Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

EIGHTH ASSEMBLY

3 JUNE 2014

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Tuesday, 3 June 2014

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

Petition

The following petition was lodged for presentation, by **Mrs Jones**, *from 274 residents*:

Crime—car tyre slashing—petition No 10-14

> **Catch the Narrabundah tyre slasher**
>
> This petition of residents of the Australian Capital Territory draws to the attention of the Assembly the lack of resources applied to stopping the ongoing crime of tyre slashing in Narrabundah and Griffith.
>
> Petitioners therefore request the Assembly to **provide additional resources to stop this crime and apprehend the culprit**.

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: For over a decade, the people of Narrabundah and Griffith have suffered attacks on their vehicles in the night from someone who has become known as the Narrabundah tyre slasher. The tyre slasher has ruined hundreds of tyres and cost residents thousands of dollars in repair and replacement. He has no regard for the property of these people and perhaps considers himself some kind of legend. I consider him to be a law-breaker and a criminal, and I would like to see him apprehended and stopped.

The tabled petition has been widely supported and has been signed by 274 members of the community. Of those people, 74 have suffered personal attacks by the tyre slasher. Sixteen of them have been attacked more than three times. And there are two people I have met who have been attacked more than 10 times. One of those who have suffered more than 10 attacks is a woman who suffers from cerebral palsy and has absolutely had enough of being victimised by this criminal.

The petition calls on the government and the minister to commit sufficient resources to resolve this ongoing criminal activity. It is not acceptable that for more than a decade residents have suffered at his hands. Residents have told me about their thoughts and concerns as victims and witnesses of the effect this person has had on local residents.

Lauren said:

> My neighbour has had all four tires of his 4 wheel drive slashed and it is not good enough.

Daniel said:

> One person we know has had their tyres slashed eight times and it cost him, like $200 a tyre. That's just not on.

Ben said:

> It is ridiculous that we need a petition to get the police to do anything, can't they just get a bait car …

Skye said:

> It happens this time of the year, it happened about 3 weeks ago. The neighbours got done. We now park our cars well within our gate.

But not everyone has a gate.

Jillian said:

> It is so wrong, He slashed my tyres a few years ago.

Maddison said:

> We've had two or three of our cars done in the last few years and it's not good enough.

Jim says he knows to keep his cars inside the garage to avoid being slashed.

Joan said:

> A little blue car had all 4 tyres slashed and left on our street for about 3 months and a tow truck came and picked it up only last week.

Darrell said:

> Last week the bloke next door had 2 tyres slashed 3 weeks ago. The police were called out but I worry about if I will be next.

William said:

> Is he still going around? Why can't they catch him?

Ann said:

> We now know to lock the cars in the garage at night, so he has not hit our cars.

But it must be hard for those without a garage.

Miranda said:

> Everyone in my family has had it done to them.

David said that his trailer tyres were slashed twice. He said:

> Police just shrug their shoulders. What if there is an emergency and a family can't get … out?

Carmen has moved to Narrabundah after 16 years away, and she said that when she last lived in Narrabundah in her share house they could not fit all three cars in the driveway and whoever parked on the street would be slashed. She was sad to hear that it is still a problem today.

Joan said:

> We had our car done in the driveway. Fr Steve at the church has had his tyres done repeatedly.

She said that it is not fair.

Kate said that her car was slashed while she was eating at the Narrabundah shops. She said it was really confronting.

One military member drove to Bungendore on a slow-leaking tyre caused by the slasher. If the tyre had given out or blown out on that drive, it would probably have caused a serious accident. In 2012, in a similar incident in the UK, a woman died in an accident like that, the puncture in her tyre having been caused by a prior incident. In that case, her death was treated by the courts as manslaughter. These are very serious matters and the government should appropriately deal with them.

Peter's wife has watched the slasher slash their tyres, but she was too afraid to approach him. They have installed cameras and motion detectors, but apparently the camera footage may not be clear enough for a conviction.

Elissa is a plumber who has had 15 tyres slashed since 2003. Six of them were truck tyres costing $1,200 each. She now has to park on the verge to keep her tyres safer, and she receives fines for parking there. It shows a complete breakdown of governance that this is how she has to live.

Chris emailed last night to ask that his name be added to the petition.

Sophi is calling for vigilante action because residents have in some cases lost the hope that this person will be stopped.

Kevin said in an email last night:

> I would like to register my strong support for action to be taken to catch this person. As a long standing member of the Narrabundah community, I have witnessed firsthand the damage caused by this crazed lunatic. My next door neighbour who owns a light commercial vehicle has had their tyres slashed on a number of occasions. The tyre slashing in Narrabundah has been going on for more than two decades costing residents, I dare say, tens of thousands of dollars.
>
> I ask that urgent action be taken to step-up patrols by Police and do whatever is necessary to catch this person. As a Narrabundah resident I am fearful that the actions of this crazed person might escalate to crimes far worse.
>
> I want to thank you, in advance Giulia for presenting this petition to the Assembly and I plead for action to be taken to safeguard the property of Narrabundah residents and instil a sense of safety to the suburb.

Phil said:

> He slashed my car when it was brand new and in my driveway.

Peter said:

> I have had my tyres slashed three times in my driveway and my neighbour has been done too. The slasher lives in the units and he carries a screw driver in his pocket.

Grace said:

> The police know us, even the tyre guy knows us. We have had it done 12 times. The slasher drives a small red car. I have heard people say they caught and busted him. If you have friends over you are gone.

Grace suffers from cerebral palsy.

This person is a menace in Narrabundah and Griffith, and I join my voice to the voices of the 274 residents who want more resources put into catching this person and stopping the vandalism, damage, attacks and fear that are a part of life for many residents in this part of our city.

Justice and Community Safety—Standing Committee
Scrutiny report 19

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

> Justice and Community Safety (Legislative Scrutiny Role)—Standing Committee—Scrutiny Report 19, dated 27 May 2014, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR DOSZPOT: Scrutiny report 19 contains the committee's comments on six bills, five pieces of subordinate legislation, one government response and comments on proposed government amendments. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Standing orders—suspension

Motion (by **Mr Corbell**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing orders be suspended as would prevent:
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> (1) any business before the Assembly at 3 p.m. this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2014-2015 and the Appropriation (Office of the Legislative Assembly) Bill 2014-2015;
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> (2) (a) questions without notice concluding at the time of interruption; or
>
> (b) debate on any motion before the Assembly at the time of interruption being adjourned until the adjournment questions in relation to the Appropriation Bill 2014-2015 and the Appropriation (Office of the Legislative Assembly) Bill 2014-2015 are determined;
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> (3) at 3 p.m. on Thursday, 5 June 2014, the order of the day for resumption of debate on the question that the Appropriation Bill 2014-2015 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limit on the speech of the Leader of the Opposition be equivalent to the time taken by the Treasurer in moving the motion "That this Bill be agreed to in principle"; and
>
> (4) (a) questions without notice concluding at the time of interruption; or
>
> (b) debate on any motion before the Assembly at that time being adjourned until a later hour that day.

Information Privacy Bill 2014
Detail stage

Clause 1.

Debate resumed from 15 May 2014.

Clause 1 agreed to.

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

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.12), by leave: I move amendments Nos 1 to 3 circulated in my name together [*see schedule 1 at page 1690*].

I also present a supplementary explanatory statement. I beg your pardon, Madam Speaker; it is a revised explanatory statement.

MADAM SPEAKER: Are there two explanatory statements, Mr Corbell?

MR CORBELL: Yes. I beg your pardon, Madam Speaker, I present an explanatory statement and a revised explanatory statement. The amendments that I am presenting today deal with a number of matters which have come to light following the original presentation of this bill. The amendments I am moving clarify the authority of ACT public sector agencies to deal with records originating with or received from, and make disclosures to, commonwealth intelligence bodies under the bill.

The bill establishes 11 territory privacy principles designed to promote the protection of personal information. Territory privacy principle 6.2 contained in the bill creates exemptions from the usual requirement that consent is required if the use or disclosure of the information is required or authorised by or under Australian law or a court or tribunal order, or the public sector agency reasonably believes that the use or disclosure of the information is reasonably necessary for one or more enforcement-related activity conducted by or on behalf of an enforcement body.

The bill defines "enforcement-related activities" as including the prevention, detection, investigation, prosecution or punishment of criminal offences for breaches of law imposing a penalty or a sanction and the conduct of surveillance activities, intelligence-gathering activities or monitoring activities. In developing the bill it was considered that these exemptions would be sufficient to allow appropriately constrained disclosure information to commonwealth intelligence agencies.

However, ASIO requested that consideration be given to further clarifying the power of ACT agencies to disclose information to commonwealth intelligence agencies. It is important to ensure that ACT public sector officers have certainty that they can disclose and receive information to and from commonwealth enforcement intelligence agencies without breaching the Information Privacy Bill.

The exemptions added to the bill are based on the equivalent provisions in the Victorian Information Privacy Act 2000. Similar exemptions are found in the Commonwealth Privacy Act 1988 and the privacy laws of Tasmania and the Northern Territory. Preparing information in a responsible way builds trust in public sector agencies and contributes to more open and transparent governance. The bill, as amended, will balance the need to protect personal information privacy with the realistic imperative that operational areas at both the territory and federal levels must be permitted to perform their statutory and lawful functions effectively. I commend the amendments to the Assembly.

MR HANSON (Molonglo—Leader of the Opposition) (10.16): Madam Speaker, the opposition will support the government's amendments to this bill. In essence the effect of these amendments is simply to bring into ACT law, commonwealth law that already applies to the ACT. The amendments will exempt the ACT public sector agencies from the territory privacy principles in cases involving information sharing between the ACT and a range of commonwealth security and intelligence agencies in the interests of national security.

The amendments include two measures to protect privacy. Firstly, the head of the commonwealth body to receive information must authorise it in writing. Secondly, the officer receiving the information must certify in writing that the disclosure is connected with the performance of the receiving agency's functions.

I note that the JACS committee in examining these amendments noted that they engaged the right to privacy under the Human Rights Act. However, the measures are necessary when matters of national security are at stake. The committee also acknowledged the extensive discussion of the issue in the supplementary explanatory statement and considered the points well made in that statement.

I mentioned in my in-principle speech that two issues remain unresolved insofar as ACT law is concerned. One concerns the as yet unresolved issue of how to deal with the statutory cause for action for serious invasions of privacy. The other relates to whether, at some time in the future, ACT laws will be developed to cover the private sector.

I also noted the change in commonwealth government policy relating to the services provided by the Australian Information Privacy Commissioner and how that might impact on the ACT government's previous intention to appoint the Australian government commissioner as the ACT commissioner. I continue to await the government's announcements as to its intentions in relation to the appointment of the ACT commissioner and the likely budget impact this will create.

