handling of assessment and approval processes. They allow the commonwealth to accredit state or territory assessment and approval processes, though the commonwealth retains the power to approve or refuse actions or to attach conditions.

The government here in the ACT is committed to removing current levels of duplication in environmental regulation. The key feature to achieve this is through the negotiation of both an assessment and an approvals bilateral agreement. The two types of bilateral must both satisfy a number of objectives. They must protect the environment, promote conservation, promote the ecologically sustainable use of resources and provide for an efficient, timely and effective process for environmental assessments.

If the proposed action is covered by an assessment bilateral, then that action has to be assessed under the territory's processes. After assessment, the proposed action will still require approval from the commonwealth minister. If a proposed action is covered by an approvals bilateral, then it will be assessed and approved by the territory, with no further approval required from the commonwealth minister.

In December last year, the ACT signed an MOU with the commonwealth, agreeing to the negotiation of a one-stop shop for environmental approvals. We already have an assessment bilateral agreement in place. However, this new MOU will result in improved administration and more efficient assessment.

Around 15 per cent of the projects referred in the ACT have been determined to require assessment and approval. Between 2007 and 2012, the Land Development Agency was the leading referrer of controlled actions. Therefore, we expect there to be significant benefit to the LDA's operations in a streamlined process.

The government is pleased to be negotiating a new one-stop shop with the commonwealth. The first step will be the establishment of a new assessment bilateral. A draft of this new agreement was released jointly by the commonwealth and the ACT last month and is currently the subject of public consultation.

The establishment of a one-stop shop is an important reform which will provide certainty when it comes to the environmental approvals process in the ACT. It will reduce the need for duplication between the territory's environmental assessment and approval processes and the commonwealth's. It will reduce the regulatory burden but it will still maintain a strong level of environmental assessment and protection for our city and our territory.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, what commitments have been identified and agreed to that would support the assessment and approval bilateral?

MR CORBELL: The most critical commitment that has been made is to the establishment of an approvals bilateral with the commonwealth by the end of September this year. Negotiations have been underway for some time and the territory has identified key policy and legislative changes needed to support a new agreement. The main matters to be dealt with in this negotiation include undertaking a strategic assessment of Gungahlin under the EPBC legislation; finalisation of an offsets policy based on the commonwealth's proposed policy; and making a range of amendments to the Nature Conservation Act to strengthen the role of the conservator.

As members would know, the Gungahlin strategic assessment has been completed. This was a very successful assessment—a comprehensive, strategic assessment that provides certainty around what areas in Gungahlin can and cannot be developed for residential development and other development for the remainder of the Gungahlin development cycle. It also provides significant protection for a whole range of endangered habitats in the Gungahlin district. As a result of that strategic assessment,

over 781 hectares of land previously designated for development has been retained and will be managed for conservation of listed ecological communities and threatened species. It is a great example of how this accreditation process operates and how a strategic assessment can achieve those broader benefits for our community.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, what role will the Nature Conservation Act play in the new assessment and approval regime?

MR CORBELL: I thank Ms Porter for her supplementary. The Nature Conservation Act will play a critical role in the new assessment process currently subject to negotiation between the commonwealth and the ACT. We are currently rewriting and updating our legislation. An exposure draft of the Nature Conservation Bill has been out for public comment, as members would know. There is now a further process of engagement with stakeholders through a roundtable which is being hosted by the Commissioner for the Environment and Sustainability following a discussion on and a resolution of this place, and I look forward to those further discussions.

New provisions will need to be put in place that rationalise regulatory approaches. We will need to strengthen the nature conservation framework. We will need to look at an expanded role for the conservator and align threatened species and ecological community categories in our legislation with those set out under the EPBC legislation.

These are important matters that will further facilitate this streamlined and concurrent assessment process between the commonwealth and the ACT when it comes to environmental approvals in Canberra and the territory.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Minister, which other key stakeholders will the government be liaising with on this important program?

MR CORBELL: I thank Ms Berry for her supplementary. The government will be engaging further with a whole range of key stakeholders. Obviously, non-government environment groups, the Conservator of Flora and Fauna, scientific bodies and the ministerial advisory body that advises me on nature conservation matters will all be engaged through this process, and have been already to date, in quite an extensive way.

We will remain in these discussions because we want to make sure we get the balance right. We want to make sure we maintain strong environmental protections. Whilst we see other states and territories winding back environmental protections, that is not the approach to be adopted here in the ACT. We will be making sure that our existing environmental protections are maintained, and where appropriate strengthened, whilst still allowing for a reduction in duplication and a streamlining of assessment processes between the operation of commonwealth law and the operation of territory law.

Planning—Northbourne Avenue redevelopment

MRS JONES: My question is to the Minister for the Environment and Sustainable Development. Minister, on 9 April the *Canberra Times* reported that the ACT government believed there would be room for at least 45,000 more residents along Northbourne Avenue. Minister, which buildings on Northbourne Avenue does the government plan to sell for redevelopment to house all these extra residents?

MR CORBELL: I thank Mrs Jones for her question. The projection of the 45,000 additional residents is based on the existing zoning controls set out in both the territory plan and the national capital plan between the city, along the Northbourne Avenue corridor and along the Flemington Road corridor, all the way to the Gungahlin town centre. That is what the territory plan effectively makes provision for when you look at how the zoning translates into dwellings and then the expected average occupancy of those dwellings.

The government is yet to make specific decisions about the release of sites for redevelopment that are immediately adjacent to Northbourne Avenue. The government will be undertaking further analysis around those questions as we finalise development of the business case and associated redevelopment proposals for the capital metro project. But it is very important to stress that this is not just driven by the release of government sites. What we know is that the development of the light rail corridor will drive an uplift in the level of investment by the private sector in privately owned land and privately owned property, and that will also significantly contribute to the expected yield that in the long term can be expected to be achieved in the number of dwellings along that corridor.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, what is the value of the land the government intends to sell for redevelopment?

MR CORBELL: I refer Mrs Jones to my previous answer. The government is undertaking detailed assessments in relation to a range of government-owned sites along the corridor, and obviously a detailed evaluation is part of that process.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, how will the release of these sites along this corridor benefit the city?

MR CORBELL: I thank Ms Porter for her supplementary. It is the case that there will be significant benefits for our city from this redevelopment. As part of the broader planning strategy for our city we need to consolidate development and accommodate population growth without the continuing impacts that we are seeing from a reducing land supply in terms of greenfield estates and, of course, the impacts of greenfield land development on endangered communities and ecosystems. We need to shift away from that model and we need to accommodate more of our population growth in established urban areas. This project has enormous capacity to leverage that shift.

It means for the future residents who will live in this corridor better amenity and better access to quality public transport. It will reduce their need to undertake car-based journeys. It will reduce the costs and the environmental impacts associated with those journeys and will also create a more sustainable and liveable city. It will mean more people are able to walk and cycle and use public transport to get to and from work. It will mean greater diversity of land uses along this corridor with mixed-use development—not just residential but the opportunity for commercial and retail spaces at appropriate locations. All of these opportunities arise from the certainty that is delivered by a dedicated public transit right of way that the capital metro project will deliver.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, what upgrades to underground infrastructure will be required to accommodate an additional 45,000 dwellings—infrastructure such as sewerage?

MR CORBELL: Detailed assessments are being undertaken right now in relation to all of those matters. It is the case that we need to look closely at infrastructure capacity within the corridor, as well as infrastructure issues in relation to the light rail line itself. Detailed assessments are being undertaken not just by Capital Metro in relation to the rail line itself and the delivery of the public transport element of this project but also by other parts of government, such as the Economic Development Directorate and the Land Development Agency, who are looking closely at infrastructure capacity issues as part of the government's consideration of this project.

Roads—Spofforth Street

MS LAWDER: My question is to the acting Chief Minister. Minister, given that 700 people petitioned the government to remove the speed humps on Spofforth Street and temporarily abandon the other works in Holt, will the government now remove these speed humps? If not, why not?

MR BARR: I will invite the Minister for Territory and Municipal Services to give a detailed response in relation to the specific instance, but I think it is fair to say that from time to time there will be issues on which there will be petitioning of the government to adopt a particular position but then there will equally be views on the other side of the particular argument. I am aware certainly in this case that there are a variety of views within the community in relation to road traffic calming measures and their effectiveness.

So it is not always as straightforward as a straight numbers game, nor is it the case that the government will always immediately respond, even to 700 petitioners, if there were a range of other issues that needed to be considered. But the minister might wish to elaborate on the specifics of that case.

MADAM SPEAKER: Mr Rattenbury.

MR RATTENBURY: Just to add to Mr Barr's answers, I think that members are well aware, although they have not chosen to promote it publicly, that there has been a further analysis by Territory and Municipal Services of the Spofforth Street site and there will be a change to the infrastructure on Spofforth Street. I think that seven sets of the speed humps will be removed. They will be replaced with two sets of chicanes.

Mr Coe: It was meant to be done last year.

MR RATTENBURY: Yes, and the construction contract for that work has not been awarded. That work is due to get underway very shortly. What I can say is that the assessment of the impact of that on Spofforth Street has been that it has reduced speed significantly. The surveys conducted prior to the installation of the traffic calming measures showed that here was an excessive level of speeding on Spofforth Street, and that is something that the government has sought to address. But the changes in response to community feedback will be implemented very shortly.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, will planned works for the other streets in Holt still be going ahead despite the 700 signatures on the petition?

MR RATTENBURY: Yes. For the information of members, other works are going ahead in Holt. As I have mentioned in this place, whilst there are people who are opposed to traffic calming measures, we also get a lot of requests for traffic calming measures, including from members sitting on the opposite side of the chamber who have sent letters to me asking when certain provisions will be installed, at the request of their constituents. So it is a difficult issue in the community. Unfortunately, we do have significant roadways across the city where we see dangerous speeding behaviour. I think it is important for communities that, where that is demonstrated, Roads ACT looks at the available technical options in response and provides the best response we can.

I am often implored to send the speed cameras out more often. Whilst that actually sits with Justice and Community Safety, people do not worry about that outside government; they just want government to do it. What I can say is that government can do that and will do that on occasions but it does not provide a 24-hour response. The strength of physical traffic calming measures is that they provide a 24-hour contribution to reducing speed in places where safety needs to be improved.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, when will work on traffic management on other streets in Holt commence—despite the 700 signatures calling for it to be delayed?

MR RATTENBURY: The work on other installations in Holt was awarded as part of the same contract for the modification of Spofforth Street. That work is scheduled to get underway right about now.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Minister, why is it important for all streets in Canberra to be safe streets, regardless of where people choose to live?

MR RATTENBURY: Unfortunately what we see right across the city is increasing numbers of complaints from residents about speeding traffic in their suburbs. I get a lot of constituent correspondence, and I also receive representations from members right across this chamber from people who are concerned. The challenge for Roads ACT in the context of what I was talking about earlier is that a group of people in Canberra believe it is their right to drive at any speed wherever they want whenever they want and another group of Canberrans actually want to see that curtailed. We have to try and strike the appropriate balance.

I unashamedly say that I will fall on the side of safety. I will fall on the side that says we actually want our neighbourhoods to be places where parents can feel comfortable about our children heading down to the local park or going out on their bike to get to school knowing that traffic is constrained to a reasonable speed that actually matches the delivery of relative safety on our streets whilst maximising the convenience for motorists. It is a tough balance but, as I say, I will always fall on the side of promoting safety for our communities when it comes to roads.

Schools—enrolments

MS PORTER: My question, through you, Madam Speaker, is to the minister for education. Minister, I refer to a report in today's *Canberra Times* about the latest ACT school census. Can you inform the Assembly what the census shows about enrolments in ACT schools?

MS BURCH: I thank Ms Porter for her interest in our education system. Indeed, the latest ACT school census shows the tremendous confidence families have in our education system across public, Catholic and independent schools. The census shows there are 70,560 students enrolled at all our ACT schools, an increase of 2½ per cent on last year's figures. Since 2010, enrolments at ACT schools have increased by 7.9 per cent.

The census also shows the great confidence in our public schools, with enrolments continuing a six-year growth trend. Public schools now account for 59.8 per cent of all enrolments, an increase of 1,332 students or 3.3 per cent on last year.

The increased share of public school enrolments has been driven by higher enrolments in primary schools and colleges. Our public primary school enrolments have increased to 64.1 per cent and colleges to 61.6 per cent. High schools remain steady at 50 per cent.

The best result for our community is where each sector—public, Catholic and independent—is showing healthy growth. This is what the census shows. Our schools provide choice to ACT families, all of which provide a quality education and put students and their families at the centre.

Two new schools—Franklin Early Childhood School and Neville Bonner Primary School—opened last year, serving families in Gungahlin. Community support for these schools is strong, with enrolments at Franklin Early Childhood School almost doubling in 2014 and Neville Bonner Primary School experiencing growth of 67 per cent.

Also pleasing is the community support shown for the recently refurbished Taylor Primary School in Kambah. Enrolments continue to grow, with enrolments up by almost 30 per cent.

I am also pleased to see that the new early learning centre at St Jude's Primary School was made possible by a grant from the ACT government. The new changes and investments in education continue to deliver schools that meet the needs of Canberra families and continue to give them confidence. The government is committed to ensuring our students are being taught by the best teachers in the best schools that we can provide.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, how do the figures reflect the success of the ACT government's investment in education in the ACT in both the government and non-government sectors?

