Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

EIGHTH ASSEMBLY

15 MAY 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.

Petition

The following petition was lodged for presentation, by **Mrs Jones**, *from 209 residents*:

Waramanga shops—postbox

> **To the Speaker and Members of the Legislative Assembly**
>
> **Move the Post Box at Waramanga Shops**
>
> This petition of residents of the Australian Capital Territory calls on the Legislative Assembly to have the Post Box at Waramanga shops moved from its recently repositioned location near the phone box, back to the Newsagent on the lower, car park level on the main strip of shops, closer to where it was before the shops were upgraded.
>
> Petitioners therefore request the Assembly to **move the Post Box back to the area it was in before the shops upgrade**.

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

MRS JONES (Molonglo), by leave: I rise to speak in support of this petition regarding the current location of the Australia Post postbox at Waramanga shops. The petition has been signed by 209 local residents who would like the location of the postbox to be reassessed. Residents of Waramanga have raised with me over and over their concerns regarding the placement of the postbox after recent upgrades of the shopping precinct.

I remember doorknocking Waramanga in the 2010 federal campaign and local residents commenting to me that consultation for the upgrade had been undertaken some seven or eight years prior, and they were somewhat frustrated that the upgrade had not yet occurred. So when the upgrade of these popular local shops was finally undertaken in February 2013, locals were indeed happy, and largely they still are, so it is not all doom and gloom.

However, during the upgrade the postbox was repositioned from a spot close to the newsagency to the far end of the shops at the bottom of the ramp which assists those with mobility issues to access the shops from the car park. However, in moving the box, it has been moved further away from the newsagency and the Australia Post service that they provide.

The distance from the newsagency, while not a long distance, is clearly a difficulty for quite a few residents because the matter has been raised with me on numerous occasions. Some local shop owners are frustrated, so they decided to host this petition. The petition calls on the Assembly, and indeed the minister responsible for local shop upgrades, Minister Rattenbury, to do what is necessary to have the postbox moved back to a position closer to the newsagency.

One possible solution that has been recommended to me is to put the postbox onto the upper level, which is where the shops and newsagency are, because it has access from Damala Street, allowing pedestrians with ambulatory issues a flat walk from the footpath to the postbox.

One resident has expressed the view that the new location allows the postal van to collect from a back alley. However, this could also be achieved with collection from Damala Street. The following are comments by local residents about the concerns that they currently have. Jean said:

> During last year's upgrades to the Waramanga Shopping Centre, the post box was repositioned in an area well away from the Newsagency and Post Office, making it necessary for aged and frail people to walk quite a distance to post mail after visiting the post office.

Cheryl said:

> It is a nuisance and a number of people are not sure where it has gone. I have been asked on many occasions—where is the post box? After purchasing stamps etc it is unnecessary to be made to walk to the other end of the shops to post your letter, especially for our older residents. It must also be harder for the collection from the box.

Irena said:

> While it was nice to have the shops and area refurbished, the relocation of the post box is most inconvenient.
>
> It does not make sense to have it at the other end of the shops, well away from the Post Office.

Kathy wrote:

> I think it would be great to see the post box being moved back to its original position. We found its new home very inconvenient. It pleases me most that the community has been heard and action is taking place to correct this mistake.

Caroline wrote:

> The best thing about Waramanga is that the shops are so visible, but why disadvantage the post office?

Terry wrote:

> The post box adds to the traffic load where it is now. People have to park in the car park, rather than park in Damala St and walk like they used to.

While we are on the upgrade, one other concern that has been raised during the process of the collation of this petition was described by Anne, who said:

> During the recent renovation the pillars for the roof of the walkway were not touched. They are all in desperate need of painting, being very scruffy. But of more concern is the pillars in front of the Spar Supermarket. During heavy rain, water runs down them, both inside and outside the pillars. This causes bad rust staining in the newly laid paving. Presumably it also means that the guttering and downpipes are damaged or inadequate. One of those pillars has a hole made in its bottom leaving a jagged flap of metal.

I would also like to note for the minister that some of the pavers that were laid as part of the upgrades are now uneven and present a trip hazard at the front of the newsagency.

Local residents are glad that the shops were finally upgraded and have many good things to say. However, the location of the postbox remains a key issue that many locals would like to see resolved. I will leave it to the minister to come back to this place with a response as to what can be done to complete the improvements to this amenity that the recent upgrade was intended to achieve.

Mental Health (Treatment and Care) Amendment Bill 2014

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (10.07): I move:

> That this bill be agreed to in principle.

I am pleased to introduce the amendment bill for the ACT Mental Health (Treatment and Care) Act 1994. The bill is the latest step in the ACT government's ongoing commitment to better mental health services for the people of the ACT. The history of reform in mental health legislation has been to a significant extent a history of growing recognition of the human rights of people with mental illness, and this bill is no exception.

Internationally, reviews of mental health legislation have been needed to keep pace with changes in the context of mental health service delivery, including the advent of a recovery approach in service delivery, which supports mental health consumers to identify and pursue their own goals in regaining and maintaining mental health, as well as changes in the human rights context.

Additionally, in the ACT regional growth has determined a need to provide an increased range of mental health services locally, including more comprehensive forensic mental health services which require a legislative framework. An extensive review of the Mental Health (Treatment and Care) Act has been underway in the ACT in line with recent reviews in other Australian jurisdictions and other countries.

At the beginning of the review of the act, the ACT government made it clear to the community that we wanted a thorough review that involved mental health consumers, carers and other stakeholders. It has been a long and thorough process. One stakeholder who has been a significant contributor to the review since its beginning recently commented that the resulting act will truly be community legislation, such has been the level of involvement of stakeholders and opportunities for members of the public to contribute.

The ACT review has been guided by an advisory group of over 40 stakeholders, including mental health consumers and carers, advocacy groups and agencies responsible for implementing the act. This group has persevered in guiding significant change.

The review began in 2006 with the release of the first discussion paper for public consultation. In November 2007 an options paper was released which examined in more detail issues including the relationship in mental health legislation between voluntary and involuntary treatment and care, advanced directives and forensic mental health.

During 2008 and 2009 the review advisory group examined the complex issues around decision-making capacity, supported and substituted decisions, and assessment of a person's decision-making capacity in the context of mental illness and as a criterion for involuntary treatment orders. Currently, risk to self or others is the main criterion for making mental health orders. Internationally, advances in human rights frameworks are driving a change towards capacity-based mental health law. This work led to the 2009 public consultation on these issues through a framework paper.

As you will see, the ACT review has embraced this change but this approach is tempered with caution. At the same time, a specific forensic mental health options paper was released. The paper, together with feedback from stakeholders and the public, underpins the forensic mental health amendments presented today.

In August 2012 the Attorney-General and I agreed to the release of a paper titled "First exposure draft of the mental health amendment bill for public comment." Early in the review we had agreed that the proposed amendments to the Mental Health (Treatment and Care) Act would go through a two-stage exposure draft process so the community and stakeholders could be confident that their contributions had been taken into account.

The two-stage exposure draft process and public consultation was complemented by meetings with stakeholder groups, briefings to members of the Legislative Assembly and an iterative process with a review advisory group. The time taken for the review compares with contemporary reviews in larger jurisdictions that have been considering a similar magnitude of change.

Changes in the human rights context include the advent of the ACT Human Rights Act 2004 and the Australian government's ratification of the United Nations Convention on the Rights of People with Disabilities in 2008. The most significant change happening in mental health internationally is the inclusion of decision-making capacity as a criterion to decide whether people make their own decisions about treatment.

Decision-making capacity is a familiar concept as the basis for deciding guardianship orders. In the ACT risk will continue to be considered but it will need to be at a high level if it is to override an assessment that the person has the capacity to make their own decision.

Similar changes are happening across Australia and elsewhere in the world. In the ACT the proposed amendments provide that the operation of the decision-making capacity criterion will be kept under scrutiny and formally reviewed after three years of operation of the act. Other proposed changes which will increase the consumer's voice in their own treatment include legal recognition of advanced consent directions and the opportunity to appoint a nominated person who knows the person's wishes and can advocate for them when they become unwell.

Advance consent directions are an agreement made with the treating team when a person is well and has capacity about the treatment they want and do not want if or when they become unwell. In addition, people who lack decision-making capacity at the time of treatment but who do not refuse the treatment will be treated under guardianship or power of attorney. These provisions avoid placing a person on an involuntary mental health order when they are not refusing treatment.

Other changes support a closer working relationship between clinicians, carers and consumers in delivering mental health services. Carers often have a big role when a family member has a mental illness, particularly if the illness is ongoing or involves repeated episodes of illness. Carers need support including information to enable them to provide safe and effective care. It can be challenging to adequately support carers and at the same time provide necessary protection for a consumer's right to privacy. We believe the new provisions get this balance right.

New provisions are proposed for people with mental illness who are involved in the justice system either because their illness leads to offending behaviour or because they have become ill while detained. The provisions will help to ensure equal access to treatment for this often stigmatised group and provide greater oversight of treatment.

New forensic mental health orders will provide a high level of oversight including additional opportunity for review by the ACT Civil and Administrative Tribunal where a person's illness results in offending behaviour that constitutes a significant risk to the public.

Legal protections currently afforded to victims of crime have not previously been available in the ACT to those affected by the offending behaviour of someone found unfit to plead or not guilty because of mental impairment.

Under the new provisions, people who have been adversely affected in this way will enjoy similar rights to those available to victims of crime. This includes information about where the offending person is in custody or released and being represented, for example, when conditions are being considered as a part of a person's discharge, including where the person may live.

A key aspect of increased ACAT scrutiny is the immediate and monthly review of people detained in custody who are found not guilty because of mental impairment or who are found unfit to plead. The amendments retain the ability for courts to order that a person be detained in custody potentially over an extended period of time after the end of the criminal process where the circumstances demand it and there is no other available reasonable option.

Review of detention will require consideration of the person's need for the most therapeutic environment and the need to protect public safety. The government has agreed that where a person is being transferred from a corrections detention to a health facility for mental health treatment the person's legal custody will be the responsibility of the Health Directorate.

However, these measures are intended to come into force with the commissioning of the new secure mental health unit where appropriate secure accommodation will be available for this client group. Further amendments will be introduced in the Assembly at that time to give effect to this policy.

This change will mean that the same authority is considering both therapeutic needs and security needs of the person when setting security levels. The Minister for Corrections addressed the Assembly on 8 April 2014 confirming that it is the government's intention to introduce the new transfer of custody arrangements in time for the commissioning of the new unit rather than have unenacted provisions sitting on the statute books until 2016.

In the meantime, a further bill is also planned for introduction later in 2014 timed to come into operation with the current bill. It will address transitional arrangements such as how treatment orders made under the current act are recognised after enactment of the new provisions and any other outstanding matters such as provisions for interstate transfer which need to align with the outcomes of simultaneous reviews in other jurisdictions.

In closing, Madam Speaker, I would like to acknowledge a number of people who have shown considerable commitment to the review process. I would especially like to thank David Lovegrove, representing the Mental Health Consumer Network, who has provided extensive input throughout the review.

I also acknowledge members of the review advisory committee, the staff of the Mental Health Community Coalition, representatives at Carers ACT, Linda Crebbin as Children and Young People Commissioner and President of ACAT and other representatives of the Human Rights Commission, Ron Cahill for his support when he was Chief Magistrate, representatives of the Disability ACT, the Aged and Carer Advocacy Service, Advocacy for Inclusion, Legal Aid and the Youth Coalition of the ACT.

In addition, I acknowledge the Victims of Crime Commissioner and Dr Peggy Brown in her role as Chief Psychiatrist and now as Director-General of ACT Health, and my colleague Simon Corbell who initiated the review as Minister for Health and who has continued to support it in his role as Attorney-General.

To all of those who have taken part in the various stages of the exposure draft stage over the last eight years, this is an important day today. The new provisions in this bill place the ACT at the forefront of reform for mental health legislation nationally.

The bill reflects the growing capacity of our mental health system which has resulted from the government's ongoing commitment to mental health. I commend the bill to members.

Debate (on motion by **Mrs Jones**) adjourned to the next sitting.

Road Transport 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) (10.19): I move:

> That this bill be agreed to in principle.

I am pleased to present this bill to the Assembly today. This bill amends the Road Transport (Safety and Traffic Management) Act 1999 to introduce the aggravating factors for the offence of furious, reckless or dangerous driving to section 7 of that act. This amendment provides a higher maximum penalty where a person is convicted of the offence of furious, reckless or dangerous driving when one of those aggravating factors is present.

This bill targets high-risk driving behaviour that has the potential to have catastrophic consequences. Currently, such dangerous driving behaviour is only subject to a significant sanction if the driving action results in grievous bodily harm or death to a driver, passenger or other party. In those cases the driver would be charged with the more serious charge of culpable driving. This focus on outcomes rather than the conduct itself results in dangerous conduct not being appropriately punished when serious death or injury has not occurred.

Members would appreciate that it is often by luck alone that dangerous driving behaviours have not resulted in serious injury or death to drivers, passengers or other road users. Therefore, this bill seeks to recognise the seriousness of this high-risk driving behaviour and the sanction that should apply by providing a higher maximum penalty for furious, reckless or dangerous driving when it occurs in certain clearly defined circumstances that pose a clearly greater risk to road users.

The bill will also potentially assist by providing a greater deterrent for this type of dangerous behaviour, as the new higher maximum penalty will apply where a person is a repeat offender.

The aggravating factors for the offence which are introduced by this bill are: failing to comply with a request or signal given by a police officer to stop the vehicle; driving while intoxicated by alcohol or drugs; driving at a speed that exceeds the speed limit by more than 30 per cent; driving with a person younger than 17 years old in the vehicle; driving in a way that puts at risk the safety of a vulnerable road user; or being a repeat offender.

The aggravated factors introduced by the bill have been chosen on the basis that the circumstances involved represent a greater risk to the road-using community than dangerous driving offences where those factors are not present. The one exception to this was the aggravating factor where the driver is a repeat offender. This has been included to discourage offenders from repeating their dangerous conduct and to ensure that there is an appropriate sanction available if they do not.

The aggravating factor of failing to comply with a request or a signal given by a police officer to stop the vehicle addresses the risk posed by drivers who seek to evade police. Driving while evading police represents a greater road safety risk due to the common practice of such drivers travelling at high or unsafe speeds whilst also driving erratically and disobeying traffic signals or lights.

Driving while intoxicated by alcohol or drugs is an aggravating factor due to the increased risk posed by drivers driving whilst intoxicated. This behaviour has been clearly established and recognised as a road safety risk. This is reflected in the serious penalties that apply to persons who are convicted of a drug or drink-driving offence.

The aggravating factor of excessive speeding has been included, given the risk posed by those who drive at high speed. Excessive speeding has been identified in the bill as exceeding the speed limit by more than 30 per cent. This flexible measure reflects the actual risk posed by the speeding driver. For instance, a driver driving furiously, recklessly or dangerously through a 40 kilometres-an-hour school zone at 60 kilometres an hour potentially poses more of a risk to the community than a driver driving 140 kilometres an hour on a 100 kilometres-an-hour road. The 30 per cent measure would see the threshold applied at 52 kilometres an hour in a 40 kilometres-an-hour zone, above 78 kilometres an hour in a 60 kilometres-an-hour zone and above 104 kilometres an hour in an 80 kilometres-an-hour zone.

The aggravating factor of driving with a person younger than 17 years old in the vehicle at the time when the offence was committed reflects that, unlike adult passengers, a child cannot consent to involvement in reckless driving. Furthermore, children are potentially more vulnerable to injury. Older children are also potentially impressionable and may be liable to come to regard the offending driving behaviour as normal or acceptable and perpetuate this in their own driving behaviour.

The final aggravating factor in the bill is that the person was driving in a way that puts at risk the safety of a vulnerable road user. This aggravating factor reflects the disadvantage that vulnerable road users face when interacting with the much larger and faster motor vehicle and the special risk that vulnerable road users are exposed to when faced with furious, reckless or dangerous driving. "Vulnerable road users" have been defined as a road user other than the driver of or passenger in an enclosed motor vehicle. Examples of a vulnerable road user provided in the bill are pedestrians, cyclists, motorcyclists, riders of animals, users of motorised scooters or users of Segways.

The approach to road safety the government has taken in developing this bill has been to consider a range of circumstances in which particular behaviour can compound the risk of dangerous driving. While other jurisdictions have aggravated versions of similar dangerous driving offences, a number of the aggravating factors proposed by this bill are being used for the first time. In particular, the aggravating factors of driving with a passenger under 17 years of age, exceeding the speed limit by 30 per cent and driving in a way that puts at risk the safety of a vulnerable road user are unique to the ACT. This reflects the government's commitment to proactively develop strategies to address road safety issues.

The aggravating factor of driving in a way that puts at risk the safety of a vulnerable road user deserves special attention. Although the term has been adopted in road transport law in Europe and the United States, this bill will be the first time that the term has been used in the ACT. I am also advised that it is considered that it is the first use of the term in Australian road transport law. The inclusion of this aggravating factor reflects the government's focus on ensuring vulnerable road users are appropriately protected, as is fitting given their vulnerable status when compared to occupants of motor vehicles.

The bill provides that the maximum penalty for the offence of furious, reckless or dangerous driving where an aggravating factor is present is 200 penalty units, imprisonment for two years or both. A maximum penalty for the offence without an aggravating factor remains unchanged at 100 penalty units, imprisonment for one year or both. A person convicted of the aggravated offence is also subject to an automatic licence disqualification of 12 months.

The changes made by this bill provide a more appropriate recognition of the seriousness with which the community regards such dangerous driving behaviours and the consequences that should attach to such behaviours. The bill continues the government's ongoing efforts to increase road safety for all Canberrans.

The bill also makes an amendment to the Road Transport (General) Act 1999 that is consequential upon the passage of the Road Transport (Alcohol and Drugs) Amendment Bill which was considered by the Assembly earlier in this sitting. Among the changes made by that bill is the creation of an offence of refusing to undertake an alcohol screening test. This amendment gives a police officer the power to issue an immediate suspension notice to a driver who refuses to undertake a screening test. This note suspends the driver's ability to drive for 90 days. Giving the police the

power to issue an immediate suspension notice to drivers who refuse a screening test will ensure that those drivers are not advantaged over drivers who undertake and fail a test and are issued with a notice by the police officer. I commend this bill to the Assembly.

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

Planning and Development (Symonston Mental Health Facility) 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) (10.28): I move:

> That this bill be agreed to in principle.

I am pleased to present this bill to the Assembly today. The government has identified an immediate need for a medium to low-security mental health facility of approximately 25 beds in the ACT. This bill proposes a number of amendments to the Planning and Development Act 2007 and associated regulation to expedite the construction of such a facility in Symonston. The facility will fulfil a critical role in the treatment and rehabilitation of affected community members. High-security and acute long-term mental health care will continue to be provided in New South Wales.

The bill is in response to a motion that was adopted by the Assembly on 7 August last year. The Assembly confirmed its support for a 25-bed medium to low-security secure mental health facility to be constructed on the former Quamby youth detention site at Symonston. The Assembly also agreed for the project to be fast-tracked and to consider project-specific legislation which would expedite the planning process and allow construction of the facility to commence as soon as reasonably practicable.

This bill therefore delivers that project-specific legislation that will allow for the fast-tracking of the construction of the mental health facility. The bill proposes a number of amendments to the Planning and Development Act and associated Planning and Development Regulation.

In summary, the amendments allow for two processes to achieve this outcome: firstly, to permit a swift consideration of an amendment to the territory plan to remove any reasonable doubt that a mental health facility can be constructed on the Symonston site; secondly, to remove the ability for persons to apply to the Supreme Court under the Administrative Decisions (Judicial Review) Act, or AD(JR) Act, for review of decisions related to the proposed mental health facility and also to remove third-party ACAT merit review.

I will now explain the proposed amendments in more detail. Territory plan variation, development assessment and appeal processes apply to all geographical areas in the territory. There can be delay in the progress of development if it is necessary to go through the territory plan variation process, which can take up to 18 months to complete, and appeal processes which can take months or even years. To minimise any delay in relation to the construction of this important mental health facility and to ensure that development is fast-tracked, as agreed upon by the Assembly in its debate last August, the bill introduces the concept of a special variation of the territory plan that is specific to the Symonston site only.

The bill inserts a new part 5.3A into the Planning and Development Act. New division 5.3A.2 requires the Planning and Land Authority to prepare an instrument to make a draft plan variation of the territory plan in relation to the Symonston mental healthcare facility. The authority must consult with the National Capital Authority and the public on the draft special variation. Public consultation on the special variation must be for a period of not less than 15 working days. This represents a reduction in the normal public consultation period for a draft territory plan variation from 30 to 15 working days.

However, given the Assembly's agreement to fast-track the development, this reduction is considered a reasonable one. It is considered that 15 working days provides a good balance between reducing delay and still giving the public an adequate period to comment.

Other public consultation requirements remain the same as for a typical draft plan variation. For instance, copies of the draft special variation and any comments made on the variation must be made available for public inspection. These are new sections 85E and 85F. Unlike the process for draft plan variations, the Planning and Land Authority must give this draft special variation to the executive rather than the minister. This is provided for in new section 85G. After consideration, the executive can return the draft special variation to the authority to conduct further consultation or withdraw the variation or approve the special variation.

The bill therefore provides some important safeguards in relation to the special variations for the executive to consider. New section 85I requires that the executive can only make a special variation if the executive has considered the Planning and Land Authority's consultation report, considered that the special variation facilitates the Symonston mental health facility and considers that there is no substantive public policy reason for the facility not to proceed.

The bill is site-specific for the mental healthcare facility and requires the variation to be given to the executive, and for the executive to consider the outcomes of public consultation. The bill provides that the executive may make an instrument to vary the territory plan in relation to the Symonston mental health facility. This is provided for in new section 85H. It can only make the special variation if there has been the required consultation with the NCA and the broader public and the executive considers the special variation will facilitate the mental health facility at Symonston and there is no substantive public policy reason for the facility not to proceed.

As members will see, there are significant safeguards in the bill for the operation of this new legislation. Publication requirements of the commencement of the special variation remain the same as for draft plan variations. The bill provides for a time limit in bringing court proceedings in relation to a special variation. A person may not start a proceeding in court more than 60 days after a variation is made. New section 85L also provides for a 60-day time limit for the commencement of court proceedings on decisions in relation to a development proposal for the development of the mental health facility.

These provisions are aimed at reducing any delay that can be caused by court proceedings. The right remains for someone to start a court proceeding. The bill just puts what is considered a reasonable time limit on the time in which that proceeding must be commenced. The government says this limit is reasonable, given the importance to the territory of building the mental healthcare facility as soon as possible.

Importantly, the bill also provides two additional measures to provide certainty for the delivery of this important community facility. Firstly, if the executive approves the special variation and it takes effect, any subsequent development proposal approvals within the Symonston site will not be subject to third-party ACAT merit review. A third party will not be able to challenge a development approval decision on a merits review basis.

Secondly, the bill makes clear that there will be no avenue to challenge a development approval for projects within the Symonston site under the Administrative Decisions (Judicial Review) Act. The only avenue for challenge on such matters will be to the Supreme Court under common law, and then only on questions of law or procedure. The removal of the application of the AD(JR) Act will apply for a limited period of five years unless extended by regulation. The restriction will not apply to approval decisions made after this period. This is done to ensure, as far as appropriate, the proposals in the area are not delayed through litigation and the approval decisions are final and not able to be varied. It is the government's view that these limitations on merits and judicial review are appropriate.

The bill provides many opportunities for the community to comment on the proposed mental health facility at the Symonston site. In addition to the consultation opportunities I have just described for the special variation, any development application for the facility will be subject to public notification following the usual requirements under the Planning and Development Act. People may make representations about the development application during public notification, and these representations must be taken into account when a decision is made on the development application.