Those matters aside, Madam Speaker, I reiterate what I said at the in-principle stage of the debate, that the people of the ACT under this law will have more certainty about the way in which the government handles the personal information it gathers. We will be supporting the amendments.

MR RATTENBURY (Molonglo) (10.18): I will also be supporting the amendment proposed by the Attorney-General. It provides an additional exemption to the act for ACT public sector agencies in relation to records received from or disclosed to specific commonwealth agencies. These are enforcement and intelligence agencies and the rationale is that the exemption is required in the interests of national security and safety. While I am generally uncomfortable with limitations on privacy such as this, I do note that the exemption simply mirrors an existing exemption in the Commonwealth Privacy Act that already applies.

I also note that the supplementary explanatory statement makes the case that the exemption is proportionate and justifiable under section 28 of the Human Rights Act

as there are protections for information collected under security and intelligence legislation and the enforcement and intelligence bodies serve an important function. It also points out that the Australian Law Reform Commission has reviewed exemptions such as this and recommended that they should be maintained.

One further comment I would make on the bill is that during the in-principle debate I raised the issue of the changes to the Office of the Information Commissioner occurring through the federal budget. There will no longer be an Information Commissioner, and the Privacy Commissioner will be relocated to the Human Rights Commission. I understand that JACS officials have spoken to the Privacy Commissioner and he has assured them that there is no impairment of his capacity to provide privacy services to the ACT.

I think it will be important to closely monitor this service and in the medium term to assess whether this drives the need for the ACT to establish its own specific privacy commissioner and privacy office or whether we can continue to access the services of the commonwealth agency in light of the changes the commonwealth government is making to its arrangements at the federal level.

Amendments agreed to.

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

Bill, as amended, agreed to.

Road Transport Legislation Amendment Bill 2014

Debate resumed from 15 May 2014, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (10.21): The opposition will be supporting this bill in principle today. However, I foreshadow that the opposition will be seeking leave to move two amendments in the detail stage. These amendments relate to the aggravating factor involving vulnerable road users and the aggravating factor of exceeding the speed limit by 30 per cent.

The bill introduces an aggravated version of the offence of furious, reckless or dangerous driving in the Road Transport (Safety and Traffic Management) Act 1999 and it also implements a consequential amendment arising from the passage of the Road Transport (Alcohol and Drugs) Amendment Bill 2013 to allow a police officer to issue an immediate suspension notice when they charge a person with refusing to undertake a drug or alcohol screening test.

I have spoken in this place before about the issues caused by people driving dangerously, and I think we all understand the impacts of that. It is a reality that drivers will sometimes take reckless actions and make poor decisions which can cause life-shattering circumstances. Our police have a challenging task of having to deal with those irresponsible actions by some drivers, as do other staff, such as ambulance officers and emergency staff in hospitals.

Currently, dangerous conduct on our roads is subject to significant penalties, but only if it results in grievous bodily harm or death. Our current laws focus on the effect of dangerous actions by the driver rather than the actual conduct itself. So it is about the consequence rather than the behaviour. In a way, it is a tragic lottery, in that a dangerous driver only gets an appropriate punishment when death or serious injury have occurred. The same dangerous driver may avoid serious punishment when no catastrophic consequence has resulted, although the behaviour has been the same.

This bill makes an attempt to remove this element of chance in penalising a driver who does drive dangerously under certain circumstances by introducing a list of aggravating factors for the act of dangerous driving. It also introduces higher maximum penalties applying when those aggravating factors are present.

The six aggravating factors for the offence introduced by this bill are: when the person, without reasonable excuse, failed to comply with a request or a signal given by a police officer to stop the vehicle; someone was intoxicated by alcohol and/or drugs; the person was driving with a person younger than 17 years in the vehicle; the person was a repeat offender; the person was driving in a way that put at risk the safety of a vulnerable road user; and the person was driving at a speed that exceeded the speed limit by more than 30 per cent. I will address each of those in turn.

With respect to the first factor—when the person, without reasonable excuse, fails to comply with a request or signal given by a police officer to stop—the opposition supports this. If someone is engaging in essentially a pursuit with the police then that should incur an aggravating offence. On the second factor—when someone is intoxicated by alcohol and drugs—the opposition supports that. In the case of people who knowingly drive under the influence of drugs or alcohol, clearly the courts deserve a greater ability to impose penalties on them.

With respect to someone driving with a person younger than 17 years old in the vehicle, there are a couple of reasons why that should merit being an aggravated offence. Firstly, a child does not get to choose whether they are in the vehicle in many circumstances and are put at increased risk if someone is driving dangerously. Also, particularly for older children, it may have a significant influence on their behaviour. If an older child observes those sorts of behaviours, they might consider them to be normal and they might potentially eventually perpetuate this in their own driving behaviour. With respect to someone who is a repeat offender, I think it is an accepted paradigm that there needs to be an ability for the courts to deal more severely with those people.

The fifth aggravated offence is that of putting at risk the safety of a vulnerable road user, and I do have concerns about this. I foreshadow that we will be moving an amendment to remove this clause, for two principal reasons. Firstly, the area of vulnerable road users is currently subject to an inquiry. That inquiry report, as I understand it, is going to be tabled today and the government is yet to respond to it. I know this has occurred in a couple of other circumstances. The inquiry has heard evidence, it is yet to report and the government is yet to respond, but the government is putting forward legislation relating to vulnerable road users. I think it would be

appropriate for the government to wait to receive that committee inquiry report and to respond to it, so that we get it right. It is very difficult to make assessments—I have not been involved in that committee; I have not seen the report—and to make a determination on whether the government is going down the right track here.

Secondly, I believe that, along with the other areas of aggravated offences, it is about the behaviour and not the consequence. The test of whether you are speeding or not is pretty clear. The test of whether you are drunk or on drugs is clear. The test of whether you are a repeat offender is clear. But the issue of putting a vulnerable road user at risk in many ways might be the consequence of someone's dangerous driving rather than the actual behaviour itself. So until we have more information and until the government responds to the inquiry's report, I think that element of the legislation is pre-emptive.

The other element that we have a concern about is that of exceeding the speed limit by more than 30 per cent. I do not have a problem per se with exceeding the speed limit being an aggravated offence, but I do have a concern with the way it is being measured. This is a new paradigm; this is a new way of doing business—this 30 per cent rule. I do not make a judgement as to whether it is a good way of assessing whether or not someone's speed limit is too high, but it is new.

At the moment we have certain fixed levels: exceeding the speed limit by certain kilometres an hour—for example, 45 kilometres an hour. Thirty per cent means that if you are driving in a 40 zone, 52 kilometres an hour becomes an aggravated offence. I would say there would be many people who would drive perhaps through a traffic area, a maintenance area or a school zone, and, as you are slowing down for that zone, many people would enter, say, that school zone at 52 kilometres an hour. People will be unaware of this, because there is a completely new way of looking at speeding being introduced in this bill.

What the amendment will seek to do, and what I would say, is, "Let's be consistent with other jurisdictions." Where other jurisdictions have gone down this route, they have applied a fixed amount, and that is 45 kilometres an hour. Everybody knows that it is dangerous driving if you are going 45 kilometres an hour over the speed limit. It is very clear what we are doing.

What the government will be doing by using this particular methodology is creating an inconsistency in our traffic laws so that, if you speed, it is by a fixed number of kilometres an hour—10 kilometres over the speed limit, 20 kilometres over the speed limit and so on—but if it is an aggravating offence, it is a percentage over the speed limit.

I think we need to have that debate before we can then start applying it to our road laws. If this is the way to go, if a percentage over the speed limit is the way to go, we should be applying that across our laws and we should also make sure that we are consistent with other jurisdictions. Indeed, what is happening here is that we are becoming inconsistent with not only our own laws but those of other jurisdictions.

The bill provides that the maximum penalty for these aggravated offences is increased to 200 penalty units, two years imprisonment or both. That seems to me to be an appropriate amount that gives the court flexibility when considering whether an aggravated offence has occurred and whether that is the appropriate maximum that can be provided.

The bill also contains a consequential amendment relating to the passage of the Road Transport (Alcohol and Drugs) Amendment Bill. There is the creation of the offence of refusing to undertake an alcohol or drug screening test. The amendment gives a police officer the power to issue an immediate suspension notice to a driver who refuses to undertake an alcohol or drug screening test. It is a consequential amendment that the opposition will be supporting.

The opposition will always consider carefully and support, where appropriate, measures that are taken to make our roads safer. I think that the intent of this bill is good, and the opposition supports it in principle. But I do think we have to make sure that we do not create inconsistencies in our law, and that is why we will be moving the amendments in the detail stage.

It is worthy of note that there are many in our community that strive to make our roads safer. I would like to take this opportunity, while we are debating this important legislation, to reflect on the random roadside drug testing laws that were passed in this place in 2010. Many will recall those laws. They are laws that are now making our roads safer. This bill, in actual fact, has some effect on tightening up that legislation.

It is a very sad moment for me to reflect on the fact that Alison Ryan, who is the inspiration for those laws, and whose daughter, Amy, passed away after tragically losing her life in a road traffic accident involving a drug-affected driver, has passed away within the last 24 hours. I think it is a sad moment of reflection, but it is a reminder to us all that we should be doing whatever we can to make sure our roads are safer, to make sure, in every way we can, that people can drive on the roads without fear that they are going to be killed or catastrophically injured by someone driving dangerously.

In principle, we are right behind these laws, but, as I said, there are two inconsistencies in this legislation, and we will be moving amendments.

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) (10.34): I am pleased to support the Road Transport Legislation Amendment Bill, which makes important changes to help protect road users from some of the more dangerous and aggressive behaviour that can threaten their safety on the road. The Greens are strong supporters of road safety, of reducing the trauma that occurs on ACT roads every year through the thousands of crashes and injuries that unfortunately occur. Driver behaviour is certainly one of several factors in a multipronged approach to improving road safety. To a large degree, driver behaviour rests with the individual, but it also rests with government and initiatives such as education and training and appropriate regulation and sanctions.

One of the important aspects of this bill, which I will discuss further in a moment, is that it introduces to ACT road transport legislation for the first time the concept of vulnerable road users. Members will know of my interest in this issue. I was certainly very interested to see that the report from the TAMS committee, which I just learnt from Mr Hanson, even though he is not on the committee and it is not listed on the blue, is being tabled today. In light of recent discussions, I did appreciate the small irony in that Mr Hanson was able to enlighten us on that matter. I very much look forward to reading that report when it becomes available.

I note Mr Hanson's comments about deciding to move amendments to the bill. The first I knew of these was when the email arrived this morning at 8.30. It was somewhat surprising to be notified of the amendments quite so late. I will not be supporting those amendments, and I will go into some of the details as to why, because I think it is actually detrimental to road safety to support those amendments. I think that the rationale for the legislation is, in fact, quite strong.