MS BURCH: I have said in this place before that I am proud to be the minister for all students in the ACT, whether they be in public, Catholic or independent schools.

Education in the ACT is renowned for its high standard and we know that our education system is best when all parts of it are working to their full potential. That is why the ACT government has worked hard on a number of reforms across all the sectors.

Perhaps most important of these reforms is our support for the national education reform agreement with the commonwealth. This agreement commits the ACT government to work with all sectors across the full six years of the agreement and to focus on key issues to improve school and student outcomes—quality teaching, quality learning, empowered school leadership, meeting student need, and transparency and accountability.

I have been pleased to see the support given to these reforms by the non-government schools as well. Recently the Catholic Education Commission wrote and commented that they appreciate the government's position to continue to pursue the six-year funding agreement with the commonwealth. The writer assured me of their continued support in that undertaking.

This agreement ensures that all schools in the ACT receive funding based on the needs of their students. I cannot think of a better way of providing confidence to parents across all sectors that the needs of their children will be met irrespective of the sector they choose, the school they go to or the suburb they live in.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, it is commendable that you were calling yourself the minister for all education in Canberra.

MADAM SPEAKER: Preamble, Mr Doszpot.

MR DOSZPOT: The question is: is that same stance taken by your fellow members of cabinet? Only a short while ago the Chief Minister said that she was the minister for government schools only.

Mr Gentleman: A point of order, Madam Speaker

MADAM SPEAKER: A point of order, Mr Gentleman.

Mr Gentleman: The question is not related to the first question in the series.

MADAM SPEAKER: No, the standing orders do not allow for that. The supplementary questions have to relate to the question or matters that arise in answering the question. Mr Doszpot referred to something that I heard Ms Burch say when she said that she was the minister for education for all schools. So I think that, although the preamble was probably out of order, the question is in order.

Dr Bourke: A supplementary.

MADAM SPEAKER: I call on Minister Burch to have a go at answering the question before I call anyone else.

MS BURCH: We are very clearly a government that supports all schools. We have signed up to a six-year agreement, the national education reform, that shows a commitment to public schools, Catholic schools and independent schools. At a recent sitting we brought forward a motion that called on this place to support that commitment to all schools. It was you, Mr Doszpot, and it was the Canberra Liberals that did not have that support in this place.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, what does the data show about enrolment by Indigenous students and students with disabilities?

MS BURCH: I thank Dr Bourke for his interest. The school census does help to identify areas of particular need within our education system and reinforces the importance the ACT government places on programs to support students with the highest needs.

The number of Aboriginal and Torres Strait Islander student enrolments in ACT schools this year was 1,960, which is an increase of 12 per cent on last year. Public schools continued to have the highest proportion of Aboriginal and Torres Strait

Islander students, running at close to 80 per cent of those cohorts. It is pleasing to see the ACT is continuing to set the example across the nation for outcomes for Aboriginal and Torres Strait Islander students, with the highest school retention rates and the best NAPLAN results for any state and territory.

In 2014, there were 2,934 students accessing special education programs in ACT schools, and this is an increase of 9.1 per cent on last year. The public sector continued to have the highest proportion of students with special education needs, with 74.3 per cent of the total enrolments.

As I said in response to an earlier question, this is a six-year trend of increased growth in government schools in the ACT, and I think that is a good outcome and a result of quality teaching and the investment that this government puts in to the sector.

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

Supplementary answers to questions without notice

Health—hospital staff protection

MR BARR: Yesterday Mr Hanson and Mr Wall asked me, as acting Minister for Health, questions in relation to facilities currently at the hospital or elsewhere for people who are at risk of self-harm or with very high potential to be lethal, and then what measures were in place to protect staff and others from high-risk patients. I am advised by the Health Directorate that if persons present to Canberra Hospital or are brought to the hospital as a result of self-harm, those persons are triaged and assessed in the emergency department. When they have been medically cleared, they are transferred to the Mental Health Assessment Unit for a mental health assessment.

If it is determined by the mental health assessment that the person requires admission, that person is then transferred to the Adult Mental Health Unit. There are times when a person may remain in the Mental Health Assessment Unit for a period of extended assessment and will then be followed up by either the Crisis Assessment and Treatment Team or a Community Mental Health Team. Depending on a person's medical condition, they may then be transferred to another unit within the hospital. If that occurs, Mental Health, justice, Health, and Alcohol and Drug Services provide consultation and support for that person's mental health care.

In relation to provisions to protect staff, the individual's mental health state is reviewed at the initial assessment and then on a regular basis. This provides a qualitative assessment of risk to the individual and to others, including staff. In almost all cases, risk to others, including staff, is low. However, if the risk is clinically assessed as other than low, appropriate nursing support is requested to monitor and support the person, and I am advised this can include a one-to-one nursing ratio if required.

All staff have a personal duress alarm and are trained to anticipate potential escalation that may result in an incident of physical harm to the staff. With successful proactive management of the individual by staff, the need for seclusion has been markedly reduced. However, there are rare times when seclusion is needed to minimise the risk of harm to the person and to others.

The location of treatment of that person would normally be in the High Dependency Unit of the Adult Mental Health Unit in these cases. The High Dependency Unit is a closed unit of the Adult Mental Health unit where people are involuntarily detained under the Mental Health (Treatment and Care) Act 1994 and there is an increased number of nursing staff to meet a person's needs. As the person's mental health improves, they can be moved into the low-dependency unit.

Disability services—autism spectrum disorder
Multicultural affairs—National Multicultural Festival

MS BURCH: On Tuesday Mr Wall asked about the number of children on Therapy ACT's waiting list for autism assessment. The number is 19.

In reference to the comments around the multicultural festival, there was a letter from Mr Wall around the 10th, as I understand. As I indicated, there was correspondence to me about the management of one of the stages, and that was dealt with through OMA. There was some correspondence to me about the convenience of stalls moving out of the top end car park. That is all I am aware of. If I find anything else, I will let you know. But if there is a specific question, please let me know as well.

Executive contracts
Papers and statement by minister

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

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
>
> Long-term contracts:
>
> Anita Hargreaves, dated 17 March 2014.
>
> Short-term contracts:
>
> David Jeffrey, dated 11 and 17 March 2014.
>
> Helen Pappas, dated 7 March 2014.
>
> Margaret Stewart, dated 17 March 2014.
>
> Maureen Sheehan, dated 24 February and 7 March 2014.
>
> Trevor Vivian, dated 4 and 12 March 2014.
>
> Virginia Hayward, dated 5 and 6 March 2014.
>
> Contract variations:
>
> Daniel Stewart, dated 12 and 23 March 2014.
>
> Richard Baumgart, dated 17 March 2014.

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

Leave granted.

MR BARR: These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all director-general and executive contracts and contract variations. Today I present one long-term contract, six short-term contracts and two contract variations. The details of the contracts will be circulated to members.

Planning and Development Act 2007—variation No 317 to the territory plan

Papers and statement by minister

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

> Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No. 317 to the Territory Plan—Kambah Group Centre—Zoning changes and changes to the Kambah precinct maps and codes, dated 25 March 2014, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

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

Leave granted.

MR CORBELL: Variation No 317 to the territory plan draws on the recommendations of the Kambah group centre master plan. It amends the Kambah precinct map and code in the territory plan to introduce provisions to guide future development within the centre. The provisions will permit a moderate increase in maximum building heights and identify improvements to pedestrian and vehicle connections while retaining the character of the centre.

The zoning changes consist of rezoning the commercial CZ3 services area to the east of the main centre to CZ2 business zone to better reflect the existing commercial uses and to promote new uses more suited to the location. The variation also rezones a length of residual urban open space adjacent to the group centre from PRZ1 to CZ1 core to accommodate future pedestrian and road connections.

Variation 317 provides opportunity for government and private developers to deliver the vision proposed by the Kambah centre master plan. The changes are consistent with the vision of the ACT planning strategy by facilitating mixed-use development at commercial centres and locations close to main transport routes.

The draft variation was publicly exhibited between March and May last year. Four written submissions were received during this time. The main matters raised in the submissions included concerns about the potential for additional supermarket gross floor area outside the core commercial area, impacts of future development on traffic and car parking and interpretation of proposed development controls applying to specific blocks, including surface-level car parking sites that are, separately, the subject of the government's land release program.

Various changes were made to the variation in response to the issues raised, including provisions limiting the maximum gross floor area for shops, including supermarkets, in the CZ2 zone; improved figures to describe parking sites and identify main pedestrian and vehicular routes; various provisions have been reworded to improve clarity; and the desired character statement has been revised for clarity and to ensure direction is given for all relevant rules and criteria.

Under section 73 of the act, I have chosen to exercise my discretion and not formally refer the draft variation to the Standing Committee on Planning, Environment and Territory and Municipal Services, as I believe the issues raised in the submissions have been adequately considered, that there are no outstanding issues and that there was a very low level of public submission.

I table the approved variation for the Assembly.

Papers

Mr Corbell presented the following papers:

> **Subordinate legislation (including explanatory statements unless otherwise stated)**
>
> Legislation Act, pursuant to section 64—
>
> Electricity Feed-in (Large-scale Renewable Energy Generation) Act—Electricity Feed-in (Large-scale Renewable Energy Generation) FiT Capacity Release Determination 2014 (No 1)—Disallowable Instrument DI2014-40 (LR, 8 April 2014).

Ms Burch presented the following paper:

> Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2013 (1 October to 31 December 2013).

Gungahlin intersections safety review
Paper and statement by minister

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing): Pursuant to resolution of the Assembly of 23 October 2013 regarding safety concerns at the intersection of Hinder and Hibberson streets in Gunghalin, I present the following paper:

Gungahlin intersections—Safety review, dated April 2014.

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

Leave granted.

MR RATTENBURY: At its meeting on Wednesday, 23 October 2013, the Legislative Assembly was presented with concerns regarding the safety of the intersection of Hinder and Hibberson streets in Gungahlin and passed a resolution to provide reports, which have been undertaken, into the safety of this intersection, assess the intersection and provide, by the end of April 2014, a report to the Assembly on the outcome of the assessment. I have presented the investigation that was undertaken at this intersection, following a customer complaint received in September 2013. The investigation into the safety of this intersection resulted in an immediate, low-cost treatment, which was implemented in January 2014, improving road signage and line markings. I also have presented an assessment of four intersections in Gungahlin town centre, which includes the Hinder and Hibberson streets intersection, as requested by the Assembly. This report is entitled *Gungahlin intersections: Safety review, April 2014*.

These four intersections in Gungahlin town centre were ranked in the worst 60 locations in the 2012 ACT road safety improvement program, which identifies and prioritises areas of safety improvements in the ACT road network. The intersections are ranked as follows: Anthony Rolfe Avenue and Mawby Street, No 7; Anthony Rolfe Avenue and Rosanna Street, No 34; Hinder and Hibberson streets, No 48; and Hinder Street and Efkarpidis Street, No 59. Roads ACT has considered the report and agrees with the recommendations identified in section 11. The treatments identified at each intersection as immediate will be progressed by Roads ACT as a priority over coming months.

The provision of traffic lights at the intersection of Hibberson and Hinder streets will be integrated with the work currently being undertaken by Capital Metro in developing the requirements for the light rail project. Depending on the specific requirements, traffic lights will be provided as either early works in advance of the light rail project or provided at the same time. I have asked TAMS and Capital Metro to liaise on this and advise on the best way of delivering these improvements.

The provision of the longer term improvements at the three other intersections included in the report will be considered in future capital works programs. I commend the report to the Assembly.

Gugan Gulwan Youth Aboriginal Corporation
Amendment to resolution

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) (3.47), by leave: I move

> That the resolution of the Assembly of 19 March 2014 concerning Gugan Gulwan Youth Corporation be amended by omitting the words "last sitting day in April 2014" and substituting "last sitting day in May 2014".

Members, by way of a brief explanation, you will recall that we passed a motion requiring that I report back to the Assembly by the end of April. Due to the sitting week calendar, this would have meant making a statement today. As work is still progressing with Gugan Gulwan and CSD in identifying appropriate facilities, I am seeking an extension on making this report back. And by allowing this, the Assembly and Gugan Gulwan will both benefit from more alternatives being canvassed and explored and a more comprehensive report provided.

I am receiving weekly updates from CSD and I can assure the Assembly that we are making our best efforts to find a suitable location for Gugan Gulwan. They have been offered a number of places, but so far none of the places they have been offered have been found to be suitable. But I will provide a fuller report before the last sitting day in May should the Assembly support this motion.

Question resolved in the affirmative.

Sport—homophobia and transphobia
Discussion of matter of public importance

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

> The importance of combating homophobia and transphobia in sport in the ACT.

DR BOURKE (Ginninderra) (3.49): I have been talking a lot about discrimination and abuse and I am going to keep doing so because discrimination and harassment continue to be issues for many people in different areas of life. Discrimination is to treat someone unfairly because of a particular characteristic or attribute such as their race, sex, age, sexuality or gender identity, or if they have a disability.

In Australia federal, state and territory discrimination laws apply to various areas of public life, including sport, although the extent of coverage varies nationally. The ACT Discrimination Act aims to ensure that we can all participate in areas of public life within the community free from certain forms of discrimination and harassment. Under the legislation, discrimination may be direct—treating someone differently—or indirect—treating everyone the same way, but to some people's disadvantage.