I am pleased to be presenting this bill today. It fulfils commitments made by the government and honours an agreement reached in the Assembly last year to fast-track the development of this facility in a responsible way and within the existing planning processes for what is a much-needed, new, secure mental health facility for the ACT. I commend the bill to the Assembly.

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

Disability Services (Disability Service Providers) Amendment Bill 2014

Ms Burch, pursuant to notice, presented the bill, its explanatory statement, a Human Rights Act compatibility statement and an exposure draft of the Disability Services Regulation 2014 and related disallowable instruments.

Title read by Clerk.

MS BURCH (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (10.39): I move:

> That this bill be agreed to in principle.

I am proud to present the Disability Services (Disability Service Providers) Amendment Bill 2014 today. The trial of the national disability insurance scheme in the ACT will commence on 1 July this year. This is a significant reform and will revolutionise the way that people with a disability, their families and carers are supported in Australia. The territory was locked in its commitment to the NDIS in December of 2012 by signing the intergovernmental agreement for the national disability insurance scheme launch, which confirms each party's responsibilities and funding details for the rollout of the NDIS in the ACT. As agreement is yet to be reached on the design of a nationally consistent quality assurance and safeguarding framework, all states, including the ACT, committed to maintain existing arrangements for the trial period.

The diversity of arrangements in states and territories across Australia reflects the variation and opinion on optimum strategies to regulate and safeguard the provision of disability services. The current safeguarding and regulatory model in the ACT is a product of the history and values of the ACT, including its commitment to human rights.

The ACT will be the first jurisdiction to accept all eligible residents into the scheme. We expect that by July 2016 all residents with a significant and permanent disability, around 5,000 people, will be covered by the scheme. This presents unique challenges and opportunities in transitioning from the current model of government-funded disability services to one where NDIS participants are individually funded and can purchase services directly. As the ACT trial of the NDIS will involve conditions that mirror the full scheme, existing contracts with providers will be gradually phased out. The loss of contracts will eliminate the authority to enforce compliance on a range of safeguards.

This bill allows the territory to meet its commitments under the intergovernmental agreement and establishes transitional safeguarding and quality assurance frameworks

for new and existing specialist disability services until such time as the national system has been designed and implemented. The bill in no way diminishes the role of existing independent safeguards that protect individuals with a disability or those universal consumer safeguards that apply to delivery of mainstream and disability-specific services in the ACT.

The bill maintains existing safeguards and quality assurance obligations without increasing the regulatory burden. The bill does not create any distinction between or disadvantage to existing disability services versus relevant new providers. In fact, it offers the potential to reduce red tape through the streamlining of quality assurance processes.

The bill seeks to establish that a provider of services will be subject to the act by virtue of the type of service it is providing rather than because it has a contract with the ACT government. Currently, specialist disability services are funded by three different ACT government directorates, the Community Services Directorate, the Education and Training Directorate and the Health Directorate, and are required to meet different industry and service standards. This bill effectively captures and maintains the diversity of those existing arrangements.

Three subordinate instruments support the bill, containing significant content which goes to the operation of the act. I am tabling, for members' information, a copy of those draft instruments. This is to provide members with the context and the transparency regarding how the bill will interact with the subordinate instruments. The instruments comprise a draft regulation that establishes the penalty provisions for non-compliance and two disallowable instruments which will set out the service types that fall within the scope of the act and the standards that apply to those services.

This bill achieves several outcomes during the time of significant reform to the provision of disability support in the ACT. It ensures a consistent framework and a set of obligations for specialist disability service providers that is not contingent on the receipt of funding or registration with the National Disability Insurance Agency. Additionally, the bill does not increase regulation or red tape for in-scope providers. It does not favour existing disability service providers, nor does it impede the potential for market growth.

Most importantly, the bill and the subordinate instruments provide the community with assurances that they will be able to expect the same quality standards and key safeguards from the disability services that they currently enjoy. These include standards for specialist disability service providers, staff and volunteers, compliance with relevant national quality standards, access to internal and independent avenues for resolution of complaints and an obligation to report critical incidents.

In closing, I want to thank the three directorates, particularly the Community Services Directorate, the officials involved in drafting this amendment and its subordinate regulations. I commend the Disability Services (Service Providers) Amendment Bill to the Assembly and I am confident that this bill will offer people with a disability in the ACT assurance of the government's commitment to maintaining safeguards in the delivery of disability services during a time of major reform.

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

Administration and Procedure—Standing Committee
Reference

MR RATTENBURY (Molonglo) (10.45): I move:

> That:
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> (1) standing order 241 (Disclosure of proceedings, evidence and documents) be referred to the Standing Committee on Administration and Procedure for inquiry and report with particular reference to be made to the practice of the New Zealand Parliament; and
>
> (2) the Committee report back to the Assembly at the first sitting in September 2014.

Madam Speaker, as I indicated on Tuesday, both in this place and to my colleagues in the administration and procedure committee, I am moving this motion in order to allow a careful examination of issues around how information about committees is used.

This has obviously come to light as a result of discussions last week, but I think that we do have an issue here about how members of this place discuss committee processes, have political strategy conversations around committee outcomes and determine the tactics that political groupings intend to use in this place when it comes to issues from committees coming before the Assembly. I do not think these are unusual conversations; I think we could all acknowledge in this place that we have those conversations in our party rooms as we prepare for a sitting day. If we accept that premise, and I think it is a fair one, we need to have a conversation about how to acknowledge that in our standing orders.

It is my belief that our standing orders are at odds with what is probably accepted practice in this Assembly and that we could consider changes to the standing orders that would ensure protection of the privilege of committees without leaving members hamstrung in their work in the Assembly.

My proposed referral to the administration and procedures committee includes reference to the standing orders of the New Zealand parliament. Standing order 236 of the New Zealand parliament addresses the confidentiality of proceedings and the disclosure that is and is not allowed to occur between parliamentary members in the course of undertaking their duties. I believe that the New Zealand model may provide us with some guidance about changes we could consider to our own standing orders. It would acknowledge the practice in this place while maintaining the integrity of the committee's privilege. There may well be other options, but I believe the New Zealand approach provides us with a point of discussion, and one that might assist us in thinking about the best way to proceed in the Assembly.

I commend my motion to the Assembly.

MR SMYTH (Brindabella) (10.48): Madam Speaker, I am not surprised that Mr Rattenbury brings forward such a motion this morning. He did not support what is in the current standing orders under standing order 241 when we had the debate on the motion of no confidence in Mr Corbell for having in his possession information about what had gone on inside a committee or, indeed, yesterday, the debate on whether we should have a privilege committee established to look at what had gone on.

Mr Rattenbury, you establish an alibi; you say that you are reasonable, you are moving on and you are improving the process. Nobody has actually made a case that the current process does not work. It is just that some people in this place will not uphold the standing orders as they exist.

It is reasonable for admin and procedures to look at the standing orders to see if we can improve how they work, but no case has been made that standing order 241 is not working. Standing order 241 has worked in one form or another for the last 25 years. Until recently, the committee system has also worked pretty well under the standing orders. It is in the life of this Assembly that we have had problems. We will have debates about why the standing orders work or why they do not work, but it is incumbent upon members to make sure that we uphold the standing orders. It was quite clear that there was a case, and a good case made, that the standing orders had been breached. None of us will be any the wiser as to what happened and how Mr Corbell had information that he should not have had and used that information in this place when he should not have had it in the first place.

But what if we have an Assembly that will not uphold the existing standing orders? Let us face it. Dr Bourke had to move an amendment to the standing orders to validate the government's position. Now Mr Rattenbury is moving amendments to the standing orders, or seeking amendments to the standing order or inquiry into the standing order, to validate the position that he has taken and allow him his continued protection of the government. That is the problem. If you start eroding the law of this place to suit the circumstances of the government of the day, it is a very sad way to go about running this place. It is the start of the slippery slope. What else would we change to suit the government because they have got the numbers on the day?

It will obviously go to admin and procedures. We will have an inquiry. But it would be interesting to see the case that standing order 241 does not work. Mr Rattenbury says that he suspects it is at odds with current practice. Cite an example, Mr Rattenbury. No case has been made here. In fact, all the cases go the other way—that the law, as it exists in standing order 241, has been breached by the government. The only people who were willing to uphold standing order 241 were the Canberra Liberals. In their inimitable way, the Greens have sought to either avoid the issue or, now, simply move to protect the government.

Admin and procedures can have a look at it, but anything we do in admin and procedures on the standing orders in this place will only survive and will only work if members are willing to uphold them. They were clearly breached by Mr Corbell, because he spoke of things that had not been tabled. We all remember that initially he said he read them online. This is from somebody who has been here for a long time—Mr Corbell, the senior member of the place. They have never been published online; he knows that, and he should have known that.

Changing the standing orders to protect ministers is not what the standing orders are about. The standing orders are there to make sure this place works well, to make sure that it works effectively and to hold all people to account.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (10.52): The government supports Mr Rattenbury's motion for the referral of standing order 241 to the standing committee on admin and procedure for inquiry and report. We support this in relation to the disclosure of general procedural facts relating to the business of committees. Such an approach would be equivalent to the standing orders of the New Zealand parliament, which provide greater flexibility to members to discuss procedural matters on an as-required basis.

We need to remain mindful of the unique situation of this Eighth Assembly and the need to maintain a committee structure that reflects the make-up of our Assembly. We are not a parliament of 150 people. We do not have a political make-up which provides for many political parties to be represented on committees. We are and will remain small in relative terms, and the processes and rules we put in place need to have a good dose of common sense underpinning them.

Whilst the current committee structure has experienced some challenges with voting, often being split evenly between the representatives from the two major parties, this is what the community has voted for, and it should be reflected in the way we handle committee business. However, this does not preclude us from reviewing the guidelines that dictate the procedures governing committee business.

I believe there are opportunities for increased openness in the operation of this Assembly that could be considered. The New Zealand committee process provides for a high level of public access to and transparency in the parliamentary process, as a distinctive feature, in comparison with most other Westminster-model parliaments.

I support the motion Mr Rattenbury has put forward today. I look forward to seeing the results of the consideration of the committee when it reports back to the Assembly.

MR RATTENBURY (Molonglo) (10.53), in reply: I welcome the fact that this will go to the administration and procedures committee, but I want to reflect on the fact that I think Mr Smyth has come up with a rather disingenuous framing of the issue. The reality is that the issue that I am trying to address is a practical one: political parties in this place clearly do talk about some of the tactical and procedural issues around committees. Anybody who comes in here and says otherwise is being dishonest.

I know for a fact that I have sat in various administration and procedures committees where these sorts of things have been discussed. We have talked about the issue of conduct in certain committees and the way that is playing out in light of the standing orders. I know there have been conversations across parties about some of these issues and how they should be resolved. There have been conversations that various members have been involved in. If we were to take the high-handed position that Mr Smyth is putting, probably just about all the members of this place should be

appearing before a privileges committee for a technical breach of the standing orders. I do not think that is what anybody in this place has in mind.

All I am seeking to have the committee explore here is the practical and realistic issue of the fact that there needs to be scope for people to talk about the tactical issues around committees, which is what the issue really was the other day. The other day we saw a lot of heat and light in here about what Mr Corbell had done, and various accusations were made. But I want to be clear: as I indicated on Tuesday, I saw little evidence that privilege had been breached. I heard a lot of conjecture about what might have happened, but there were also denials from all of the people involved about disclosing the sort of confidential information about the committee that they should not have disclosed.

This is about working within practical constraints, not about coming in here and being all high and mighty about the sorts of things that Mr Smyth has suggested today. I look forward to a discussion about this in administration and procedures. Hopefully, we can have a good practical discussion about the realities of the way this place works, and come up with a good set of rules that reflect the practical situation so that there is clarity around practice versus the rules on paper.

I commend the motion to the Assembly.

Question resolved in the affirmative.

Executive members' business—precedence

Ordered that executive members' business be called on.

Officers of the Assembly Legislation Amendment Bill 2014

Debate resumed from 10 April 2014, on motion by **Mr Rattenbury**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (10.57): The opposition will support the Officers of the Assembly Legislation Amendment Bill 2014. This bill fixes the Officers of the Assembly Legislation Amendment Bill 2013 passed in October last year that created unintended inconsistencies in relation to the Auditor-General.

From 1 July 2014 the current legislation, through the Financial Management Act 1996 and the Auditor-General Act 1996, would require both the Speaker and the Standing Committee on Public Accounts to transmit to the Treasurer the recommended appropriation for the Auditor-General in each ACT budget cycle. This bill clarifies that it will be the Speaker alone who performs that role, in consultation with the relevant committee.

The 2013 bill provided for similar arrangements for the Office of the Legislative Assembly, the ACT Ombudsman and the Electoral Commission. However, the inconsistency in this bill is clarified so that it does not exist for these agencies.

The bill also makes all officers of the Assembly accountable to the Assembly for part 2, budget management, part 3, financial reports, part 4, financial management responsibilities, and part 5, banking and investment under the Financial Management Act 1996.

Finally, and again for all officers of the Assembly, the bill provides a process for Treasurer's advances made through the Speaker, in consultation with the relevant committee.

I thank the Standing Committee on Public Accounts, chaired by my colleague Mr Smyth, as well as the Clerk of the Assembly, for discovering this inconsistency, and Madam Speaker for bringing the matter to the attention of the Chief Minister. The Chief Minister referred the issue to Mr Rattenbury, who introduced the bill in 2013, to give him the opportunity to have this bill drafted.

The new arrangements will provide a consistency of approach for the independent agencies covered under the legislation, and will give those agencies more independence from the government and its executive, reporting directly to the Assembly.

But I note that there is more. Mr Rattenbury intends to introduce yet another amendment to clarify the process contemplated in the bill relating to the Treasurer's advances. I am not certain why this relatively simple bill could not achieve all it set out to achieve. Indeed, if Mr Rattenbury had given enough attention to detail when preparing his 2013 bill, the bill before us today would perhaps not have been necessary. So the amendments, in a sense, are a fix-up to a fix-up.

Nevertheless, I am grateful this issue has been discovered now, rather than was the case with the 2013 legislation—after it has been passed into law. We will support the amendments.

It does beg the question about the Greens' seemingly endless capacity not to get their legislation right. I have raised issues before about the problem with this executive member's legislation. I hope that we do not see similar instances where we are repeatedly providing fix-ups to sloppy work in Mr Rattenbury's office.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (11.01): In May 2012 the Assembly passed the Legislative Assembly (Office of the Legislative Assembly) Act, providing statutory recognition of the distinct role that the Clerk and the secretariat play in the management of the Assembly.

The 2012 act set the precedents for expressing in legislation the separation of the Legislative Assembly from the executive and the wider ACT public service. The Officers of the Assembly Legislation Amendment Bill that was passed last year, and which will commence on 1 July 2014, established the Auditor-General, the Electoral Commission and Ombudsman as officers of the Assembly. This arrangement will see the officers' independence from the executive and their relationship with the Assembly set out in law.

One of the key new relationships created in the officers of the Assembly act is between the officers and the Speaker. It is this change in relationship and a minor omission from the officers of the Assembly act which give rise to the need for this amendment bill.

The bill addresses inconsistencies arising from the officers of the Assembly act and will provide clarity in relation to financial matters affecting the officers. The bill achieves consistency across the enabling legislation for all officers and between the changes introduced by the officers of the Assembly act by omitting part 4 of the Auditor-General Act.

The removal of part 4 reduces duplication and clarifies that the Financial Management Act is the single point of reference for financial management matters for the officers of the Assembly. This clarity is important for all parties, including the officers, the Speaker and those who administer the Financial Management Act.

Part 4 of the Auditor-General Act also includes a section regarding the process by which the Auditor-General can request additional funding for certain purposes. Because this clause is proposed to be omitted, the bill makes a consequential amendment to the Financial Management Act to include this authority and apply it to all officers.

The government supports the intent of the consequential amendment. The current drafting in the bill, however, has the potential for some confusion, and we note and support Mr Rattenbury's proposed amendments to address this. The proposed amendments ensure that for additional funding required by the officers, section 18 of the FMA, which is referred to as the Treasurer's advance provision, is the single point of reference.

When the officers of the Assembly act commences on 1 July, it will delegate significant responsibility to the Speaker on behalf of the Assembly. This will include being the responsible entity for holding the officers accountable for fulfilling their requirements under parts 2 to 5 of the Financial Management Act.

To ensure that the new accountability arrangements do not impact the independence of the officers, the bill ensures that officers are responsible to the Assembly for the effective and efficient management of their functions. The government supports this approach to ensuring accountability to the Assembly for that management of those functions.

Under this arrangement, the mechanisms by which officers will be accountable to the Assembly would continue to be those applied to the officers in their statutory role—for example, through the established estimates and annual reporting processes.

The government supports the Officers of the Assembly Legislation Amendment Bill 2014. Indeed I would also like to acknowledge the collaborative work that has occurred across the Assembly, including the efforts put in by Madam Speaker, and in working with me and Mr Rattenbury to ensure that a smooth transition to these new arrangements occur on 1 July 2014. We also flag support for the amendments that Mr Rattenbury will move in the detail stage.

MR RATTENBURY (Molonglo) (11.04), in reply: As has been noted, there were some minor omissions in the officers of the Assembly act that we passed last year, and this bill simply deals with those outstanding issues.

All of the changes proposed in the bill are consistent with the underlying intention of the current act to promote the roles that each of these officers fulfil and to ensure their complete independence in fulfilling them. Consistent with the recognition that they fulfil their functions on behalf of the Assembly, the bill clarifies their responsibility to the Assembly collectively.

Officers will continue to be accountable to the Assembly for the efficient and effective financial management of their roles through current statutory processes—for example, estimates and annual report hearings. The Assembly also has the option of passing resolutions relating to the officers if it deems it necessary.

The bill also clarifies the process for transmitting recommended appropriations and resolves an outstanding inconsistency with the Auditor-General Act as well as other minor and technical amendments to ensure the smooth functioning of the new arrangements.

Following the minor changes proposed in the bill and the amendments which I have circulated and which we will consider shortly, the final scheme which we have created will strike a very good balance in improving the accountability of the government and the integrity of the electoral process for the benefit of all Canberrans.

We have the best possible measures in place to ensure the integrity of the process for providing funding to the officers to ensure that they can fulfil the functions that the Assembly has given to them. We also have mechanisms that balance the independence and autonomy of those officers with the need to ensure that they are also accountable for the way that they fulfil the functions given to them.

The Greens are very proud to have been able to deliver these important changes to the community and fulfil our commitments to the people of Canberra that we would make these vital roles officers of the Assembly. These are important developments. I think they improve the entire system of governance in the territory in a series of ways.

The fact that some minor adjustment is being made simply reflects the fact that we are working on something that has not been done before in the Assembly. I am quite comfortable with the fact that there is plenty of time in the lead-in to this, and that as people have started to work through the implementation, as is often the case with a piece of legislation—it is why we see a range of minor and technical amendments coming through this place consistently—there are always a few details to sort out. I am pleased to progress those today.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR RATTENBURY (Molonglo) (11.07): by leave: I move amendments Nos 1 to 3 circulated in my name together *[see schedule 1 at page 1625]*.

I will speak briefly to the three amendments. There are two changes proposed in the amendments. Firstly, I refer to the process for providing additional funds for the officers of the Assembly where the Appropriation Act does not adequately provide for an officer and a Treasurer's advance is required. A process for this circumstance is currently set out in the Auditor-General Act but it was not included in the officer of the Assembly act that we passed last year. The bill proposes to include a similar process that applies to each of the officers in the Financial Management Act. This very minor amendment to what is proposed in the bill simply moves this new process from its own separate section in the FMA to within the current section 18 so that all the provisions associated with the Treasurer's advance are included in the one section of the act.

Similar to what is proposed in the bill currently, the amendment sets out a process for consultation between the Speaker and the relevant committee chair, after which the Speaker may transmit notice of the additional need for funding to the Treasurer to be determined under the existing criteria for a Treasurer's advance.

In moving the process into section 18, the initial step, for the officer of the Assembly to notify the Speaker and the committee chair when they believe they do not have sufficient funds, is no longer explicitly set out. This does not change the obvious reality that it may well be the initiative of the officer themselves that dictates when the process starts. However, the amendment also recognises that there may be circumstances where the committee itself or another member of the Assembly wish to raise the issue and have the need for an additional expenditure considered by the Treasurer, and limiting the catalyst for consideration of the additional appropriation to the officers themselves was too narrow.

The second amendment is a very minor amendment to clarify the scope of the Appropriation Act that is referred to and clarify that even though the appropriation for the officer of the Assembly must be within the appropriation for the Office of the Legislative Assembly, the definition does include the appropriation to the officers.

These are minor and subtle amendments that, consistent with the intention of the bill, simply make some administrative tidy-ups to ensure the effective operation of the new officers of the Assembly scheme. Making these minor changes will further add to the accountability and governance benefits that we can expect to see as a result of making the Auditor-General, the Electoral Commission and the Ombudsman officers of the Assembly.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Public Accounts—Standing Committee
Statement by chair

MR SMYTH (Brindabella): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts in relation to reportable contracts under section 39 of the Government Procurement Act 2001.

The Government Procurement Act 2001 requires agencies to provide the public accounts committee with a list of "reportable contracts" every 12 months. Reportable contracts are defined, with some exceptions, as procurement contracts equal to or over $25,000 that contain confidential text. Agencies provide the committee with the names of the contracting parties, the value of the contract and the nature of the contract.

The committee acknowledges that the information directors-general, and equivalents, provide in relation to reportable contracts is readily available in the public domain on the ACT government contracts register. However, its scrutiny is assisted by receiving a consolidated report every 12 months.

The committee has been provided with a consolidated list of reportable contracts for the 12-monthly period from 1 April 2013 to 31 March 2014.

As per its previous practice, the committee believes that there is value in tabling the consolidated list of reportable contracts for the period specified as a transparency mechanism to promote accountability.

I therefore seek leave to table the list of reportable contracts for the period 1 April 2013 to 31 March 2014 as received by the public accounts committee.

Leave granted.

I table the following paper:

> Reportable contracts—Agencies reporting reportable contracts for the period 1 April 2013 to 31 March 2014.

Statement by chair

MR SMYTH (Brindabella) (11.12): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts in relation to the committee's consideration of the audit office's 2014-15 budget submission.

Pursuant to section 22 of the Auditor-General Act 1996, the committee is provided with a role in determining the annual appropriation available to the Auditor-General. The committee considers the draft budget estimates of the Auditor-General and makes a recommendation to the Treasurer regarding the proposed appropriation and provides the Treasurer with the Auditor-General's draft budget.

This provision creates a process whereby the Legislative Assembly, through the committee, advises the Treasurer regarding the resources that should be made for the operations of the audit office for the respective financial year. At the conclusion of its consideration of the budget estimates, the practice of the public accounts committee has been to make a 246A statement—informing the Assembly of the outcome of its consideration of the audit office's budget submission. The committee is of the view that this practice is an important transparency mechanism that contributes to public accountability.

Pursuant to section 22 of the Auditor-General Act 1996, the committee has considered the proposed budget for the operations of the ACT audit office for the 2014-15 financial year and across the budget outyears.

The committee notes that the audit office's proposed 2014-15 budget requests additional appropriation for:

(i) (recurrent funding) in 2014-15 of $400,000 to increase the number of performance audits from seven in 2013-14 to nine in 2014-15; and

(ii) $97,000 for indexation to cover increases in salaries and costs of supplies and services.

The committee also understands as part of the capital initiatives process the audit office has sought appropriation for a one-off capital cost of approximately $100,000 in 2014-15 for accommodation improvements.

Pursuant to subsection 22(1)(a) of the Auditor-General Act 1996, I wish to inform the Assembly that the committee has written to the Treasurer advising that it supports the proposed budget for the 2014-15 financial year.

Pursuant to subsection 22(1)(b) of the Auditor-General Act 1996, the committee has forwarded to the Treasurer the draft budget for the operations of the audit office for the 2014-15 financial year as received from the Auditor-General.