As the Attorney-General outlined when he tabled this bill, its main purpose is to introduce an aggravated version of the offence of furious, reckless or dangerous driving. The aggravated version of the offence attracts a maximum penalty of 200 penalty units, imprisonment for two years, or both. This is double the maximum penalty for the standard offence.

There are already serious charges available to punish dangerous driving conduct when the conduct causes death or grievous bodily harm. This is through the culpable driving offence in the ACT Crimes Act, with its maximum penalty of 14 years in jail. So the benefit of creating an aggravating offence for furious, reckless or dangerous driving is that it targets behaviour that endangers the community before an accident or injury has occurred. It focuses particularly on stopping highly risky driving behaviour and preventing death and injury, more than introducing new penalties for incidents where the injury or death has already occurred. The factors that will turn a dangerous, reckless or furious driving offence into an aggravated offence are laid out in the bill and are, in my opinion, behaviour that is worthy of a higher sanction.

One of these aggravating factors is where a person attempts to evade police. This is behaviour that could, of course, instigate a police pursuit. As we have discussed before, police pursuits can be the cause of considerable danger to the community. Another aggravating factor is driving while intoxicated by alcohol or drugs. The additional danger created by driving while intoxicated is obvious and evidenced by the tragic number of incidents on the road that still involve drugs or alcohol.

Similarly, excessive speed is a factor in a large number of road accidents. The bill also makes excessive speeding an aggravating factor. For this purpose, "excessive" is defined as more than 30 per cent over the speed limit. I agree that setting a percentage is an appropriate way to define excessive speeding rather than just setting a flat rate, such as 30 kilometres an hour above the speed limit. The percentage approach acknowledges that different speed zones are different environments with different risks. Driving recklessly through a 40-kilometre-an-hour high pedestrian zone at 60 kilometres, for example, potentially poses a higher risk than driving at 140 kilometres

an hour on a 110-kilometre-an-hour highway—not least of all because the pedestrian zone is likely to have a large amount of pedestrian movements. Pedestrians are, of course, highly susceptible to injury or death if they are hit by a motor vehicle.

To my mind, it does not make sense to say that the aggravating factor only kicks in when a driver is more than 45 kilometres an hour over the speed limit. What if, for example, the driver is driving dangerously, recklessly or furiously at 80 kilometres an hour through a 40-kilometre-an-hour speed zone? That is dangerous driving at double the speed limit in an area where children can be expected to be present. Under Mr Hanson's suggested amendment, this would not be an aggravating factor. The 30 per cent above the limit definition captures this behaviour as an aggravating factor, and I think that is appropriate.

I was interested in the example that Mr Hanson cited around the 40-kilometre-an-hour school zone where he said, "Well, you might be doing 52 as you enter the school zone." I must say, there was an almost implicit condoning of that behaviour, which I am somewhat surprised by. I think that one should enter a 40-kilometre-an-hour speed zone at the appropriate speed limit, because they are there for a clear reason. If a driver makes a mistake and they do not slow down in time, there are penalties in place for that, and that is the way it works. Drivers will do that at times, but then there are consequences for that. I think something like a school zone requires particular vigilance.

Another aggravating factor is that the person was driving in a way that put at risk the safety of a vulnerable road user. The legislation defines vulnerable road users, essentially, as road users that are not protected by a hard metal shell, as drivers of cars or trucks are. Vulnerable road users include pedestrians, cyclists, motorcyclists, horse riders and all other variations of unprotected road users, such as skateboard riders, users of wheelchairs or road workers.

I want to highlight that the introduction of a vulnerable road user definition is a very important addition to the ACT's road transport legislation. In fact, it is the first time it has been defined in any legislation in Australia. For several years it has been used by various overseas jurisdictions. It is widely used in Europe and is included in several US state laws.

First of all, the definition formally recognises that vulnerable road users are a unique group of road users that have unique needs because, by their definition, they are more susceptible to injury. For many of these road users, just receiving legitimisation will be a great victory, as they argue that road transport laws primarily serve drivers of motor vehicles and do not do a great job protecting more vulnerable road users. As an example, an issue that is receiving more prominence recently is the difficulty that cyclists have in pursuing prosecution or even compensation when they are injured by a car.

It is a fundamental failure to recognise or understand these vulnerable road users—perhaps conveyed in the opposition we are seeing to it today—that is actually at the foundation of several of these accidents. "Dooring" of cyclists, for example, seems to result from drivers' lack of awareness of cyclists and in many cases the perpetrator

fails to recognise they even did anything wrong. That is the sort of attitude this legislation seeks to address. It basically says that if you are operating in the reckless manner that the legislation targets and you do it in the vicinity of a vulnerable road user then the vulnerability of that user is increased. Your behaviour increases their level of risk.

The definition also provides a foundation for ongoing refinements and improvements in future ACT legislation and policy. We may see some suggestions for this in the report from the committee on vulnerable road users. My own view is that there are several further improvements we could make using this definition. I have outlined these in the Assembly before, as well as to the committee.

On the subject of the committee reporting, I think that that is not a reason not to move forward. I faced a similar line of questioning when I appeared before the committee about the fact that, as the TAMS minister, I have recently introduced a number of trials of improved and enhanced separation for cyclists in some areas in the ACT. I think that one should not be static about these things. It seemed to be suggested that I was pre-empting the committee. I think half a dozen small-scale trials around the city to get things underway where we can receive feedback, in fact, adds to the work of the committee. I think that this amendment today similarly reflects the work that the committee has been doing. It certainly reflects evidence given to the committee. I think that, given this legislation was coming before the Assembly, it would have been odd to move forward without incorporating this measure into the legislation.

I have received quite a lot of good feedback from stakeholders about it. They are supportive of the specific recognition of vulnerable road users and the benefits this will bring to individual users, in terms of safety, as well as to the broader community, in terms of encouraging more users to use sustainable transport modes. I have received this feedback specifically from groups such as the ACT Heart Foundation, Pedal Power and the Amy Gillett Foundation.

Some of these groups have a specific focus, for example on bike riders. I have also received positive feedback from groups with a broader focus. The Bar Association is in support of the vulnerable road user amendments. I also received a letter from the Australasian College of Road Safety. The ACT chapter wrote to me and I will quote what they said:

> The ACT & Region Chapter of the Australasian College of Road Safety fully supports the introduction of this … concept as a means of reducing crashes, or potential crashes, involving road users who are particularly vulnerable in the Territory.
>
> The Chapter publicly participated in the ACT Assembly Inquiry into Vulnerable Road Users because it believes these road users are at particular risk and a suite of measures is required to ensure the ongoing reduction in the number of crashes involving them.
>
> The Chapter acknowledges that the Bill's amendments will positively discourage drivers of motor vehicles from engaging in dangerous conduct that could result in the death of or serious injury to vulnerable road users.

> … It is critical that drivers recognise the equal rights of all road users to use the Territory's traffic facilities without being put at risk. This legislation and its subsequent implementation should go a long way to achieve such a change in the attitudes of drivers and provide reassurances for vulnerable road users.

For me, those comments from the ACT and Region Chapter of the Australasian College of Road Safety really underline the purpose of this legislation very clearly.

Mr Hanson's amendment seeks to remove the definition of vulnerable road users and remove behaviour that endangers vulnerable road users as an aggravating factor for the offence of furious, reckless or dangerous driving. I do not think that that is an appropriate way to proceed. This is a provision that is about improving road safety. It is one that we should move forward with at this point in time to ensure that those particularly vulnerable users do receive an increased level of protection.

In conclusion, I support the bill. I support it as an important measure in improving road safety, in stopping dangerous, reckless or furious driving on our roads, and in preventing the tragedy and trauma that can result from motor vehicle accidents. The recognition of vulnerable road users in ACT legislation is, I think, an important milestone as part of this legislation and I look forward to further positive work in this area.

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) (10.46), in reply: Madam Speaker, this bill is an important bill that introduces aggravating factors for the offence of furious, reckless or dangerous driving. This offence provides that a person must not drive a motor vehicle furiously, recklessly or at a speed or in a way that is dangerous to the public on a road or road-related area. As members would be aware, the potential for furious, reckless or dangerous driving to deliver a catastrophic result, such as serious injury or death, is very high and it is often by luck alone that this unacceptable behaviour does not result in serious injury or death to drivers, passengers or other road users.

The problem is that currently the highest penalty that can be applied to a driver who undertakes dangerous driving behaviour is 100 penalty units, imprisonment for one year or both. It is only if a driver actually causes death or serious injury that they can receive a higher penalty. In this case, they can now be charged with the offence of culpable driving, which carries a maximum penalty of 14 years, or 16 years if the driving causes the death of a pregnant woman or the loss of the pregnancy.

The government recognises that imposing a substantial penalty on an offender only when through their dangerous driving behaviour they actually cause harm to a passenger or other road users does not send a clear message about the unacceptability of this behaviour or enable a suitable penalty to be applied.

The government's view is that the existing offences need to be strengthened, and this view was shared by the ACT Director of Public Prosecutions in his 2012-13 annual report where he referred to an accident in May 2012 where two Canberra Hospital

employees were struck whilst crossing the road after work by a stolen car driven at high speed. Tragically, one of these two women was killed and the other was seriously injured. The driver in that case had three previous convictions for driving offences, including furious driving, dangerous driving and reckless driving. As the DPP's annual report noted:

> In all three previous incidents police and the public had been put in danger, and it was a matter of good fortune that no one had been killed or seriously injured.

The bill, therefore, targets high risk driving behaviour, behaviour that has the potential to be catastrophic in its consequences. The amendments in this bill focus on the conduct of drivers who drive furiously, recklessly or dangerously in certain defined circumstances. These circumstances were selected as furious, reckless or dangerous driving in circumstances where they pose a greater risk to road users than such conduct where those circumstances do not exist. The bill does this by introducing a number of aggravating factors. A person who commits an offence of furious, reckless or dangerous driving where one or more of the aggravating factors are present will be subject to the higher maximum penalties.

The first aggravating factor is failing to comply with a request or signal given by a police officer to stop the vehicle. Furious, reckless or dangerous driving while evading police represents a significant road safety risk due to the common practice of such drivers to travel at high or unsafe speeds, drive erratically and disobey traffic signals and lights.

The next aggravating factor is if the offence occurred whilst the driver was intoxicated by alcohol and drugs. The devastating consequences of drug and drink-driving are well understood. Research has consistently shown that driving performance skills are impaired at blood alcohol concentration levels of around .05 grams per 100 millilitres. At that level, your risk of being involved in a road crash is double to that of a zero reading. At .1 grams concentration of alcohol, your risk is seven times higher than at zero.