Victimisation, vilification and harassment are also unlawful under the ACT Discrimination Act 1991. A range of areas of public life are covered by the legislation. In most states and territories, except Victoria, the legislation does not cover the area of sport. However, discrimination is unlawful in some more general areas of activity which may be relevant in a sporting context.

Sport is often a platform for broader issues in society, in terms of highlighting both positive and negative behaviour. At the end of the 1993 AFL match, after enduring constant racial abuse from Collingwood supporters, St Kilda's Nicky Winmar turned to face the crowd, lifted up his jumper and pointed to his skin. The moment was immortalised in photos and the next day the *Sunday Age* published one under the headline: "Winmar: I'm black and proud of it". But that was 20 years ago. Surely it could not happen today.

But during last year's AFL Indigenous round Adam Goodes was racially vilified by a 13-year-old spectator. Last month the father of NRL player Justin Hodges spoke out about the abuse he suffered while coaching an under-13s junior team when a parent from his own team called him a "black bastard". This follows the NRL indefinitely standing down a man for racially abusing Broncos' star Ben Barba on social media.

Indigenous athletes are also role models on the international stage. When a basketball player reacted aggressively to an alleged racial slur from a spectator during an American college basketball match, team mate and ex-Canberran Patty Mills used social media to shine a light on Adam Goodes and his handling of the situation during the Indigenous round.

Indigenous athletes are important role models for all Australians because they are confident and proud of their heritage, but they want racism out of sport. Adam Goodes, the 2014 Australian of the Year, is an ambassador for the national "Racism: it stops with me" campaign—a campaign promoting a clear understanding in the Australian community of what racism is and how it can be prevented and reduced.

Sport is a platform for change. While unfortunate instances still arise, there is little doubt that Australian sport in 2014 is markedly different from that of 15 or 20 years ago. We are proud of the inclusive and open nature of our sporting system. Professional codes such as the AFL and NRL have been at the forefront of promoting inclusion and supporting these words with action—robust policies and programs that reinforce the message. This extends not only to racism, but gender equality and multicultural inclusion as well.

Nationally, the "Play by the Rules" initiative focuses positive messages on safe and inclusive environments, and at all levels of sport. "Play by the Rules" is a website-based program for sporting organisations and clubs at all levels providing information, news, online training and a range of resources to assist sports. "Play by the Rules" partners with various sporting and community organisations, including the ACT government through Sport and Recreation Services and the ACT Human Rights Commission, to promote inclusive, safe and fair sport. Supported by parallel campaigns such as "Racism: it stops with me", "Play by the Rules" sends a strong message in regards to racism.

Yet within the context of all this positive change, there is seemingly a group within our community which has been somewhat left behind. It is not that lesbian, gay, bisexual, transgender and intersex people do not like sport or do not want to participate. There is no evidence that members of this community are no less passionate about physical activity or their local footy team than anyone else.

It remains, however, that within a sporting context, LGBTI people continue to feel isolated, excluded and unable to be themselves. The language used, the actions taken by some, the gender-based structure of sport and the policy platforms within sport do not always provide these members of our community with any sense of inclusion or welcoming into a sporting club.

We seem to increasingly celebrate every time a profile athlete "comes out". Sports, teams and leagues, publicly at least, applaud the courage of the individual to make this statement and believe that their bravery in coming out positively reflects on the environment of inclusion that they have created. Today in the *Canberra Times* we read about Canberra rugby union player Bill Lockley talking about his victimisation and of homophobia playing with a gay rugby team.

The environment of inclusion is so important. So it is pertinent to ask why an athlete was not open as to their sexuality in the first place. Why do so many young footballers, hockey players or swimmers feel compelled to keep their sexuality hidden? Why do they fear the consequences of isolation—no selection or victimisation for simply being themselves? This is an issue.

Sport is making positive moves in the right direction. Four professional codes all signed up yesterday stating their commitment to tackle homophobia, but signing a statement of intent is not the end of the game. Here in the ACT, Australia's active capital, we are tackling this issue seriously. As a longstanding supporter of "Play by the Rules", promoting the virtues of safe sporting environments at all levels, we are working to ensure that LGBTI people are welcomed and supported within sport in the same way as any other person seeking to participate and reap the virtues of playing sport.

Support for the inclusive sport program is, I understand, within the banner of "Play by the Rules", shining a focused light on LGBTI issues. To understand the realities and perceptions for this community in regards to sport is the foundation for helping us to address the issues.

I understand that a significant piece of local research is supporting this work, informing campaigns, education and activities of lasting legacy within sports. This can ensure that the structures and policies of community and elite sports support access and participation for LGBTI people.

Sport can blaze trails for social change. We should recognise the leadership of the AFL, NRL, Australian Rugby Union and Cricket Australia in signing a commitment to develop a framework to address homophobia in sport. But, as I said, this is not the end game. As we saw with Adam Goodes last year, the issue of racism in sport is not won and a challenge continues. Addressing access and equity for LGBTI people may be much the same. It will not be an instant win, but yesterday and, indeed, the great work underway at the grassroots level here in the ACT, is giving us a great foundation to address this important issue.

MR DOSZPOT (Molonglo) (3.58): I thank Dr Bourke for bringing forward this MPI today—namely, the importance of combating homophobia and transphobia in sport in the ACT. It is a timely debate given the move by the four major sporting codes in Australia only yesterday holding a media conference to outline their collective views on this issue. It is apparently a world first that executives from Australia's major sports codes have come together in this way to make a commitment to rid their sports of homophobia.

It goes to a wider issue, and that is, the elimination of all forms of discrimination in sport. I believe I have some knowledge of the potential for discrimination in sport through my early soccer playing years as a young migrant and, later, as President of Soccer Canberra and as the only non-Indigenous player in Charlie Perkins's all Aboriginal soccer team, the Canberra Nomads. Another close friend and soccer legend, the late Johnny Warren, wrote a book on his life in soccer, the title of which challenged many publishers in the late 1990s. The book title reflected past views on those who played soccer in Australia. The book was finally published in 2002 and gives an insight into how far community values have progressed since those early days.

However, one would have to be very naive to believe that discrimination does not happen. I know how surprised many people were that in the tough world of rugby league a player, Ian Roberts, declared he was gay. However, equally and pleasantly surprising was the genuine support that was offered to him by his fellow players and followers of the game. There have been other well-known elite sports people that have made similar public statements—diver Matthew Mitcham and swimmer Daniel Kowalski, among others. One hopes and presumes they too had similar positive community reactions.

However, it has clearly not always been so and not everyone gets a fair go, even today. A report, *Come out to play*, published in 2010 and commissioned by the Victorian health department, tracks the sports experiences of 307 lesbian, bisexual and transgender people in Victoria who responded to an online survey. The respondents were evenly split between male and female. Their ages ranged from 18 to 71 years and most sports were covered.

The report highlighted that, indeed, there was a great deal of discrimination, particularly of women who played in sports that were traditionally male sports. Whole teams of women in those sports claimed they were subject to abuse and ridicule. Even those women in traditional female sports who were suspected of being lesbian were isolated, harassed, ostracised and, in some cases, forced to resign from the team.

At the time that report was released, the ACT sports minister, who was also education minister at the time, launched an ACT campaign to stamp out homophobia in schools and on our sports fields. We have seen since then a number of activities, brochures and information intended to raise awareness and drive inclusion. That was first started in 2010, so the ACT has not been lagging in drawing attention to this issue. Fast forward to 2014 and we have the announcement from the major codes—cricket, AFL, rugby league, rugby union and football. I think that it demonstrates how far Australia has come since the nervous days of Ian Roberts in 1996.

There is no place for discrimination of any type, be it racial, religious, homophobia or transphobia, whether it is in the school playground, on the sports field or in the workplace. I know that the Canberra community and, indeed, all Canberra sporting codes will embrace the new campaign, just as they gave support to Minister Barr's campaign in 2010. I thank Dr Bourke for bringing on this topic for discussion today and agree with the importance of combating homophobia and transphobia in sport.

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) (4.02): I also thank Dr Bourke for bringing this matter forward today. It is one of great importance. The ACT government is committed to dealing with all forms of harassment, discrimination and bullying in sport, whether that is based on race, sex, sexuality, gender, identity or any other characteristic. Quite simply, there is no place for harassment, discrimination or bullying in sport. To this end, the government has funded the inclusive sport project which aims to build the capacity and capability of sports to manage and minimise inappropriate and unethical behaviour within their organisations.

Work on this particular project started in June last year and will continue throughout 2014. Components of the project include research and analysis of the member protection policies of our triennially funded state sporting organisations, the development of resources, the rollout of training and education and awareness raising campaign activities. In determining the structure of the inclusive sport project, research was undertaken to determine what work had been done nationally and internationally to address these issues.

The *Writing themselves in* reports find that the abuse of men is an issue in sport. The 2005 Australian study found that same-sex attracted young people felt the least safe at sporting events. However, pleasingly since that time, there have been improvements. The more recent 2012 study found that sport was identified where they had experienced the least amount of homophobic abuse. So real progress is being made, Mr Assistant Speaker.

LGBTI athletes are largely silent and invisible in Australian sport, which contributes to them feeling excluded and isolated. I think it would be fair to say that there is an unwritten "don't ask, don't tell" rule that contributes to this silence and to this isolation. The use of homophobic language and name calling obviously has a negative impact on an individual's health and wellbeing, as do other forms of homophobia and transphobia abuse and discrimination. The use of derogatory terms in sport is all too common and can certainly result in individuals feeling hurt, ashamed and excluded, which obviously impacts on an individual's ability to enjoy and perform to their ability in any sporting setting.

Writing themselves in 3 identified strong links between abuse and feeling unsafe, excessive drug use, self-harm and suicide attempts. The government is very keen to work with LGBTI communities and to ask how we can navigate through the sports environment and avoid individuals experiencing discrimination, harassment and bullying.

Sadly, many choose not to participate in sport at all, even though the research shows they have a very strong desire to do so. Others have adopted a range of strategies to ensure safe participation in their sport that includes trying to pass themselves off as straight in their sporting environment, which is not a particularly healthy way forward. It creates feelings of guilt and certainly a significant fear about being found out.

Others refuse to stay silent and are open or visible in regard to their sexuality or gender, or confront the stereotypes that exist. Some create and play for queer teams within mainstream sports. Nevertheless, each strategy presents challenges for the individual and does not remove the potential for discrimination, harassment and bullying to occur. Whilst a range of research, projects, policies, campaigns and programs have been implemented to deal specifically with harassment and discrimination based on sex, race and disability, little has been done to address harassment and discrimination based on sexual orientation.

Until the ACT government and a few other state governments stepped up to the plate, very little had been done to address or even acknowledge issues regarding gender identity and transgenderism in sport. To address this at the local level, LGBTI people in the ACT were invited to complete a survey in the second-half of last year which sought to find out more about their sport and recreational experiences.

It was the first sport-specific study of its type conducted in the ACT and will complement other research that has been undertaken nationally, such as the 2010 Victorian "come out to play" research project and the Scottish "out for sport" research project published in 2012. The ACT's inclusive sport survey report will be published in June this year. I can advise that 318 people participated in the ACT survey, from which 292 active surveys were used in the data analysis. Twenty-six participants were excluded from the local analysis because they did not live in the ACT or in any of the surrounding regions.

The key findings to date include that the most common mainstream sports and recreation activities identified in the survey included football and soccer at 12.9 per cent followed by weights-circuits at 8.4 per cent and group fitness at 7.1 per cent. In terms of participation, 37.1 per cent of respondents were "not out" regarding their sexuality or being transgender and over 40 per cent of respondents felt unsafe in a sporting environment.

Around a third of respondents experienced verbal homophobia or bullying in sport; 7.1 per cent of respondents experienced verbal harassment or bullying in sport based on being transgender or intersex; and a distressing 4.4 per cent of survey respondents have experienced physical assault as a result of their participation in sport. Over 50 per cent of respondents did not know if their club or recreation provider had policies around safety and inclusion for LGBTI people or anti-discrimination policies regarding sexual orientation, gender identity or intersex status. Pleasingly, though, in this survey over 18 per cent of participants identified as transgender. So I think this represents the most significant sample and level of participation by that community.

Transgender athletes face a number of issues in relation to participation in sport. It is fair to say that their issues have been inappropriately swept up with homophobia. This has certainly created misunderstandings in regard to issues of gender identity and sexuality. It also creates confusion in regard to the issues faced specifically by transgender people in a sport setting. Very limited research has been obtained on the experiences of transgender people in sport, partly because the population is difficult to access and it is small—although, as this survey data is indicating, as a group they are gaining confidence and increasing in numbers.

Most individual and team sports have, of course, been traditionally organised and structured according to sex or gender—for example, separate competitions for girls and boys, women and men, which clearly represents significant difficulties for transgender people in regard to access to sport. When they do access sport they encounter general ignorance and prejudice. Experiences of discrimination in a sport setting are not uncommon for transgender people and a lack of policies in relation to the participation of transgender and intersex athletes in sport exists.

As part of the inclusive sport project, a range of resources will be developed, based on the needs identified in the research. For example, the member protection policy guide will assist sports to successfully understand, develop, implement and promote a member protection policy. This important resource will be published in the middle of this year.