Executive business—precedence

Ordered that executive business be called on.

Planning, Building and Environment Legislation Amendment Bill 2014

Debate resumed from 10 April, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MR RATTENBURY (Molonglo) (11.16): I will be supporting this bill today, including some developments that have taken place since Mr Coe spoke on it last week in principle, which we all remember very clearly. The Planning, Building and Environment Legislation Amendment Bill 2014 is the sixth of the government's

omnibus planning bills. It consolidates a number of minor policy, editorial and technical amendments to several acts into a single bill. The bill amends the Building Act 2004, the Building (General) Regulation 2008, the Planning and Development Act 2007, the Planning and Development Regulation 2008, the Unit Titles Act 2001 and the Utilities Act 2000.

There are a number of policy areas and I would like to just make a few remarks on each of them. Clauses 4 and 5 of the bill are in the area of responsibilities of building certifiers and they amend section 50 of the Building Act. These clauses restore the general obligation for building certifiers to report any contraventions of the Building Act that they are made aware of during the course of their duties. It means that certifiers will be required to inform the Construction Occupations Registrar of any illegal activity that relates to building work, stop and demolition notices and the occupation and use of buildings, rather than only monitoring a building's compliance with its development approval.

This amendment restores obligations that were removed in 2007 when the scope of the responsibilities of building certifiers was limited to development approvals. This greatly reduced the capacity of certifiers to act as front-line regulators and undermined the capacity of the government to monitor the quality of new buildings.

We know that building quality has been an area of ongoing concern, so this is a very welcome change. The government has limited resources available for monitoring and compliance so it makes sense that the people that are already out there in the field doing building inspections should have the scope and the responsibility to report on the full gamut of issues that they might encounter in the course of their duties.

Clause 12 of the bill addresses the area of holding leases and amends section 298 of the Planning and Development Act. Section 298 prohibits the transfer of a new crown lease before building and development works are completed. It provides exceptions to this rule, such as holding leases, which are short-term development leases that allow a developer to build public infrastructure. Currently, holding leases only apply for newly subdivided land. The bill removes this restriction and allows holding leases to be granted for the whole of a lease, not just subdivisions.

The removal of the restriction on the use of holding leases to subdivisions will expand the application of an important but uncontroversial part in the process of selling and developing land and potentially reduce delays that would have been caused by the restriction. As such, I support this clause of the bill.

Clause 14 relates to the University of Canberra and inserts a new chapter into the Planning and Development Act. This chapter will ensure that the Planning and Development Act applies to the University of Canberra lease, addressing the historical anomaly that had ensued from the granting of the lease by the commonwealth in 1977. This meant that the UC lease has, up until now, been expressly excluded from standard lease administration provisions as laid out in the Planning and Development Act.

The exclusion meant that there was no workable way for the territory to enforce the provisions of the lease and no way for the lessee to make a lease variation as a

precursor to proposed development. It makes sense that the University of Canberra should be subject to territory planning provisions in the same way as other lessees, and I support this change.

Clause 28 of the bill relates to dual occupancy and amends section 17 of the Unit Titles Act. The bill removes the requirement which came into effect in 2009 to superimpose dual occupancy developments. This requirement meant that dual occupancy developments were only allowed to be unit titled where one unit was wholly or partly superimposed on the other unit, so that the roof lines were continuous. The change will mean that proponents will now be able to unit-title a block of land when building two stand-alone residences. This change will only apply in areas where zoning allows for unit titles.

I support these changes. The limitation that was put in place five years ago has led to a significant decline in the rates of dual occupancy development in the ACT during this period. This really was a lost opportunity for Canberra as a city to diversify its housing stock and facilitate infill development through dual occupancies. At an individual level, it limited the capacity for people to develop second residences on their blocks to provide themselves with flexible and affordable housing options as their circumstances change over time.

Of course, there is much debate within the community about where dual occupancies and multi-unit dwellings should best be located. Unit titles are still not allowed in suburban areas zoned RZ1, so this change will not open the doors to a wave of dual occupancies throughout the suburbs of Canberra. The issue of which zones correspond to which locations is a discussion for another time. However, in the locations where unit titles are currently allowed by the zoning, the law should not be an impediment to their development. So I support the removal of this restriction.

Clause 27 of the bill adds two new items to schedule 2 of the Planning and Development Regulation. The Planning and Development Act has three categories of notification—full notification, major notification and minor notification. This bill moves the notification requirements for two types of development from the major to the minor category, meaning that, rather than requiring a sign on the property and a newspaper notice, they will now require only a letter to neighbours.

The two affected items are as follows: firstly, merit track applications for small additions to a unit within a multi-unit residential development, if the change results in an additional gross floor area of less than 10 per cent or less than 20 square metres, and, secondly, the putting up, attaching or displaying of a sign.

I think these are sensible and appropriate changes. In the first case it would seem more suitable for a letter to be sent to neighbours of nearby units, as they are the people who are most likely affected by a small development of that kind, rather than the broader community who are more effectively reached by notification signs and notices in the paper.

In the case of a sign, a minor notification requiring a letter to neighbours seems a more suitable approach than requiring a proponent to put up a sign to notify people that you want to put up a sign.

The ACT Greens have done a lot of work in the past to enhance community consultation and notification processes. We need to take a common-sense approach, and I think these changes to notification are sensible and appropriate.

Finally, with regard to survey certificates, clause 17 of the bill amends section 25(3) of the Planning and Development Regulation. This clause changes the section that refers to the need for a development application to include a survey certificate. Currently they are not required for development of certain sizes, with different thresholds for residential and commercial or industrial developments, on the basis that smaller developments do not warrant the associated expense.

The bill changes section 25(3) to refer to residential versus non-residential development, rather than using the term "commercial or industrial". This is to remove inconsistencies which currently exist, so that the section applies to non-residential developments which are neither commercial nor industrial, such as community facilities.

This change brings the size thresholds for survey certificates for the development of community facilities in line with other non-residential developments, and broadens the application of the section, which is a sensible change. There are also technical and editorial changes. The final changes do offer clarity and update cross-references and are not consequential.

In summary, this bill fulfils the criteria for an omnibus bill, with changes that deliver minor technical amendments, and supports a more efficient operation of the territory's planning laws. I am pleased to support this bill today.

MR COE (Ginninderra) (11.24), by leave: The opposition will be supporting the majority of the Planning, Building and Environment Legislation Amendment Bill 2014. However, we will be opposing one clause which we believe places unnecessary restrictions on builders and could potentially lead to significant delays in building projects.

The bill contains four main policy changes and several other minor amendments to the Building Act 2004, the Building (General) Regulation 2008, the Planning and Development Act 2007, the Planning and Development Regulation 2008, the Unit Titles Act 2001 and the Utilities Act 2000.

Clauses 4 and 5 of the bill make amendments to the reporting requirements for certifiers under the Building Act. The amendments will partially reverse the dramatic reductions which were made to the requirements in 2007. Under the new provisions, a certifier must inform the Construction Occupations Registrar about contraventions relating to building work and stop and demolition notices as well as offences relating to the occupation and use of buildings and restriction on the use of buildings. The certifier must inform the registrar within the prescribed time frames or they may be liable for a penalty of up to five penalty units.

Clauses 6 to 11 clarify the compliance requirements for fences, retaining walls, large buildings and external alterations. Clause 12 of the bill amends the Planning and

Development Act to give ACTPLA authority to allow the transfer of a lease on land subject to building and development provisions where the lease is a holding lease. A holding lease is usually a short-term lease granted to allow for urban development and subdivision. It requires the developer to construct and return public infrastructure to the territory in return for a crown lease. This clause also removes the requirement for the land to be subdivided. This is a sensible amendment as it should reduce delay in the sale and development of land which has previously occurred due to the requirement to subdivide.

Clauses 13, 15 and 16 contain technical amendments relating to the relevant decision maker for a reviewable decision. Clause 14 amends the Planning and Development Act to clarify that the act applies to the University of Canberra lease. This amendment ensures that the lessee can make a lease variation and the territory is able to enforce the lease provisions. Clause 17 amends the Planning and Development Regulation to resolve inconsistencies surrounding exemptions to the requirement to submit a survey certificate along with a development application.

The opposition has serious concerns about clause 18, which 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 provision means a builder will be required to strictly comply with the development approval unless they apply for an amendment, even for items that would otherwise be exempt. Requiring an amendment for even the simplest of variations from the DA places an unnecessary burden on builders and ordinary Canberrans having renovations done to their homes.

I have been informed that variations that would require approval could be things as minor as the size of a window or the way a door opens. People in the industry have told me that practically every project involves some minor variation. Requiring a formal amendment to the DA for every variation is absurd. It will slow down construction and place another piece of red tape on an already congested bureaucratic industry.

This government supposedly wants to speed up development and reduce unnecessary restrictions on the construction industry. Instead, this provision is placing an even greater burden on an industry that is already heavily regulated. It seems inconsistent that the government is clamping down in this bill but still has a long list of exempt developments that, had they be done on their own, would not require a DA.

The government, including Mr Rattenbury, may well say this is all about neighbours getting what the DA states on an adjacent property. However, structures like a garage, carport, gazebo, swimming pool and many others are exempt and, at present, no development approval is required. Yet the government is clamping down on minor alterations in a house extension. It seems inconsistent. Like the government, we think the exempt development provisions are working okay. They could always be improved, but tightening the reins on minor amendments seems odd and will simply lead to higher costs for builders, families and ACTPLA.

The opposition is also concerned that the government has included a serious policy change in this omnibus bill which is supposed to contain only minor amendments.

This change is not minor. We have been informed that industry bodies are not aware of and have not been consulted about this amendment. This is unacceptable. Major policy changes which will severely affect industry should only be implemented after proper consultation in a substantial bill. They should not be pushed through under the guise of minor amendments in the hope that people do not notice them. The Canberra Liberals will be opposing this clause in the bill.

It is also worth noting that the HIA and MBA were not even aware of this change at the time of the bill being brought on last week, probably because ACTPLA and the minister's office did not consult with them and because this provision is tucked away in an omnibus bill. Again, this is terrible consultation by Mr Corbell and an abuse of the omnibus process.

Clauses 19 to 26 contain minor technical amendments to the Planning and Development Regulation. Clause 27 amends the list of developments in the merit track which are subject to minor public notification. This provision means minor additions or alterations to a residential unit within a multi-unit residential development and the erection of signage are now only subject to minor public notification. This involves letters to neighbours only and not a sign on the property or notification in the newspaper. Online notification will still be required. This reflects the fact that these minor alterations generally have a minimal impact except on some neighbours.

Clause 28 amends the Unit Titles Act to no longer require dual occupancy developments to be superimposed. The current requirements have proven unnecessary and the amendments should give more opportunities to smaller builders to provide dual occupancy developments on blocks where this is permitted under the territory plan. Clauses 19 to 21 amend the Utilities Act to extend the operation of sections related to the supply of electricity and gas until these provisions can be incorporated into the utilities technical regulation amendment bill.

In conclusion, the opposition will be supporting the bill except for clause 18. We are disappointed the government has sought to make this major policy change which will have serious consequences for the industry without proper consultation and hidden in a bill which is supposed to contain only minor and technical changes. For this reason, we will be opposing clause 18.

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) (11.31), in reply: I thank members for their overall support of this bill today. This is the sixth bill in the government's omnibus planning, building and environment legislation amendment process. I think I can now say with some certainty that this is a well-regarded established process for minor policy and technical amendments of planning, building and environment legislation. It allows us to keep our legislation up to date and accurate in an efficient manner.

The bill presented proposes editorial, technical, consequential or minor policy amendments to the Building Act 2004, the Building (General) Regulation 2008, the

Planning and Development Act 2007, the Planning and Development Regulation 2008, the Unit Titles Act 2001 and the Utilities Act 2000.

The government has agreed to put forward an amendment to this bill by proposing to omit clause 18 of the bill. Let me turn to clause 18 and some of the issues raised by other members in the debate this morning. This section sets out certain limited circumstances in which the construction of a development can depart from the terms of a development approval without requiring a new or amended approval.

The regulation is made under section 198C of the Planning and Development Act. Currently, section 35 of the regulation permits the construction to differ from the approval if the difference amounts to development that would be exempt from requiring approval if it were to occur as a stand-alone exercise some time after the initial construction was completed.

The government is aware of a number of concerns that have been raised with it which suggest that in practice these types of departures from the approved plans have proven to be highly problematic. The government often receives complaints from members of the community about these types of departures.

These complaints suggest that the permitted changes can often result in construction that differs noticeably in appearance from the development as approved or as notified for public comment. For example, the exterior wall of a residence might appear as stonework on an approved plan but be constructed with other material in practice. The property fence might be approved as a colorbond fence but end up being built as a timber fence.

Clause 18 would have removed the ability for builders to make such departures. In doing so, the clause would have ensured that the appearance of the development as built did not differ significantly from the development indicated in the building plans approved by the development approval, and this would have given certainty to neighbours and others that what was approved is what would be built.

I would add that the amendment would not have prevented the proponent from pursuing such changes by other more transparent means. Existing section 197 of the Planning and Development Act would have still permitted the proponent to apply to the authority for amendment of the development approval to permit proposed changes without having to lodge an entirely new DA. So it is wrong of Mr Coe to assert otherwise. This change would not have required new DAs in every circumstance. Variations could have been approved through the existing section 197 mechanism without the need to lodge an entirely new DA.

The authority is able to amend the approval provided the change is relatively minor. Public notification of the proposed change may or may not be required, depending on the assessment of its extent and impacts. But the important thing to stress is that this would have meant no surprises for neighbours or others affected by the proposed development.

It would have meant that a neighbour would not have gone to sleep one night knowing that the approved plans provided for a colorbond fence on their boundary, only to

wake up in the morning to discover that a lesser-quality and cheaper timber fence had instead been built. I think this is an important issue to be addressed, and that was the proposal in clause 18.

I would also add that clause 18 would have retained existing permissions or building tolerances in section 35(1) of the regulation. These tolerances permit construction to exceed to a very minor degree certain siting requirements—for example, building setbacks. These tolerances are important to ensure that minor unintended departures from the DA during construction do not require further approval. Clause 18 would not have affected these existing building tolerances. So it is wrong, again of Mr Coe to assert that the provisions in clause 18 would have required a new DA in each and every circumstance.

Madam Deputy Speaker, the government is aware that nevertheless there remain concerns from industry associations. The government's response to this is, as always, a practical one. We will engage in further consultation with those industry stakeholders before re-visiting this proposal in future legislation, and the government will move to omit this provision from this bill at this time.

The bill also makes amendments to the Building Act, the Planning and Development Act and the Unit Titles Act. To summarise, the building amendments relate to obligations on certifiers to notify the Construction Occupations Registrar of contraventions of the Building Act.

The Planning and Development Act amendments expand the ability of the Planning and Land Authority to consent to the transfer of holding leases and bring the University of Canberra lease under the auspices of the act. Changes to the Unit Titles Act mean dual occupancy dwellings will now able to be unit titled even when they are not superimposed on each other.

These amendments are a response to ongoing government commitments to deliver land and housing of a proper standard for the community and to provide opportunities for activity in the building sector which in turn makes an important contribution to our economy. I thank members for their support of the bill overall and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 17, by leave, taken together and agreed to.

Clause 18.

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) (11.38): The government will be

proposing to omit this clause by opposing it at this stage of the debate. The reason for that is for the purposes that I set out in my closing remarks at the in-principle stage. This provision does not require a DA in each and every circumstance when a departure is made from the approved plans by the builder.

Mr Hanson interjecting—

MADAM DEPUTY SPEAKER: Mr Hanson!

MR CORBELL: It does not do that and the claims by Mr Coe are false in that respect.

Mr Hanson interjecting—

MADAM DEPUTY SPEAKER: Mr Hanson!

MR CORBELL: The proposal provides for certainty for neighbours and others affected by a development. The proposal says that if the plans say it is going to be, for example, a colorbond fence, when they wake up in the morning they are going to see a colorbond fence. I receive, and other members of this place receive, complaints from neighbours who see developments occur with these minor variations which are different from that that they knew was approved.

This is an issue that needs to be addressed. It does not require a new DA in each circumstance and it is wrong to claim otherwise. The government will take further time to explain this further, and again, to industry associations to make clear how this operates. The government has done that already but it will do it again because we recognise that this is an issue that needs to be further elaborated upon.

This is an issue that is not going to go away. We will need to come back and address it because it is the cause of complaints from the community. It is the cause of complaints from people in the suburbs who are worried about development occurring in a way which is not consistent with what they see on the approved plan. I think that is a legitimate issue to be addressed. But we will take the time to have those further discussions before bringing back a further proposal.

MR COE (Ginninderra) (11.40): The opposition welcomes Mr Corbell's support of our position. It is interesting that Mr Corbell should say, "Mr Coe, you are completely wrong but I will support you." That is, in effect, what he has done. He also said that he has already conducted consultation. I am very curious to know when that took place because as of last week neither the MBA nor HIA had heard of this provision. I hope Mr Corbell, since finding out that no consultation had occurred, has indeed made attempts to engage with those most affected by this clause.

I remind the Assembly of what I said earlier in this debate. It is interesting that the minister should say that there are issues with regard to ensuring that what is built is in line with the approved plans, yet we still exempt developments. So the minister seeks to have a DA varied to move a window by five centimetres but it is all right for a garage to be constructed without approved plans at all.

We are not seeking to change those exempt development rules but it does seem to be a stark inconsistency with Mr Corbell's position on variations or amendments to DAs versus what is in place at present for exempt developments. The opposition welcomes the fact that the government will be voting against this clause in their own bill. We hope that the consultation will be genuine and that the government will find a reasonable position that takes into account both neighbours' and residents' concerns as well as the reality facing the construction sector.

MR RATTENBURY (Molonglo) (11.43): I will also be supporting the omission of this provision as concerns were certainly raised with me last week, which other members have referred to. I received an email from some key stakeholders who identified that they felt the provision played out in a way that had not been anticipated. I welcome the fact that there is now going to be room for further discussion on this and on that basis I think it is appropriate to remove this provision at this time.

Clause 18 negatived.

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

Bill, as amended, agreed to.

Information Privacy Bill 2014

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

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (11.44): The opposition will support the Information Privacy Bill. I understand that we are just debating the in-principle stage today and that we will be adjourning the detail stage until another day.

This bill introduces information privacy laws to protect the way that ACT government agencies handle personal information that they collect. The law mirrors commonwealth law, which until now has governed the way the ACT operates. The commonwealth law will continue to govern the handling of personal information in the private sector except in cases where private sector providers are in a contractual arrangement with the ACT government, either directly or as a subcontractor. In these cases, the law will require agencies to ensure that private sector providers are complying.

A key element is the introduction of 11 territory privacy principles. Apart from some minor language differences and matters not relevant to the ACT, they are the same as the Australian privacy principles.

"Personal information" is defined as "information or an opinion about an identified individual". Under the law, it will not matter whether the information is true or not and whether it is recorded in material form or not.

This is where my only real hesitation with the bill lies. In my view, there is potential for considerable "he said, she said" disputes that involve information relating to opinion or information that is not recorded in material form. This could tie up the courts, principally because the courts comprise the only means of challenge available to the complainant. I call on the government to monitor this potential and, in the event that it becomes problematic, take steps to provide a more definitive process.

In the bill, there are additional protections for sensitive information such as information on racial or ethnic origin, political opinions, memberships, religious or philosophical beliefs, sexual orientations and practices, or criminal record.

An important and intentional omission from the bill relates to the question of how to deal with a statutory cause of action for serious invasions of privacy. I note from the Attorney-General's presentation speech that the Australian Law Reform Commission will report to the commonwealth Attorney-General on this matter in June 2014. We look forward to further statements from the Attorney-General on this subject at a later time.

Finally, the bill establishes the information privacy commissioner. I understand it is contemplated that at this stage the commonwealth commissioner will perform this role. I assume this will attract a cost, and I will look forward to the government's announcement in regard to this during the budget sitting in a couple of weeks. I acknowledge, however, that the commonwealth has announced that it intends to disband the Office of the Australian Information Commissioner. Reading the commissioner's website, I note that there are plans to provide the services in a different form, so this may well impact on the ACT government's intentions. I will look forward to further announcement from the Attorney-General in this regard.

I note that on 1 April last the Standing Committee on Justice and Community Safety, in its legislative scrutiny role, released its report carrying comment on this bill. It was not until yesterday afternoon, some six weeks later, that the Attorney-General issued his response to those comments. Whilst I consider that the response does answer the committee's concerns in a satisfactory way, it is most unsatisfactory that it should take so long, giving members of this place less than 24 hours to consider it. The Attorney-General needs to be more timely and efficient in this respect.

This law will provide some certainty for the people of the ACT about the way in which the government handles personal information it gathers. I have some practical concerns with it, but on the whole it is a positive step. We will be supporting this legislation.

MR RATTENBURY (Molonglo) (11.48): I will be agreeing in principle to the Information Privacy Bill today, which for the first time introduces ACT-specific privacy principles and sets up a framework for appointing an ACT privacy commissioner.

Currently the commonwealth Privacy Act applies in the ACT, although it is a version of that act from 1994, which of course is now somewhat out of date. The new

commonwealth Privacy Act amendments which came into effect in March this year did not immediately apply to the ACT.

It appears we are in a situation where significant amendments are required to bring the ACT legislation up to date and to ensure it incorporates the most up-to-date version of commonwealth law. Failing to update the legislation would not only put us out of step with commonwealth law but be confusing for the people it applies to and have resource implications due to the greater administrative burden caused by inconsistencies.

This was an opportune time not only to update the ACT legislation but to enact an ACT-specific privacy act, although in practice the territory privacy principles essentially just mirror the federal ones.

The rationale provided for this bill by the government is that it will improve the clarity and accessibility of the ACT privacy framework while establishing legislation that is relevant to the ACT circumstances.

I must admit that when I first saw this bill, I was not immediately sold on its necessity. As I said, the commonwealth Privacy Act already currently applies to the ACT, and we already make use of the federal privacy commissioner and the Office of the Australian Information Commissioner. Unfortunately, though, things have changed since the federal budget. As members are probably now aware, Tuesday's federal budget abolished the Office of the Australian Information Commissioner. It also significantly restructured the role of the federal privacy commissioner. As Mr Corbell said in his tabling speech for this bill, the intention had been that:

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

There will no longer be an information commissioner. The functions of the commissioner will be distributed to different commonwealth agencies.

There are two things to consider then. The first is whether there are some technical amendments that should be made to the ACT bill to reflect the new situation at the federal level. I understand that Mr Corbell and his officials will now do that analysis.

I also think it is fair to say that we do not know yet if the restructured federal agencies will be able to do the same job as the existing commissioner's office and whether there will be the same resources or efficiency. The privacy commissioner, previously part of the Office of the Information Commissioner, will be moved to the Australian Human Rights Commission. It is yet unclear whether the commissioner will be able to perform the same functions with the same efficiency. In particular, where the commissioner may be operating under much more severe resource constraints, I think there is a real question as to whether the ACT can expect to receive the same level of advice and service from the commissioner. That is just a reality of resource constraint. There might be delays or reduced services.

In this context, I am actually quite happy that the ACT is establishing its own information privacy act and its own territory-specific privacy principles, and that it has set up a structure for an ACT information privacy commissioner. While I understand that we will not immediately appoint an ACT commissioner, I think it is important to closely monitor ongoing performance of the federal privacy commissioner in relation to issues such as time taken to handle complaints. It may be appropriate that we migrate to an ACT-specific commissioner in the future.

Given the uncertainty that the federal budget has created for the scheme, I understand that Mr Corbell will propose deferring the detail stage of this bill to a future date. I support that, as it is certainly important for the government to ascertain exactly how the federal changes might impact the proposed scheme established by this bill.