Drug driving is equally dangerous. Research has shown that drug use can affect drivers by slowing down their reaction time, causing a distorted view of time, speed and distance, reducing a person's ability to drive safely and identify hazards. Drugs stimulate the nervous system and can lead to a reduced attention span and the sudden onset of fatigue. Drugs also affect driving ability by causing muscle weakness and poor vision.

The significant impairment of a person's driving ability caused by alcohol or drug intoxication is why being intoxicated is an aggravating factor for the offence. Driving whilst intoxicated is dangerous enough, with intoxication a contributing factor in 40 per cent of crashes on our roads. Furious, reckless or dangerous driving whilst intoxicated is even more dangerous, and the bill ensures that drivers who undertake such antisocial behaviour face appropriate sanctions.

The third aggravating factor is excessive speeding. The road safety risks posed by speeding are well established and are twofold: firstly, the faster the vehicle is

travelling, the hard it is for the driver to stop to avoid hitting pedestrians or other road users or people in the vicinity of the road; secondly, the faster a car is travelling when it hits an object, such as a pedestrian, the higher the likelihood of that impact causing significant injury or death.

For that reason, "excessive speeding" has been defined in a flexible manner that reflects the varying level or risk posed by speed. The aggravating factor is driving at a speed that exceeded the speed limit by more than 30 per cent. The 30 per cent rule would see the threshold applied at 52 kilometres an hour in a 40-kilometre-an-hour zone, above 78 kilometres an hour in a 60-kilometre-an-hour zone and above 104 kilometres an hour in an 80-kilometre-an-hour zone.

While some may consider that driving at above 52 kilometres an hour in a 40-kilometre-an-hour school zone does not pose a significant safety risk, the research tells us otherwise. Research has shown that if a pedestrian is hit by a car at 50 kilometres an hour, the pedestrian has less than a 40 per cent chance of being killed, but at 60 kilometres an hour the pedestrian has a 70 per cent chance of being killed. Even at relatively low speeds, every extra kilometre per hour that a car is travelling can literally be the difference between life and death for a pedestrian.

The risks posed by excessive speeding are, of course, exacerbated when combined with other furious, reckless or dangerous driving behaviours. Speeding drivers have less time to react to take evasive action, and any impact or collision causes significantly more damage than an impact at the legal driving speed.

The fourth aggravating factor is driving with a person younger than 17 years old in the vehicle. This factor recognises that children can be more vulnerable to injury than adults in a crash and so furious, reckless or dangerous driving has potential for more serious consequences for children in a motor vehicle in the event of an accident. In addition, the aggravating factor also reflects that, unlike adult passengers, a child cannot consent to involvement in dangerous or reckless driving.

While not the principal reason for including this aggravating factor, it must also be recognised that older children are potentially impressionable and may come to regard the offending driving behaviour as normal or acceptable and perpetuate this in their own behaviours.

The fifth aggravating factor is driving in a way that puts at risk the safety of a vulnerable road user. The heightened disadvantage that vulnerable road users face when interacting with much larger, heavier and faster motor vehicles has been widely accepted. This disadvantage is compounded when the motor vehicle is being driven furiously, recklessly or dangerously. A vulnerable road user is a road user other than the driver of or a passenger in an enclosed motor vehicle. The bill provides some non-exhaustive examples, such as pedestrians, cyclists, motorcyclists, riders of animals, users of motorised scooters and even users of Segways.

The final aggravating factor is if the driver is a repeat offender. This has been included to ensure that there is an appropriate sanction available when offenders repeatedly engage in dangerous driving. 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. The 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 at least 12 months.

When I introduced this bill, I noted that while other jurisdictions have aggravated versions of similar dangerous driving offences, a number of the aggravating factors proposed in this bill have not previously been applied in Australia. 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 or will be unique to the ACT.

Returning to that last aggravating factor of driving in a way that puts at risk the safety of a vulnerable road user, these provisions have been welcomed by a broad number of organisations representing vulnerable road users. The government believes this provision is appropriate given that furious, reckless or dangerous driving in a way that puts at risk the safety of a vulnerable road user clearly has the potential for a catastrophic consequence.

The government is committed to encouraging greater utilisation of active modes of transport, such as cycling and walking, and we recognise the particular vulnerabilities of users of these modes. The government is focused on actively promoting a share-the-road culture to improve the safety of all road users. While education, awareness and encouragement are important in promoting that culture and achieving the behaviour we want to see on our roads, we recognise that enforcement is also a critical component. Therefore, the inclusion of an aggravating factor of putting at risk the safety of vulnerable road users as part of these amendments is another measure in this government's ongoing efforts to increase road safety for all.

The bill also contains a consequential amendment to the Road Transport (General) Act that arose from the Road Transport (Alcohol and Drugs) Amendment Act. That act created an offence of refusing to undertake an alcohol screening test. The amendments in this bill give a police officer the power to issue an immediate suspension notice to a driver who refuses to undertake a screening test. This notice suspends the driver's ability to drive for 90 days. Giving the police the power to issue such a notice to drivers who refuse a screening test will ensure that those drivers are not advantaged over other drivers who undertake and subsequently fail a test. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR HANSON (Molonglo—Leader of the Opposition) (10.59): I seek leave to propose three amendments together which have not been circulated in accordance with standing order 178A.

Leave granted.

MR HANSON: I move amendments Nos 1 to 3 circulated in my name together *[see schedule 2 at page 1691]*.

I foreshadowed that I would be moving these amendments in the in-principle stage. I am disappointed that they will not receive the support of the Greens and the government. I do apologise for the late notice. When we had the briefing from the government, I did notify the government staff, the minister's office, that I had concerns about these two areas. I foreshadowed at that point that I may be moving amendments, but we have been waiting for responses from a number of organisations—the Bar Association, the Law Society, the AFPA and so on—and they did not come in until late in the piece.

As I discussed, there are two substantive issues here. One is the aggravated offence for vulnerable road users. As I said previously, there are two concerns I have there. Firstly, there is a committee that is due to report. I have checked my notes, and in actual fact it is by the last sitting day this sitting week rather than the first; I expect that today, tomorrow or Thursday, Mr Rattenbury will clarify that point. We will see if there is a conspiracy today and whether Mr Gentleman is leaking information to me as well as to the minister, but we will wait and see if that is the case. The second concern I have is that in many ways it relates to the consequence of someone's actions rather than their behaviour, and that is what we are trying to establish here. The concept of the vulnerable road user is a new one, as Mr Rattenbury noted in his speech; it would be prudent to await the committee's report and the government's response before moving such a substantive change to our laws in this area.

The other substantive issue is the aggravated offence with regard to speeding. I have no concern with speeding being an aggravated offence for the offence of dangerous driving, but to introduce a contradictory paradigm for the way that speeding is assessed is, I think, problematic. Mr Rattenbury made a case that the percentage rule is a better way of looking at speeding offences, and maybe he is right. If he is, that should be applied consistently to speeding offences across all of our legislation. But what we are doing today is creating anomalies. We are creating inconsistencies both within our own legislation and with the nationally consistent standards which we endeavour to adhere to. For that reason, the amendment that I am moving would make it an aggravated offence if the speed was exceeded by 45 kilometres an hour. That is consistent with other jurisdictions and is a methodology that is consistent with that used for all other traffic offences in the ACT. I commend the amendments to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.03): The government will not be supporting these amendments today. I will address each of Mr Hanson's amendments in turn.

Firstly, I want to speak in relation to his amendment to clause 10, which proposes to provide for the aggravating fact of driving at a speed that exceeds the speed limit by 45 kilometres an hour or more instead of the provision in the bill, which provides the aggravating factor as to whether the person drove furiously, recklessly or dangerously at 30 per cent over the limit.

As the government has previously outlined, in relation to this aggravating circumstance the use of a threshold based on the percentage over the speed limit rather than a set number of kilometres per hour has been proposed because the flat rate approach, such as that outlined in Mr Hanson's 45-kilometre-per-hour model, does not recognise the potentially higher risks posed by exceeding the speed limit by that level in more pedestrian and urban areas than those posed by exceeding the speed limit by the amount on roads rated for much higher speeds. For example, a driver driving recklessly through a 40-kilometre-an-hour speed zone at 60 kilometres an hour potentially poses more of a risk than a driver driving at 140 kilometres an hour on a 100-kilometre-an-hour freeway. The risks are different. This is a proportionate measure rather than a flat rate one.

The 30 per cent threshold would see the threshold applied at above 52 kilometres an hour in a 40-kilometre-an-hour zone, above 65 kilometres an hour in a 50-kilometre-an-hour zone, above 78 kilometres an hour in a 60-kilometre-an-hour zone and above 104 kilometres an hour in an 80-kilometre-an-hour zone. As I outlined in my earlier speech, research demonstrates that if a pedestrian is hit by a vehicle at 50 kilometres an hour, the pedestrian has less than a 40 per cent chance of being killed, while at 60 kilometres an hour they have a 70 per cent chance of being killed. So even at relatively low speeds every extra kilometre an hour that a vehicle is travelling can literally be the difference between life and death. Therefore a percentage measure rather than a flat rate is the best way to address this issue.

The selection of 30 per cent as the threshold rather than some other percentage or a sliding scale took into account these considerations, but it is worth emphasising as well that this is not just a penalty if you are driving 30 per cent over the limit. The basic elements of the offence still need to be made out. That is, the driving must be furious, reckless or dangerous. That is the threshold the prosecution must demonstrate—that the driving was furious, reckless or dangerous. And then the aggravating factor potentially comes into play. The driver is not liable for either the basic offence or the aggravating offence if the basic elements of the offence—furious, reckless or dangerous driving—are not made out.

Secondly, I want to speak in relation to Mr Hanson's amendments to omit proposed sections 7A(1)(a)(vi) and 7A(4) to remove the aggravating factor of driving in a way that puts at risk the safety of a vulnerable road user. The opposition suggests that it is not sufficiently clear when this offence would be committed. However, the term "vulnerable road user" is clearly defined in the bill and several examples are given. These include the types of road users who are generally well understood to be vulnerable—cyclists, pedestrians, motorcyclists.

To succeed in a charge of an aggravated offence for this aggravating factor, the court will need to be satisfied that the driving in question put at risk the safety of a vulnerable road user. Whether this can be established will depend on the particular facts. It would not be useful or appropriate for the bill to attempt to set out examples of all the situations in which this aggravating factor would be established. That will be a matter for the courts, noting that the concept of putting someone's safety at risk is already established in ACT law. For example, under the existing road rules that apply in the territory there are requirements in certain situations for a driver to drive in a way and at a speed that does not put at risk the safety of pedestrians crossing a road. Similarly, work health and safety law includes provisions requiring the health and safety of people to not be put at risk.