Another resource that has been developed is the play-by-the-rules kit. Sports can borrow the kit to develop a play-by-the-rules match, round or tournament and in doing so promote their website and their commitment to being inclusive, safe and fair. Canberra United was the first team to use this resource when they conducted a play-by-the-rules match in January. The players wore rainbow socks during the match to demonstrate that football strives to be inclusive and welcoming to celebrate sexuality and gender identity in our community.

Sport and Recreation Services will continue to work with state and ACT-linked professional sporting organisations to address barriers to sport participation. For example, the ACT government has discussed future opportunities with the GWS Giants and the AFL to address homophobia and transphobia in sport.

We are working closely with the national play-by-the-rules manager to ensure that work done locally complements national work. In the time remaining, I would particularly like to acknowledge the work of Lauren Jackson and David Pocock, locally based athletes with a national profile who are participating in this local and national campaign. They are fantastic allies for this cause.

MR RATTENBURY (Molonglo) (4.12): It is timely that today's matter of public importance relates to the issue of homophobia and transphobia in sport in the ACT, coming as it does with the announcement yesterday of a major campaign targeted at this area, which other members have referred to. The "you can play" campaign is a national anti-homophobia initiative coordinated by play by the rules, a national program that promotes safe, fair and inclusive sport. Yesterday representatives from

the AFL, rugby union, NRL, Football Federation and Cricket Australia joined forces to sign a commitment to ensuring that gay, lesbian and bisexual players, coaches, administrators and fans all feel welcome in their sporting codes.

This is apparently the first time in the world that all major professional sporting codes in a country have come together to publicly commit to tackling discrimination based on sexual orientation. To see the leaders and stars of the major sporting codes come together and publicly say, "Whether a person is gay or straight shouldn't matter in sport. Ability, attitude and efforts is what counts," is really inspiring, and it certainly gives me hope. I think it is perhaps a long way from some of the history. Mr Barr touched on this and others have in their comments. Various derogatory terms have been standard fare in sporting codes. Many people have been left feeling unwelcome.

I certainly hope this campaign will give hope to many young gay, lesbian and transgender people, whether they are sports people themselves or just sports fans, to know that there is a place for them in Australian sporting life. I think we should be honest that many of these organisations have been slow to change. They have clung to the old ways and, in some cases, have been forced kicking and screaming into the modern world through the scandals and bad behaviour of their players both on and off the field.

But they have had to take a good, hard look at themselves, understand their own internal cultures and work out how to shift those cultures to one that is more open and in line with contemporary community values. It is good to see the sporting codes on the front foot this time making an effort to show that they understand that the world is changing and that the rest of society simply do not accept bigoted behaviour from people who, in other ways, are regarded as role models.

That is something I think is really important to reflect on here. Sporting players, whilst they are very good at the sports they play on the field, also need to understand the role model effect they have. I know that many players do. We have some outstanding role models in sport. Through the course of our work we get to meet some of the ones around town. I really welcome the fact that some of them take that responsibility very seriously. Hopefully, that type of sporting player is the one we will see in the future and not some of the less desirable traits we have seen in the past.

Today in modern Australia we cannot and will not tolerate discrimination and vilification in our society. Of course, we discussed this yesterday in this place when debating how we in the ACT might respond to the proposed changes to the federal Racial Discrimination Act. At the territory level, I think we have a responsibility to step in and fill the gap that might open up if the federal laws are watered down, as has been proposed by the Abbott government.

In looking into the campaign for today's MPI, I came across a sobering story of how misunderstanding on this issue is still prevalent in the sporting world. Apparently, the English Football League attempted a similar campaign, which it called football versus homophobia. The campaign sought to commit all the clubs to combating homophobia, but unfortunately only 12 of the Premier League's 20 clubs supported the campaign, and only 17 of the Football League's 72 clubs came on board. Clearly, there is some

fear and resistance amongst the English football world to take a stand against homophobia. This illustrates how difficult it can be for the broader community to acknowledge and then tackle discrimination against LGBTI and queer people.

In a similar vein, members may have seen a story in today's *Canberra Times*—certainly the online version of today's *Canberra Times*—about a Canberra rugby union player who plays with the Sydney Convicts, a team who are essentially a gay rugby union team playing in a Sydney competition. The fellow happens to have joined that club when he lived in Sydney but still plays for them from Canberra because he loves the club so much.

The ironic part of that story was that he had been subject to homophobic abuse whilst playing for that club but he is actually not a gay, as it happens. He plays for that club because he has found a great group of people to play with. He has always been very well accepted in the club. He talks in the article about how much he has enjoyed the culture of the club because, in his words, "They are an open and understanding bunch of guys who I really like hanging out with." He observed that it was somewhat ironic that he had been subject to that sort of abuse in his sporting career with that team.

I think that underlines the fact that this is not just about the elite codes. It is also happening on sporting fields across the country, unfortunately probably every weekend, so we have still got some work to do. We are lucky here in the ACT to live in a progressive, diverse and vibrant city. It is a city that sought recently to lead the nation towards true marriage equality, something I was certainly proud to have been a part of in this Assembly.

I was always very pleased to support recent changes to ACT laws to strengthen the rights of gender diverse people moving away from the old binary definitions of gender. It is a core aim of the Greens to end all discrimination on the basis of gender or sexuality, and we will keep working on this issue until we achieve full equality in a range of areas.

I would like to acknowledge the work the Deputy Chief Minister has done to tackle homophobia in the ACT—in schools, sport and elsewhere. As a Green, as a citizen and as an MLA, I am all too aware of the ongoing battle against fear and hatred towards the LGBTIQ members of our community. This is not an issue that will go away until each of us stands up and says, "I will look at you as a person, not as a gender or a race or a sexual orientation, but simply as a person." I think the sporting field is a great place to take that stand and to carry that culture forward. I think the sporting field is a great leveller. We should simply turn up and play sport with each other irrespective of other components of our lives.

Discussion concluded.

Lifetime Care and Support (Catastrophic Injuries) Bill 2014
Detail stage

Debate resumed.

Clauses 45 to 61, by leave, taken together and agreed to.

Clause 62.

MR SMYTH (Brindabella) (4.20): I move amendment No 9 circulated in my name *[see schedule 1 at page 1007]*.

This is to insert a note that a decision under section 3 is a reviewable decision. Again, I point members to the two reports from the reviews of the Lifetime Care & Support Authority and Lifetime Care and Support Advisory Council done by the Legislative Council of New South Wales.

In the 2008 report, there were only two recommendations, the second of which was this:

> That the Lifetime Care and Support Authority, in liaison with the Lifetime Care and Support Advisory Council, formally consider the range of options for independent review of decisions and the provision of independent advice and advocacy in respect of applicants, interim participants and lifetime participants in the Lifetime Care and Support Scheme. This should include the development of recommendations as to the desirability of and the most appropriate mechanisms for each.

That was in 2008. In 2011, recommendation 5 from another review was this:

> That the Lifetime Care and Support Authority work with the Brain Injury Rehabilitation Directorate and other stakeholders to examine the feasibility of a more robust and independent dispute resolution process for disputes concerning eligibility and treatment.

I see a pattern here. There is another review, as legislated, being done now. They had hearings in March; we have not got the report from the committee yet. But what we see is from two different committees, one in 2011 and one in 2008. I understand that both were tripartisan. Both committees suggested that there needs to be an independent review. It is quite surprising that over that period of time you would get almost the same recommendation from two different committees in two different New South Wales parliaments. Perhaps there is a pattern here. I suspect we will be back here to rectify this in the short term.

It is important that people have access to justice and dispute resolution that is not controlled by the body that they have the dispute with or are in contention with. When we see two reports, three years apart, from different parliaments, from tripartisan committees, perhaps we should take note of what they say.

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) (4.22): Before lunch I outlined that the government would not be supporting the series of amendments that includes this amendment 9 and also amendments 11 and 13, which are of similar nature. We will, I think, however, find that there is agreement on amendment 12, which is coming up shortly.

Amendment negatived.

Clause 62 agreed to.

Clauses 63 and 64, by leave, taken together and agreed to.

Clause 65.

MR SMYTH (Brindabella) (4.23): I move amendment No 10 circulated in my name *[see schedule 1 at page 1007]*.

I am rapidly running out of places to insert review or legal cost clauses, but we will give it one more try. If you take on board the two reports from 2008 and 2011, or you go and read some of the transcript of the hearings that were held last month, you will see that people are still raising the issue of the ability of those in this scheme to have independent review and to have proper review. It is very important. The issue came up again in some of the recent hearings. People need to be able to be funded to do that. If we close off this avenue for legal costs, we are saying that those in the scheme cannot have justice. I urge members to reconsider their position, because I have no doubt that, in the years to come, we will be back here to amend this mistake—as we do with so many bills from the government.

Amendment negatived.

Clause 65 agreed to.

Clauses 66 to 92, by leave, taken together and agreed to.

Proposed new part.

MR SMYTH (Brindabella) (4.25): I move amendment No 11 circulated in my name *[see schedule 1 at page 1007]*.

This amendment is to insert a new part, 10A, containing the meanings of "reviewable decision", "reviewable decision notices" and "applications for review". Again, I implore members to listen to recommendations of two committees from two different parliaments of New South Wales. They believe there should be a review mechanism that is robust and independent of the commission. This is your last chance.

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) (4.26): As tempting as it is to take the last chance, I will go back to my earlier comments: a consistent approach throughout the bill is necessary in order to ensure that we have an operable bill at the end of the process. However, I do think we are about to reach a point where there might be an agreement on an amendment; we will celebrate that in 30 seconds.

Amendment negatived.

Clause 93.

MR SMYTH (Brindabella) (4.26): I move amendment No 12 circulated in my name *[see schedule 1 at page 1008]*.

This amendment proposes a small change of words that omits "notifiable instrument" and basically inserts "disallowable" instrument. I note that members will speak to this, so I will not burden the debate. I thank members for their support, at least on this one.

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) (4.27): The government will support Mr Smyth's amendment—proof that we do not oppose everything you put up, Mr Smyth.

Amendment agreed to.

Clause 93, as amended, agreed to.

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

Bill, as amended, agreed to.

Duties (Commercial Leases) Amendment Bill 2014

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

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (4.28): The explanatory memorandum for the Duties (Commercial Leases) Amendment Bill 2014 states the purpose of the bill in the following terms:

> In the ACT, conveyance duty on short-term commercial leases (less than 30 years) was abolished, effective from 1 July 2009. However, conveyance duty continues to be charged on long-term commercial leases by the *Duties Act 1999* (the Duties Act). A lease term of 30 years or more is considered to be a de facto transfer of land; the provisions are thus intended as an anti-avoidance measure.

It also states:

> The amendments in this bill introduce a premium-based method for assessing duty on commercial leases, being leases that have only a commercial purpose or more than one purpose including commercial purpose. Examples of commercial activities include (but are not limited to) retail outlets, supermarkets, department stores, service stations and commercial accommodation, such as a hotel. Residential or Primary production leases are excluded from this duty.

And it states:

> These amendments will prevent the imposition of conveyance duty on Canberra's long standing businesses (both large and small), conducting successful and long-term commercial leasing arrangements. It is also possible that businesses who have previously considered investing in lengthy commercial leasing arrangements in the ACT will now see Canberra as a more attractive taxation (and thus business) environment.

The EM concludes with this:

> The amended provisions will align the ACT with the approach taken to commercial leases in other jurisdictions and will provide greater certainty to the Territory's business community.

We had a briefing from officials, and I thank the minister for that. The officials told us that the bill was developed in consultation with stakeholders and had taken a year or so to put together, and that the intention was for the bill to be revenue neutral. They were not able to tell us why, given that this bill is going to be passed today, the government could not tell us what the premium will be set at.

Clause 5 of the bill is for provision of a new section for the meaning of a commercial lease with a premium. Clause 6, again reading from the EM, "removes long-term lease and franchise arrangements from being liable". Clause 7 "allows for the imposition of duty on the grant of a commercial lease with a premium". Clause 8 omits all long-term lease and franchise arrangements as dutiable property. Clause 14 provides a dutiable value of a transaction. Clause 16 gives power to the commissioner to require a party to provide a declaration by value of the market rent of the subject lease.

There are a number of key considerations here. The ACT is the only jurisdiction with leases managed in this way. Other jurisdictions already have 40-year leases. There have been representations that, for instance, commonwealth government buildings are nearly hitting their 30-year mark—perhaps Geoscience or the FAHCSIA building in Tuggeranong. But it affects little buildings or small businesses as well. The Charcoal restaurant is apparently being affected. And one of the examples in the brief was that perhaps the fish and chip shop at the Curtin shops, which has been there for almost 30 years, will be caught up in this. The amendment would avoid requiring the above to pay what, for either of them, would be a large duty payment. There is also a push, for instance, for Woolies in Gungahlin to have a 40-year lease, which would currently attract the duty.

What the bill does is remove the term for when duty is liable on the lease. If there is a premium associated with the lease, the premium is dutiable. What it does is remove an unintended consequence which is causing business to sign possibly 29-year leases.

From the briefings we have received from the government, they think that this change is revenue neutral.

I refer members back to the IGA signed in the lead-up to the introduction of the GST. The GST was meant to have a trade-off where there would be no stamp duty on leases

full stop. It is perhaps unfortunate that that did not occur. In consultation with industry, that would be their preference—that jurisdictions honour the agreement that led up to the introduction of the GST. The choice offered by the territory is simply to take duty on the long-term leases or to accept the new lease premium model. In consultation, industry has said that the lease premium model is the lesser of two evils but it does not believe that it will lead to people really understanding or believing that Canberra is open for business.