In relation to the actual scheme set up under the bill, and the privacy principles it enshrines, I am satisfied with them. Essentially this mirrors the commonwealth act. The act will apply to the public sector in the ACT, and the principles govern how the public sector deal with the collection of personal information, how they disclose it, how they keep it secure and how they deal with requests to access that information.

I will make one brief comment about the penalties that are included in this act. One of the differences between the commonwealth Privacy Act and this new ACT bill is that the commonwealth now uses civil penalty provisions. Civil penalties are intended to prevent or punish public harm, and involve the imposition of the penalty through civil court processes. They can operate as a deterrent without the stigma or seriousness of a criminal sanction. Breaches of information privacy provisions are the type of offence where civil penalties could be appropriate.

The ACT bill does not propose civil penalties. Instead it provides that the information privacy commissioner can make a report to the Attorney-General if reasonably satisfied that the act or practice which an individual has claimed constitutes a breach of their privacy is a serious or repeated interference with the privacy of the complainant. The attorney has to table that report in the Assembly, the idea being that this provides public accountability through the highest office of this jurisdiction, the highest institution. Having raised this issue with the Attorney-General, I am informed that the ACT will consider the use of civil penalties at a later stage after they have reviewed how effectively they work at the commonwealth level.

Lastly, I will comment briefly on the notion that the ACT could have a statutory offence for a serious breach of privacy, what is often referred to as a tort of privacy. My understanding of the ALP election promise was that it would introduce an offence of breach of privacy to the ACT. This change has already been recommended by the New South Wales Law Reform Commission, the Victorian Law Reform Commission and the Australian Law Reform Commission. In 2008, the ALRC said:

> … federal law should provide for a private cause of action where an individual has suffered a serious invasion of privacy, in circumstances in which the person had a reasonable expectation of privacy.

It suggested remedies in the form of damages, injunctions and apologies. I hope that we see developments in this area in the ACT soon, because I think this is a change to the law that is worth pursuing. It is something that the courts have been grappling with over several years, and it may actually be that a clear common law tort of breach of privacy needs to be developed at some time in the future. This is an issue, and an area of policy, that warrants further work, because we are living in an age in which the issue of privacy is increasingly being debated, one in which I think many individuals feel challenged.

In summary, I am happy to give in-principle support to this bill and I look forward to hearing further information from the government about the impact that federal changes could have on the proposed scheme.

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) (11.56), in reply: I thank members for their support in principle of this bill today. This bill is the first time that ACT-specific legislation has been developed to regulate the handling and management of personal information by public sector agencies and government contractors in the territory. The bill marks an evolution from the existing scheme of privacy protection in the ACT, established by application of the commonwealth Privacy Act 1988, as it stood in 1994, with some modifications.

Since 1994 privacy legislation at the commonwealth level has changed but the legislation that applies in the ACT has not. Most recently, the new Australian privacy principles took effect on 12 March 2014 but they do not apply to the ACT public service. It is, therefore, appropriate that the ACT moves at this time to implement separate privacy legislation to have its own law to promote the protection of personal information while still allowing government agencies to efficiently perform their functions.

The application of outdated commonwealth laws has resulted in confusion about the status of privacy laws in the ACT. It has also resulted in laws that do not necessarily reflect the ACT situation or indeed the changing global technological landscape which we all sit within.

In the last decade we have seen rapid growth in information-collection capabilities and the use of data aggregation, surveillance and communication technologies. In turn, this has led to a shift in community perceptions of privacy. Individuals are more willing to share personal information but are increasingly interested in how their information is handled and managed, particularly in the long term.

We see people of all ages actively sharing their personal information and opinions on social media such as Facebook and Twitter and, in the government context, in areas such as an e-health record. Despite this trend and the proliferation of mechanisms that allow instant and often permanent transmission, sharing and distribution of information, individuals continue to be concerned about how public sector agencies collect, use and store their personal information, as they should.

The Information Privacy Bill, therefore, introduces a new set of foundational territory privacy principles, known as TPPs, which set out rules for the handling and management of personal information. TPPs will improve the protection of personal information and promote the continued sharing of information between private and public sector agencies in the ACT.

Consistent with the definition recommended by the Australian Law Reform Commission, personal information is defined in the bill as meaning information or an opinion about an identified individual or an individual who is reasonably identifiable, whether or not the information or opinion is true and whether or not the information is recorded in a material form. This definition is sufficiently broad to cover the whole gamut of information that can be collected by public sector agencies, whether it is solicited or not. The definition expressly excludes personal health information. Health record privacy will continue to be regulated under the Health Records (Privacy and Access) Act 2011.

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

In its 2008 report on Australian privacy law and practice, the Australian Law Reform Commission noted:

> … most people think about information privacy in terms of the collection and use of their personal information—most likely based on a one-to-one relationship with the agency or organisation concerned. Modern information technology, however, greatly facilitates the collection, aggregation, and systemised matching of vast amounts of data, acquired from large numbers of individuals, with or without their consent—or even their awareness.

It is a consequence of the collection, storage and distribution of information relating to an identifiable individual by third parties that the individual loses the ability to direct how the information can be used in representations about them. This bill, therefore, supports the development of clear, consistent and easy to understand information-sharing practices within the ACT public service by requiring agencies to protect personal information and manage it in a responsible, transparent and balanced way. One of the objects of the bill is to establish that the protection of the privacy of individuals is balanced with the needs of public sector agencies in carrying out their functions or activities.

The government is committed to a one-service approach to government where the whole range of public services the government provides is made available and accessible to the public in an efficient and coherent manner. So this bill recognises that managing information networks, which are the core of the information economy, is a key function of government business. Gathering information in a responsible way is in the best interests of the government, businesses and the public.

Compliance with TPPs should not be seen as a burden. The principles build on public administration's best practice standards and accord with basic common sense. Indeed,

it is now some 25 years since the first Australian privacy act; so public sector agencies are very used to working within a privacy framework. Most critically, members of the public expect, and should be entitled to expect, that their personal information will be treated with due care and respect.

As I noted when I introduced the bill, the TPPs can be broadly characterised into principles that require public sector agencies to consider the privacy of personal information, principles that deal with the collection of personal information, principles that cover how agencies use and disclose that information, principles that set out rules for the quality and security of personal information and principles that deal with requests by the public to access and correct personal information held by public sector agencies.

Notice is required for collection. The collection, use and disclosure of information must be for a purpose related to the agency's functions, and individuals must be given the opportunity to access and correct their personal information.

Public sector agencies must build the TPPs into their privacy policies, procedures and practices. Developing standardised systems for the management of information will promote efficiency and will reduce the risk of data breaches.

Proper management of information builds trust in public sector agencies, contributes to open and transparent governance. Under section 20 there is a general obligation that a public sector agency must not do an act or engage in a practice that breaches a TPP.

Section 25 provides limited exemptions for certain public sector agencies from the requirements of the TPPs in relation to specific acts and practices. These exemptions are continued from the current privacy legislation and reflect traditional separation of powers and privilege concerns. For example, acts or practices relating to the judicial affairs of ACT courts are not considered to be acts or practices regulated by the legislation, nor are acts or practices of the Office of the Legislative Assembly or ministers when they do not relate to the exercise of its administrative functions.

Section 12 sets out that an act or practice is a breach of a TPP if the act or practice is contrary to or inconsistent with the TPP. Section 11 provides that where an agency breaches a TPP in relation to personal information about that individual, this will amount to an interference with the privacy of an individual.

If an individual believes their privacy has been the subject of interference, the bill provides for a comprehensive mechanism for handling those complaints. As part of that mechanism, agencies are required to develop internal complaints-handling procedures with a view to early resolution of the complaint. An individual who believes that their privacy has been interfered with may make a privacy complaint to the Information Privacy Commissioner. The bill also provides for such a commissioner, appointed by the executive under section 26, to receive and investigate privacy complaints.

If a person is not appointed, the bill allows me, as the administering minister, to enter into arrangements with the commissioner of another jurisdiction to perform one or

more of the functions of the Information Privacy Commissioner in the ACT. To date the Australian Privacy Commissioner, working with the office of the Australian Information Commission, has acted as the ACT Information Privacy Commissioner under a memorandum of understanding. This arrangement has provided the ACT with quality privacy services which draw on the commission's long-established expertise in working proactively to improve privacy protection awareness.

The commonwealth has announced as part of this year's federal budget that the AIC will be abolished. However, the Privacy Commissioner will be retained as a stand-alone office. I will be assessing the commonwealth's new arrangements to ensure the territory can retain the best possible services in this area. The bill greatly assists in that endeavour by maximising our flexibility as to how we source privacy services.

Where a complaint is made, the commissioner must provide assistance to the individual to make the complaint, for example, by advising the individual about the complaints process or by helping them to put the complaint in writing. The complaint may be referred to the commissioner by the Ombudsman or the Human Rights Commission or by an interstate privacy commission. The Information Privacy Commissioner will make preliminary inquiries, notifying the respondent agency, to determine whether the complaint should be dealt with under division 6.4.

In certain circumstances, such as where the complaint does not indicate that the interference has occurred or where the complaint was made 12 months after the alleged interference, the Privacy Commissioner may decide not to deal with the complaint. If the commissioner decides to deal with the complaint, the commissioner may make the inquiries and investigations in relation to that complaint that the commissioner thinks appropriate.

If, after investigating the complaint, the commissioner is reasonably satisfied that the act or practice is serious or that there has been repeated interference with the complainant's privacy, the commissioner may give me a written report about the complaint. If I receive such a report, as minister I must present it to this Assembly within six sitting days. This new mechanism provides accountability, an oversight of the privacy practices and procedures of ACT government agencies.

Civil penalty provisions were considered for inclusion in this bill. However, it is not clear how they would be enforced at the commonwealth level or how widely they might be used to complement other potential remedies. In light of the lack of precedent at the commonwealth level, it is the government's view that it is appropriate that the ACT provide for an oversight mechanism to consider the use of civil penalties at a later stage when the need for them and their effectiveness can be more clearly demonstrated.

Finally, the bill provides for regulation making in the development and use of materials, guidelines and forms to assist with the administration and enforcement of the act. Schedule 1 then sets out the territory privacy principles. These principles have been numbered consistently with the Australian privacy principles for ease of reference.

This bill is a positive step forward for the protection of personal information. It signifies that the government is committed to ensuring that it has the appropriate high-level frameworks to guide the rollout of innovative and emerging technologies and public services that will provide new and integrated ways for the public to do business with ACT government directorates.

The bill recognises that while government efficiency and service accessibility are important for the public, there remains a strong public desire that the appropriate mechanisms are in place to regulate the collection, use, disclosure and storage of personal information by government agencies. And this bill provides for those mechanisms.

I thank members for their support of the bill and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Sitting suspended from 12.10 to 2.30 pm.

Questions without notice

Hospitals—bed occupancy rates

MR HANSON: My question is to the Minister for Health. Minister, the ACT public health service's quarterly performance report of December 2013 showed an overnight bed occupancy rate for public hospitals in the ACT as 92 per cent full, against a safe performance figure of 85 per cent. Minister, you are reported as saying that the rate recently increased to 95 or 96 per cent. The rate has been higher than the safe level for four years. Minister, why is this unsafe bed occupancy rate continuing to decline even after you have been aware of the problem for four years?

MS GALLAGHER: Because presentations and admissions to the hospital have risen. That is the short answer. I would say, though, that the target is 90 per cent for bed occupancy, not 85.

Opposition members interjecting—

MS GALLAGHER: Well, in Victoria it is actually funded at 95 per cent. They actually lose money if their beds are not full for 95 per cent of the time, under activity-based funding. So we have set a target of 90 per cent. That is what we believe allows for the efficient and safe running of the hospital at times, and at times we have

achieved that. But hospitals are incredibly busy. We are seeing more admissions, and more admissions with sicker people. That puts pressure on beds. We will continue to open beds to help alleviate that pressure and restructure the hospital system to try and keep people out of hospital and in other services like hospital in the home. There is a lot of work underway to do that. But our hospitals are safe. They are incredibly professional and they are delivering more and more services every year, and it is a credit to the staff that work in them.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, when did you first become aware that the bed occupancy rates in the ACT were at or above unsafe levels?

MS GALLAGHER: I am not going to accept that they are at or above unsafe levels. They are—

Mr Hanson interjecting—

MS GALLAGHER: What I am telling you is that we have set a target of 90 per cent. That does not translate that it is unsafe in our hospitals if the bed occupancy increases above that. I get reports on the activity in the hospital on a daily basis. I see how busy the hospital is or how calm the hospital is, so I feel very well informed on all aspects of the hospitals. Bed occupancy is one of them that we keep an eye on, but we also look at a range of other measures to see how the hospital is operating at any point in time.

MADAM SPEAKER: Supplementary question, Ms Lawder.

MS LAWDER: Minister, what did you do when you were first informed that occupancy rates were above safe performance levels?

Mr Hanson: Changed the target.

MS GALLAGHER: That is not true. The interjection from Mr Hanson is not true.

MADAM SPEAKER: You should not respond to the interjection from Mr Hanson, Chief Minister.

MS GALLAGHER: It is impossible, Madam Speaker, when he keeps interrupting not to respond, particularly when there are untruths being shouted across the chamber. The bed occupancy rate changes day to day. To get notification that your bed occupancy is at 87 per cent and then the next day that it is at 92 per cent or 95 per cent does not result in any particular action on my part.

The hospital executive and staff are charged with running the hospital. They do that. I do not get into operationalising or responding to these matters on a daily basis. My job is to ensure that there is adequate resourcing when the hospitals get to a point where other alternatives might be looked at, that those resources are made available, which they are, and continuing to build up capacity across the system. That is exactly

what we are doing. That is what I did yesterday when we opened 24 extra beds at Calvary. That will assist them greatly with their bed occupancy in that hospital.

MADAM SPEAKER: Supplementary question, Ms Lawder.

MS LAWDER: Minister, who authorised the change in targets relating to safe performance levels?

MS GALLAGHER: This would have been a decision taken on advice by the Health Directorate. I will come back to you when that decision was made, because I think it was more than a year ago.

Mr Hanson: You made that decision.

MS GALLAGHER: I think it was more than a year ago, Mr Hanson. I cannot recall signing off a brief on it, but I would have been advised in some way, and I support it. It was informed particularly—and I will check on the level advice—when I visited a number of facilities in Melbourne which are funded to have occupancy levels of 95 per cent. It is not a recent decision I have taken. It has been in place for some time.

Mr Hanson: So you did take it.

MS GALLAGHER: I cannot recall, Mr Hanson, but I will come back and inform the Assembly of when that change occurred. I believe I have appeared before several annual reports and estimates hearings with that as the target, but I will check the record and come back to the Assembly.

Mr Hanson: On a point of order on relevance, Madam Speaker, the minister said that she would come back and say when the decision was made. The question was who made the decision.

MADAM SPEAKER: That is not a point of order. The minister had finished answering the question.

Environment—Molonglo Valley annual report

MS LAWDER: My question is to the Minister for Economic Development. Minister, section 6 of the Molonglo Valley national environmental significance plan, which was adopted in September 2011, refers to annual reports, and I quote:

> The report will be completed within five months of the end of each financial year and will be made publicly available.

Minister, why is the Molonglo Valley annual report for 2013 not available to the public, given it was required to be completed no later than 1 December last year?

MR BARR: I will seek an explanation as to the availability of the report and provide that to the member.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, are the legal conditions arising from the Molonglo and north Gungahlin strategic environmental assessments being met?

MR BARR: I have not been advised that they are not being met.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, is the Molonglo Valley biodiversity offset site delivering the intended outcomes?

MR BARR: That is my understanding.

MADAM SPEAKER: Supplementary question, Mrs Jones.

MRS JONES: Minister, could you please outline the funding arrangements for the delivery of the Molongo Valley and north Gungahlin biodiversity plans.

MR BARR: I refer the member to budget papers.

Infrastructure—proposed new convention centre

MR SMYTH: My question is to the Chief Minister. Chief Minister, you have stated that you received a letter from the federal government on 12 April when you were advised of the commonwealth's position to not support your request for seed funding for the new convention centre. What have you done subsequent to receiving this news to further the cause of the new convention centre?

MS GALLAGHER: I have sought advice from across the ACT government about what the next steps are, after the commonwealth's refusal. I have raised it with the Prime Minister in a conversation and I have followed up with a letter.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Chief Minister, why has your government spent more in one year on light rail than it has in 10 years on a new convention centre?

MS GALLAGHER: It is easy for the shadow treasurer to continue to berate this government. When you reflect back on their commitment in the last election for this facility, it was in the order of $2 million. That is what you were going to spend on it, if you won, over the next four years, and now we are being berated for not spending $10 million and having the project shovel-ready. So there is one standard for us and one for you. We have done more than anyone to get this project to the point where it is being considered by the federal government. It is certainly a lot more than you have done, Mr Smyth, because I think what you have done includes having a couple of dinners to talk about how everyone else is not doing enough.

We have been working with the business community. We have provided the support. The Treasurer has provided the leadership to resolve the issue of land. And we have

been advocating for this proposal with the federal government. It turns out that they are not hearing that, not supporting it, ignoring it or whatever.

Mr Hanson: It wasn't shovel-ready.

MS GALLAGHER: As Mr Hanson knows, there was at no point a request for a shovel-ready provision. In terms of the capital we have spent in health, the capital we spend in public transport and the capital we spend in municipal services, if you add it all up, we are investing heavily in our capital program across the city, to build this city, because no-one else is, in case you have not noticed, Mr Smyth. Not only are they not investing in it; they are contracting. So that is what we are doing. We will spend more money on capital projects. We will spend more money on public transport, we will spend more money in health and we will more money in education, at a time when others are withdrawing and failing to invest. And your great commitment, Mr Smyth, was $2 million. *(Time expired.)*

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Chief Minister, will you develop an investment-ready case for the ACT having a new convention centre and reapproach your federal counterparts, and what will the government be doing?

MS GALLAGHER: I did not quite hear the question part of that; I heard the preamble.

MADAM SPEAKER: Mr Doszpot, would you like to repeat the question.

MR DOSZPOT: Minister, will you develop an investment-ready case for the ACT getting a new convention centre and re-approach your federal counterparts, and what will the government be doing in addition?

MS GALLAGHER: I will not announce government executive policy. We are reconsidering all options in relation to this project, and we will continue to work in partnership with the business community, who rank it their number one priority.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, what will you do to get the business case requirements ready?

MS GALLAGHER: I stand by my previous answer. It is the same answer to a similar question.

Calvary hospital—beds

MS BERRY: My question is to the Minister for Health. Minister, yesterday you visited Calvary hospital and announced 24 new specialised beds. How will the addition of these beds benefit health services in the ACT?

MS GALLAGHER: I thank Ms Berry for the question and for her interest in Calvary hospital, the major hospital in her electorate of Ginninderra. Yesterday I did visit Calvary hospital, along with the chair of the Little Company of Mary Health Care board, the Hon John Watkins. We were able to inspect the new eight-bed rapid assessment unit, also known as the RAPU, and the 12-bed medical assessment planning unit, known as the MAPU, and a four-bed stroke unit. The ACT community provided $3 million for the capital works for these three important services. We also provided the recurrent funding for the staffing and support for these beds.

It was great to have a look at them. The rapid assessment and planning unit and the medical assessment and planning unit allow the speedy transfer and admission of patients from the emergency department into these short-stay wards, where it is hoped that they are assessed and discharged within a 24-hour to 48-hour period. It is a very interesting model, with a multidisciplinary team which assesses the patient once they are admitted. They have very clear operational guidelines about how those units are to be run.

The Calvary stroke unit provides a similar model, ensuring that patients are admitted very quickly into a specialised stroke unit. Members would know that there is a stroke unit at the Canberra Hospital, but this means that for patients presenting on the north side of Canberra, for the first time in our short history as a city, we now are running two stroke units across the city.

It is interesting when you look at the statistics to see that 300 people present every year to Calvary hospital with suspected stroke. On the evening before we visited, three people had presented with stroke to the emergency department. Indeed, there was another admission while we were there yesterday morning. So there is no doubt that the need is there. It means that people can get access to that very highly specialised fast treatment quickly without having to transfer to Canberra Hospital or be cared for in a non-specialised unit.

It was great to see. I am very pleased that we have been able to deliver these extra beds. They will go to assisting the hospital to meet some of the performance requirements that they have in terms of the emergency department but also help them with their patient flow through the hospital.

MADAM SPEAKER: Supplementary question, Ms Berry.

MS BERRY: Minister, what was the feedback from patients that you met during the visit to Calvary hospital about their medical treatment?

MS GALLAGHER: I thank Ms Berry for the supplementary. Work started on the RAPU and the MAPU in late February, and the stroke unit started only two days before these were operational areas of the hospital. So we were able to meet with patients who had agreed to us tromping into their rooms. It was really very good to meet the people. They were very generous with discussing their experience of being admitted through those units.

Indeed, a couple I met from Cook had been walking around the National Gallery on Tuesday morning when the woman felt unwell. She went home with her husband and the next day was sitting up in bed in the stroke unit being really well cared for. They could not speak more highly of the staff and the care they had received, how quick that care was and how lucky we are as a community that these services are available and operational in our city.

I wish them all the best. I am sure that they are either out of the hospital now or well on the road to recovery. It is a real credit to the staff at Calvary hospital that those patients spoke highly about the clinical and nursing care that they received.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, will these new beds take pressure off already busy areas of the public hospital system, and how will they ensure best treatment outcomes for patients?

MS GALLAGHER: I thank Mr Gentleman for the question. There are some other beds that will come on line in the next few months. These beds will be at Canberra Hospital. But the extra beds that were provided at Calvary hospital will significantly improve the capacity, and have done so already, for patients and patient flow. But it is not just about meeting targets; it is actually about the care that you provide. Even though these units are not single rooms—the stroke unit is a four-bed room, the RAPU is a four-bed room, and the medical assessment and planning unit is a two-bed room—they are still able to have a high level of patient amenity, with very good nursing-staff ratios to support those individuals in their care and treatment.

But we will continue to look at where we need to open beds, particularly what types of beds we need, to make sure we meet the needs of the community. I will no doubt update the Assembly in the future with the new beds that will open at the Canberra Hospital to complement these 24 beds at Calvary.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, what plans are there for the opening of new beds in future?

MS GALLAGHER: Thank you, Dr Bourke—and so soon to update the Assembly. When we look at hospital beds, there were 670 hospital beds available in 2001. We are now operating up to 1,030 funded beds in 2013. In the last budget there were 44 beds funded. Twenty-eight of those have come on line. The remaining 16 beds are for Canberra Hospital and they will open in August this year at the completion of the capital upgrades which have been linked to the area where the paediatric ward was before they moved to the new women's and children's hospital.

The budget allocated $12 million in 2013-14 to open 44 inpatient beds. So we will have 16 general inpatient beds, five new beds within the Centenary Hospital for Women and Children, including one NICU cot, one paediatric bed and one foetal medical day space. Funding is also allocated to provide capacity to expand the emergency medicine unit.

The extra funding at Calvary has enabled us to open 15 general inpatient beds, including the establishment of the stroke service I just mentioned, and establish the new eight-bed rapid assessment service, which I also have just spoken about.

Alexander Maconochie Centre—execution of search warrants

MR WALL: My question is to the Minister for Corrections. Yesterday it was reported that ACT Policing executed four search warrants on cells in the Alexander Maconochie Centre that resulted in the seizure of six mobile phones and an amount of suspected methylamphetamine and cannabis. Minister, given the drug testing at AMC is statistical only, is there a link between the anonymous random drug testing and the execution of these search warrants?

MR RATTENBURY: Yes, the Australian Federal Police and ACT Corrective Services have been working together closely over a period of some months now to bring about the result that was announced through the Federal Police media release yesterday. I think this has been a very positive example of collaboration where the two agencies have taken an intelligence-led approach to the issue of suspected drug importation into the jail, and there has been an operation that has led to a number of arrests both inside and outside the AMC. I welcome the collaboration between ACT Corrective Services and the Australian Federal Police to bring about this operation that we have seen executed over the last few days.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, are you reviewing any policies or procedures within the prison following Tuesday's search warrants?