So the concept is not unknown or untested. The formulation of this aggravating factor will allow for this concept to be used to address a potentially wide range of circumstances in which this aggravating factor may arise.

While Mr Hanson has expressed concern about the structure of this aggravating factor and his particular view that it is not sufficiently certain or clear, consultation with the police and the DPP has not indicated that this is an issue in discussions with those bodies. I am also aware that the Law Society and the Bar Association have considered the bill; and while they have made a number of observations, none of the comments appears to raise the concern that the framing of the aggravating factor relating to putting at risk the safety of a vulnerable road user is problematic. In particular, the Bar Association has welcomed this provision. For those reasons, the government cannot support these amendments.

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (11.09): As I outlined in my in-principle remarks, I will not be supporting the amendments either.

Question put:

> That the amendments be agreed to.

The Assembly voted—

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

Question so resolved in the negative.

Bill, as a whole, agreed to.

Bill agreed to.

Planning and Development (Symonston Mental Health Facility) Amendment Bill 2014

Debate resumed from 15 May 2014, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

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

That the debate be adjourned.

Question put.

The Assembly voted—

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

Question so resolved in the negative.

MADAM DEPUTY SPEAKER: The question is that this bill be agreed to in principle. I call Mr Coe.

MR COE (Ginninderra) (11.15): Madam Deputy Speaker, the Planning and Development (Symonston Mental Health Facility) Amendment Bill 2014 is a piece of project-specific legislation which amends the Planning and Development Act 2007. The opposition will not be supporting this legislation. It is clearly an attempt to create a precedent for fast-tracked planning, this time under the cover of mental health. The public justification for this bill is that it is designed to speed up construction of a mental health facility in Symonston.

The bill provides amendments to the usual processes relating to territory plan variations, as well as the review rights which would ordinarily apply to a project. Once again, the government has poorly consulted on this legislation. It seems that this government and this minister in particular have failed to learn the lessons of the project facilitation bill, and Mr Rattenbury continues to blindly back this minister. Despite it being good policy to give the community an opportunity to comment on this bill, politically it would make sense for Mr Rattenbury to distance himself from Minister Corbell's shambolic management of this planning issue.

This bill requires the Planning and Land Authority to prepare a draft variation to the territory plan in relation to the Symonston mental health facility. The National Capital Authority must be consulted about the draft special variation. Public consultation must take place for at least 15 working days, which is half the usual requirement of 30

working days for an ordinary draft variation. Comments on the draft special variation must be available for public inspection in the same way that they are under the current provisions.

After the public consultation process has been completed, the Planning and Land Authority must present the draft special variation to the executive. This is different to the normal variation process where the draft variation is given to the minister. The executive may return the draft to the authority for further consultation. It may withdraw the variation or it may approve the variation.

This bill removes some important appeal rights. The bill removes the ability of third parties to seek ACAT merit reviews of decisions relating to the proposed Symonston mental health facility. It also removes the ability to appeal decisions in relation to the making of a special variation and the proposed facility under the Administrative Decisions (Judicial Review) Act 1989. Appeals to the Supreme Court under common law must be made within 60 days of the decision being made.

The opposition is very concerned that this bill is yet another example of this government trying to bypass proper processes in the planning space. This bill relates to the secure mental health facility, which the government wants to build on the old Quamby site at Symonston. The Canberra Liberals have previously supported the proposal to build the secure mental health facility. I would like to reiterate that we are aware of the need for a facility like this and have not objected to the choice of the site in Symonston. However, we have serious concerns about the process surrounding this project.

The government has been promising to build a secure mental health facility at Symonston since March 2010. On 17 March, the Minister for Health's triumphant media release stated:

> The former Quamby Youth Detention Centre site has been selected as the location for the ACT's new 15 bed Secure Adult Mental Health Inpatient Unit, ACT Minister for Health Katy Gallagher announced today … This site selection process has concluded that the former Quamby site is the best location for the mental health facility because there is sufficient space, no major physical or social constraint, the site is centrally located and accessible to the Canberra Hospital.

So for years the site has been known. The details of the proposed facility have been slightly altered since the announcement of the site, but the land use remains the same. The land use requirement is exactly the same as it would have been back in 2010. The same zoning is required as would have been required in 2010. But the government has moved very slowly on this project. As we all know, the Assembly unanimously passed a motion calling on the government to proceed with the facility in August last year. It took three years for the government to get around to bringing a motion to the Assembly to tell us how important this project is; three years, Madam Deputy Speaker.

Even after the Assembly passed the motion calling on the government to get going on the project, it took until March this year for them to bring this legislation before the Assembly to enable the project. We all know what happened with this legislation. The

government was forced to withdraw the project facilitation bill after the community uproar over the sham consultation and the extensive powers the bill would have given the minister.

After the withdrawal of that bill, the government brought this current bill to the Assembly, claiming that this project is urgent and that the usual planning processes must be set aside to ensure it is completed quickly. In the four years since the project was announced and the site was selected, the government has not taken the necessary steps to amend the territory plan so that the project can go ahead. The government should have gone through the normal planning processes of making a variation to the territory plan while giving the community sufficient opportunities to respond to the draft variation.

Instead, the government has decided that this project is now urgent when it has not been for the previous four years and that it needs special legislation to ensure it happens. Why is it urgent now, Madam Deputy Speaker? Why did the government not follow proper processes four years ago or at any point over the last four years? If the project was so important to the government, the process of amending the territory plan should have started four years ago. Even allowing time for community consultation and appeals to be worked through, the facility should have been well on the way to completion, if not already finished by now.

The bill is not really about the mental health facility. It is about the government setting aside planning laws. Once proper processes have been set aside, what is stopping the government from doing it again? What will be the next urgent project? Will the government bring a special variation to cover the Uriarra solar farm? What about Northbourne Avenue and the government's grand light rail project? Where will it stop, Madam Deputy Speaker?

If the government feels that the current planning system cannot handle the proposed mental health facility in Symonston, then maybe it is time for an overhaul of the system. If not, then the government should work within the system rather than trying to remove the rules when they are too hard to follow or when they simply waited too long. The opposition will continue to hold this government to account for its blatant disregard for proper processes, especially in the planning space. For this reason, we will be opposing the Planning and Development (Symonston Mental Health Facility) Amendment Bill 2014.

MR RATTENBURY (Molonglo) (11.22): This bill is a continuation of the motion passed unanimously by the Assembly last year where we agreed to fast-track the secure mental health facility in Symonston and agreed to consider project-specific legislation to expedite the construction process. As all members of the Assembly did, the Greens supported that motion last August and we will be supporting this bill today. This is clearly a project that requires focused and targeted support and that deserves the full attention of the Assembly.

The secure adult mental health facility is a key item in the 2012 Labor-Greens parliamentary agreement because in signing the document we recognised that it is an important element in the ACT's range of options for meeting the complex needs of

some people with mental health concerns, both in the community and those who may have had contact with the criminal justice system but for whom custodial sentences may not be appropriate. The proposed facility will contain around 25 beds and will be low to medium security. There is a clear need for this facility in the ACT, and I suspect that we will see this facility well utilised in years to come.

Before I go on to the details of the bill, I have received, as I believe other members have received, an email from the Inner South Canberra Community Council this morning that raises some issues with the bill. I am aware of the concerns of Symonston residents about planning issues arising in their area. In fact, I went for a site visit last year and discussed a range of issues with them. There are a range of views in Symonston about a range of matters and what should take place in the area. I certainly note the comments from Gary Kent this morning in his email that he sent just after 10 o'clock. He said, "Symonston is a valuable remnant of old Canberra with superb heritage and conservation values."

What this reflects in Symonston is the increasing pressures on many of the urban fringes of Canberra and that it would be timely to do a level of strategic planning and consultation around the future of Symonston and some of the land use planning in that area. I think that the concern the residents have is that there is a bit of a piecemeal approach. They are not clear what the bigger picture is for the Symonston area. They do not see a clear plan there and they would like to be involved in that discussion. I think that is a fair enough comment. I think that that is something the government should be looking at and should be taking on board to seek to get an enhanced engagement with the residents of Symonston.

Nonetheless, when it comes to this specific site, I think we also need to reflect on the very real situation. The site we are talking about is not a heritage site in that sense. It is a site that already actually has the former Quamby facility on it. That facility will be demolished and simply replaced with a new building. I think that is the important context of the actual site we are speaking about here. It is a location that already has a building on it. That building will simply be replaced with a new building in essence. That is the essence of what this legislation does.

The bill essentially does two things: it creates a specific territory plan variation for the Symonston site to enable the facility and it reduces legal appeal and review rights for the development application for this facility. People may wonder why this facility warrants such legislation that removes important rights such as appeal rights through the Administrative Decisions (Judicial Review) Act or merit review through ACAT. I note that common law access to the Supreme Court is still available for 60 days on questions of law or procedure, whereafter access is also restricted.

However, there is significant demand for the proposed secure mental health facility and a clear need for the government to deliver the project as soon as practicable. Unfortunately, as I recounted during the debate on the project facilitation legislation, it is quite possible that this project could have been held up through various appeal processes due to people being unhappy about this type of facility being built in their area. This is what has happened to the government's Ngunnawal bush healing farm proposal, despite the many people who would strongly benefit from the facility being built.

This bill also creates a special variation to the territory plan, a new type of variation created in this bill specifically for the purpose of this facility. In a similar framework to that of the project facilitation legislation, this special variation must go out for public consultation for three weeks and then ACTPLA must prepare a report on the comments received through the public consultation. That report will then go to the executive for consideration, along with comments from the NCA and any clarification issues raised in the consultation.

After consideration of this report, the executive may then agree to create a variation in relation to the Symonston site, which changes the zoning on the site to ensure that a hospital is a permissible use of the site as the current zoning of broad acre does not necessarily permit a hospital. This legislation is not much more complex than this when it comes down to it. It can only be used for the Symonston secure mental health facility, only on that site for those purposes and it has a sunset clause of five years.

The sunset clause only relates to the limits on access to ACAT and AD(JR) appeals. The variation to the territory plan would be a permanent change to the zoning. The sunset clause may be extended by another five years if necessary, but I would think that that seems very unlikely. Certainly, I believe that the government is committed to delivering this facility within that time frame long before the sunset clause expires.

This proposal varies from a call in in that it requires the executive, not just the planning minister, to agree to the proposal and this legislation allows for the creation of a special variation to the territory plan. Criteria in the bill require the executive to consider the consultation report, examine the comments, ensure that the variation facilitates the Symonston mental health facility and ensure that there are no substantive policy reasons for the facility not to proceed.

During the period the project facilitation legislation was before the Assembly, a number of organisations and individuals came to me with their considerations. Quite a few of them explained that they would prefer to see specific project facilitation legislation for quite specific projects rather than approving a framework that could potentially be used for a number of projects. I think what we have before us today is an example of that.