We need to use this bill to fix an unintended consequence of the earlier government initiative in 2009 which abolished short-term commercial leases. How often do we come back here to fix up short-term problems that are created by the Treasurer's bills? We have consulted with industry regarding this bill. No oppositions have been made to the bill except for the fact that people do not believe the duty should be there at all, given the intergovernmental agreement of the early 2000s. That said, the government initiative does call for closer scrutiny.

We will support the bill. The real stick in the mud here is that we are about to pass this without knowing what the percentage will be. Maybe the Treasurer is going to jump up in his closing speech, tell us and allay all our fears. Again, it goes to that whole point that if you are going to put information in regulations, it is very hard. You truly have to take the government on trust. On a number of occasions, we have had to come back when that trust has not been met.

We would like to know, if the Treasurer would like to tell us this afternoon, what the premium that we are voting for is. What will the percentage be? In this new era of openness and accountability, we often hear the Chief Minister talk about open government. Why can't you tell us before we vote on this what the premium will be? You have got the support. You know that the bill is getting up. There is a real openness issue here: what is the government up to?

We will support the bill. It closes another unintended consequence from a previous bill. We will keep a close eye on how this government implements this. I would not be surprised if, yet again, we come back to implement more change because the government still has not got the settings right.

MR RATTENBURY (Molonglo) (4.35): The Greens will be supporting this bill today. This is a very short and simple bill to amend the Duties Act. It is in line with the ACT government's progressive implementation of the new ACT taxation system. At present our current legislation is structured to charge duties on conveyance of commercial leases that are longer than 30 years. This policy was created to attempt to ensure that companies were not making long leases instead of transferring or selling a property to avoid conveyance duty.

The current policy also includes covering cases whereby a lease is extended to over 30 years. Issues have arisen due to the fact that some lessees were being charged simply for having a long lease of perhaps 30 years or more or a lease with an extension then going over 30 years. These lessees were not necessarily avoiding conveyance duty just because they wanted a long lease.

This bill seeks to rectify the issue by instead establishing a process for only charging duty on any premiums paid on a long-term 30-year lease. The premium is an amount paid above the market rent. One way that companies have been able to avoid conveyance duty is to instead charge the lessee a premium on the rental level.

The Commissioner for ACT Revenue may set a threshold level to determine how far above market rent can be defined as a premium. This threshold will be important to ensure that the duty liability does not apply to lessees who are simply paying high rents but are not trying to avoid conveyance duty. The commissioner may require the aid of a valuer to establish the correct threshold to calculate what is a premium. I believe that this is a fairly simple and agreeable proposal, and I support the bill.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (4.36), in reply: I thank members for their support. As always with the shadow treasurer, it comes with a barb or two. But such is life.

Mr Smyth: Tell us the percentage and it will all go away.

MR BARR: I look forward to that. The bill replaces existing provisions in the Duties Act 1999 that impose conveyance duty on long-term leases with fairer, simpler and more effective premium-based provisions. The long-term lease provisions in the Duties Act impose a duty on the commercial lease with a term of 30 years or greater. This can be arrived at by a single-term lease or over multiple terms. These provisions function as an anti-avoidance mechanism that captures commercial leasing arrangements which are being used in lieu of a conveyance transfer.

The existing provisions can hinder the development and sustainability of legitimate commercial arrangements by imposing a substantial duty liability on a business. For example, a business that has completed two 10-year terms and entered a 15-year lease that will bring the total term to 35 years would incur a duty liability. This is despite having no intent of gaining any ownership rights of the property or attempting to avoid conveyance duties.

The provisions that are brought forward will impose a duty on a lease that has a substantial premium paid for the grant or transfer of the lease. A premium is defined as any consideration, being monetary or non-monetary, that is paid or agreed to be paid in relation to the lease other than recent reserve. A lease with a considerable upfront premium is a primary characteristic of a commercial lease established to avoid conveyance duty.

The premium paid only becomes liable to a duty once the premium exceeds the determined threshold of 25 per cent above market rent over the term of the lease. Once the premium component exceeds this 25 per cent threshold, the entire premium component becomes liable for duty. The premium threshold will be set by disallowable instrument once the legislation has been passed.

It is important to note that the bill and the determined threshold have been developed in consultation with industry experts. The amendments provide positive outcomes for both the ACT Revenue Office and external stakeholders such as local businesses.

Other jurisdictions have provisions which prevent the avoidance of conveyance duty by tax and commercial leases which have a premium paid on the grant or transfer of the lease. This bill aligns the territory with other jurisdictions that have successfully implemented a premium-based method for imposing duty on commercial leasing arrangements being used in lieu of a conveyance.

The long-term lease provisions in the Duties Act are now overly burdensome and ineffective in achieving the desired outcome. These legislative changes are necessary for ensuring the territory still retains provisions to capture commercial leasing arrangements that are intended as a de facto transfer of land. The amendments I have proposed will bring forward stronger, more effective anti-avoidance provisions for commercial arrangements which will no longer be to the detriment of the long-term sustainability of local businesses in the territory.

This bill removes market distortions. I am very fond of bills that remove market distortions and inequities resulting from existing provisions. The implementation of more appropriate duty provisions will improve the economic environment for local businesses and businesses looking to invest in the territory. More investment may also result in positive commercial competition within the territory's economy.

I commend the Duties (Commercial Leases) Amendment Bill 2014 to the Assembly. I will resist the temptation at this late hour on Thursday of the sitting week to engage in further debate with the shadow treasurer about the importance of cutting duties. I do note that I am the one supporting it. I am the one supporting the cutting of duties, and those opposite are the ones opposing the cutting of duties. So it is with a certain amount of amusement that I sit here and listen to a lecture from the shadow treasurer on the importance of cutting duties.

Mr Smyth: So what will the premium be? What will the premium be?

MR BARR: Mr Smyth, you are always welcome to join with the government and every sensible policy maker and economist in wanting to abolish inefficient taxation and move to a more efficient revenue base for the territory. The government will continue, in spite of the opposition from those opposite, to reform our taxation system. Today's legislation is an important part but by no means the only part of the taxation reform that the government will continue to pursue because it is the right policy decision for this economy, for this community, and we must have a simpler, fairer and more efficient taxation system. I am glad that I have got some animation and response from those opposite at the end of this sitting week. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

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

> That the Assembly do now adjourn.

Autism Awareness Month

MR WALL (Brindabella) (4.43): I would like to bring to the attention of the Assembly that April is Autism Awareness Month. It provides an excellent opportunity to talk about what is now the most commonly occurring childhood disability. There is little known about the causes of autism spectrum disorder and effective treatment options are limited.

In 2007 the United Nations General Assembly declared 2 April as World Autism Awareness Day and in 2008 a global network of charities and organisations joined together to recognise world autism day through a campaign called "light it up blue". As a result of this campaign hundreds of iconic buildings, bridges and sporting venues across the world were lit up blue on the evening of 2 April.

The campaign highlights the need for greater public awareness and education about autism in our community. Here in the ACT the "go blue for Canberra" campaign saw the lighting up of Telstra Tower in blue lights, as well as the National Gallery of Australia and the Museum of Australian Democracy, or Old Parliament House as it is still commonly referred to, on 2 April.

Autism Asperger ACT have highlighted a number of activities and events that are occurring throughout this month, and details can be found at the Autism Asperger website. I encourage all members to at least be involved or acknowledge the significant issue of autism within our community.

Belconnen Arts Centre

DR BOURKE (Ginninderra) (4.44): The current Belconnen Arts Centre exhibition *Unmade Edges—Distinctive Places* celebrates Canberra's rural fringes—the villages and communities that are the keepers of many of our early stories. It came about through the portrait of a nation centenary project. This national project, supported by the ACT and commonwealth governments, engaged Canberrans and Australians in the unique names and places of the national capital. Perhaps most importantly, portrait of a nation got neighbours and communities reconnecting and not only celebrating the capital's 100th birthday but also their own special place and character within Canberra and on the unmade edges.

The centenary was as much about looking forward as it was looking back. One of the great strengths of our centenary celebrations was engaging so many sections of the community and bringing them together in a range of celebrations that will continue. *Unmade Edges—Distinctive Places* engaged our villages and communities on the edge of Canberra. Most of them have been through massive change over the past century as a result of the needs of a growing capital.

It was only a few months ago that I was in Pialligo launching the work of Sui Jackson. It was inspired by the nearby Molonglo River. His work symbolises Pialligo's distinctive place in the Canberra community. Another river, the Murrumbidgee, inspired Marily Cintra's exhibition in the Tharwa community hall. Malcolm Cooke captured imagery of the village's proud agricultural history of wheat and wool production. Dan Stewart-Moore responded to the resilience of the Uriarra community with his work "loop", symbolising the 100 blocks in the village and its circular shape. In Stromlo, the residents joined artists Daniel Maginnity and Hanna Hoyne in creating bush furniture from green waste and celebrating the forestry roots of the village.

In Oaks Estate, the faces of former residents made a haunting return in the 59 images projected onto the iconic water tower by artist Michel Starling. Huge pastes-up produced by Rachel Bowak of famous local characters such as Bede Tongs were a major talking point in the community. In Hall, a group of artists—John Reid, Marzena Wasikowska, Amanda Stuart, Carolyn Young and Heike Qualitz—came together to produce performance, photography, sculpture and imagery reflecting the vibrant and rich history of the village and its surrounds.

The works by these 14 artists are as varied and as wide as the communities they represent. *Unmade Edges* provides an opportunity to engage a new round of audiences to open their eyes to the nature of Canberra's rural communities and how they have contributed to the development of the capital and to the national story. In this exhibition, the artists reflect on the process and show us what happened next in their journey.

I say special thanks to Ann McMahon, who created this exhibition, and also thank the artists, who obviously took great care and thought in working with those communities. Debate will continue for years about the legacies of our one very big year. Some centenary benefits will only be apparent in the decades to come, but I am pleased to see that this exhibition, *Unmade Edges*, carries its statement into Canberra's 101st year and beyond.

Tuggeranong Hawks Football Club

MS LAWDER (Brindabella) (4.48): I rise today to speak briefly about the Tuggeranong Hawks Football Club and their "Pat yard blitz", which occurred on Tuesday night this week.

Pat McLindin is the patron of the Tuggeranong Hawks Australian Rules football club. With her husband, Darryl, Pat helped form what was originally the Eastlake-Woden football club. The club evolved over the years into the Tuggeranong football club. Pat

and her husband have loved the club regardless of the club name or playing strip. In this year's season, you will see Pat on Tuesday to Thursday nights filling up the senior squad's drink bottles and walking them out to the players with her trolley. Such is the respect for her that the players carefully place the drink bottles back into the trolley instead of throwing them onto the ground as most footballers do.

Pat's husband, Darryl, passed away in 2010. As Pat spends so much time at her beloved football club, she has less time to garden, so earlier this week the players and club officials that love and respect Pat arrived at her house at 6 pm and helped the lady who always gives her all to the club.

I would like to acknowledge, firstly, Pat McLindin and her contribution to the club over many, many years. Secondly, I would like to acknowledge the players and officials who gave some of their time to help someone they respect in the community who could do with a bit of help at home. It is great to see these actions taking place in our community.

The Tuggeranong Hawks are a great community club with a family-oriented ethos, as you know, Mr Assistant Speaker Gentleman. The Pat yard blitz is just one example of their community spirit. I would like to wish all their teams every success for the coming season—including the women's team, which will be trying to achieve back-to-back premierships this year.

St Vincent de Paul Society

MR COE (Ginninderra) (4.49): I rise this afternoon to speak about the work of the St Vincent de Paul Society. St Vincent de Paul is a lay Catholic organisation whose vision is to be recognised as a caring Catholic charity offering a hand up to people in need. It does this by serving those in need with love, respect, justice, hope and joy, and by working to shape a more just and compassionate society.

The society in Canberra-Goulburn is governed by the territory council, which meets four times a year. The council is headed by the president, who appoints a CEO to manage staff and the business operations of the society.

The society undertakes many special works in the community. The most well known special work in the Canberra-Goulburn region is the Vinnies centres. There are 24 Vinnies centres in Canberra-Goulburn, with a gross income of over $6 million each year. Vinnies centres in Canberra-Goulburn are staffed by about 70 employees and over 900 volunteers.

The society also provides homelessness services through Samaritan House, the street to home program, the young parent program, the family services program, blue door, the night patrol, Kennedy House and St Anthony's. The society provides mental health services through Samaritan Services and Compeer. The society also provides education services, through Clemente and Homeground.

As well as financial support received from governments, the society raises significant funds from fundraising activities, including the Christmas appeal and winter appeal,

which raised over $600,000 last year; the doorknock appeal, which raised $320,000 last year; and the CEO sleep-out, which raised nearly $500,000 last time it was held. Last year the society organised a homelessness forum with Sir William Deane as part of the Canberra centenary activities.

I would like to place on the record my thanks to the members of the Canberra-Goulburn territory council—the president, Frank Brassil; spiritual adviser, Sister Liz Rothe; vice-presidents, Linda Barry, Warwick Fulton, Nick Stuparich, Lorcan Murphy and Stephanie Hawkins; and regional presidents, Ted Smith, John Nieuwendyk, Damien Kenneally, Michael Van Wanrooy, Rebecca Bromhead, Vin Kane and Brad Moffitt.