MR RATTENBURY: Yes, ACT corrections will now work closely with the Australian Federal Police to consider the implications of this operation and any further efforts that need to be made now to reduce contraband that could be brought into the prison, whether it is drugs or mobile phones. They are the two key pieces of contraband that have been found in this case. Obviously, there are, as members know, a range of checks that are put in place to prevent the entry of contraband. There is a range of physical searching techniques, as well as intelligence-led work. We will now be reviewing a range of those areas in light of the outcome of this investigation.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, in your initial investigations can you identify any procedures that have failed?

MR RATTENBURY: I am not in a position to comment on that at this time.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, can you tell us how many search warrants have been executed on cells at the AMC during the past 12 months?

MR RATTENBURY: Aside from the four referred to in this item, I will have to take the rest of the question on notice.

Transport—light rail

MR COE: My question to the Chief Minister is in regard to light rail. Yesterday the *Canberra Times* quoted you as saying about light rail that "the government's consideration may or may not include changes to the route". Chief Minister, did the master plan process include an assumption that the southern terminus would be on Northbourne Avenue? If not, what was articulated to tenderers?

MS GALLAGHER: The operational matters of capital metro rest with the Minister for the Environment and Sustainable Development. In relation to the comments I made yesterday, they were in relation to a general question asked about future decisions that will be taken around capital metro. Those are yet to be taken and the cabinet will be considering them in the second part of this year.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Chief Minister, what changes are proposed given your commitment to build Gungahlin to the city as stage 1?

MS GALLAGHER: I think it is best if I just repeat the answer to the last question. The government will be taking a range of decisions around this project in the second half of this year, once the cabinet has been fully briefed on all the work that Capital Metro is doing to date.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, what is the latest projected capital cost of the project?

MS GALLAGHER: I refer the member to my previous answer.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Chief Minister, when will the first tree on Northbourne be cut down to make way for light rail?

MS GALLAGHER: I refer the member to my previous answer.

Economy—investment

MS PORTER: My question is to the Treasurer. Could the Treasurer please outline how the ACT government is investing in Canberra's future?

MR BARR: I thank Ms Porter for the question. The government's investment in the city's future is principally in the areas of health and community care, education and training, municipal services and community services. With a $1.3 billion annual

investment in health and community care, just a little over $1 billion annual investment in education and training, $500 million annually in municipal services and around $450 million in community services, disability services and housing, the vast majority of the territory budget is invested in the wellbeing of our residents, increasing our education and training output and ensuring that we maintain our very enviable status as the best educated and the healthiest, happiest and longest-living community in this country.

The government's principal investments through the budget are in those portfolio priorities. It stands in marked contrast to what we have seen from the commonwealth budget on Tuesday night where the commonwealth essentially indicated that they did not see a future role for the national government in supporting health and education provision in the states and territories. This $80 billion cut in commonwealth government funding to the states and territories in the forward estimates for the provision of health and education services really goes to the core of how our federal financial relations seem to operate.

It is no surprise that state premiers and state treasurers are joining with territory chief ministers and treasurers in expressing a great deal of alarm, regardless of which side of the political fence you might sit on, at the commonwealth government's approach. Let us be very clear: ripping $80 billion out of health and education spending in this country will have a significant impact on service provision at a local level. There is just no escaping that reality. It means, in effect, that the commonwealth government has simply shifted its budget problem to the states and territories and also to individual households.

Everyone who now has to pay to go and see a GP, that is the commonwealth shifting their budget problem onto your household budget, just as they are shifting the problem to the states and territories. Again, you do not need just to take my word for this, Madam Speaker. Look at what Premier Baird has said in New South Wales. The Liberal Premier, Mike Baird, said this commonwealth budget is "a kick in the guts" to New South Wales, just as it is here in the ACT.

This ACT Labor government will continue to invest in our community's future through health and education, through municipal services, through community services and through a range of other priorities that the government has in its annual budget.

We also have a $1.3 billion infrastructure program for the city. We look to be adding to that program over the forward estimates and over the balance of this decade to provide the essential infrastructure that this city will need as we head into the first decade of our second century as a city.

Yes, there are going to be challenging economic times ahead, but the ACT government is aware of the critical importance for us now to invest in this community both in terms of the infrastructure our community needs and the health and education services, the community services and the municipal services that we need. We know we are going to have to do all the heavy lifting ourselves in partnership with the private sector and with this community because the federal government have walked away. *(Time expired.)*

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Treasurer, can you outline the choices facing the ACT government in preparing the ACT's 2014-15 budget.

MADAM SPEAKER: The Treasurer, Mr Barr, being careful not to announce government policy.

MR BARR: There is no doubt that developing budgets is a challenging task—and no more challenging in the last two decades than this budget that we will deliver in three weeks time. It is perhaps the most challenging budget for the territory in two decades.

In anticipation of the commonwealth cuts that have now materialised, we are left with a very stark choice. We can either reduce expenditure, cut jobs and cut our own services in order to seek to deliver budget surpluses at this time, or we can continue to invest in our city and in jobs through the provision of essential services to the community and through targeted infrastructure works to soften the blow on our economy from the commonwealth contraction. It is our intention to continue to invest in our city and to do this responsibly by leveraging the territory's very sound financial position and using innovative procurement methodologies for large projects that the territory economy needs.

There have been different choices taken in different jurisdictions in Australia in relation to this challenge. I do not think anyone is seriously arguing—certainly not the business community or the community sector; I have yet to hear any advocates in this community arguing it—that we should now join with the commonwealth in contracting our economy, adding to the job losses, adding to unemployment in our city and reducing the level of economic activity. If there is such an argument and it is going to be put, now is the time. I am sure that the shadow treasurer will have the opportunity to put forward a proposition to that extent if that is what he believes. If he believes we should follow the path of his federal colleagues and contract our economy further, let him say so. But that is not the approach we will be taking. *(Time expired.)*

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Treasurer, how important is it for the budget to commit to further infrastructure investment?

MR BARR: More important than ever given that the infrastructure Prime Minister and the infrastructure commonwealth budget has delivered no new infrastructure for the ACT. This government will need to do the heavy lifting in relation to new infrastructure for the territory, because infrastructure makes a vital contribution to confidence and job generation in the city.

The infrastructure investment by the territory government promotes long-term improvements in the productive capacity of the territory's economy which lead to long-run economic growth and improved living standards for everyone in the city. It gives the government also the resources to invest in our community longer term. It

responds to the needs of a growing city by enhancing productive capacity and providing the foundation for improved services.

We are preparing an approach to market now for new court facilities. We are developing a new subacute hospital for the city. The University of Canberra public hospital will help met the growing demands in our health system and provide an opportunity to work in partnership with the university to train our local health workforce. These are just some examples of the government's investments in a $1.3 billion infrastructure program for the city.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, how important is tax reform for the ACT's economy?

MR BARR: Tax reform has certainly been on the agenda in this country for some time. It has clearly been placed fairly and squarely on the national agenda following Tuesday night's budget, with a particular focus, obviously, on the federation and tax reform white papers that the commonwealth government is initiating. It also comes off the back of work of the previous federal government, particularly in the commissioning of the Henry tax review.

It is of course worth stressing again and placing on the public record, as the federal Treasurer has suggested that adult and grown-up governments tackle tax reform, that this adult and grown-up government has. We are the only government in this country that has actually been prepared—

Opposition members interjecting—

MR BARR: Here we go. Here we get the juvenile, childish response from the opposition to the mention of the words "tax reform". Tax reform always gets them animated, Madam Speaker. That is because they lack the maturity to engage in a sensible taxation reform debate.

Mr Hanson, on Friday morning, standing next to me, said how important it was to respond in a structural way to the Henry tax review. We commissioned a tax reform paper and we are enacting its recommendations. We are phasing out inefficient and unfair taxes and transitioning to a fairer, broader-based land tax.

Mr Hanson: Fairer?

MR BARR: Yes. Rates are a much fairer way of raising revenue than stamp duty. Stamp duty is a bad tax and we are pleased to be abolishing it. *(Time expired.)*

Transport—light rail

MR DOSZPOT: My question is to the Minister for the Environment and Sustainable Development regarding light rail. Yesterday, 14 May 2014, the *Canberra Times* quoted the Chief Minister as saying, about light rail, that the government's consideration may or may not include changes to the route. Did the master plan

process include an assumption that the southern terminus would be on Northbourne Avenue? If not, what was articulated to the tenderers?

MR CORBELL: I thank Mr Doszpot for his question. The development of a light rail master plan is subject to consideration by the cabinet, and I am not in a position at this time to disclose the details of that consideration. The government will make further announcements in due course.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, who produced the potential future light rail network as presented in capital metro project update 3?

MR CORBELL: An outline of the possible routes that are being considered in the light rail master plan was released as part of the government's announcement of the commissioning of tender of that work. That was produced by my directorate.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, were tenderers asked to submit tenders based on the future light rail network as presented in the capital metro project update 3?

MR CORBELL: The tenderers have been asked to perform their work consistent with the tender documents.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, did the contract for the master plan include developing benefit-cost ratios for those routes?

MR CORBELL: The work associated with the light rail master plan is set out in the tender documents.

Hospitals—waiting times

MRS JONES: My question is to the Minister for Health. The Productivity Commission report on government services 2001-02 showed that the ACT exceeded or met the national average for emergency department waiting times in all categories except category 5. However, the Productivity Commission report of 2014 shows that the ACT failed to meet the national average for emergency department waiting times in any of the five categories during 2012-13, and the last AIHW shows Canberra has the longest ED waiting times in the country. Minister, why has the performance of Canberra emergency departments under this government deteriorated so badly for so long?

MS GALLAGHER: I welcome the question on emergency department care and the extremely high standard of care that is available for the residents of the ACT and surrounding New South Wales when they present to the emergency department. I have just been looking at some of the detailed analysis, because I am holding a roundtable on the emergency department matters.

Mr Smyth: Another roundtable.

MS GALLAGHER: Yes, another one, Mr Smyth, because part of my job is to talk to people about what is happening. What we have seen since the 2008-09 year, just for information, because it is interesting information, is that whilst there has been a nine per cent increase in our population over that time to this financial year, there has been a 25 per cent increase in presentations to the emergency department. There has also been a massive change in the numbers of people coming from the north of Canberra to attend the Canberra Hospital's emergency department in that time. So there are very interesting changes happening and pressure that is being placed on the emergency department over a very short period of time.

Essentially, the difference is not to do with lack of resources and it is not to do with the care that is provided in the emergency department. The difference we have seen over the last 12 to 13 years is a very significant increase in presentations to the emergency department, much greater than standard population growth. That has put pressure on triage timeliness.

I would say, though, that we are moving to the four-hour rule, or we were until national health reform was ripped up on Tuesday night. The four-hour rule measures the treatment part of the experience at the emergency department, whereas the triage time represents the time to actually get to care. We are doing better in that now and we are doing better in our four-hour target. We always lead the country in terms of the quality of care provided in our emergency department. I am not going to pretend there are not pressures there; there are. But I do not think it is as easy a situation as the opposition would try and project to the community.

There has been a lot of work put into this area of government. We have put a lot of resources in. We have supported the staff to make changes in the way they have patients travel through the emergency department. We are doing an incredible amount of work in the rest of the hospital to make sure that supports the work in the emergency department. At the end of the day, presentations continue to rise, and there has been no change to that. In the first six months of this reporting period there has been a five per cent increase in presentations, on top of last year's increase, and at the same time they have improved performance overall by nine per cent against the four-hour rule. We have gone from 50 per cent to 59 per cent. They are doing an incredibly good job.

MADAM SPEAKER: Supplementary question, Mrs Jones.

MRS JONES: On a detail of the report, why are urgent category 3 patients with blood loss and dehydration being seen at 47 per cent on time compared to a target of 75 per cent?

MS GALLAGHER: If I look at the 2013-14 report year, the performance for category 3 year to date is 49 per cent, up from 43 per cent in the previous year. The target is for 75 per cent. So we are seeing improvement. Category 3 is the area where it is the hardest. It is one of the largest presentation groups, where people need to be

seen but they are not as sick as category 2 and category 1 patients. I would say that in both of those categories we are meeting timeliness—in categories 1 and 2, which are our most urgent patients. The area I would like to see further significant improvement in is in the category 3 mark, because people are still quite unwell but they are triaged below those with more urgent conditions. We have seen very substantial growth in presentations in the category 2 timeliness criteria.

When you talk to the doctors around this particular target, you find that there is an argument around whether this is the most useful way of measuring performance. That is why we have moved to the four-hour rule. This is merely a measure of time to actually get treatment started. In some jurisdictions, the clock stops when a nurse comes or a panadol is given, for example. In our hospital we have a different standard; it is when you are seen by the doctor that stops the clock. As to whether it is the most useful way of measuring performance, the jury is out on it, but I think that probably for me the four-hour rule gives you a much better point of patient experience, because that is their whole journey—their arrival, their experience within the ED, and they are discharged either back to the community or into the hospital. That is the one we are focusing on.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, will there be an effect on the presentations to emergency departments in the ACT from the introduction of the GP co-payment?

MS GALLAGHER: It is going to be something we have to watch. It will be difficult to predict. I think most commentators and experts in health would argue that you would see some flowthrough to the emergency department. We expect, in Canberra, there may be an impact on the nurse-led walk-in centres as well if the GP-type patient is looking for access to quick, free care. Both of those in Tuggeranong and Belconnen are opening in the next couple of months. So we will watch both the nurse-led walk-in centres, and the impact on them, and the emergency department as well.

I would say that we have a higher than average presentation to our emergency department of anywhere in the country. So we know that people are already coming to the emergency department at a much faster rate than in other jurisdictions. But it is definitely something that we will keep an eye on.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, why is it that other jurisdictions facing similar population pressures have performed better over the last decade than the ACT?

MS GALLAGHER: I am not privy to that level of detail of other jurisdictions. They may have had population growth, but has that translated into a three times faster rate of presentations to the emergency department? I do not have that data available to me and I am not sure whether it is reported anywhere, either. What I do know in Canberra is that in the last four to five years we have had a nine per cent population growth and a 25 per cent increase in presentations to the emergency department.

So the experience in growth that we are seeing in the emergency department is much greater and cannot be put down simply to, "Oh, well, it is population growth," and that we could have planned for this. I would also say that the larger jurisdictions have many, many hospitals, not just two. They have small hospitals, medium size hospitals and large hospitals.

There are also situations where each jurisdiction has greater bulk-billing rates than our GPs offer here. The national average is 80 per cent, which probably goes to some degree to explain why we have a higher utilisation of our emergency department. I think there are a lot of variables here, including what starts and stops the clock. There is no consistency on that either. So I look at these figures and I think that it is hard to compare jurisdiction to jurisdiction.

But having said all that, at the end of the day it is about the patients who walk in the door and we want to make sure that they are seen, that they are seen as quickly as possible and that people who are the sickest get the care fastest. I do not use it as an excuse. We will continue to work away on this. I expect we will continue to see improvement in this area.

Legal aid—federal funding

MR GENTLEMAN: My question is to the Attorney-General. In this week's federal budget ACT legal aid funding was cut by $400,000 for the 2014-15 period. What will be the impact of this cut in funding in the ACT?

MR CORBELL: I thank Mr Gentleman for his question. It is deeply disturbing that we have seen in the budget brought down on Tuesday a cut of $15 million in legal aid funding nationally over the next four years. We oppose these cuts here in the ACT, and all members—indeed, those on the other side of the house as well—should join with us in opposing these cuts because they will have a direct impact on access to justice. Fewer resources to meet legal aid need means more and more serious legal problems facing the courts to the detriment of those in need. The information we have on legal aid services tells us that these cuts will target the most disadvantaged in our community. Once again, we see this federal Liberal government imposing cuts that have a disproportionate impact on the most vulnerable in our community.

Mr Smyth: You didn't shed a single tear when Labor did it.

MR CORBELL: Mr Smyth does not like it, but it is the truth. These cuts will increase costs on our justice system because legal problems that might have been adverted with earlier advice will balloon into more serious problems. The impacts on disadvantaged Canberrans cannot be understated. The additional funding that was provided by the federal Labor government has been used primarily to assist dispute resolution in matters involving Aboriginal and Torres Strait Islander people, including family law and care and protection matters concerning children. This is the type of representation that will now be denied to those people because of this cruel and arbitrary cut on the part of Tony Abbott and his Liberal colleagues.

The reduction in funding for services to Aboriginal and Torres Strait Islander people is directly contrary to the commonwealth's assessment of legal need. The commonwealth Productivity Commission is right now circulating its report on access to justice, and that report finds significant unmet legal need, particularly for the vulnerable and the poor in our community. That commission's draft report found that those most likely to have unmet legal need include women, Indigenous Australians, people with a disability and people who are unemployed. So these cuts to ACT legal aid are a direct attack on front-line services. They are a direct attack on the poor. They are a direct attack on the disadvantaged, and they are to the detriment to some of the most vulnerable in our community—women, Indigenous Australians, people with a disability and people who are unemployed. It means that fewer of these people will get the legal representation they need and deserve.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Attorney, can you please expand on the impact these cuts will have on staffing levels at Legal Aid ACT?

MR CORBELL: I think Mr Gentleman for his supplementary. I am advised by Legal Aid ACT that the impact financially is $400,000 for 2014-15. That is at least 2½ full-time staff and money that is being used to help, as I was saying earlier, the most disadvantaged in our community.

Looking at the potential impact on the Legal Aid Commission, it is clear that this decision does threaten access to justice. What we know is that it will adversely impact on front-line services and it will have an impact on jobs—people employed in the Legal Aid Commission. It is not as though the federal budget is just having an impact on commonwealth agencies; these impacts are now starting to reverberate on agencies in the states and the territories.

Let us look at what this funding would have otherwise provided and the services these staff would otherwise have delivered: 20 dispute resolution conferences, 43 grants in family property law matters to low income earners, employment of a staff member to expand help desk services and community legal education, matching of funding provided by this Labor government in the ACT to jointly fund an Aboriginal and Torres Strait Islander client service officer position, and the employment of another Indigenous person—a worker to develop the Aboriginal and Torres Strait Islander dispute resolution program and deliver targeted services to Indigenous community members across many areas of the law.

That is the impact of this cut. It is mean, it is harsh, it is disproportionate in its impact and it will directly hinder the ability of the vulnerable and low income earners in our community to get access to the legal services they need.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Attorney, can you further expand on how services will be impacted in the ACT as a result of these cuts?

MR CORBELL: As I have outlined, there are a range of impacts as a result of these cuts. We know that engaging Indigenous people in these service provision areas, in legal aid for Indigenous clients, is critical. It empowers Indigenous people to feel confident that their problems and their stories are going to be well understood when they approach legal aid. It encourages them to engage with the legal system and it encourages them to seek help early.

The clear advice from the reviews that have now been conducted nationwide into community legal services is that the early intervention pays dividends and stops problems becoming more serious, more complex and taking up more time in our courts and tribunals, often to the detriment of those who end up in those proceedings. So it is very important that we make these investments, but we are not seeing any support at all from the federal government when it comes to support for community legal aid services.

We have seen this cut to legal aid bureaus nationally in the budget on Tuesday. We saw last year the arbitrary removal of funding to community legal services like the environmental defenders offices. So this is unfortunately part of a pattern from a Liberal government that does not care, that is not interested in legal support services, that is not interested in helping the poor and the vulnerable, that is not interested in helping the battlers in our community who deserve these levels of support and legal representation wherever possible.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Minister, how do these cuts by the commonwealth contrast with the ACT government's strong support for legal assistance in the territory?

MR CORBELL: I thank Ms Berry for the supplementary. They contrast markedly, because at a time when we see a reduction in funding from the federal government, the defunding of certain community legal aid centres, and the big cuts in representation that would otherwise be available to the vulnerable in our community in our legal aid services, this government is making new and additional investments to help these services.

We have instituted a range of initiatives over the past few years to address support for community legal aid services. For example, we have provided funding to the Welfare Rights and Legal Centre to firstly establish and then maintain the street law program. Street law assists some of the most disadvantaged in our community by providing free legal services and advice to those who are homeless or at risk of being homeless. Heaven knows what Tony Abbott would have thought of that if he could have defunded that program, because he seems to be pretty happy to defund others. Alongside direct legal services to the homeless, street law is providing access for homeless people to other legal services.

The government has, of course, committed in the last ACT budget $1.05 million over four years for the development of the community legal centre hub, which is now co-locating with the Welfare Rights and Legal Centre, the Women's Legal Centre and the

Tenants Union in a central location. This program is also facilitating the deployment of other community legal centre activities, including the Disability Discrimination Legal Service, street law, as I have mentioned, the Tenants Advisory Service, the night-time legal service and the Indigenous women's law and justice support program.

These are the commitments this Labor government is making to support the vulnerable when it comes to legal advice and representation. Whilst there is still a great pool of unmet need, we need to be increasing funding, not cutting it. *(Time expired).*

Education—public education week

DR BOURKE: My question is to the Minister for Education and Training and relates to the success of public education in the ACT. Minister, today is the launch date for this year's public education week. Can you inform the Assembly what events are being held during the week to promote public education in the ACT?

MS BURCH: I thank Dr Bourke for his interest in public education. Today I have the pleasure of supporting the launch of public education week. I am very proud to be able to use this week to highlight the successes and achievements of Canberra's public schools. Public education week 2014 will showcase the achievement of our schools, teachers, staff and students as well as the local community. We will particularly celebrate our successes in the ACT as an education system widely regarded as the best in Australia.

It is very disappointing to see in this week's federal budget that the Liberals are scrapping their commitment to the final two years of the national education reform. While we are still analysing the impact on ACT public schools, it is clear from the budget papers that the ACT Catholic schools have been particularly hard hit.

But this week is public education week. This week will officially be launched today at the Civic library. I look forward to joining the teachers, students and staff there and enjoying some of the great art created by our schools.

The annual recognition of service awards acknowledge the great contribution made by our staff. These awards honour fantastic service over many years to public education in the ACT. Next Thursday, which is public education day, there will be an annual public education dinner. I understand that the evening will be hosted by Jane Caro, with a keynote address by Brian Schmidt.

On Saturday the 23rd, students from Canberra schools will showcase their musical and artistic talent at Westfield Belconnen. I encourage members to have a look at the great talent of our students there.

It is also during this week that many of our schools hold their annual open nights, celebrating their excellence and diversity in the key enrolment period. It is significant that enrolments in ACT public schools are continuing to grow, just as graduates of our schools continue to excel in all walks of life.

Gungahlin College is holding a political forum with students from a number of schools. The event will use the latest technology to share the event across other schools, including an overseas audience.

Walk to school day occurs on Friday. Macgregor Primary School will be one of the schools participating, as it has for 10 years.

I encourage parents to link up with their schools and celebrate public education week.

I would like to briefly compare the celebration of public education schools with what we heard on Tuesday in what we have heard described as a mean federal budget. Courtesy of Mr Abbott and the Liberal Party, the commonwealth will abandon the previous commitment of increasing commonwealth funding by 4.7 per cent. Mr Abbott and the Liberals have walked away from promises around bringing all schools up to an equitable national level of funding. Although the commonwealth funding will continue to increase in the outyears, it is at a much slower rate and no longer with equity as a principal consideration.

The budget of the commonwealth, through the Liberal Party, will also cease funding to the promised centre for quality teaching and learning at the University of Canberra—$26 million committed, but $25 million left unpaid. This would have been a centre that would have supported our schools and would have supported our teachers to ensure that our kids in the public system here had the best teachers that we could find.

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Minister, how is the government working to ensure that the ACT has the best public education system in the country and that all students and families can have confidence in their local public school?