This is, indeed, project-specific legislation specific to the Symonston site only. However, I believe that many eyes will be watching to see whether this is a process that works and whether it is potentially one worth repeating in the future. Certainly in those discussions I debated that point with a number of organisations about whether it was better to have a framework that applied consistently or whether it was better to do it on a project-by-project basis. I think that is a debate that will no doubt continue.

Madam Speaker, there are still many changes to go through in terms of the planning process for this facility. A variation will need to go out to the NCA and for public comment. A consultation report will need to be prepared for executive consideration before variation approval. A DA will then need to go out for public consultation before following usual ACTPLA approval processes. I believe that there will be two DAs for this proposal: one for the demolition and one for the construction.

It remains to be seen whether people will feel curtailed through those processes or whether they have achieved the right balance between full public participation and government acting in the best interests of the broader community. I believe that this bill does achieve that balance, but I also welcome the sunset clause and other provisions that will allow us to monitor the success or otherwise of this new approach.

I believe this process ensures that key public opinions are heard and taken into account, while also ensuring that this important facility can be built within a manageable and, hopefully, short time frame. Madam Deputy Speaker, in conclusion I will be supporting this bill today.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (11.31): I thank the minister for planning for his indulgence; I will speak to this bill. It is an important bill which provides certainty to a very important project. This project, the secure mental health unit, and the focus on Symonston as the best site for this unit, has been talked about since 2010, following a site selection process that we went through.

Since that site selection study was undertaken there have been a number of reviews of the project. This was to ensure that the secure mental health unit was built for the long term, not the short term. As members would be aware, the original planning for a secure mental health facility in the ACT had focused on the provision of 15 high-secure beds. I was concerned, after speaking with professionals and experts in the area, that a unit of that size would not provide the ideal therapeutic and rehabilitation environment for vulnerable Canberrans with such complex mental health needs. I asked that a review be undertaken in 2011 around the size and level of security attached to the facility, and also the cost of the facility.

The Symonston site has been picked for a number of reasons. It has been used as a facility by the government for some time, over many years, as the former site of a juvenile detention facility. It is also very well located between the Alexander Maconochie Centre and the Canberra Hospital, where medical needs for these clients will be provided. The location is somewhat removed from a built-up residential area, although there are neighbours within a reasonable proximity, and we will continue to work with those neighbours to address concerns that they have through the delivery of this project.

With respect to the reviews undertaken, one was to look at the cost of the facility, which, for a 15-bed high-secure unit, was provided to me as being in the high $30 million mark, once some of the draft budget cases had been developed. Reviews have been conducted into both the size and the security standard of the facility, and New South Wales Health undertook a planning review of the budget associated with this facility. They recommended, after taking advice from these reviews and from the head of Health, who happens to be a psychiatrist with extensive experience in the provision of forensic mental health services, to the government that a 25-bed facility be constructed with a medium level of security, allowing—

Mr Coe: This is a planning bill.

MS GALLAGHER: Yes, and I am talking about the importance of the project, Mr Coe, that is linked to this bill. This bill will allow—

Mr Coe interjecting—

MADAM DEPUTY SPEAKER: Mr Coe!

MS GALLAGHER: This bill will allow the delivery of this important project. I think it is important that we discuss all of the reasons behind how we got here today, why it is important and why the Assembly, prior to today, had a unanimous view that Symonston was the right site and that this—

Mr Coe interjecting—

MADAM DEPUTY SPEAKER: Mr Coe, next time you interrupt I am going to warn you.

MS GALLAGHER: project should be fast-tracked in order to provide certainty and deliver the project by 2016, which is the current timetable. Those reviews have been conducted. I am very confident that we are building the right size facility with the right level of security within a budget that is affordable and that will deliver the best outcomes for the individuals that need to spend time there—for some, a considerable length of time.

This bill will give certainty to the project. There is no doubt, when you look at secure mental health units that have been built in other parts of Australia and indeed the world, that they do raise concerns from local community members around the location of the facility. I believe we can address all of those concerns through the appropriate planning and consultation procedures, and in the design of the building, which is well underway.

ACT Health have been working very hard on delivering this building, whilst the Environment and Sustainable Development Directorate has been undertaking the work that needs to be done in the planning sphere. The model of care has been released. A community consultation program on the preliminary sketch plans commenced on 14 May this year, with a public information session held last week, which I understand was reasonably well attended. Advertisements to inform the broader community about the PSP consultation and information sessions have appeared. They have been booked to appear in the *Chronicle*, the *CityNews* and the ACT government noticeboard in the *Canberra Times*. Immediate neighbours have been contacted to arrange meetings with the project architects, should people wish to do so, regarding potential impacts of the design on their properties, and a face-to-face meeting between Health representatives, the principal design consultant and neighbours was held on 8 May this year.

So there is a lot of work that has been undertaken. I have certainly give instructions to the Health staff working on this project that they are to consult and speak with neighbours consistently and continuously through the development of the secure mental health unit. This bill will allow that certainty to be provided, and I commend the bill to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.38), in reply: In closing the in-principle stage of this bill, I will simply seek to address some of the issues raised by the scrutiny of bills committee in its report No 19 of 27 May, where it commented on this bill. It noted the proposed limitations in the bill in relation to third-party review and referred to its comments in report No 16 of 1 April on similar proposals from the now withdrawn Planning and Development (Project Facilitation) Amendment Bill. The committee commented that the limitations raised human rights implications, and I would like to respond to a number of these comments.

The following points were made in relation to the now withdrawn project facilitation bill, and the committee indicated that these points applied equally to this bill. In accordance with case law, human rights legislation does not guarantee a right of appeal for civil matters, but any restrictions need to be considered in the context of other avenues of input. An example of an alternative avenue is the right to comment on development applications. I would make the observation that this bill provides significant alternative avenues for community input into such decisions.

In its report, the committee commented on the proposed time limits in the bill in relation to Supreme Court common law rights of review, suggesting that the government consider provisions for the Supreme Court to extend the 60-day time limit. The 60-day restriction is a significant measure, and it is intended to confine any court actions to proceedings commenced within that time frame. This crucial measure ensures a degree of certainty and finality in relation to the special variation and any subsequent development decision on the Symonston mental health facility. The cut-off date means that the community, government, industry and the proponent are able to proceed with confidence that the project will not be disrupted by late legal proceedings, potentially even years after the relevant decision has been made.

Such measures are not without precedent. The Gungahlin Drive Extension Authorisation Act included similar restrictions on court proceedings. I note that the current Planning and Development Act also requires an important challenge to the validity of a provision of the territory plan to be made within three months of the commencement of that provision. So such limitations are justified, given the immediate need for this facility.

I also note that the scrutiny of bills committee has commented on the retention of review under common law and has sought clarification for the differences between administrative decision judicial review and common law remedies. The committee suggested that the removal of AD(JR) alone would be of little practical effect.

I would like to comment briefly and discuss the difference between review under the AD(JR) Act and review under common law. In my response to the scrutiny of bills committee I indicated that these sets of review rights are not identical, and I will reiterate these points. The grounds for seeking review in standing under the AD(JR) Act are codified by statute. The grounds and the test for standing under the AD(JR) Act are arguably wider than those available at common law. In contrast, the grounds for seeking review in standing under the common law are as determined by the state of the common law at the relevant time.

It is apparent that the two rights, while in some respects similar, are nonetheless separate rights and, as such, the removal of ADJR rights review is a meaningful and significant measure. The measure will minimise delay to the commencement of the special variation and any subsequent development decision on the facility. The scrutiny of bills committee, in its report No 19, also asked for further detail on the difference between the grounds for review under the AD(JR) Act and the grounds for review under the common law.

I do not propose, at this stage, to go further than the points I mentioned in my summary just now. This place, I would suggest, is not the appropriate forum for the government to discuss at length what can be a complex matter of law, and nor is it appropriate for the government to set out a detailed position on a subject that has been and is likely to, again, be a question arising in some future litigation.

I would, however, make the final point that it is appropriate to consider the removal of AD(JR) Act rights which are created by the legislature and, as such, can and have on a number of occasions been modified by the legislature. But it is neither appropriate nor possible to remove common law rights of appeal to the Supreme Court. These are rights that are the prerogative of the court itself, not the legislature.

Scrutiny of bills also commented that the removal of AD(JR) Act rights of review, in effect, removes a statutory right under that act to receive a statement of reasons for reviewable decisions. This is because, while the ability to request and receive reasons is provided for in the AD(JR) Act, there is no such common law requirement. I would note that this ability to request and receive reasons under the AD(JR) Act is subject to certain exceptions. It is possible that reasons for an administrative decision will not be provided in certain circumstances.

It is also important to clarify the situation with respect to receiving a statement of reasons. Despite the removal of ADJR review rights, legal requirements to provide statements of reasons remain in place. The bill and the existing Planning and Development Act already require statements of reasons. New sections 85B and 85H inserted by the bill require the draft and final special variation to include a statement justifying the variation against the relevant criteria.

In particular, the variation must state how the measure would facilitate the mental health facility at Symonston. A requirement to give reasons will also apply to any development approval decisions in relation to the facility. Sections 170 and 171 of the act require that notices of decisions are to be provided to the applicant and persons who made a representation. These notices of decision must include reasons.

For these reasons, the impact of the removal of ADJR on the provision of a statement of reasons is of no practical consequence. The issue of a statement of reasons also touches on a wider point that is worth emphasising. While this bill will introduce a way to make an instrument to vary the territory plan and potentially accommodate this facility, there is no proposal to depart from the existing development assessment process itself in respect to any subsequent development application. The special variation process does not constitute a development approval. Development

applications for the Symonston mental health facility will be subject to the same assessment and public notification requirements under the Planning and Development Act as for any other development application.

Therefore, this bill strikes the right balance. The bill enables the expedited consideration of the mental health facility through the territory plan variation process. There will be measured and appropriate restrictions on review of any development approval decision and the bill only applies to the proposed mental health facility at the Symonston site. Importantly, the bill delivers an outcome consistent with the August 2013 unanimous resolution of this place. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Question put:

> That this bill be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Bill agreed to.

Environment—Koppers site

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) (11.49), by leave: I move:

> That the resolution of the Assembly of 9 April 2014, which required the Government to commission an independent analysis of all testing and results to date of the Koppers facility in Hume and to table the results of this analysis in the Assembly by 3 June 2014, be amended by omitting the words "3 June 2014" and substituting the words "first sitting week in August 2014".

On 9 April this year, the Assembly passed a resolution noting that the government will commission an independent analysis of all testing and results to date of the former Koppers site and provide an independent assessment of the pollution and any possible

impact on adjacent sites. The resolution stipulated that the government would table the results of the analysis in the Assembly by 3 June—today.