I would also like to thank the CEO, Paul Tresize; executive officer, Jane Rosewarne; HR director, Shayleen Barlow; market and fundraising director, Mark Thomson; special works director, Shannon Pickles; property and operational services director, Mike Taarnby; finance director, Camila Allen; youth director, Sarah Clifton; and centres director, Lindsay Rae.

Finally, I would like to particularly thank all the volunteers who are involved with the society's activities. Organisations like St Vincent de Paul rely heavily on volunteers, who often go unrecognised. I commend the St Vincent de Paul Society in Canberra-Goulburn on their significant achievements, and recommend that members visit their website for more information at www.vinnies.org.au.

Basketball

MS BERRY (Ginninderra) (4.52): Tonight I am excited to be heading out to Belconnen basketball stadium to open the national under-18s basketball competition and the Kevin Coombs cup. Whilst I am only relatively new at being a politician, I have been playing basketball here in Canberra since before the Belconnen stadium was built. As a basketballer and the aunt of a couple of former southern junior league players, I know these tournaments can be stressful times. All of the young people attending the tournament have trained hard to be in the position they are in and to represent their state. But I also know that all of the young people will be good sports and I know, for many states and clubs, attitude plays a strong role in whether a player is selected at all. It is my hope that their good sportsmanship is reflected across the tournament. Even though I will secretly be hoping to see the ACT take home the gold, when I get down there to watch, I will be cheering on all the teams just as loudly.

It is also timely to note the good work many clubs are already doing in standing up against homophobia and transphobia. Having been a long-time player, I know there is a significant improvement in the inclusivity of many club cultures.

Finally and briefly, because I am keen to get down there and watch the games, I would like to mention how pleased I am to be opening the Kevin Coombs cup. It is extraordinary how far wheelchair basketball has come since Kevin wheeled his 40-kilogram chair onto the courts in the 1960s Paralympics. Through the dedication of players and supporters, wheelchair basketball has become, over a very short time, a fast-paced, elite and sometimes brutal game that I love to watch. It is my hope that over time it will receive the kinds of funding and audience it deserves.

Again, I encourage all of my Assembly colleagues to get down and watch some of our great young players.

Aged care—pets

MS PORTER (Ginninderra) (4.54): Members may remember that in May 2012 I hosted a community forum here in the ACT Legislative Assembly entitled "Conversations on pets in aged care". The forum was intended to initiate a community discussion about the role pets play in the lives of older Canberrans and was attended by numerous aged care professionals, animal welfare agencies and pet owners. The main address was delivered by Dr Bronwyn Massavelli, a psychologist from the University of Queensland, and Ms Lynn Fitzpatrick, both of whom have immense experience in this area.

As the discussion unfolded, it became clear there was a recognition of the significant benefits pet ownership has for older people and there should be greater support to allow older Australians to continue living with their pets in aged care accommodation and when ageing at home. Also identified were some notable concerns, including the design of retirement villages and nursing homes, as most are currently unsuitable for this arrangement; additional work and training for staff who may have to assist pet owners as well as a pet; other residents who may be uncomfortable with animals; and the importance of ensuring that the interests of the person and pets are balanced.

As a result, it was decided that a steering group be formed to work through some of these challenges as well as identify opportunities that the group can pursue. This was a significant step forward.

I can report the pets in aged care steering committee was later formed and has been busy making available information to seniors about where to obtain assistance to care for pets as they age, themselves as well as their animals; how to identify villages that accept pets; identify organisations that provide assistance to older pet owners; encourage further research into the benefits that pets provide to us as we age; encourage designers and architects, in looking at retirement villages, to make allowances for pets and also to be able to refurbish existing facilities; work with the RSPCA in relation to their already-established seniors for seniors program; and explore the possibility of volunteer programs to support people ageing at home to care for their pets.

Just last month they held a forum in ACT COTA's facility in Hughes where a large number of people came to discuss caring for pets whilst ageing at home. And later this year they will be holding another forum where they will have an expert come to discuss the various aspects of grief when you are actually parted from your animal or when your animal dies. Of course, this is a very important aspect of older people having pets.

I can also report that as of 28 March this year the group has become incorporated and is now officially known as Pets and Positive Ageing Inc. I take this opportunity to congratulate all members of the inaugural committee: Jan Phillips, Di Johnstone, John

Vilskersts, Karen Schlieper, Kathryn McQuarrie and Sue Gage. I would also like to thank all who have worked with the steering committee at one point or assisted in one way or another during the development of the steering committee and with their work, which includes Dr John Aspley-Davis, Heike Hahner, Dr Michael Hayward and Jane Gregor.

Finally I thank my staff members Jack Simpson and Tim Petheram, both of whom have since left my office, and David Bullock now for the support they have provided to the steering committee over the last two years. I would also like to congratulate the actual group for the work they are doing in getting out there at the various expos and opportunities such as the Seniors Week activities and the upcoming retirement expo where they will also have an opportunity to talk about their work.

Question resolved in the affirmative.

The Assembly adjourned at 5 pm until Tuesday, 6 May, at 10 am.

Schedules of amendments

Schedule 1

Lifetime Care and Support (Catastrophic injuries) Bill 2014

Amendments moved by Mr Brendan Smyth

1
Proposed new clause 16 (7A)
Page 11, line 20—

insert

(7A) Despite anything else in this section, an injured person, or someone else on the injured person's behalf, may elect, by written notice to the LTCS commissioner, for the injured person not to participate in the LTCS scheme if it is reasonable in all the circumstances to do so.

Examples—someone else

1 the injured person's parent

2 the injured person's spouse

2
Clause 24
Page 17, line 1—

[oppose the clause]

3
Clause 25
Page 17, line 11—

omit clause 25, substitute

25 LTCS commissioner liable for legal costs for assessment

The LTCS commissioner is liable for reasonable and necessary legal costs for legal services provided to a participant in the LTCS scheme in relation to an assessment of the participant's treatment and care needs.

4
Clause 28 (1), note 3
Page 18, line 19—

omit

5

Clause 39 (3), proposed new note
Page 25, line 21—

insert

Note A decision under s (3) is a reviewable decision.

6
Clause 40
Page 26, line 1—

[oppose the clause]

7
Clause 42, except notes
Page 26, line 22—

omit clause 42, except notes, substitute

42 LTCS commissioner liable for legal costs for decision or review

The LTCS commissioner is liable for reasonable and necessary legal costs for legal services provided to an injured person or an insurer in relation to—

(a) a decision about a dispute under section 37 (Eligibility dispute—determination by assessment panel); or

(b) a review of the panel's decision by an eligibility review panel under section 39 (Eligibility review panel); or

(c) a review of an eligibility review panel's decision by ACAT.

8
Division 7.2
Page 27, line 18—

omit

9
Clause 62 (3), proposed new note
Page 35, line 17—

insert

Note A decision under s (3) is a reviewable decision.

10
Clause 65
Page 37, line 1—

omit clause 65, substitute

65 LTCS commissioner liable for legal costs for dispute or review

The LTCS commissioner is liable for reasonable and necessary legal costs for legal services provided to a participant in the LTCS scheme in relation to—

(a) a treatment and care assessor's determination in relation to a dispute about the participant's treatment and care needs; or

(b) a review of the assessor's determination by a treatment and care review panel; or

(c) a review of a treatment and care review panel's decision by ACAT.

11
Proposed new part 10A
Page 53, line 24—

insert

Part 10A Notification and review of decisions

92A Meaning of reviewable decision—pt 10A

In this part:

reviewable decision means a decision mentioned in schedule 1A, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

92B Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice only to each entity mentioned in schedule 1A, column 4 in relation to the decision.

Note The requirements for a reviewable decision notice are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

92C Applications for review

An entity mentioned in schedule 1A, column 4 in relation to a reviewable decision may apply to the ACAT for review of the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

12
Clause 93 (5) and note
Page 54, line 21—

omit clause 93 (5) and note, substitute

(5) An LTCS guideline is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

13
Proposed new schedule 1A
Page 58, line 3—

insert

Schedule 1A Reviewable decisions

(see pt 10A)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	19 (2)	decision not to accept applicant as participant in the LTCS scheme	applicant for participation in the LTCS scheme
2	23 (1)	assessment of the treatment and care needs of a participant in the LTCS scheme	participant in the LTCS scheme
3	39 (3) (b) (i)	confirm eligibility assessment panel's decision	applicant for review of decision
4	39 (3) (b) (ii)	revoke eligibility assessment panel's decision and substitute its own decision	applicant for review of decision if the applicant is not the LTCS commissioner, the LTCS commissioner

5	62 (3) (b) (i)	confirm the original determination	participant in the LTCS scheme LTCS commissioner
6	62 (3) (b) (ii)	revoke original determination and substitute another determination	participant in the LTCS scheme LTCS commissioner

14
Schedule 1
Amendment 1.3
Proposed new section 83B (3)
Page 59, line 25—

insert

(3) However, the claimant may elect not to apply to participate in the LTCS scheme if it is reasonable in all the circumstances to do so.

Note See the LTCS Act, s 16 (7A).

15
Schedule 1
Amendment 1.6
Proposed new section 156D (3) (c)
Page 62, line 3—

omit

16
Schedule 1
Amendment 1.6
Proposed new section 156D (4)
Page 62, line 5—

insert

(4) However, this section does not apply to treatment, care, support or services provided in connection with the treatment and care needs without charge on a gratuitous basis.

17
Dictionary, definition of *claims assessment panel*
Page 66, line 16—

omit

18
Dictionary, definition of *claims assessor*
Page 66, line 18—

omit

19
Dictionary, definition of *interested person*
Page 67, line 7—

omit

20
Dictionary, definition of *principal claims assessor*
Page 68, line 14—

omit

21
Dictionary, proposed new definition of *reviewable decision*
Page 68, line 16—

insert

reviewable decision, for part 10A (Notification and review of decisions)—see section 92A.

Schedule 2

Lifetime Care and Support (Catastrophic Injuries) Bill 2014

Amendment moved by the Treasurer

1
Proposed new clause 23 (2A)
Page 16, line 13—

insert

(2A) In deciding whether the participant's treatment and care needs are reasonable and necessary in the circumstances, the LTCS commissioner must consider the following:

(a) the benefit that a service will have for meeting the participant's treatment and care needs;

(b) the appropriateness of a service, or request for a service, to meet the participant's treatment and care needs;

(c) the appropriateness of a provider of a service mentioned in paragraph (b);

(d) the cost benefit of a service mentioned in paragraph (b).

Note The LTCS guidelines may include provisions about which of an injured person's treatment and care needs are reasonable and necessary in the circumstances (see s 30 (5)).

Schedule 3

Lifetime Care and Support (Catastrophic Injuries) Bill 2014

Amendment moved by the Treasurer

1
Clause 39 (3) (c)
Page 25, line 21—

after

its decision

insert

, setting out the reasons for the decision

Answers to questions

Alexander Maconochie Centre—detainees (Question No 239)

Mr Wall asked the Minister for Corrections, upon notice, on 26 February 2014:

(1) How many detainees at the Alexander Maconochie Centre commenced further education and /or vocational qualifications in the (a) 2011-12 financial year, (b) 2012-13 financial year, and (c) financial year to date.

(2) How many detainees identified in part (1) completed the qualification undertaken.

Mr Rattenbury: The answer to the member's question is as follows:

(1) Education and training at the Alexander Maconochie Centre (AMC) is outsourced to an external provider. This provider is only required to keep statistics in line with Report on Government Services (ROGS) rules. A running total of enrolments is kept, as distinct from a record of enrolments as they occur.

It should be noted firstly that the following figures are averages, and secondly that detainees may be enrolled in more than one course at any given time.

In 2011-12, an average of 209 detainees per month were enrolled in further education and/or vocational qualifications at the AMC.

In 2012-13, an average of 199 detainees per month were enrolled in further education and/or vocational qualifications at the AMC.

In the current financial year to the end of January 2014 (data is not available for February 2014), an average of 210 detainees per month were enrolled in further education and/or vocational qualifications at the AMC.

(2) The following figures are based on monthly averages; the completion rates below relate to certificates of participation, certificates of attainment and full certificates. Several detainees otherwise not included in these figures will have completed one or more units of certificates, some of whom will not have been able to complete entire courses due to short sentence length. Further, these figures do not include non-accredited education programs, such as Induction and First Aid.

In 2011-12, a monthly average of 91 detainees completed further education and/or vocational qualifications at the AMC. (Note that this was based on January to June 2012 data only; data for July to December 2011 is unavailable).

In 2012-13, a monthly average of 69 detainees completed further education and/or vocational qualifications at the AMC.

In the current financial year to the end of January 2014 (data is not available for February 2014), a monthly average of 64 detainees completed further education and/or vocational qualifications at the AMC.

The relatively low completion rates, in comparison to enrolments, can be the result of a range of factors, including remandees being bailed or released from custody before completion, slow progress by detainees in completing course requirements or a failure to complete course requirements. The reporting requirements against completion rates by the external provider were designed to align with the ROGS reporting rules. As contracts between the external provider and ACT Corrective Services have developed over time, additional reporting requirements have been included to better capture a more comprehensive picture of completions.