MS BURCH: We are on the front foot with initiatives and best practice ideas for first-class education. We are opening state-of-the-art schools and refurbishing existing ones. We have a policy that supports our gifted and talented students and we are looking at a new testing regime for our teachers that we are recruiting to our public schools. The results clearly show that what we are doing is working. The 2013 NAPLAN results released last December show that ACT students are ranking top or equal across 20 of the areas tested.

We have also recently had two of our wonderful teachers honoured with national awards for excellence. Geoff McNamara of Melrose high and Kate Smith of Hughes primary are those two wonderful teachers. I am pleased to acknowledge that we have bipartisan support for the government's achievement in our schools. Mr Hanson himself has told the Assembly that we excel in the ACT. I recognise that. We have got a great non-government and public school system and they support it. If only their federal counterparts supported public education and the non-government education across Australia.

Looking to the future, I am looking to the findings of the reviews of the year 12 certificate and the progressing parental engagement program. I am sure that these reviews will give us valuable feedback about how we can further strengthen our public education system. I remain committed to this and will continue to work with teachers, principals and stakeholders to ensure that the ACT has the best education system in this country.

I take this opportunity to quickly thank the principals, teachers and all the staff at our schools that do a great job for our children each and every day of school term.

MADAM SPEAKER: Supplementary question, Ms Berry.

MS BERRY: Minister, can you highlight some more of the achievements in the last year for our public schools, their students and their teachers?

MS BURCH: I thank Ms Berry for her question. Whilst I have said I see myself as minister for all schools, I will always be particularly proud to celebrate the achievement of our public school system. ACT schools continue to excel in national testing. As said, the latest NAPLAN results show us first or equal first across all of the 20 areas. Our outstanding students were recognised through our years 10 and 12 excellence awards. Once again, our students performed strongly in year 12 academic and vocational qualifications. Some 91 per cent of year 10 public school students in 2012 proceeded to college in 2013. Over 86 per cent of eligible Aboriginal and Torres Strait Islander students enrolled in public schools achieved a year 12 certificate.

The cultural achievements of our students were also celebrated through the annual schools extravaganza—"Step into the Limelight"—which featured over 1,300 performers from 62 schools. Student Peter Alliott from Telopea Park was one of the two students who were winners of the Chief Minister's Anzac spirit prize and attended the dawn service at Gallipoli as well as visiting battlefield and cultural sites in Turkey.

The quality of our teachers has been recognised nationally. As I have mentioned before, Geoff McNamara and Kate Smith were recognised in national excellence in teaching awards. The annual public education excellence awards acknowledged the excellence of our school principals, teachers, support staff and volunteers and enabled winners to undertake further professional development in our schools. Whilst the principals and teachers are often recognised, the teaching assistants, the volunteers and even the facilities managers also play an important role in making sure that we have the excellent public education that we do.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, how have you been engaging with parents, families and other stakeholders of public education to make sure that ACT public schools are the best they can be?

MS BURCH: I thank Ms Porter for her question. It is important that we engage with families within our education system. Our public school enrolments continue to grow by 3.3 per cent this year. That is the sixth consecutive year of growth. Families are recognising the value of and valuing our public education system. I firmly believe that parental engagement is important. We are the first jurisdiction to undertake a research-based parental engagement project and I look forward to that work over this year.

I am pleased to see that one of the few positives in the federal budget was indeed funding for the Australian Research Alliance for Children and Youth. They will pick up where the ACT has begun to lead.

Our gifted and talented student policy promotes open engagement with parents and carers and the "let's read" program engages parents on children's early reading abilities. We engage via regular communications with the major advisory groups, via social media and by making our online resources more accessible, and through our partnerships with business and community groups.

And to support the new online enrolment system, on the eve of public education week many of our high schools are conducting open days where parents and students can get a feel of the school and its community. Parent and family engagement is regarded as crucial and critical in supporting a child's academic development and success, and I intend to continue to champion this across our public education system.

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

Supplementary answers to questions without notice

Construction industry—Hewatt Earthworks
Budget—consolidated financial report

MR BARR: Earlier in the week Mr Wall asked me a question in relation to Hewatt Earthworks, and the answer to that question is that on 16 April a brief was provided to my office.

Mr Smyth and Mr Doszpot asked questions in relation to public trading enterprises—page 25, I believe, of the March quarterly update—transactions involving owners affecting accumulated funds. I advise the Assembly that these are the total of capital injections provided to public trading enterprises together with the dividends paid by them. The dividends approved item in the statement of changes in equity statement for PTEs comprises the amount of dividends that the public trading enterprises estimate they will pay to the government.

The reasons for the variations largely relate to the timing of declarations of dividends. ACTEW Corporation traditionally declares its interim dividend in May of each year. The decrease in dividends approved from the original budget to the revised estimate is reflective of the decrease in ACTEW Corporation's dividend for reasons that we have discussed extensively in this place.

Executive contracts
Papers and statement by minister

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education): For the information of members I present the following papers:

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
>
> Short-term contracts:
>
> Austin Kenney, dated 28 and 30 April 2014.
>
> Maureen Sheehan, dated 30 April and 1 May 2014.
>
> Ronia McDade, dated 28 and 29 April 2014.
>
> Contract variations:
>
> Elizabeth Beattie, dated 1 May 2014.
>
> Jacinta George, dated 17 and 29 April 2014.
>
> Namasivayam Kugathas, dated 30 April and 1 May 2014.

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

Leave granted.

MS GALLAGHER: I present a set of executive contracts. The 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 there are no long-term contracts, three short-term contracts and three contract variations. The details of contracts will be circulated to members.

Papers

Ms Gallagher presented the following papers:

> Building a Strong Foundation—A Framework for Promoting Mental Health and Wellbeing in the ACT 2009-2014—Implementation and Evaluation Report to the Legislative Assembly, prepared by the Mental Health Policy Unit—
>
> 2011-2012, dated October 2013.
>
> 2012-2013, dated February 2014.
>
> Managing the Risk of Suicide: A Suicide Prevention Strategy for the ACT 2009-2014—Implementation and Evaluation Report to the Legislative Assembly, prepared by the Mental Health Policy Unit—
>
> 2011-2012, dated October 2013.
>
> 2012-2013, dated January 2014.

Financial Management Act—instrument
Paper and statement by minister

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

> Financial Management Act, pursuant to section 17—Instrument varying appropriations relating to Commonwealth funding to the Environment and Sustainable Development Directorate, including a statement of reasons, dated 12 May 2014.

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

Leave granted.

MR BARR: As required by the FMA, I table the instrument under section 17. A direction and statement of reasons for the instrument must be tabled in the Assembly within three days after it is given. Section 17, for the benefit of members, enables variations to appropriations to be increased for any increases in existing commonwealth payments by direction of the Treasurer. I should add at this point that I do not expect to be standing up too often in the next few years and being able to advise the Assembly that we are receiving an increase in funding from the commonwealth government, but today I can.

I can advise the Assembly that the territory has received additional commonwealth funding of $2,090,000 for net costs of outputs for the water for the future national partnership 2013-14. I can advise the Assembly that the funding will be used for the ACT basin priority project to improve long-term water quality in the ACT and the Murrumbidgee River systems. This funding will be passed to the Environment and Sustainable Development Directorate as net costs of outputs for expenditure in relation to this grant.

On what might be one of the last times in the next few years I announce increased commonwealth funding for the territory. I definitely commend this paper to the Assembly.

Papers

Mr Corbell presented the following papers:

> Human Rights Act and Human Rights Commission Act, pursuant to subsection 41(2) and subsection 87(2) respectively—Human Rights Audit on the Conditions of Detention of Women at the Alexander Maconochie Centre—A Report by the ACT Human Rights and Discrimination Commissioner, dated 11 April 2014.
>
> ACT Criminal Justice—Statistical Profile 2014—March quarter.

Nature Conservation Bill—Exposure draft—Report to the ACT Legislative Assembly on the Roundtable called to explore issues relating to the Nature Conservation Bill, prepared by Mr Robert Neil, Commissioner for Sustainability and the Environment, dated 8 May 2014.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Architects Act—Architects Board Appointment 2014 (No 1)—Disallowable Instrument DI2014-51 (LR, 30 April 2014).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Victorian Bar Professional Standards Scheme 2014 (No 1)—Disallowable Instrument DI2014-53 (LR, 5 May 2014).

Financial Management Act—Financial Management (Directorates) Guidelines 2014—Disallowable Instrument DI2014-52 (LR, 5 May 2014).

Federal government—budget
Ministerial statement

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (3.44), by leave: On Tuesday this week the federal budget was released. There is a degree of relief that the vacuum of speculation which has surrounded this budget over many months is now gone and we can assess it with some clarity. Unfortunately, the budget's release confirms a bleak outlook for our city with extensive cuts to the commonwealth public service and deep, permanent cuts to the funding of essential public services.

While I respect the government's mandate to pursue budget savings, the way they have done so is not in a spirit of nationhood and certainly not in one of fairness. Our city has been singled out and our community has been treated like no other community would have been in this budget. Canberra will shoulder more than its fair share of the burden. There will be job losses, cuts to services and programs, less support for our young and for our old and, for many, more taxes to pay.

Today there are many Canberrans who feel insecure in their jobs, who face the prospect of unemployment, or who find themselves and their colleagues in an awful state of uncertainty.

While the threats posed by this budget are not of our making, the ACT government will do everything we can to protect local jobs and support local families. Our current estimate of ACT jobs to be cut is 6½ thousand, including 2,000 alone in 2014-15. In the next financial year, around half of the reductions sought nationally by the commonwealth—50 per cent in total—will come from this town.

These additional reductions are on top of significant reductions already made in the past two years—around 2,000 in 2012-13 and a further 1,500 in the six months to December 2013.

Among the agencies which will be hardest hit in the next four years are the Australian Taxation Office, the Department of Industry, CSIRO, the Department of Immigration and Border Protection, the Department of Foreign Affairs and Trade and the Australian Federal Police.

In a severe case of cost shifting, the commonwealth has reneged on funding commitments and COAG reforms without consultation and without agreement from states and territories. Nationally, these cuts equate to some $80 billion over the next decade and in the order of $1.3 billion in the ACT based on our population share.

Health funding growth will change from next financial year. Over the next 10 years the ACT will lose hundreds of millions of dollars in commonwealth funding and well over $100 million in the budget forward years alone. The commonwealth has torn up the agreement made with every state and territory under national health reforms. Funding in future years now ignores activity levels, appears to be provided on a population basis and does not recognise the 25 per cent of health services the ACT provides to the people of New South Wales.

The funding guarantee is gone, which will penalise the ACT because of our smaller scale and higher costs. Indexation on commonwealth funding will also fall and will see jurisdictions having to shoulder a far greater share of health costs into the future. The value of funding received in 2013-14 from agreements expiring on 1 July 2014 is $25.31 million and we estimate a further $10.4 million is at risk over the forward estimates.

The agreements ending this year include: improving public hospital services, $9.9 million; financial assistance for long-stay older patients, $3.2 million; training places—single and teen parents, $250,000; joint group training program, $290,000; youth attainment and transitions, $1.14 million; improving teacher quality, $3.13 million; Indigenous early childhood development, $1.1 million; home and community care for veterans, $140,000; emergency services, $4 million; and certain concessions for pension concession card and seniors card holders, $2 million.

Unfortunately, the commonwealth stripping funding from health will not make the costs go away. People will still arrive at the emergency department. They will still require operations, cancer treatment and renal dialysis. This decision simply shifts the burden to the states and territories. The announced GP co-payment does not reduce the cost of primary health care in our community. It simply concentrates the burden on the sick and the poor.

In school education, the commonwealth will abandon its previous commitments of increasing funding by 4.7 per cent plus enrolments growth each year and bringing all schools up to an equitable, national level of funding. Instead, in the outyears, growth in commonwealth funding for schools will be reduced to CPI plus enrolments growth from 2018 onwards and the differences in funding that exist between different schools will thereby remain.

In universities, the removal of fee caps on commonwealth supported places from 2016, combined with changes to student loans, represents a big step away from a principle of universal access to higher education.

In relation to infrastructure, the ACT is disappointed that, despite announcing a national infrastructure program of $11.6 billion, the commonwealth has not provided any new infrastructure funding for the territory.

In a further blow to Canberra, the identified job cuts look set to be added to in the transfer of 600 jobs to the Central Coast of New South Wales. So not only are we losing jobs from the ACT but also people are being relocated to another part of Australia, out of the ACT.

Cuts on this scale hold consequences for our city. Whilst our economy has shown itself to be resilient, the significant reductions in commonwealth spending will have an impact across Canberra and across the region. In economic terms, we expect the overall impact will run to many hundreds of millions of dollars in lost economic output.

For many Canberra households, the commonwealth's budget will translate into a struggle to meet mortgage payments, heating bills, school excursions and petrol costs, which are set to rise as a result of the reintroduction of fuel excise.

These costs will compound in households across the ACT as they are expected to cope with the combined effect of new taxes, costs to services and a dark cloud hanging over so many jobs.

We often hear commentary about Canberra's dependence on the commonwealth, but the reality is, as our largest employer, the public service is our Holden or our BHP. It is the key driver of our workforce and economy, and I hope it remains so.

The ACT government believes that the public servants of Canberra are no less valuable than the workers of Holden or BHP and I caution anyone against trivialising or dehumanising them in this discussion, or suggesting that their job is any less valuable than anyone else's.

Since October last year, the Prime Minister has assured me on a number of occasions he has no wish to harm the ACT, yet, whether through intent or indifference, this is the outcome of this commonwealth budget.

I have been very clear and consistent with the commonwealth that Canberra should not be expected to absorb job losses on this scale. Any job loss is regrettable, but for one community to be asked to cop losses two or three times greater than those we have seen in those manufacturing cities—which, incidentally, have drawn immediate transitional assistance—is extremely unfair.

While these cuts and job losses have been clearly identified in the commonwealth budget, no assistance has been provided to the ACT community. We have received no

new infrastructure funding and the request for assistance to progress the new convention centre project has been rejected.

It is also disappointing that funding has been cut to precisely the sorts of institutions we would look to for growth and employment at this time. All commonwealth funding for the national ICT Centre of Excellence, employing 70 Canberrans and developing the digital innovations of the future, will cease by 2017, $25 million has been taken from the University of Canberra's centre for quality teaching and learning, and $6 million has been taken from the ANU's Coombs policy forum.

The impacts of this budget will be felt beyond the ACT, through the capital region. We are the economic centre of a region growing towards one million people, the workplace of almost 30,000 New South Wales residents and a key source of income for towns spanning 12 surrounding shires. These towns too—their farmers, graziers, winemakers, tourist operators and other professionals—will feel the ongoing effects of the sweeping cuts which were announced.

Tomorrow, I will meet with the mayors of these shires through the South East Regional Organisation of Councils and will have the opportunity to listen to their communities' perspective on the budget.

In the next few days, I will outline a range of steps which we will put in place to respond, in both the short and longer terms, to the impacts likely to hit Canberra. I have sought an urgent meeting with the Prime Minister and will meet with other first ministers this coming Sunday. Cabinet will meet over two days early next week for a post federal budget review and reconsideration of our own budget.

I will be establishing a high level Chief Minister's advisory group to provide external counsel on strategic decision making in order to minimise impacts of the commonwealth's decisions on our economy. I will also hold a number of roundtables to hear directly from various stakeholders on impacts of the federal budget on their areas. We will include young people, knowledge-based Canberra, construction and property, and community services.

Through these steps we will build a more thorough understanding of what is likely to happen over the next two to three years, talk to our community and business leaders, look at how we can support business confidence and present a united case to the commonwealth around the need to provide assistance to the ACT should the announced cuts go ahead.

Together, we will seek a genuine commitment from the commonwealth to work with the ACT in supporting our economy through the inevitable adjustments this budget will force upon us.

The ACT government's response will also include our own budget, which we are in the process of finalising. The cuts outlined by the commonwealth will have a significant downward impact on the ACT budget. Let there be no mistake: the decisions that they have taken flow through to every revenue line and will put pressure on our expenditure lines including concessions, community services, health and education.

We will use our budget and our economic levers to maintain confidence and economic activity in the ACT where possible, looking hard at our revenue and expenditure to ensure we respond as best we can within our own constrained fiscal position.

In March we began stimulus measures to support our vital construction sector, working together with the industry on incentives for ongoing investment and building activity. We will continue with the commitment we made a year ago that, unlike other states which have slashed their public services, we will maintain our staffing levels with a focus on health and other front-line services.

Our next cabinet meetings will discuss all the impacts and factor them into the formulation of the ACT budget. But we are realistic about our own ability to respond to commonwealth cuts and, as nine per cent of the economy, our budget does not have the capacity to single-handedly maintain economic growth through stimulus.

Looking further ahead, we must look to the sources of strength which prepare us for this challenge far better than we were prepared when cuts of this scale last occurred, in 1996. After more than a decade of solid economic growth, we have a much bigger economy and population, a larger private sector and a stronger export orientation across industry.

We have also weathered two years of decline in commonwealth spending and the fundamentals of our economy, particularly our low unemployment rate, are stronger than they were in 1996. A decade of Labor reforms in the ACT has also built the platform for a significant diversification of our economy, which has begun to accelerate in recent years.

Our world-class researchers, IT professionals and academics have, together with government, taken the export reach of sectors in which the ACT excels to new markets and created important opportunities independent of the government sector. This work will continue, with greater intent and greater importance than ever before.

Wherever we can help Canberrans who may have the skills to transition from a government position to a private sector position, we will. Our business community has already shown itself to be an excellent facilitator of exactly this process and, again, it is imperative that the commonwealth provides assistance for this adjustment.

All Canberrans share a collective apprehension about what is in store for our city. There is no doubt we will be tested in the next couple of years. Canberra will always be known as a government town with an economy built first and foremost around the public servants who make Australian democracy work.

We will continue to stand up for our city—its workers, its families, its communities and its future. We will take each step as it comes but always with the wellbeing of all Canberrans foremost in our minds. I present the following paper:

> Federal Budget—ACT Government response—Ministerial statement, 15 May 2014.

I move:

> That the Assembly takes note of the paper.

Question resolved in the affirmative.

Out-of-home care strategy
Ministerial statement

MS BURCH (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (3.57), by leave: I would like to thank the Assembly for the opportunity to provide an update on the proposed policy directions for out-of-home care services.

It is a sad reality that some of our children may never be able to live with their biological families. For those children and young people the only safe option is out-of-home care until their family problems are resolved. This is not just a problem in Canberra. Around the country governments are wrestling with how to best support and nurture vulnerable young people and children.

There have been at least 18 reviews of out-of-home care services around the country in the past decade, including three here in the ACT. Since 2012 the Community Services Directorate has been undertaking research and consulting with stakeholders—including carers—to develop the out-of-home care strategy 2015-20. An issues paper was released for consultation last August and a discussion paper in November. In response we have received written submissions from many organisations and individuals.

As a result of the consultations, the ACT government has endorsed, in principle, the general policy directions proposed for the new out-of-home care system. We have released them for a further round of consultation before we finalise the strategy later this year.

Projections prepared for the strategy suggest that if we do not act now, in 10 years time there will be more than 1,000 children and young people in out-of-home care in the ACT. Again this is not unique to the ACT. All Australian jurisdictions are experiencing growth in care numbers and all are experiencing difficulties in attracting and retaining carers.

All our children have a right to grow up in a safe, stable and nurturing environment. There is no better place for that to happen than with a good parent. No government-funded delivery service can ever replace that, yet we find ourselves in a situation where some children will need to come into out-of-home care.

This leaves child protection services struggling to meet the increasingly complex needs of children in care, to provide enough care places as the availability of foster carers declines, and deal with workforce challenges and financial pressures of caring for growing numbers of children and young people entering care.

We know and recognise that the challenge is great. We know that outcomes for children and young people who enter care are often poor, all around the Western world. Children formerly in care are significantly overrepresented among the unemployed, the homeless, prisoners, the parents of children in care and those who experience mental illness. Recent advances in neuroscience reveal how early trauma affects the developing brain and can, if untreated, affect lifelong development and adjustment.

That is why I was pleased to announce last year budget funding for a trauma recovery service for children and young people in care. This service has been in development under the leadership of an expert steering committee and will be operational in July this year, as planned.

Children and young people experience trauma as a consequence of abuse, neglect, abandonment or bereavement that led to their entry to care. They can then suffer more trauma from the loss of familiar environments and relationships as they enter care. This government is committed to developing an out-of-home care strategy that responds to these challenges.

The proposed policy has the following aims: to stem the number of children entering care wherever possible through supporting the highest risk parents; to provide a trauma-informed therapeutically-oriented service system which will improve life outcomes for children and young people in care; and, wherever possible, to move children and young people from care into permanent alternative families as quickly as possible.

The proposed policy directions are centred on the right of all children and young people to be loved, feel secure and to have what is considered a "normal" life. This makes finding alternative permanent placements for children and young people who cannot safely return home—either through adoption or through an enduring parental responsibility order—a priority.

We are putting the needs of the children at the heart of this approach. Each child and young person entering care would have a comprehensive developmental and psychological assessment by a team of skilled therapeutic assessors. These assessments and plan would be reviewed annually.

In addition to recasting the system as a trauma-informed service system, three streams of reform activity are also proposed. The first is to strengthen high-risk families by providing intensive, practical in-home support to struggling parents when they first come to the attention of Care and Protection in order to keep children with their parents. There will be a strong emphasis on timely decision-making, especially for infants and young children. Research in the last two decades shows how important it is to secure early attachment for a child's physical, cognitive and emotional development.

I will consider the introduction of legislative amendments to shorten the maximum length of initial orders from two years to one year where the child is aged two or

under at the entry of care to ensure the child is reunified with their birth family promptly or placed with a permanent alternative family. I propose to reduce the length of time necessary for a stable placement before an enduring parental responsibility order can be made from the existing two years to one year.

The second strand of reform involves creating a continuum of care, which brings together all of the service elements designed to support children and young people who cannot safely return to their families. It provides a significant role for non-government providers in case management of children on long-term orders and focuses on providing all children and young people in care with a permanent family placement.

The strategy also explores the option of professional foster carers for a small group of highly traumatised children and young people who require intensive support of a specialised nature. I also propose to introduce some extended assistance to young people up to the age of 21 if needed, either through continuing carer subsidies or by providing supported living arrangements for young people who would benefit from ongoing support as they adjust to independence.

The third stream of proposed reform is a mix of initiatives designed to strengthen accountability and ensure a high-functioning care system. These proposals respond to some of the deficiencies in purchasing, regulation and provision of services identified in external reviews and audits. A range of changes designed to ensure the care system operates efficiently and equitably are proposed. They include the introduction of an accreditation system for out-of-home care services consistent with an earlier decision of the government and strengthened contract management and quality assurance.

I am sure that all members are aware of the wonderful work our foster and kinship carers do on behalf of the government and the whole community. Carers have been consulted through a variety of means in developing these proposals.

We have heard from carers that their top six concerns have been: acknowledgement that they know the child better than any other member of the care team, and should be respected for that knowledge; the need to reduce the complexity of the current system, including simplifying the three-way relationship between Care and Protection, agencies and carers; better and more timely information for when a child first comes into care; help with managing children with challenging or worrying behaviours; the ability to be assessed as permanent carers if a child cannot go home to their birth parents, and to have security around that child's placement as quickly as possible; and the need to increase the availability of respite and other services which would reduce pressure on carers and facilitate them spending quality time with the child.

I can assure carers that we have spent time listening to them and developing a strategy that will address those concerns.

I would now like to turn to a final but very important issue—the overrepresentation of Aboriginal and Torres Strait Islander children in care. Indigenous communities around Australia are united in their desire to keep children at home, within their families and their communities—and where those children must enter care, to have them cared for by kin as much as possible.

The directorate is in the process of establishing a panel of independent Aboriginal and Torres Strait Islander cultural advisers to assist Care and Protection and agency staff with decision-making and cultural planning for Aboriginal and Torres Strait Islander children and young people.