The government has engaged the internationally recognised firm of Coffey International Limited to undertake this important review. Coffey International has expertise and extensive national and international experience in engineering and environmental management.

Further, as a major land developer in the area of the Koppers site, and to address any community concerns relating to pollution from the site while it was operational, the government has broadened the scope of this review to include additional off-site soil and groundwater analysis. This will ensure that all aspects of concerns raised regarding the site's regulation and any impacts on the surrounding area are fully addressed as per the Assembly resolution.

I am advised that the review, although underway, is not yet complete, and will not be ready for tabling today. The delays are a result of the decision to take additional soil samples in the area to complement and independently confirm the existing data sets. I consider it very worth while, in terms of the independent analysis and robustness of the data, for this work to be undertaken, and ultimately to ensure the quality and veracity of the independent analysis. I am advised that this analysis will be available by the first sitting week of August this year. Therefore, I am moving this motion to provide for this additional time to allow for these comprehensive analyses to be completed.

Motion agreed to.

Sitting suspended from 11.52 to 2.30 pm.

Questions without notice

ACT Emergency Services Agency—funding

MR HANSON: My question is to the Minister for Police and Emergency Services. Minister, you have recently announced that some alarm and building development fees will be increased to supplement the government's $4 million funding announcement for the ESA to make up for commonwealth government funding shortfalls as a result of the government's participation in the commonwealth fire payments MOU. Minister, when did you sign this MOU?

MR CORBELL: The government signed the revised MOU on the terms that the commonwealth dictated in the last 12 months. I would have to get an exact date, and I will take that part of the question on notice.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Thank you, minister. Could you confirm that the signing of the MOU took place during the previous Labor federal government?

MR CORBELL: Yes, it did. There is no doubt, and it has subsequently been confirmed in correspondence I have received from the new relevant federal minister. We are in a situation where both sides of politics federally are dudding the ACT, and it is not acceptable. What it means is that ACT ratepayers are picking up the tab and ACT building owners are picking up the tab for the provision of fire services to the commonwealth. That is not appropriate, in our view, and we have sought review and reconsideration of that matter both with the previous federal government and with the current federal government. Neither has been willing to accept such considerations.

So, regrettably, it is the case that the choice is between not providing fire cover to the necessary level to important national institutions like Parliament House, the National Library, the Australian War Memorial and so on, or having to make up the shortfall. Clearly, one is a responsible course of action and one is not, and the government is putting in place the necessary measures to ensure that fire cover is maintained.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, why did you sign this MOU if it would lead to a funding decrease for the ACT?

MR CORBELL: Because the alternative was no funding from the commonwealth.

MADAM SPEAKER: Supplementary question, Mr Smyth.

MR SMYTH: Minister, what alarm and development fees will be affected by this government initiative, and by how much?

MR CORBELL: The details will be outlined by the Treasurer when he presents the budget papers, I understand.

Asbestos—management issues

MR SMYTH: My question is to the minister for workplace safety. Minister, can you update the Assembly on the latest developments regarding Mr Fluffy asbestos homes and what the government has been doing?

MR CORBELL: The government is undertaking and maintaining a very proactive response to the range of issues associated with remnant loose-fill amosite asbestos, or the Mr Fluffy homes, as they are more commonly known. The government has maintained a communication program with householders, reminding them of the potential issues that still remain in relation to their properties, despite the fact that they were part of the loose-fill removal program in the early 1990s.

It has always been the case that that program was only ever intended to remove visible and accessible loose-fill asbestos from those properties and that there was always a risk that remnant loose-fill asbestos may remain, particularly in inaccessible areas of

the home, such as the wall cavities and subfloors. This is reflected in the information that is provided to residents as part of their building file, and the clearance certificate that is associated with that building file, that states clearly that remnant loose-fill asbestos may remain on the property.

We know that our level of knowledge and understanding of these risks has continued to improve over time, and that is why the government has remained proactive in sending written advice to householders, reminding them of these issues, and that was most recently done earlier this year with correspondence from the Work Safety Commissioner to all of the homes known to the government to have been part of the program, advising them of the importance of being aware of these risks and ensuring that they have an up-to-date assessment to inform them as to the management of these risks.

The government continues to develop other policy responses. I expect the government will be making further announcements later this year in relation to further policy responses, to further assist and inform households about these risks and ways that they can be addressed. What we know, in terms of the advice from the public health officials, is that with appropriate management any public health risk is low and is manageable, and we continue to engage with our public health officials in relation to those matters. But it is very important that we understand that asbestos is pervasive in the urban environment because of its widespread use. It is a particular issue with the homes that have loose-fill amosite asbestos in them.

The final point I would make is that the government is now renewing and reconsidering how we will engage further with the commonwealth on this issue. This is a longstanding legacy problem bequeathed to the territory at self-government because of the failure on the part of the commonwealth prior to self-government to properly regulate and manage the risks that were known at that time in relation to the installation of loose-fill asbestos. We need now to get the commonwealth to shoulder their ongoing responsibilities associated with this historical liability and we are exploring new ways of pursuing that.

MADAM SPEAKER: Supplementary question, Mr Smyth.

MR SMYTH: Minister, has the government or you met with the Fluffy Owners and Residents Action Group? If yes, when, and what was the outcome of this meeting? If no, why not? And have you met with the federal government—or when was the last meeting you had with the federal government on this issue?

MR CORBELL: Yes, I have met with the founder of the Fluffy Owners and Residents Action Group, Ms Heseltine. I met her right at the beginning of her decision when she advised me that she was establishing that group. At that time when I met with her, which was last month, I extended an invitation to her, once she had advised me that she was establishing the group, indicating my willingness to meet with that group. That invitation remains on the table and, as I understand it, a suitable time is currently being settled between the group and my office for me to meet not only with Ms Heseltine again but also with other members who have subsequently joined that group. So the government maintains a proactive approach in relation to these matters.

In relation to engagement with the federal government, there have been repeated correspondence and representations formally put to the federal government by the territory. Most recently, I have written to the new federal work safety minister, Senator Abetz, outlining my concerns about the position put by the asbestos eradication agency and whether or not the views put by that agency reflect the views of the commonwealth. If they do, it would suggest that the commonwealth really does need to shoulder its burden, its historical legacy, and assist the territory and householders with the problems that we are continuing to face in relation to these homes.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Minister, has the government had any discussions with trade organisations? If so, what were the outcomes of those discussions? With which organisations have you spoken? What were the outcomes?

MR CORBELL: I am not aware of what Mr Wall is referring to when he says "trade organisations".

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, given that the government has announced that it will not release a list of Mr Fluffy homes, how will tradespeople such as electricians and carpenters doing work on these properties know whether or not a home is contaminated?

MR CORBELL: This is an important issue and it does require the balancing of two competing interests. There is, obviously, an interest in people who are working in a property being aware as to whether or not there may be remnant loose-fill asbestos on the property. For that reason, the government has announced that it is mandating asbestos awareness training for everyone who works in these trades and will work in these buildings, whether they are electricians, plumbers and so on. So we are mandating a specific level of awareness training so that if they identify remnant loose-fill asbestos in the course of their work they are aware of that and they know what to do.

Secondly, there is, as I say, a balancing of competing interests because, whilst there is the issue around tradespeople, there are also the views of the property owners and the desire on the part of a large number of those property owners to not have their homes publicly named in a manner that may stigmatise their property. This is a competing interest that the government is seeking to address. The government is giving further consideration to what mechanisms can be put in place—

Opposition members interjecting—

MR CORBELL: I am answering the question—to ensure that tradespeople are aware as to whether or not the home was part of the loose-fill removal program. I expect to make further announcements about that in due course.

Visitor

MADAM SPEAKER: Before I call Ms Berry, I acknowledge the presence in the gallery of a former member of this place, Mr Michael Moore. Welcome to the Assembly.

Questions without notice

Federal government—budget

MS BERRY: My question is to the Minister for Health. Minister, on Tuesday, 13 May the federal government brought down its budget for the 2014-15 financial year and beyond. Can you advise the Assembly what impacts the federal budget had on the ACT in terms of funding cuts and also the impact on local jobs?

MS GALLAGHER: I thank Ms Berry for the question. As members would know, and I think we discussed it in the last sitting, the ACT bore the brunt of federal budget cuts through very significant job losses and direct cuts to funding to different programs, including those in the community sector but also through agreements with the ACT government. These will all have a significant impact on our local community. While all the other jurisdictions received a boost through infrastructure funding, unfortunately this was not the case for the ACT.

When we are looking at the issue of job losses, it is clear that there will be about a 6,500 job reduction over the next three to four years, with 2,100 of those to go in the 2014-15 year. A further 1,500 non-public sector jobs are likely to go in supporting industries such as retail, hospitality and construction. There were also significant cuts to organisations like NICTA, which is very unfortunate in terms of the work that it is doing just beyond the Assembly.

In relation to the national health reform agreement, we are predicting that we will lose in the order of $240 million over the forward estimates, which would be the bottom-line impact, and significantly more over the next decade as the $80 billion in cuts to the health and education sectors flows through in those years that are just outside the forward estimates period.

We are also looking at national partnership payments, which will either have to cease or find other sources of revenue support, including concessions for pensioner concession card holders and seniors card holders, the preventative health national partnership, training places for single and teenage parents, obviously the one on improving public hospital services and the deferral of the one on adult dental services. The budget also ceased funding 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 impacts on the surrounding region are significant as well. I have met with the local organisation of councils, which includes all the mayors from around the region. There is a freeze on what is known as the FAGs indexation, limiting their ability to build and maintain key infrastructure and to deliver services to the community. The impact of that indexation freeze on the ACT budget is, I understand, in the order of $18 million over the forward estimates period.

Also, there is an inability for the councils to recover some of this revenue as their rates are capped. So there is very limited ability for them to raise their own revenue. All of the local mayors were very concerned about the impact of the job reductions as well. The Queanbeyan City Council mayor is predicting losses in the order of 500 from the Queanbeyan region and I know the mayors in Palerang and Yass were also believing that there would be significant job losses from their local constituencies.

So this is not just an impact that hurts Canberra. If Canberra does not do well, the surrounding region will also suffer. As a region, we have all agreed to stay together and to lobby our federal members and the commonwealth government to ensure that there is a reasonable amount of support provided to the region.

Unfortunately, my meeting yesterday with the Prime Minister would indicate that—my take-home message was, "Canberra, you are on your own. There is nothing we will do to support you. We may consider support for the surrounding region if that can be justified." But in terms of any support for our local economy, we are going to have to manage on our own.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Chief Minister, with the major cuts in the budget to health funding, what was the impact of the federal budget on the future of the national health reform agreement?