Alexander Maconochie Centre—drug interceptions (Question No 240)

Mr Wall asked the Minister for Corrections, upon notice, on 26 February 2014:

(1) How many times were drugs intercepted at the Alexander Maconochie Centre upon visitor entry to the facility during the period (a) 1 January to 31 March 2013, (b) 1 April to 30 June 2013, (c) 1 July to 30 September 2013, and (d) 1 October to 31 December 2013.

(2) How many of these interceptions were detected by (a) sniffer dogs, (b) x –ray machines, or (c) physical search.

(3) What action was taken on each occasion.

Mr Rattenbury: The answer to the member's question is as follows:

The data in table 1 includes the number of times drugs and drug paraphernalia were intercepted upon entry to the AMC. The data relates to interceptions of drugs by visitors within the confines of the centre, which includes in the visitor car park, in admission to the centre and in the visits areas within the centre.

Searches for drugs upon entry to the centre are conducted by the K9 Unit (sniffer dogs). The sniffer dogs are a positive deterrent to contraband entering the centre, on occasions visitors to the centre will arrive to the car park and leave when they see the sniffer dogs.

In addition, Custodial Officers can also intercept contraband on entry to the AMC. Custodial Officers can also be directed to search a visitor via a scanning search, frisk search or ordinary search of a visitor at the AMC if they suspect, on reasonable grounds, that the visitor is carrying, a prohibited thing; or anything else that creates, or is likely to create, a risk to the personal safety of anyone else; or security or good order at the centre.

Contraband can be detected within the centre by physical search and/or detection by Custodial Officers. The data captured in table 1 includes interception by physical search and/or Custodial Officer detection.

Please note that x-ray machines do not detect drugs.

Table 1

Timeframe		Number of times drugs were intercepted upon visitor entry to the AMC by sniffer dogs	Number of times drugs were intercepted upon visitor entry to the AMC by physical search
(i)	1 January to 31 March 2013	6	0
(ii)	1 April to 30 June 2013	0	0
(iii)	1 July to 30 September 2013	2	2
(iv)	1 October to 31 December 2013	6	2

If visitors to the AMC are found to have contraband they are not permitted to enter the centre for their visit. On each occasion referenced above, the matter was referred to the AFP.

In accordance with the *Corrections Management (Possession of Prohibited Things) Policy 2012*, any person attempting to introduce a non-authorised prohibited thing into the AMC or found in the possession of a non-authorised prohibited thing, may be subject to one or more of the following conditions, as directed by the Area Manager (in consultation with the Deputy General Manager):

- ask that the person dispose of the article;
- ask that the person return the article to a secured locker or vehicle;
- confiscate the article in accordance with the *Seizure of a Prohibited Thing Procedure*;
- deny a contact visit;
- deny a visit of any type;
- ask the person to remove him or herself from the correctional centre immediately (non compliance may result in removal from the correctional centre in accordance with the *Use of Force Policy and Use of Force Procedure*).

If applicable, a person's visitor status may be reviewed and revoked by the General Manager, Custodial Operations.

Alexander Maconochie Centre—behavioural breaches (Question No 241)

Mr Wall asked the Minister for Corrections, upon notice, on 26 February 2014:

What is the total number of (a) emergency code calls made, (b) assaults on correctional officers, and (c) prisoner behavioural breaches recorded at the Alexander Maconochie Centre for the period (i) 1 January to 31 March 2012, (ii) 1 April to 30 June 2012, (iii) 1 July to 30 September 2012, (iv) 1 October to 31 December 2012, (v) 1 January to 31 March 2013, (vi) 1 April to 30 June 2013, (vii) 1 July to 30 September 2013, and (viii) 1 October to 31 December 2013.

Mr Rattenbury: The answer to the member's question is as follows:

(a) Please find below data on the total number of emergency code calls made at the Alexander Maconochie Centre for the following timeframes.

Timeframe		Total number of emergency code calls made
(i)	1 January to 31 March 2012	69
(ii)	1 April to 30 June 2012	60
(iii)	1 July to 30 September 2012	60
(iv)	1 October to 31 December 2012	66
(v)	1 January to 31 March 2013	67
(vi)	1 April to 30 June 2013	39
(vii)	1 July to 30 September 2013	58
(viii)	1 October to 31 December 2013	66

(b) Assaults in custody are reported annually in the Report of Government Services (ROGS) report. The 2011-12 ROGS data states 0.8 assaults on correctional officers per 100 detainees in the ACT. The 2012-13 ROGS data states that there were zero assaults on correctional officers per 100 detainees in the ACT. This equates to two assaults in the timeframe requested.

ROGS defines 'assaults in custody' as the number of victims of acts of physical violence committed by a prisoner that resulted in physical injuries reported over the year, divided by the annual daily average prisoner/detainee population, multiplied by 100 (to give the rate per 100 prisoners or 100 detainees). Rates are reported separately for assaults against another prisoner/detainee and assaults against a member of staff.

The below data is provided using the ROGS reporting rules.

Timeframe		Number of assaults on Correctional Officers
(i)	1 January to 31 March 2012	0
(ii)	1 April to 30 June 2012	2
(iii)	1 July to 30 September 2012	0
(iv)	1 October to 31 December 2012	0
(v)	1 January to 31 March 2013	0
(vi)	1 April to 30 June 2013	0
(vii)	1 July to 30 September 2013	0
(viii)	1 October to 31 December 2013	0

(c) This question refers to the number of behavioural breaches recorded at the Alexander Maconochie Centre. Please note that ACT Corrective Services has defined 'behavioural breaches' as 'disciplinary breaches' as defined in the *Corrections Management Act 2007*. Disciplinary breaches are wide ranging and can include breaches such as contravening a direction given by a Custodial Officer, to fighting or assaulting someone.

Timeframe		Number of disciplinary breaches
(i)	1 January to 31 March 2012	107
(ii)	1 April to 30 June 2012	145
(iii)	1 July to 30 September 2012	90
(iv)	1 October to 31 December 2012	102
(v)	1 January to 31 March 2013	102
(vi)	1 April to 30 June 2013	183
(vii)	1 July to 30 September 2013	159
(viii)	1 October to 31 December 2013	154

Parking—infringement notices (Question No 244)

Mr Hanson asked the Attorney-General, upon notice, on 26 February 2014:

(1) In relation to the Justice and Community Safety 2012-13 Annual report (page 104) referring to Parking 2010-13, in each of the three financial years 2010-11, 2011-12 and 2012-13, how many of the parking infringement notices (PINs) were (a) paid in full, and (b) not paid because (i) the notice was withdrawn, (ii) the matter was dismissed in court, (iii) the vehicle had interstate registration, (iv) the vehicle had diplomatic registration, and (v) any other reason.

(2) What is the cost of issuing a PIN which (a) is paid without further ORS action, (b) is subsequently withdrawn by ORS, and (c) ends up at a court hearing.

Mr Corbell: The answer to the member's question is as follows:

Question (1)

	2010 - 2011	2011 - 2012	2012 – 2013
(a) Paid in Full	85,477	83,733	88,971
(i) Withdrawn	2,782	5,119	6,954
(ii)Dismissed in court	52	42	18
(iii)Interstate	3,232	2,939	3,221
(iv)Diplomatic	1	2	0
(v) Other	1,074	1,088	1,544

Note: infringements are live records and information contained above will change over time.
Note: the numbers differ to those in the annual report as these detailed figures have been taken from Rego ACT and the figures relate to action taken in each financial year even if the PIN was issued in a different year.

Question (2)
The Directorate does not maintain financial information on a unit cost basis as requested. However, indicative cost estimates are provided below:

(a)is paid without further ORS action	Approximate unit cost - $43
(b)subsequently withdrawn by ORS	Approximate unit cost - $47[1]
(c)ends up at a court hearing	Approximate unit cost - $51[2, 3]

Note:

1 The indicative additional costs for parking operation review and subsequent withdrawal of infringement by ORS is averaged across all estimated infringements issued.

2 The indicative additional costs for parking operation review and resources associated with matters that result in a court hearing is averaged across all estimated infringements issued.

3 In addition to the approximate unit cost shown, each matter that ends up at a court hearing will result in further costs; for example court hearing and DPP costs.

Government—international air fares (Question No 245)

Mr Coe asked the Chief Minister, upon notice, on 26 February 2014:

How many international airfares were purchased by each Directorate in the (a) 2012-13, and (b) 2013-14 to-date financial years.

Ms Gallagher: The answer to the member's question is as follows:

The table below shows the number of international airfares purchased by each Directorate in the (a) 2012-13, and (b) 2013-14 to date financial years:

Directorate	**Financial Year 2012-13**	**Financial year 2013-14 (to date)**
Chief Minister and Treasury	5	3
Territory and Municipal Services	0	0
Environment and Sustainable Development	0	0
Economic Development	10	8
Health	15	13
Justice and Community Safety	10	9
Commerce and Works	2	2
Community Services	0	0
Education and Training	125	94
Capital Metro	0	0
Total	**189**	**138**

Housing ACT Joint Champions Program—advertising (Question No 251)

Ms Lawder asked the Minister for Housing, upon notice, on 18 March 2014:

(1) How much has the advertising for the Housing ACT Joint Champions Program cost for this term and last term.

(2) In relation to the 2014-16 term (a) what advertising methods were used by the Government to advertise the Program, (b) how much did each of these advertising methods cost, and (c) how many applications have been received for the Housing ACT Joint Champions Group.

(3) What are the outcomes of this Program and how do you measure them.

(4) How much is the payment which is made to the members of this Group for attending the meetings.

(5) How many people will make up the Program for the 2014-16 term.

(6) How many people made up the Program in previous terms.

(7) Are previous ACT Joint Champion Group members eligible to be a part of the Program for more than one term; if so, how many people remain for more than one term.

Mr Rattenbury: The answer to the member's question is as follows:

(1) Total cost of advertising for the 2012-14 JCG = $ 7,292.22
Total cost of advertising for the 2014-16 JCG = $ 10,011.88

(2) (a) Advertising was conducted through The Chronicle, The Canberra Times and the Koori Mail, and an Expression of Interest information package sent to all public housing tenants. An article was also placed in the tenants newsletter and an advertisement was placed on the Community Services Directorate website.

(b) Advertising costs:

	2014-16
Newspaper advertisements	$1,344.46
Mail out to tenants	$8,667.42
Total	$10,011.88

(c) 67 Expressions of Interest have been received for the 2014-16 Joint Champions Group term.

(3) No measurable outcomes are required by the ACT Joint Champions Program as it is a consultative tenant participation program. The Group provides input and advice to Housing ACT on service delivery issues and works with Housing ACT to identify solutions. A recent example is the group provided valuable input into the program of works to implement the Safety and Security for Older people in public housing initiative.

(4) Members are reimbursed $50.00 per person per session to cover their travel expenses and time.

(5) Approximately 30 members will be selected for the 2014-16 term.

(6) 2012-14 – 26 members
2009-11 – 80-100 members
2007-09 – 87 members

(7) Yes, previous ACT Joint Champions Group members are eligible to participate for more than one term. It was agreed by the 2012-14 ACT Joint Champions Group members that half the membership in 2014-16 would comprise previous members to ensure continuity of the group.

Housing—conditional termination and possession orders (Question No 252)

Ms Lawder asked the Minister for Housing, upon notice, on 18 March 2014:

(1) How many ACT Housing tenants are currently under conditional termination and possession orders (CTPOs).

(2) How many ACT Housing tenants are put under CTPOs each year, on average.

(3) Since the time frame of 12 months was introduced to the CTPOs in 2005, how many ACT Housing tenants have breached the conditions and been evicted from their premises.

(4) How many ACT Housing tenants owe rent in arrears.

(5) What is the average rent outstanding.

(6) What is the most that any one tenant owes to ACT Housing.

(7) How long on average does it take for a tenant to catch up on their rental arrears.

(8) In the last 5 years, how many ACT Housing tenants have been issued with a CTPO which has lead to their eviction because they have not been able to catch up on their arrears within 12 months.

(9) How many tenants who are currently on CTPOs are at risk of breaching them by not being able to repay their arrears within the 12 month time frame.

(10) How many tenants have sought an extension of time to repay arrears past 12 months.

(11) Of those who have sought an extension, how many extensions have been granted.

Mr Rattenbury: The answer to the member's question is as follows:

(1) 104 tenants are currently subject to a CTPO.

(2) From 2008-09 to 20012-13 an average of 61 tenants were subject to a conditional termination and possession order.

(3) Data from 2005 is not readily available, however since 1 July 2008 the ACT Civil and Administrative Tribunal (ACAT) has ended 58 tenancies where a conditional order had been breached. Whilst the 12 months was introduced in 2005, the ACAT Member determines the time frame for repayments.

(4) At 17 March 2014, 1463 public housing tenants were in debt.

(5) At 17 March 2014 the average rental debt outstanding was $919.16.

(6) At 17 March 2014 the largest outstanding rental debt is $12,484.43.

(7) Housing ACT negotiates repayment agreements with tenants who are in arrears to repay arrears as quickly as possible, taking into consideration their income and circumstances at the time. The time taken to repay rental arrears depends on the amount of arrears, the income of the tenant, other circumstances that may impact on their repayment capacity and the sustainability of the repayment agreement.