It is important that members of the Assembly understand and support the work that is underway to improve outcomes for these high-risk families and their children. I have outlined key aspects of the proposed policy and I encourage interested parties to examine the material available on the directorate's website.

Once the consultation period ends and we finalise our approach we will work on implementation. Some aspects that are changes in policy or approach that can be done with available resources will be progressed as soon as possible. Others may require additional resources and will be subject to future budget decisions. Regardless, though, every child deserves a good childhood and the best start in life possible.

I extend my very sincere thanks to all those who have worked so hard on behalf of our vulnerable children, including carers, staff of the Community Services Directorate and the non-government agencies. All of the territory's children and young people are precious and where they have suffered maltreatment I am committed to ensuring that we do our very best to secure their future. I present a copy of the following paper:

> Out of Home Care Strategy: Proposed Policy Directions—Ministerial statement, 15 May 2014

I move:

> That the Assembly takes note of the paper.

Question resolved in the affirmative.

Federal government—budget
Discussion of matter of public importance

MR ASSISTANT SPEAKER (Mr Gentleman): Madam Speaker has received letters from Ms Berry, Dr Bourke, Mr Coe, myself, Mr Hanson, Mrs Jones, Ms Lawder, Mr Smyth and Mr Wall 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 impact of the Federal Budget on ACT jobs, services, our community and business.

DR BOURKE (Ginninderra) (4.08): I welcome the opportunity today to speak on the impact of the federal budget on the ACT. The commonwealth budget will have huge repercussions and involve substantial changes for all of us in our everyday lives as well as our own budget in the ACT.

As we know from all the reports, our state and territory colleagues are shocked by the impact of this federal budget on their own jurisdictions as well as on the nation. No-one could describe Prime Minister Tony Abbott as trusty.

The significant cuts to the public service announced in the federal budget will affect the ACT disproportionately. Whilst public service jobs will be lost all over Australia, the ACT will be hit particularly hard. The commonwealth's ACT workforce is three times the size of the ACT government's, and we cannot absorb large redundancies. We fare worse because public service cuts are concentrated in the ACT. We are hit twice. We lose payments, like all the other states and territories, but we also bear the brunt of the commonwealth's contraction in employment and spending in the ACT, particularly affecting small business and our private sector generally.

The federal government has significant impacts on service delivery in the ACT, particularly in health and education. The federal budget has either reduced payments to the states and territories or abandoned national partnership agreements, agreed by COAG, for these areas.

The commonwealth has cut the national health reform agreement growth funding, which removes the "funding guarantee" previously provided to jurisdictions to ensure that we were no worse off under the new arrangements. This could have considerable implications for the ACT, depending on our future activity levels.

This decision also ignores or reduces funding growth to CPI and population growth—which will ignore demographic change and actual price growth in health services.

The federal budget includes a number of measures which will save costs by either increasing charges for consumers or reducing efforts in preventative health care. The preventative health national partnership is gone. These changes will place pressure on health care in the ACT over time.

Great foundational work on prevention was enabled initially through the ACT government's healthy futures initiative and subsequently through the implementation of the national partnership. That partnership is now ceasing early, on 1 July 2014; it was intended to continue to 2018. The cessation of the partnership leaves us with no national leadership and minimal social marketing ability to address what is arguably the most harmful of problems, obesity, with the greatest potential to place unmanageable demand on health services. Preventative health is particularly important with an ageing population. The end of the partnership calls into question the ACT's ability to secure any unspent 2013-14 funds to manage contracts already in existence for future program delivery.

For our older residents, the reduction, in the national reciprocal concessions NPP and certain concessions for pensioners and senior card holders NPP, worth approximately $2 million per annum or $9.4 million over four years, will affect the ACT government's capacity to provide financial assistance to pensioners and seniors to help meet the costs of transport and utilities.

The budget will abandon the national partnership agreement on improving public hospital services from 1 July 2015, which will place pressures on the provision of elective surgery and subacute care.

The national partnership on financial assistance for long-stay older patients will end from July 2014. It was worth $4 million to the ACT in 2013-14 and will impact on older people in hospital awaiting nursing home accommodation.

On top of all this, adult dental services will be gone from July 2015. In addition, patients who had previously been bulk-billed for GP visits, pathology and imaging will be required to pay the co-payment, the $7 sick tax, per visit.

In education the commonwealth has abandoned all previous commitments to increasing funding by 4.7 per cent plus enrolment growth, and has reduced funding growth to CPI plus enrolment growth from 2018 onwards.

The removal of fee caps on commonwealth-supported places for new students from January 2016 will hit students financially. It will dramatically change Australia's higher education system, with universities competing in a more market-driven environment. It will tip the balance of student admissions in favour of money over merit. Students will have to worry more about having the financial means to pay the anticipated higher fees rather than getting in on merit. Our smaller universities, such as the University of Canberra, may have to consider reducing their student fees to ensure enrolments remain high, as fee deregulation gives the nation's larger research universities enormous financial advantages.

For all of Mr Pyne's pre-election lip-service to teacher quality, the Liberal government has cut funding promised for the centre for quality teaching and learning at the University of Canberra. Of the $26 million committed, $25 million will not be paid.

The ANU will lose $6.4 million as the commonwealth ceases funding for the HC Coombs policy forum.

The national partnership on Indigenous early childhood development was worth $1.1 million to the ACT in 2013-14 and supported the great work of the West Belconnen Child and Family Centre in my electorate. The Liberal government terminated this agreement in the budget.

In essence the commonwealth has abandoned a number of national agreements agreed by COAG, and this federal budget will hurt the disadvantaged and those on lower incomes in our community more than those on higher incomes.

Changes to the disability support pension will see 1,700 Canberrans under the age of 35 have to reapply and re-prove their level of disability to remain in receipt of the disability support pension. In 2011, 3.3 per cent of the ACT population identified as having a profound or severe disability and needing assistance in one or more core activities. Of those who identified as providing unpaid care to a person with a disability in the ACT, 60 per cent were females. Pausing indexation on the disability support pension will therefore hurt women disproportionately.

Changes to the Newstart program will require all jobseekers up to 30 years of age to wait six months before receiving payments. This will affect school leavers, CIT

graduates and young people exiting foster care. Many young Canberrans will need to turn to their own support networks and community service providers for assistance for housing, food and other forms of aid.

Young people will be especially vulnerable to unsafe living conditions, as lack of financial security can be a significant contributor to women not leaving violent relationships and environments.

Young people aged 22 to 30 will be required to move to higher employment areas if they are unable to find unemployment after a 12-month period. This will see a number of young people from the region forced to move to Canberra, putting additional strain on the community.

Changes to the eligibility thresholds for family tax benefits A and B will hurt many families. This will increase the pressure on women to return to work after having children or the pressure for more hours a week. It will also affect the retention of foster carers who are also eligible for family tax benefit A. Changes to family tax benefit B will see 15,000 Canberra residents receive less government support to raise their families. The pausing of indexation on family tax benefits will mean that income support will not match increased living costs, putting further pressure on young families.

The single parents allowance will replace the schoolchildren's bonus, to provide $750 per annum for each child aged between six and 12 years. However, many low-income families with two parents also struggle to meet the costs of sending their children to school. In addition, no funding has been allocated to single-parent or dual-parent families to assist with the cost of sending high school aged children to school, which is significantly more expensive than primary school education.

Combined with reduced spending on education, which is likely to increase the out-of-pocket expenses for families sending their children to school, these changes will increase the pressure on household budgets. They may contribute to a reduction in student retention rates for disadvantaged families.

The deregulation of course fees and greater contributions by students accessing the higher education loans program and HECS have been introduced. Students will have to start paying back loans sooner, with interest charged on outstanding debts increased. Increased cost of tuition for students will be likely to increase places for wealthier students while decreasing overall access to higher education and increasing the proportion of students accessing HELP to cover the initial cost of tuition. In the end, this will produce significant cost pressures for all domestic university students.

Tools for your trade payments will cease from 1 July 2014 and a trade support loan program will be introduced. Apprentices will be required to commence repaying loans when their income exceeds a minimum repayment threshold of $53,345 in 2014-15, consistent with arrangements applying to university students under HELP. The loss of tools for trade will have a significant impact, yet the introduction of trade support loans will reduce barriers for some apprentices to access training, as it allows additional financial incentives to undertake qualifications that lead to occupations on the national skills list.

As someone with small business experience, I can see the loss of a whole range of support programs damaging small business and their willingness to take on trainees.

Ten skills and training programs are set to be stopped from 1 January 2015, including the Australian apprenticeships mentoring program, the national workforce development fund and the workplace English and literacy program. This may result in a decrease in the uptake of Australian apprenticeships, an increase in unemployment and a subsequent growth in skills shortages. The ACT has relied on these programs.

The changes I have outlined to federal funding of health will impact on the ACT's ability to provide acute health services and will erode gains made in recent years in terms of improvements in access to subacute care, reductions in emergency department waiting times and reductions in surgical waiting lists.

The new $7 sick tax co-payments for general practice visits may delay those on low incomes from seeking primary health care, risking symptoms developing to an acute or potentially permanently debilitating level. This could place additional pressures on ACT Health's emergency departments and walk-in centres.

The proposed co-payment for pharmaceuticals will see people under financial stress delaying filling prescriptions for their conditions, again potentially leading to further aggravation of curable illnesses.

Targeting the sick to fund health care takes a scalpel to the most cost-effective approach to health—early intervention. The sick tax will reduce people's access to primary medical care, where educative and preventative care is provided, as well as assessment and treatment.

The federal government is cutting $235.2 million in support for affordable housing by not proceeding with round 5 of the national rental affordability scheme. The NRAS has been a successful program that has been not only directly improving rental affordability for low income households but also driving increases in the supply of new housing stock across the country. The scheme has played a large part in improving affordability in the ACT and was seen as an important program, with support from the community, government and, crucially, the private sector.

This federal budget is nothing but a major cost shift to the states and territories—not just of health and education but of the complete human services safety net. The budget clearly targets families, young people, people with a disability and older people. The budget savings are all targeted at the vulnerable in our community. We know that poverty and low income result in poorer health and wellbeing outcomes. The Liberal federal government is cutting spending across all aspects of our lives.

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): No contribution from the opposition? Interesting! Tuesday night's budget demonstrated once again why the territory is better off under Labor governments.

The first federal budget from Prime Minister Abbott was full of lies and broken promises. Not only did it impose new fees and cuts, particularly on those who can least afford them, but it certainly went a lot further than stated election commitments in relation to public service positions and the way in which those public service positions would be shed. We were assured repeatedly by federal Liberals, reinforced by those opposite, about 12,000 through natural attrition. That is certainly not how it is panning out. People would rightly be upset by that approach.

I guess, reflecting on this, there will always be rusted-on conservative voters to whom a Liberal MP could say that the moon is made of cheese, and they would agree. Labor has its own similar supporters. There is no doubt about that. There are rusted-on people on both sides of politics. But there are, I think—and those opposite know this—a number of people who probably voted Liberal for the first time in their lives in the last election, on the basis that they would be delivered a government that was effectively endorsing the social policy agenda of the previous Labor government.

We were told, "No cuts to health, no cuts to education, no changes to the pension, no increases to the GST, no cuts to the ABC or SBS." We were told that over and over again. So the impression that was created was that you could change the government but you would not be changing the country. I think we have all had a pretty rude awakening after the budget that yes, this is more than just a budget repair job; this is a government that is intent on changing the nature of the federation and certainly changing the nature of Australian society beyond just the way we manage our budgets.

This is ideological. It is the bucket list of the young Liberal. "It is almost everything I could possibly want to do before I die." And that is what we are seeing in the attitude and approach. It is the cigar smoking, the dancing around the office, celebrating what is a series of pretty harsh measures across a number of areas of public policy. It is an approach that basically passes the buck on repairing the nation's finances to the states and territories and to local government—and I will talk a little about local government—and also to households. It is almost everyone else's responsibility. It is everyone else's responsibility.

Premiers Newman, Baird, Napthine, even Will Hodgman and Colin Barnett over in the west, and the Northern Territory Chief Minister Adam Giles joined Labor Premier Jay Weatherill and Chief Minister Gallagher, in expressing shock and outrage, given there was a COAG meeting, what, two weeks ago, and there was no mention of this dramatic cost shift, the withdrawal of that range of national partnerships that Dr Bourke listed relating to concessions for pensioners, the national partnership agreement on preventative health, training partnerships for single and teenage parents, partnerships on improving public hospital services, on adult public dental services, the financial assistance grants to local government.

Here in the ACT, with our hybrid-nature government, we are in receipt of financial assistance grants. Those have been frozen—a direct cut at the heart of municipal service provision in the territory and in the surrounding region. To be frank, we are probably in a better position than the surrounding local councils to cope with that freeze. Nonetheless, it still has to have an impact upon municipal service delivery, and

that is before we get to the really big-ticket items in relation to health and education. So all of these factors are combining to have an impact on our budget and the level of services that we can provide to this community, and it is being felt in the hip pockets of individual households.

Mrs Jones: Now you care about the hip pockets.

MR BARR: It is an interesting interjection from those opposite, a fascinating interjection, and speaks volumes really for their contribution to this debate. There was ample opportunity for Mrs Jones to speak.

Mr Smyth: She might try.

MR BARR: She might try now? So if I had not stood, this debate would have concluded without any contribution from those opposite.

I have spoken extensively on the budget and economic matters throughout my time as Treasurer, in this place and in many others, in relation to the—

Mr Smyth: Not last year.

MR BARR: No, I did not speak on one of your motions, Mr Smyth. That is true. The Chief Minister spoke on behalf of the government in relation to that motion. That is true. But on matters of the economy, of budgets and the like, I speak regularly, and on the impacts of commonwealth government decisions on the ACT and, most particularly, in relation to the decisions that we take here in our own budget.

Obviously I will have a lot more to say about that as we approach the delivery of the 2014-15 territory budget, which, as I said in question time, will be one of the most challenging budgets, most difficult budgets to frame, in this territory for two decades. There is no doubting that. However, we will approach that task with a view to collaborating with the private sector, particularly to attract new investment in the economy.

I mention a number of examples of such partnerships. We have a number underway at the moment, and we look forward to delivery of a number of new partnerships whereby government investment will leverage significant private sector investment. And there are examples in every region of our city, from Southquay in Tuggeranong, through to the Woden bus interchange upgrades in the Woden Valley, through to new investment in the Weston Creek group centre, through to the Molonglo Valley, through to the inner south with new land releases and infill opportunities that are associated particularly with Kingston Foreshore but also with other areas in the inner south, through to the city to the lake project and development in Braddon, Dickson, Downer and along the Northbourne corridor, in that inner north part of the city, and through to investments in the Gungahlin town centre that are extensive and ongoing.

I look forward to the opening of the new aquatic centre in Belconnen in coming weeks, in partnership with the University of Canberra, and the Riverview development in west Belconnen. So we are making strategic investments in the territory's

infrastructure right across the territory, in all the different regions, to ensure that we are leveraging new private sector investment and delivering the community facilities that this city will need into the future.

We recognise that we will need to do the heavy lifting in this area. I know we have willing partners in the private sector, and that is encouraging. And what is important, I think, out of this particular period is capacity for the government to work closely with the private sector. I reiterate that we will be doing that. We have already announced a series of measures to allow that, and we will continue to do so.

MR SMYTH (Brindabella) (4.32): It is always nice to speak after the Treasurer because the Treasurer does not often say much. Last year on a motion on the federal budget of that time he had absolutely nothing to say, and that is the problem with this Treasurer, if you look at the debates the day after the Rudd-Gillard-Rudd government delivered a budget—and it is kind of hard to remember who was in office at that stage—that brought 14,473 job cuts to the Australian public service. To give Ms Gallagher her due, she tried to sugar coat it, and when you look in terms of job cuts, you can find one paragraph in an entire speech, and it goes:

> In terms of savings and efficiencies across the public service, finding those additional savings will be hard. But on one level those savings can be met in a moderate way; they will not deliver a shock to the ACT economy of the order that we would be expecting should an incoming government remove 12,000 to 20,000 public servants from the ACT. That is the silent sleeper in terms of Canberra going forward.

Well, the silent sleeper was asleep in last year's budget, and according to the head of finance, as a consequence of last year's federal Labor budget, 14,473 jobs went. There is only one party in this place that has consistently stood up to whoever is in office in the federal parliament about job cuts to the ACT, and that is the Canberra Liberals. If you look for a single comment from Treasurer Barr about last year's cuts, you get the words "fiscal consolidation", but you see no defence of Canberra and you see no attacks on his federal colleagues over those job cuts, unlike this side of the house, whether it be Kate Carnell all those years ago who stood up to Howard or whoever. We have stood up to all the governments time after time saying, "Do not use Canberra public servants as balancing items on your budget."

I have said it before many times and I will say it again: I do not like the cuts. I deplore the job losses. I have never heard this man opposite say words like that. It is funny; when he had an opportunity to talk on this issue, when I offered him that opportunity, he was mute. He said, "I will let others go in first," and I go, "But I'm closing the debate," and he sat there. He did not have a single comment to offer. Madam Speaker said:

> The question is that the amendments be agreed to.

Give Mr Rattenbury his due. Mr Rattenbury got up and had words in that debate. It was me, Ms Gallagher, Mr Hanson and Mr Rattenbury. Mr Rattenbury did not say much about the job cuts either, mind you, but here we are; here was an opportunity:

> **MADAM SPEAKER**: The question is that the amendments be agreed to.
>
> **Mr Smyth**: Are you speaking, Andrew?
>
> **Mr Barr**: I may speak in the debate, but if there are other further speakers—

And he looked around the room. I was the last speaker, Madam Assistant Speaker. I stood up and said:

> All right; I will close.

The man squibbed it. He walked away from it. He could not bring himself to say that he deplored federal Labor cuts. And the root of the problem that we have today in this city was born in last year's federal budget brought about by the inefficiency and the poor handling of the federal economy by federal Labor—Rudd-Gillard-Rudd.

Ms Gallagher in her statement today spoke about the impact going beyond our borders in the region. Yes, it will. And I note the words of anger from the member for Hume when he said he deplored the job cuts as well. Nobody likes losing jobs. But he said a strong national economy is good for Canberra, and he is right. No-one gets sacked when you are in surplus. Yes, we all remember '96 to '99. They were tough years for Canberra. I acknowledge the fact that now that the tough times have arrived, who does Ms Gallagher look to for advice? Not to Andrew Barr. She is ringing Kate Carnell, because Kate Carnell stood up to Paul Keating and to John Howard as required as the head of the government of this territory, unlike those opposite.

Mr Barr last year was missing in action. His lack of any comment was weak. It showed his indifference to the plight of those affected by federal Labor. It shows how ineffectual he was. He was just mute. There is kind of an irony having Dr Bourke bring this debate on today, because when I looked for him in last year's debate, he did not say a word either. He actually thought the budget that federal Labor delivered last year was okay, I assume, because he certainly did not have any comments about the job cuts, and neither did Ms Berry. She had a chance to speak in those debates and did not. Neither did Mr Gentleman. Also mute. Mary Porter last year, missing in action. Joy Burch last year, missing in action. Simon Corbell last year, missing in action. Andrew Barr, missing in action. Ms Gallagher tried; not very hard, but she did try.

Look, nobody is fooled. Everyone I know in the Australian public service knew that for the 18 months before the federal election last year there were Labor cuts going on. They were not fooled. And they were not happy then and they are not happy now. But they were not fooled, and they will not be fooled by this bleating now.

One of the funny things about this is that Robert Macklin got it right when he said in a recent edition of the *City News* on 3 April:

> **ANDREW Barr's** sudden discovery that "recession" was looming was equally unimpressive. Bleating is not an option. Bleating is not an option, Andrew. Did you really not see the Abbott/Hockey steam roller coming?

And that is the problem. Labor did know about this; Labor has always known about this. What is the major risk to the ACT economy according to the 2010-11 budget:

> Commonwealth Government spending is a key determinant of economic activity in the ACT.

This is 2010-11, so that is in federal Labor time:

> The Commonwealth Government's planned constraint on spending in order to restore its Budget to surplus is expected to have a major impact on economic growth in the ACT over the forward estimates period.

Did we have any complaint from local Labor about that? No, we did not. They were not willing to take it up. They knew there was a risk, but they did not get prepared.

Let us go to the 2012-13 budget. Whose budget was that, Treasurer?

> The main short term risk continues to stem from uncertainty regarding the Commonwealth Government consumption expenditure … Commonwealth Government funding is the largest contributing factor to ACT Government revenues, accounting for approximately 40 per cent of total revenue in 2012-13.

So, if that was a risk then, what did you do to get ready? The answer is absolutely nothing; absolutely nothing. For budget 2013-14 the risk to the economic outlook is condensed to just three paragraphs now:

> The most important risk to the ACT's economic outlook lies with the fiscal tightening of the Commonwealth Government … the Territory's economic outlook also remains dependent on the spending and hiring decisions following the outcome of the upcoming Federal election.

Now, if, as it always has been, our economy is bound to the federal economy and federal government spending, why have you not done more to diversify the economy? Again, I heard Kate Carnell on the radio. She could have been reciting my lines. It was fantastic. When she got to office it was 40 per cent private sector; when she left it was 60 per cent. And it was hard work. There were no rose-coloured glasses in the ACT from 1995 to 2001. It was hard work. But we did that work. We transformed the economy and started genuine private sector growth here. But it has languished, because it is now 50 per cent of the economy. It is larger in numbers, but it is only half the economy.

This is the problem. Those opposite can bleat all they want, but 14,473 of these jobs are the responsibility directly of last year's budget. I suspect the others you could say, because of Labor's mismanagement, have occurred because they could not get the economy right. Even Ms Gallagher in her statement today said:

> While I respect the government's mandate to pursue budget savings—

They said in the lead-up to the election that they would fix Labor's mistakes. Again, I will say it: I do not like the job cuts. I have said that about Labor cuts and I have said

that about Liberal cuts. None of us like it. But the problem for us is that we have a government that do not understand that as long as we are, as they term it, a government town, that is what will always happen.

Indeed, in the statement from the Chief Minister, Canberra will always be known as a government town. Well, only if we let it and only if we can continue to not diversify the economy in a genuine way, and only if we do not build the sort of infrastructure that supports the private sector—things like convention centres, which apparently the government is not responsible for now and has no ownership of, according to the debate yesterday. We will languish—*(Time expired.)*

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) (4.42): I thank Dr Bourke for raising this topic for discussion today. The federal budget will have a significant deleterious impact on jobs, services, the community and business across Australia and it will have a particularly hard impact on the ACT. In my portfolio areas alone, I can foresee entrenchment of disadvantage. Given that the ACT is the place of the national capital, we in Canberra are particularly vulnerable to a national government that wants to run away from national responsibility by espousing smaller government. In reality, the model of smaller government means smaller vision, smaller minds and I think a smaller spirit of heart.

The attack in this budget—I think we do have to call it an attack, because that is what it is—on young people, I believe, is particularly heartless. At a time when unemployment is increasing and in a budget which offers little or nothing for significant jobs growth, the federal government has decided to reduce support for young people. Under the three-word slogan, "Learning or earning" the federal budget includes that people under 25 will get youth allowance, not Newstart. This is a significant reduction and is not an adequate living allowance for young people. In turn, this will put additional pressures on services provided by state and territory governments, particularly in housing and welfare services. I will come back to this topic.

I hope that all members today are prepared to work together in the coming months and years as those doing it tough start doing it even tougher. I also expect additional pressures on our corrections system, especially given the cuts to legal aid, which I spoke of in the Assembly yesterday. As I have said, the ACT government now has to look at what steps we can take to try and offset some of these impacts on our community.

We have significant job losses to come, as the federal government reduces the public service. I might note here that Mr Smyth has made some remarks about my comments on that. I think the Greens have been fairly consistent in saying that we think the public service is important. Any ideological approach to slashing it and lazy slogans, whether it be Kevin Rudd's meat axe, Joe Hockey's references or whatever—wherever they come from—do little to really recognise the fact that the public service delivers services for Australia, for all members of our community.