Housing ACT tenants do not pay more than 30% of their income on rent and debt repayments, as this is regarded as the threshold after which tenants are in housing stress. Housing ACT encourages tenants to pay at least $15 per week to repay arrears. This means that for larger debts, tenants can enter into repayment agreements stretching over several years, whilst for smaller debts, the repayment agreements can only be for a shorter time.

(8) See answer to Question (3).

(9) Not all tenants have a twelve month agreement. See answer to questions (3) and (7). Any tenant who does not comply with a CTPO would be at risk, however Housing ACT cannot speculate on whether tenants who are currently on a CTPO are likely to breach the order. Where a tenant on a CTPO has breached the repayment requirements (including the period of repayment imposed by the ACAT) Housing ACT may refer the matter back to the ACAT for a new CTPO.

(10) This information is kept on individual tenant files and is not easily retrievable. If a tenant was to seek an extension of time, Housing ACT would negotiate with tenants depending on their income and other circumstances that may impact on their repayment capacity.

(11) See answer to question (10)

Roads—driving offences (Question No 253)

Mr Wall asked the Minister for Police and Emergency Services, upon notice, on 19 March 2014 *(redirected to the Attorney-General)*:

(1) How many drivers have been charged with dangerous driving offences, including reckless driving and burnouts since 1 June 2013.

(2) In what suburb did the offences occur.

(3) How many vehicles have been impounded or confiscated as a result of these charges.

(4) What is the (a) longest and (b) shortest period a vehicle has been confiscated or impounded as a result of offences in part (1).

(5) How many drivers have been fined as a result of these offences.

(6) What is the total amount of revenue collected from fines as a result of these offences.

Mr Corbell: The answer to the member's question is ACT Policing records show the following:

(1) Number of charges for dangerous and negligent driving offences:

Dangerous and negligent driving offences	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	*Mar-14	Total
Burnout Vehicle	0	0	0	0	1	0	0	0	0	0	1
Drive knowing other may be menaced	0	0	0	0	1	0	0	0	0	0	1
Drive with intent to menace	2	0	0	0	1	0	0	0	0	1	4
Furious/reckless/dangerous driving	11	3	4	5	5	5	7	7	1	2	50
Negligent driving - other than death/injury	4	2	1	3	2	1	4	5	1	3	26
Negligent driving-occasioning death or grievous bodily harm	2	1	1	2	3	1	1	1	0	1	13
Organise/promote/take part in race - vehicle	1	0	0	0	0	0	0	0	0	1	2
Total	**20**	**6**	**6**	**10**	**13**	**7**	**12**	**13**	**2**	**8**	**97**

*Figures are month to date as at 23 March 2014.

(2) *(Answer available at the Chamber Support Office).*

(3) The number of vehicles seized from 1 June 2013 until 25 March 2014 was 33.

(4) The longest period that a vehicle was seized for, was 12 months. However, this was due to the owner failing to collect the vehicle. The shortest period was 23 days.

(5) Number of Traffic Infringement Notices (TINS) issues for dangerous and negligent driving offences.

TINS	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	*Mar-14	Total
Burnout	10	9	11	5	6	14	2	9	6	3	75
Negligent Driving	18	12	15	12	18	11	12	9	12	6	125
Total	**28**	**21**	**26**	**17**	**24**	**25**	**14**	**18**	**18**	**9**	**200**

*Figures are month to date as at 23 March 2014.

(6) Number of TINS issued for dangerous and negligent driving offences – by penalty amount.

Penalty amount	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	*Mar-14	Total TIN Amount
Burnout	$4,670.00	$4,797.00	$5,863.00	$2,665.00	$3,198.00	$7,462.00	$1,066.00	$4,797.00	$3,198.00	$1,599.00	$39,315.00
Negligent Driving	$4,312.00	$3,276.00	$4,095.00	$3,276.00	$4,914.00	$3,003.00	$3,276.00	$2,457.00	$3,276.00	$1,638.00	$33,523.00
Total TIN Amount	$8,982.00	$8,073.00	$9,958.00	$5,941.00	$8,112.00	$10,465.00	$4,342.00	$7,254.00	$6,474.00	$3,237.00	$72,838.00

*Figures are month to date as at 23 March 2014

Motorcycles—illegal trail bike riding (Question No 254)

Mr Wall asked the Minister for Police and Emergency Services, upon notice, on 19 March 2014 *(redirected to the Attorney-General)*:

(1) How many offences have been recorded relating to illegal trail bike riding during (a) 2012, (b) 2013, and (c) to date.

(2) In what suburb did these offences occur.

(3) How many individuals have been fined as a result of these offences.

(4) What is the total amount of revenue collected from fines as a result of these offences.

Mr Corbell: The answer to the member's question is as follows:

ACT Policing has advised that information specifically identifying the use of trail bikes in motor vehicle offences is not a feature of current Australian Federal Police record management systems. Investigating each of the thousands of traffic infringement notices issued during 2012, 2013 and 2014 (YTD) would require a significant number of police resources. Where a motor cycle is identified as being involved in a traffic offence, further manual investigation of the make and model would have to be undertaken to identify it as a trail bike. As such, I am unwilling to authorise ACT Policing to divert significant resources to obtain the information required.

Transport—light rail (Question No 255)

Mr Coe asked the Minister for the Environment and Sustainable Development, upon notice, on 20 March 2014:

(1) What is the updated cost of construction of the Capital Metro light rail system.

(2) What is the current timeline for the commencement and completion of construction.

(3) How much money has been spent on the light rail project to date.

(4) What are the projected operating costs of the light rail system.

Mr Corbell: The answer to the member's question is as follows:

(1) The updated cost of construction is subject to government consideration.

(2) It is anticipated that a construction contract would be awarded by the second quarter of 2016, with construction commencing the same year. It is currently not known when the construction phase will be complete. This will be guided by the industry engagement/market sounding.

(3) The following money has been spent by the Environment and Sustainable Development Directorate on light rail:

2011/12	$1,077,000
2012/13	$535,000
2013/14	$149,000

Capital Metro Agency was established on 1 July 2013 and as at 20 March 2014 has spent $2,205,000.

(4) Projected operating costs are subject to government consideration at this time.

Libraries ACT—books
(Question No 257)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 20 March 2014:

How many books have been (a) acquired, and (b) disposed of, by Libraries ACT in the (i) 2012-13, and (ii) 2013-14 to date financial years.

Mr Rattenbury: The answer to the member's question is as follows:

(1) In the 2012-13 financial year, Libraries ACT:

(a) acquired 100,056 items; and
(b) disposed of 84,299 items.

In the 2013-14 financial year to date, Libraries ACT:

(a) acquired 69,323 items; and
(b) disposed of 95,051 items.

Items include books, CDs, DVDs, reference material, publications, magazines etc.

Planning—completion extensions
(Question No 258)

Mr Smyth asked the Minister for the Environment and Sustainable Development, upon notice, on 20 March 2014:

(1) Can the Minister provide a list of all approved extension of completion applications made under section 207 of the Planning and Development Regulation 2008.

(2) For each approved extension, can the Minister provide the (a) date of extension commencement, (b) date of extension conclusion, and (c) value of fees waivers.

Mr Corbell: The answer to the member's question is as follows:

(1) The Environment and Sustainable Development Directorate have received and approved one extension of completion application made under section 207 of the *Planning and Development Regulation 2008*.

(2) Due to privacy this information is not available.

Taxation–stamp duty concessions
(Question No 259)

Mr Smyth asked the Treasurer, upon notice, on 20 March 2014:

(1) Does the Territory provide stamp duty concessions for holders of (a) a Pensioner Concession Card, (b) a Health Care Card, (c) a Commonwealth Seniors Health Card, and (d) a DVA Gold Card; if not, why not.

(2) What is the estimated revenue foregone should the Territory offer such concessions.

(3) Can the Minister provide a list of other jurisdictions that provide stamp duty concessions for the abovementioned card holders.

Mr Barr: The answer to the member's question is as follows:

(1) The Territory provides stamp duty concessions for holders of (a) a Pensioner Concession Card and (d) a DVA Gold Card. The Territory does not provide stamp duty concessions for holders of (b) a Health Care Card or (c) a Commonwealth Seniors Health Card.

(2) When assessing duty transactions the ACT Revenue Office does not seek information as to whether the taxpayer has (b) a Health Care Card or (c) a Commonwealth Seniors Health Card. Therefore, it is not possible to estimate revenue foregone should the Territory offer concessions for such card holders.

(3) NSW, SA, TAS, QLD and WA do not provide concessions for holders of (a) a Pensioner Concession Card, (b) a Health Care Card, (c) a Commonwealth Seniors Health Card, or (d) a DVA Gold Card. Victoria provides a duty concession for all four card holders. The Northern Territory has a Senior, Pensioner & Carer Concession for duty.

Questions without notice taken on notice

Canberra—centenary

Ms Gallagher *(in reply to a question and a supplementary question by Mr Doszpot on Wednesday, 26 February 2014)*: The financial instrument for the rollover of undisbursed appropriation from 2012-13 to 2013-14 under section 16B of the Financial Management Act 1996 that was tabled by the Treasurer in the Legislative Assembly on 25 February 2014 included an amount of $849,000 for the Centenary of Canberra. The accompanying statement of reasons noted that this amount reflected an alignment of payments with programmed activities and events and the rollover was required to make payments when they fell due.

The rollover amount of $849,000 differs from the amount of $822,000 included in the half yearly performance report 2013-14 for Output 1.4 Coordinated Communications and Community Engagement, which included the Centenary of Canberra as well as other activities under Output 1.4.

The figure of $822,000 is the total variation between the December 2013 year-to-date budget and year-to-date actual results for Output 1.4. As noted in the half yearly performance report this variation largely relates to the timing of expenditure on the Centenary of Canberra program. Of the $822,000 it is estimated that $550,000 related to the Centenary of Canberra program.

I was made aware of this towards the end of October 2013.

Cycling—injuries

Mr Rattenbury *(in reply to a question by Mr Coe on Wednesday, 19 March 2014)*: In response to your question, two databases are maintained by the ACT Government which include information on cyclist safety.

One database is maintained by Territory and Municipal Services Directorate and the other by the Health Directorate.

Both Directorates share this information and report annually on the number of reported cyclists crashes through the 'Patterns of Road Traffic Crashes in the ACT' report that is published on the Justice and Community Safety Directorate website. It should be noted that there is likely to be a high level of unreported crashes in the ACT involving cyclists.

Canberra Hospital—stem cell treatment

Ms Gallagher *(in reply to a supplementary question by Mr Hanson on Wednesday, 19 March 2014)*: I am aware the ACT Health Human Research Ethics Committee (HREC) rejected an initial and an amended stem cell treatment research proposal on ethical grounds. Ordinarily, HREC proceedings are confidential and information about why research protocols are not approved is not released to the public and this would include the Legislative Assembly. However, in this case, in view of the recent publicity in the media and the Legislative Assembly discussion, I consider it reasonable to release general information that respects the researchers' and the participants' privacy and confidentiality.

In accordance with the National Statement on Ethical Conduct in Research Involving Humans (the Code), issued by the National Health and Medical Research Council (NHMRC), HREC will require an amendment of or reject a research proposal on ethical grounds when it is not satisfied that a research protocol gives adequate consideration to participants' welfare, rights, beliefs, perceptions, customs and cultural heritage (both individual and collective).

HREC Review of the Initial Stem Cell Treatment Research Proposal

HREC concluded that the initial research proposal failed to satisfy the Code criteria in Research Merit and Integrity. Specifically:

Research Merit and Integrity

- Justifiable by its potential benefit: European study shows limited benefit and high toxicity. Figures report a fatality rate of one percent. HREC agreed the potential harm outweighed the benefit.
- Study design: Figures presented in the application showed the study to be under powered and lacking a sufficient scientific rationale. HREC agreed the study design, as presented, did not satisfy the requirements of Research Merit and Integrity.

Further (unspecified) concerns were raised with regard to Beneficence and Respect. HREC invited the researchers to meet with the committee before resubmitting an amended research proposal.

HREC Review of the Amended Stem Cell Treatment Research Proposal

HREC concluded that the amended research proposal failed to satisfy the Code criteria in Research Merit and Integrity, Justice, Beneficence and also Respect. Specifically:

Research Merit and Integrity
- No justifiable benefit to participants or contribution to knowledge and understanding of the condition being studied.
- Methods not appropriate to achieve aims of proposal.
- No basis in literature or previous clinical trials.

Justice
- Recruitment process not well defined and not supported by Department.

Beneficence
- Potential benefit of participation does not justify risk of harm to participants.
- Study design lacks integrity, does not clarify risks to participants and their welfare.

Respect
- Concern that self-selected patients have been misinformed regarding the nature of the proposed therapy. Specifically, there is limited insight regarding the experimental nature of the therapeutic regimen and therefore the requirement for its evaluation in a well-designed clinical trial.

I have no reason to question the independent decisions of the HREC. ACT Health has constituted its HREC in accordance with the Code and membership includes an independent chairperson, lay people, current researchers, health care workers from a variety of professions, including medicine, pharmacy, nursing and midwifery, a minister of religion and a lawyer.

It is open to the researchers to put forward a third research proposal for the HREC to consider. The HREC may approve, require amendment of, or reject that research proposal on ethical grounds and it will do so once it is sufficiently informed on all aspects of the research protocol (including its scientific and statistical validity) that are relevant to deciding whether the research protocol conforms with the Code and is acceptable on ethical grounds.