I think that whilst it is one thing to pursue efficiency in the public service, as we must, it is another thing just to make those kinds of comments to try and appeal to other parts of Australia in a way that really is quite dishonest. As well as reducing services to the public across Australia by slashing the public service, it has an impact on individuals and families in the ACT, as we all know well. There is also a further impact on ACT small businesses who rely on those federal public servants to drive their turnover.

Canberra will also have a reduced skill-based workforce as public servants potentially leave the town and specialist national agencies are abolished. The issue of the federal budget treatment of education is deeply concerning. We are seeing absolute reductions in funding and absolute changes in policy. The continued decline in commonwealth expenditure to support disadvantaged students in public schools is reprehensible and will have long-lasting negative generational impacts on the future of our supposedly egalitarian society.

The changes to higher education are just as bad, leading us down the path of an American system that burdens university students with lifelong debt that actively hamstrings future personal financial decisions.

I thought I would use today's debate to reflect on predominantly some of the areas for which I have portfolio responsibility and for which we have been able to undertake some analysis, at least some initial analysis. I take this opportunity to share that analysis with the Assembly.

When it comes to housing in the ACT, almost half of those who access homelessness services are under the age of 25. The 2014 report on government services shows that in 2012-13 the ACT recorded the second highest number of young people undertaking formal study or training after receiving support from homelessness services, at over 80 per cent.

The ACT government will continue to work to ensure the safety of young people at risk of homelessness in our community while enabling them to move along the continuum of support to stable long-term accommodation. Homelessness services have already been cut as a result of federal funding decisions.

I have spoken in this place before about national partnership funding, which had been extended for one year, but with no clear rationale or policy review structures in place to determine what happens next. But the federal budget is going to put additional pressure on homelessness services as young people under 30 will not have any income support for six months should they become unemployed.

We know that young people already face housing pressure, often couch surfing, living in vulnerable or dangerous environments and experiencing housing insecurity. Now the federal government wishes to remove all income support for six months. This will drive up demand for supported housing. The federal government said it wanted to eliminate duplication but the result has been one of cost shifting.

The 2014-15 budget reduces funding under the national affordable housing agreement, NAHA, from that indicated in the federal MYEFO last December. This will result in the loss of funding to the ACT under NAHA of $1.335 million over the forward years. This loss increases each year up to 2017-18.

The other impact upon public housing will result from the changes to the pension and benefit entitlements of people on low incomes whose main source of income is a pension or benefit from Centrelink. The budget freezes some rates, changes the indexation or changes the entitlement. Although the impact will not be immediately seen, over the longer term there is likely to be an effect on tenant incomes and therefore the rent they pay. There is likely to be a flattening or decrease of incomes and therefore a decrease in the ability of tenants to pay rents. This will flow through to the revenue that ACT Housing is able to recoup. The cessation of the round 5 NRAS allocations will also subdue the construction of affordable housing.

When it comes to Aboriginal and Torres Strait Islander Affairs, abolishing the National Congress of Australia's First Peoples is a major retrograde step in my view. The federal government announced a major Indigenous advancement strategy around five major themes; jobs, land and economy, children and schooling, safety and wellbeing, culture and capability and remote Australia strategies. But under the name of Indigenous advancement, the federal government is removing $534 million over five years for these Indigenous programs.

There is little detail yet as to which programs will be cut or amalgamated but we do know that savings are expected from the first quarter of the coming financial year. Support through the national partnership on Indigenous early childhood is ceasing on 30 June, just six weeks away. This funding is a key part of the West Belconnen Child and Family Centre and will have a direct effect on their services.

When it comes to ageing, of course, pensions have received a lot of coverage in the press. An increase in eligibility to 70 years by 2035 and a tighter means test will mean that many more people will need to lengthen their working life. People may face unemployment between the ages of 65 and 70 with little support available from reduced job networks.

Workplaces will need to make adjustments to have many seniors in their workforce. This is going to be a massive cultural shift. We know already that workplaces are reluctant to hire older people. Some analyses I see suggest people over 50 have a significant challenge finding a new job. If we expect people to be working all the way to 70, we are going to need a massive effort to shift the culture when it comes to employing older workers.

Mr Wall: $10,000 for hiring someone over 50.

MR RATTENBURY: $10,000 is a one-off, Mr Wall. If we want to go down that path, we will start talking about some of the other things that got stripped out. My simple observation is that over the next 21 years business is going to need to take some cultural lessons as well and make sure they change their attitude, because at the moment the simple fact is they are not hiring older workers. We need a change in culture.

When it comes to health, seniors are the major users of Australia's healthcare system. The introduction of co-payments for GP visits, emergency departments and medicines will mean basic health care may well be compromised for many seniors. The new GP co-payments will hit low-income seniors hard. Current cost-of-living pressure results in many seniors reducing their spending in some areas and even going without some essential items.

A significant proportion of seniors are currently unable to meet some of their basic living costs and this will put further pressure on them. I hope we do not get to a situation where seniors decide not to go to the GP to have their health issues diagnosed or forgo their prescription medication, because this may result in them getting sicker and ending up in expensive tertiary hospital care with more limited life expectancy.

Seniors with chronic or multiple health conditions stand to be severely penalised by the co-payment across all Medicare-funded health services. For me this is one of the most concerning areas in the budget. As I said in some remarks yesterday, I think all Australians look at America and say, "That's not the health system we want." Yet, to my mind, this co-payment is very much a step in that direction and one that I think really undermines a long and proud tradition in Australia of universal free health care.

Changes to eligibility in benefits of the commonwealth seniors health card will also affect 5,200 Canberra residents holding such a card. *(Time expired.)*

MR WALL (Brindabella) (4.52): As Mr Smyth has already echoed, we regret the job cuts. There is nothing that any Canberran despises more than the loss of jobs that are locally based. But to say that the budget is simply all doom and gloom is, I guess, a little bit inaccurate. Mr Rattenbury wanted to have a go at me for saying that there is an incentive there for hiring people over the age of 50 that have been on a long-term unemployment benefit or disability benefit. It is an incentive to help change that attitude. It seems that the age of 67 was completely acceptable—

Discussion concluded.

Adjournment

Motion by **Mr Barr** proposed:

> That the Assembly do now adjourn.

Alexander Maconochie Centre—throughcare unit

DR BOURKE (Ginninderra) (4.53): The Alexander Maconochie Centre's role in our community is much more than safely detaining those legally taken off the streets. Returning detainees to the community at the end of their sentence with the best chance of starting a new life, free of crime, is their toughest job. With this in mind, the ACT government established the pilot AMC throughcare unit program in the 2012-13 financial year. The aim was reducing reoffending and encouraging reintegration into the community through coordinating support for offenders for up to 12 months

following release from custody. I was involved in the initial stages and am pleased to learn that up-to-date information shows that this program is a success. Funding expires on 30 June 2014, and continuation will be a consideration in the next budget, I understand.

The pilot throughcare unit is an extension of the case management which ended at the completion of a sentence. The ACT government agreed to extend the model of throughcare at the AMC in December 2011 in the wake of the report *Seeing it through: options for improving offender outcomes in the community*. It argued that support needs of offenders do not end with their release; rather, their support needs are greatest at this time because their needs are multiple, complex and ongoing.

The program is based on human rights and social justice principles and aims to encourage independence, empowerment, inclusion, consent, self-direction and respect for the role of the family and other significant people in the community. Rather than an individual fitting in with a service, it places a person at the centre of decision-making with the service.

To achieve these principles, the throughcare unit is responsive to the offender's individual needs, circumstances and lifestyle. Prior to release, links are established with providers of health services, housing, job assessment and development, and connections with cultural needs, family friends and transport. The throughcare unit also engages with the Women's Services Network, a range of Aboriginal service providers and ACT Corrective Services staff working at the AMC and in the probation and parole unit.

These developments are integral to tackling problems faced by released prisoners. Many suffer poor physical and mental health, suffer substance abuse and lack financial resources, employment, educational qualifications and stable accommodation.

Throughcare participants are referred to an advisory group which assesses their primary risks, needs and issues. Representatives are drawn from a wide range of stakeholders, including non-government organisations, ACT Housing, the Department of Human Services, justice health, the Mental Health Community Coalition of the ACT and the Aboriginal and Torres Strait Islander Elected Body. The throughcare evaluation framework measures the program's effectiveness and identifies improvements. Currently the ANU is completing an evaluation.

All sentenced offenders are offered the opportunity to take part in the initiative, and there has been almost a 100 per cent uptake. Preliminary results of the first nine months of post-release showed that there were 142 released offenders who took part. Of these, only 10 have returned to custody for breach of parole or good behaviour orders, and five have returned to custody for a new offence. This promises a marked decrease on the 47 per cent of offenders released from the AMC in 2010-11 who returned to jail within two years.

The successful reintegration of offenders in the community by throughcare not only optimises life chances for offenders and their families but benefits the whole ACT community.

Pedal Power

MR COE (Ginninderra) (4.57): I rise this evening to talk about Pedal Power ACT. As many members would be aware, Pedal Power ACT is a devoted group of bike riders on a mission to make Canberra more cycle friendly. They aim to achieve their mission by increasing public awareness of cyclists, by encouraging the provision of bicycle facilities and by spreading helpful information about bicycle safety, bicycle skills and how to properly repair and maintain your bicycle. Pedal Power are certainly one of the more vocal advocacy groups in Canberra and have been very successful in advocating for their cause. Whilst there will be some policies that I agree with and others that I do not, I very much admire their professionalism and commitment.

Pedal Power runs a social ride every Wednesday, Thursday, Saturday and Sunday, allowing a group of members to gather together and go for a ride. For those with a competitive streak, Pedal Power also conducts Fitz's challenge. The challenge is run on the last Sunday in October in the Brindabella ranges and consists of five different events, from the terrifying 255-kilometre Fitz's extreme to the short but nonetheless daunting 50-kilometre Tidbinbilla challenge. I congratulate Gordon Brewster, Paul Schroeder, Glen Columbine, Adam Bee and Declan Prosser, who finished first in their respective events last year.

Off the bike, the group regularly holds social information nights, allowing the group's members to socialise and discuss various issues surrounding bike riding. These nights are also beneficial to new members who are seeking to learn more about the organisation. Pedal Power volunteers have also established a strong advocacy team to support their interests and achieve their mission.

I would like to place on the record my appreciation for all those involved in Pedal Power, including the executive officer, John Armstrong, and the public officer, Luke Wensing. Pedal Power's council also deserves congratulations for its efforts. The council is headed up the by the president, Jane Brookes, and consists of Michael Braund, Gillian Helyar, Prame Chopra, Eric Huttner, Vicki Deakin, Jeff Ibbotson, Robert Patch, Bruce Paine and John Widdup.

I would also like to place on record my thanks to those who partner with, sponsor or support Pedal Power, including Australian Ethical, CANwalk, Cycle City Lyneham, Fact BMX Club, KidSafe, Snedden Hall and Gallop, Stacks Compensation, the ACT government, the Constable Kenny Koala program, the Physical Activity Foundation and the Smith Family. Finally I would like to congratulate all the group members who won awards at their last annual awards night. They are Roger Bacon, Clem Tozer, Keith and Gillian Helyar, John and Julia Widdup, Vicki Deakin, Neil Dall, Matt King, Jeff Ibbotson, Beth Johnstone, Silkie Smaglinski, Doug Thompson, Jenny Cleaver and June Hornby.

I would also like to put on the record that I am very grateful to receive their magazine on a regular basis. I commend the work of Pedal Power ACT and praise all those who are involved. For further information on Pedal Power ACT, I encourage members to visit their website at peddlepower.org.au.

Question resolved in the affirmative.

The Assembly adjourned at 5.01 pm until Tuesday, 3 June, at 10 am.

Schedule of amendments

Schedule 1

Officers of the Assembly Legislation Amendment Bill 2014

Amendments moved by Mr Rattenbury

1
Proposed new clause 9A
Page 5, line 17—

insert

9A Treasurer's advance
New section 18 (1A)

insert

(1A) If the expenditure is by an officer of the Assembly, the Speaker, after consulting with the appropriate Assembly committee, may advise the Treasurer that an additional appropriation is needed for the expenditure, stating the reasons for the additional appropriation.

2
Proposed new clause 9B
Page 5, line 17—

insert

9B Section 18 (5), definition of relevant *Appropriation bill*, paragraph (b)

substitute

(b) the bill for the first Appropriation Act for the appropriation for the Office of the Legislative Assembly or an officer of the Assembly for the financial year when the expenditure is to happen.

Note An appropriation for an officer of the Assembly must be contained in an Appropriation Act for an appropriation for the Office of the Legislative Assembly (see s 8 (4)).

3
Clause 10
Page 5, line 18—

[oppose the clause]

Answers to questions

Roads—driver licences (Question No 261)

Mr Doszpot asked the Attorney-General, upon notice, on 8 April 2014:

(1) From what age are older drivers required to undergo annual drivers licence tests.

(2) Are older drivers required to undergo annual testing on all classes for which they hold a licence i.e. R, LR, MR and above.

(3) What criteria are used.

(4) For all classes of licence, how many were voluntarily handed back in calendar years 2011, 2012 and 2013.

(5) For all classes, how many licences were revoked in calendar years 2011, 2012 and 2013.

(6) How many appeals were made in relation to cancellation of licences in calendar years 2011, 2012 and 2013.

(7) How many people have appealed their decision for loss of licence with ACAT in calendar years 2011, 2012 and 2013.

(8) How many appeals were upheld in each calendar year 2011, 2012 and 2013.

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

(1) There is no automatic requirement for ACT licence holders who drive private vehicles to undergo a driver licence test at a particular age. A medical assessment is required annually from age 75. From the age of 70 public vehicle licence holders are required to annually undertake a driving test.

(2) An annual assessment is only required for public vehicle licence holders once they turn 70 years of age.

(3) The licence holder is required to demonstrate the ability to drive in accordance with ACT road law.

(4) For all licence holders, regardless of age, the following number of licences were voluntarily surrendered
2011 – 356
2012 – 492
2013 – 437

(5) For all licence holders, regardless of age, the following number of licences were revoked by the RTA
2011 – 2116
2012 – 2556
2013 – 2216

(6) 2011 – records not available
2012 – 1 between April and December 31
2013 – 8

(7) 2011 – 2 Public Vehicle Licence Holders
2012 – 0
2013 – 1

(8) 2011- 1 by mutual consent at mediation
2012 – 0
2013 - 0

Transport—light rail (Question No 267)

Mr Coe asked the Minister for the Environment and Sustainable Development, upon notice, on 10 April 2014:

(1) In relation to light rail, what is the benefit cost ration (BCR) for (a) Gungahlin to the city, (b) Belconnen to the City, (c) City to the Airport, (d) City to Woden and (d) Woden to Tuggeranong.

(2) What relevant assumptions were used to determine the BCR for the routes listed in (1) including (a) capital costs, (b) patronage projections and (c) land uplift.

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

(1) a) The Gungahlin to City Transit Corridor Project Update 3 (released September 2012) outlines two benefit- cost ratios (BCR) for Light Rail Transit (LRT) produced as part of a pre-feasibility economic assessment for the ACT Government's Infrastructure Australia Submission. Under a business as usual scenario the BCR for LRT was calculated to be 1.02 and under a higher population and employment in the corridor scenario the BCR was 2.34. The details of the two scenarios are contained within Project Update 3 which is available on the Capital Metro website at www.capitalmetro.act.gov.au.

The Capital Metro Agency is currently undertaking further detailed work to refine the BCR for Stage 1.

The BCR for light rail for the routes 1b) to 1e) will be considered as part of the Light Rail Master Plan (to be completed in the 2014-15 financial year).

(2) Gungahlin to the City - Information on the relevant assumptions which were used to determine the BCR for this route are contained within the Infrastructure Australia Project Submission (2012) which is available on the Capital Metro website at www.capitalmetro.act.gov.au.

(a) Capital costs are outlined within Section 5 and were prepared in accordance with the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government – Best Practice Cost Estimation for Publically Funded Road and Rail Construction.

(b) Patronage projections are outlined in Appendix B and are consistent with Australian Transport Council Guidelines.

(c) Land uplift assumptions are outlined in Appendix B.

Further detailed work and refinement on capital cost, patronage projections and land uplift are currently underway within the Capital Metro Agency.

The BCR for routes 1b) to 1e) and their relevant assumptions will be considered as part of the Light Rail Master Plan (to be completed in the 2014-15 financial year).

IKEA—capital works and concessions (Question No 280)

Mr Coe asked the Minister for the Environment and Sustainable Development, upon notice, on 8 May 2014 *(redirected to the Minister for Economic Development)*:

(1) What is the size of the block to be occupied by IKEA.

(2) What is the average unimproved value of the block.

(3) What will be the projected rates on the block.

(4) Has a remission of the rates been negotiated.

(5) What access to north and south lanes of Majura Parkway will the precinct incorporating IKEA have.

(6) Who will bear the cost of associated capital works such as carparks and access roads.

(7) Has IKEA received any payroll, stamp duty or other concessions.

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

(1) The approximate size of the block is 7 hectares.

(2) An unimproved value for rating purposes will not be assessed until a Crown Lease is issued over an exact parcel of land with a specified lease purpose.

(3) This information is unknown at this stage.

(4) No.

(5) IKEA will have both north and south access stubs from Majura Road. Options analysis is underway on access to this precinct from the Majura Parkway.

(6) IKEA will bear the cost of the car park. The Territory will bear the costs and ownership of the access roads, to facilitate further development in the precinct.

(7) No.

Questions without notice taken on notice

Environment—biodiversity offsets policy

Mr Rattenbury *(in reply to a question and a supplementary question by Ms Lawder on Wednesday, 7 May 2014)*: I can only provide a response in relation to the environmental offset sites that are managed by the Territory and Municipal Services (TAMS) Directorate. The Directorate is responsible for implementing environmental offsets that are on land managed by TAMS. Information on these sites is available at the following links on the TAMS website.

> *http://www.tams.act.gov.au/__data/assets/pdf_file/0003/575193/Environmental-Offsets-Map.pdf*
>
> *http://www.tams.act.gov.au/parks-recreation/parks_and_reserves/canberra_nature_park*

The Environment and Sustainable Development Directorate is responsible for the broader ACT Government offset policy.

As environmental offsets are designed to bring long term biodiversity outcomes, an analysis on the delivery of these outcomes cannot yet be completed as the TAMS managed offsets have only been in place for a relative short period of time.

However, TAMS does manage environmental offsets in accordance with the conditions outlined in the Commonwealth's approval decision for the associated development. The approval decision requires offsets to be managed for long term biodiversity outcomes and often includes a condition to monitor the matters of national environmental significance. Depending on the offset site, this relates to:

- the quality and/or extent of threatened species habitat;
- the quality and/or extent of a threatened ecological community (or communities); and / or
- a surveyed population count for a threatened species.

Offset Management Plans (OMP) are developed for all direct offsets as stipulated in the approval condition for a development. An OMP guides the management of the offset site and outlines specific tasks to achieve long term biodiversity outcomes.

Annual reports are submitted to the Commonwealth to demonstrate compliance with the approval decision and implementation of the OMP. As an example TAMS has placed an annual report for the Ngunnawal 2C Offset on its website, and can be found at *http://www.tams.act.gov.au/__data/assets/pdf_file/0009/455373/Bonner-4-East-Environmental-Offset-Report-2012-13.pdf*.

Environment—biodiversity offsets policy

Mr Rattenbury *(in reply to a supplementary question by Mr Coe on Wednesday, 7 May 2014)*: The Territory and Municipal Services (TAMS) Directorate is currently updating its website with information on the environmental offsets sites that the

Directorate is responsible for managing. The Directorate is only responsible for implementing environmental offsets that are on land that is managed by TAMS. Information on these sites is available at the following link *http://www.tams.act.gov.au/__data/assets/pdf_file/0003/575193/Environmental-Offsets-Map.pdf*

The Environment and Sustainable Development Directorate is responsible for the broader ACT Government offset policy.

The updated TAMS website will include more detailed information on the Commonwealth's Notice of Decision, approved Offset Management Plans and annual reports. The update of the website to include this information is scheduled to be completed before the end of May 2014.

TAMS manages offsets in accordance with the conditions outlined in the Commonwealth's approval decision for the associated development. The approval decision often includes a condition to monitor the matters of national environmental significance. Depending on the offset site, this relates to:

- the quality and/or extent of threatened species habitat;
- the quality and/or extent of a threatened ecological community (or communities); and / or
- a surveyed population count for a threatened species.

Offset Management Plans (OMP) are developed for all direct offsets as stipulated in the approval condition for a development. An OMP guides the management of the offset site and outlines the timing of any required monitoring.

Annual reports are submitted to the Commonwealth to demonstrate compliance of the approval decision and implementation of the OMP including any specific monitoring requirements. As an example, TAMS has placed an annual report for the Ngunnawal 2C Offset on its website, and can be found at *http://www.tams.act.gov.au/__data/assets/pdf_file/0009/455373/Bonner-4-East-Environmental-Offset-Report-2012-13.pdf*

Hospitals—salary costs

Ms Gallagher *(in reply to a question by Ms Lawder on Tuesday, 13 May 2014)*: The AIHW report referred to provides data on average salary across a broad range of employees. There were no specific figures on diagnostic staff, as they were included in a broader category in the report which included all other allied health professionals as well as laboratory technicians.

The ACT was not identified as providing the lowest average pay for any of the categories identified by the AIHW. Additionally, a significant number of diagnostic staff are covered by a Special Employment Arrangement (SEA), which do not appear to have been included in the AIHW figures. All of the staff included in the broader AIHW group are in line to receive a minimum pay increase of $2090 (a 3.16% increase on the AIHW's average for the ACT) with effect from 1 July 2013, the day after the 30 June 2013 cutoff for the AIHW's data.

ACT Health, through enterprise agreement negotiations and, where appropriate, SEA, continues to ensure that we provide a competitive remuneration package to health professionals, including diagnostic staff. That includes taking account of our position relative to other jurisdictions, a situation which is continually under review.

Hospitals—salary costs

Ms Gallagher *(in reply to a supplementary question by Ms Lawder on Tuesday, 13 May 2014)*: The AIHW report referred to by the honorable member provides data on average salary across a broad range of employees. There were no specific figures on allied health staff, as they were included in a broader category in the report which included diagnostic staff as well as laboratory technicians.

The ACT was not identified as providing the lowest average pay for any of the categories identified by the AIHW, and all of the staff included in the broader AIHW group are in line to receive a minimum pay increase of $2090 (a 3.16% increase on the AIHW's average for the ACT) with effect from 1 July 2013, the day after the 30 June 2013 cutoff for the AIHW's data.

The ACT Government, through enterprise agreement negotiations and, where appropriate, special employment arrangements, continues to ensure that we provide a competitive remuneration package to allied health staff, and that includes taking account of our position relative to other jurisdictions, a situation which is continually under review.

Negotiations on a new enterprise agreement, and reviews of special employment arrangements, are currently underway.

Hospitals—salary costs

Ms Gallagher *(in reply to a supplementary question by Mr Hanson on Tuesday, 13 May 2014)*: AIHW Hospital statistics for 2012-2013 list the ACT as 4th of 8 jurisdictions in terms of average salary for the category of Domestic and other staff, above NSW, Queensland, South Australia and Tasmania, only $288 or 0.045% below the average across all jurisdictions.

All of the staff included in that group are in line to receive a minimum pay increase of $2090 (a 3.31% increase on the AIHW's average for the ACT) with effect from 1 July 2013, the day after the 30 June 2013 cutoff for the AIHW's data.

The ACT Government, through enterprise agreement negotiations and, where appropriate, special employment arrangements, continues to ensure that we provide a competitive remuneration package to its staff.