MS GALLAGHER: I thank Ms Berry for the supplementary. In relation to the national health reform agreement, essentially it was torn up on federal budget day. The commitments that were contained in that agreement, which provided commitments around funding guarantees, indexation arrangements and payment for interstate patients, were all removed by the federal government. None of those commitments now stand, and that is what has contributed to a large part of the funding reduction that we would have expected under the national health reform agreement.

Forty million dollars of that is directly attributable to the removal of the funding guarantee. I mentioned this to the Prime Minister yesterday. The position this forces us to, early, is to have a discussion about what services we can and will provide in Canberra if we cannot make certain health services economically stack up—that is, if they are inefficient because the volume is not high enough. They are the sorts of decisions we will have to take now about whether or not we continue with them, because that funding guarantee allowed us a continuation of those services, particularly the ones that would not, from an economic point of view, be seen as efficient, but which, probably from an individual point of view, in receiving that treatment, were very well received.

In a practical sense, the $40 million equates to just under 3,000 elective surgery operations and about 390 nursing positions. Clearly, this was not a situation where we could, three weeks out from our budget, just turn the tap off and decide that all of those cuts would be absorbed within the health system. It would have thrown it into

turmoil and it was certainly contrary to the position we have taken on health, which is to grow, expand, invest and create a city where not only do you get access to high-quality health care but you can also have major projects like the University of Canberra subacute hospital coming online. *(Time expired.)*

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, can you advise what representations you made to the former Labor government when they cut 14,500 jobs from the Australian public service?

MS GALLAGHER: I see; avoiding the issue which is actually the reduction in health expenditure in this budget. I made repeated representations, I had meetings with prime ministers and I have to say, particularly under Prime Minister Gillard, that the city was treated with more respect than I think it has been under this government. We got money for Constitution Avenue, we got money for the Arboretum and we got money for the Majura parkway. Remember that—the largest road infrastructure project? That is what we were successful at. I do not really care which government sacks public servants—

Mr Hanson: Yes, you do.

MS GALLAGHER: No, I do not, Mr Hanson. I do not think it makes the slightest bit of difference to the people that we represent who actually reduced their jobs. The issue is the jobs are gone and the acceleration of the job losses is going to continue. We have had two years of absorbing about 2,000 job losses in this city and we have now got another four years of losing 2,000 next year and then the year after—

Mr Hanson interjecting—

MS GALLAGHER: Who knows what after that, Mr Hanson? You sit here and apportion blame to me. It is really like my six-year-old and eight-year-old when they are having a fight over an issue at home: "You did this to me," "No, you did it to me." At the end of the day, it does not matter who did what to anybody. The fact is the jobs are going and this government has to ensure that we are providing support and confidence in the local economy, because no-one else is going to. That is clear. The message from the Prime Minister yesterday was "you lot are on your own". That is the issue that this government is having to deal with, not who did what to whom. The fact is we have 16½ thousand jobs going: 6½ thousand going from this city in the next four years; 2,000 next year. We are also losing jobs to other parts of Australia. This Assembly should stand together and fight those cuts in all the ways we can.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, can you point to where the $80 billion in health and education funding appeared in any federal or state budget or indicate what plans existed anywhere to fund that liability?

MS GALLAGHER: The $80 billion falls outside the forward estimates period, but that is not the issue that I am in here talking about.

Mr Hanson interjecting—

MS GALLAGHER: You might laugh about it. You are the only Liberal leader in the country that is laughing about it. We have Campbell Newman, we have Mike Baird, we have Adam Giles, we have Denis Napthine—they are all cross, Jeremy. It is time you joined their group. They are the ones that know what has happened in this budget.

MADAM SPEAKER: Order!

MS GALLAGHER: Sorry, Madam Speaker: Mr Hanson.

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson, cease interjecting.

MS GALLAGHER: They are the ones that understand what happened. We signed up to national health reform that had commitments going out beyond the forward estimates period about the way health funding should be shared. But the immediate issue for this city and for our health services is the removal. It might sound easy to the federal health minister to remove a line like a funding guarantee or indexation; that will not matter to the elderly person that needs an elective surgery operation when they remove those lines. That is what has contributed to the $40 million reduction this next financial year, coming on 1 July. That is the reality of what hits our budget.

We can talk about the $80 billion and you can be an apologist for Tony Abbott and his government.

Mr Smyth interjecting—

MS GALLAGHER: Actually, it works for you guys. If you want to be an apologist all the way to 2016, you keep going.

Mr Hanson interjecting—

MADAM SPEAKER: Order, Mr Hanson! You have asked your question.

MS GALLAGHER: The reality is that on 1 July this year there will be a $47 million reduction from the health special purpose payment grant. That is the reality. You should stick up for Canberra. It is going to be your constituents who are affected by these cuts.

Mr Hanson interjecting—

MS GALLAGHER: Well, they haven't heard a thing from you.

MADAM SPEAKER: Order! Mr Hanson, I warn you.

MS GALLAGHER: They have not heard a thing. *(Time expired.)*

Youth justice—blueprint

DR BOURKE: My question is to the minister for children and young people and relates to the prevention and diversion strategies of the youth justice blueprint. Could you update the Assembly on the implementation of these strategies?

MS BURCH: I thank Dr Bourke for his interest. As members would be aware, the government's approach to youth justice is set out in the youth justice blueprint which was released in August 2012. This 10-year plan focuses on early intervention and prevention initiatives to reduce offending by children and young people.

This government is committed to improving outcomes for young people. Since the release of the blueprint we have seen reductions in the number of offences committed by young people, young people in custody, young people under community-based supervision, and the number of days young people have spent in detention. This has been achieved by investing in prevention and diversion. Our aim is to keep young people out of the Bimberi Youth Justice Centre, but when they are in custody, to provide the right support so that they do not return.

Two initiatives that are achieving results are the after-hours bail service and restorative justice. The after-hours bail service began in 2011. It assists young people who are on community-based orders to meet their conditions of bail. In 2012-13 the after-hours bail service received over 670 client-related matters relating to nearly 170 young people. This has resulted in 26 young people being diverted from custody. In recognition of this success, the after-hours bail service won the ACT Public Service Award for Excellence in 2013.

The other initiative where diversion is working well is the increased referral of Aboriginal and Torres Strait Islander young people, and first-time offenders, to a restorative justice process. Evidence shows that participation in restorative justice can prevent young people from becoming further involved in the youth justice system. Restorative justice gives victims, offenders and their support people a chance to tell their story. Offenders hear firsthand about the harm they have caused and are encouraged to accept responsibility for their actions.

These are just two examples where we can see that intervening early does work to prevent young people from becoming further involved in the youth justice system. The blueprint is having a direct impact. A recent report shows that the number of nights that young people spent in custody fell by 22 per cent, and the number of Aboriginal and Torres Strait Islander young people in custody fell by 45 per cent.

While it is early days in the life of a 10-year blueprint, the reforms are being delivered and they are achieving positive results for young people in the ACT.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, could you tell us more about how the government is working to address the issue of overrepresentation of Aboriginal and Torres Strait

Islander young people in the youth justice system, which was one area highlighted by the blueprint?

MS BURCH: A key goal of the blueprint is to reduce the overrepresentation of Aboriginal and Torres Strait Islander children and young people in the youth justice system. I am pleased to say that since the blueprint there has been a decrease in the number of Aboriginal and Torres Strait Islander young people under youth justice supervision, and also in the number of days Aboriginal and Torres Strait Islander young people spend in detention.

Actions under the blueprint include initiatives to help Aboriginal and Torres Strait Islander young people to explore their cultural identity and strengthen their sense of belonging, and provide services that address key risks for youth offending.

One example is the case management and support initiative. This provides intensive and flexible support for young people through collaboration and a case management approach. It strengthens relationships with members of the Aboriginal and Torres Strait Islander community and service providers and coordinates program delivery for young people and their families at high risk of involvement in the justice system.

Mr Hanson interjecting—

The redevelopment of the Narrabundah House Indigenous Supported Accommodation Service helps Aboriginal and Torres Strait Islander young people to stabilise their lives when they are at risk of entering custody or becoming homeless.

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson, you are on a warning.

MS BURCH: A family engagement officer is based at the Bimberi Youth Justice Centre. A key strategy of the blueprint is improving collaboration across government and community services. An important example of this collaboration is the work undertaken in the Galambany Circle Sentencing Court by the Justice and Community Service Directorate. This provides a culturally relevant sentencing option for Aboriginal and Torres Strait Islander offenders, including young people. The court helps provide a culturally sensitive court environment by incorporating Aboriginal and Torres Strait Islander elders and respected persons of the community. Work will continue under the blueprint to reduce the overrepresentation.

MADAM SPEAKER: Supplementary question, Ms Berry.

MS BERRY: Minister, what opportunities does the Murrumbidgee education and training centre provide to young people in the youth justice system, and what positive outcomes have you seen?

MS BURCH: I thank Ms Berry for her interest. The Murrumbidgee education and training centre helps young people in Bimberi to participate in literacy and numeracy skill development, art, woodwork, music and horticulture. The Murrumbidgee

education and training centre has recently introduced an "a day in the life of" program to provide students with information on various employment options and pathways. This year, representatives from the automotive, bricklaying, building, construction, horticulture, hospitality and fitness industries have made presentations to young people.

This year has also seen the implementation of the "multi lit" and "multi maths" programs, supporting young people with low literacy and numeracy skills. The young people who have participated in the programs have shown a significant improvement in their literacy and numeracy skills.

This year, the young people at the Bimberi Youth Justice Centre, with the help of the Murrumbidgee education and training centre, have achieved qualifications or started courses in areas such as business and hospitality. Five young people will have obtained a white card—

It being 3 pm, questions were interrupted pursuant to the order of the Assembly.

Appropriation Bill 2014-2015

Mr Barr presented the bill, its explanatory statement, a Human Rights Act compatibility statement and the following papers:

Budget 2014-2015—

Financial Management Act, pursuant to section 10—

Speech (Budget Paper No. 1).

Budget in Brief (Budget Paper No. 2).

Budget Outlook (Budget Paper No. 3).

Budget Statements for—

ACT Executive, ACT Auditor-General, Electoral Commissioner, Office of the Legislative Assembly.

Capital Metro Agency.

Chief Minister and Treasury Directorate, ACT Compulsory Third-Party Insurance Regulator, Independent Competition and Regulatory Commission, Lifetime Care and Support Fund Commissioner of the ACT, Superannuation Provision Account, Territory Banking Account.

Commerce and Works Directorate, ACTEW Corporation, ACT Insurance Authority, ACTTAB Limited, Home Loan Portfolio.

Community Services Directorate, Housing ACT, Cultural Facilities Corporation.

Economic Development Directorate, ACT Gambling and Racing Commission, Exhibition Park Corporation, Land Development Agency.

Education and Training Directorate, Canberra Institute of Technology, CIT Solutions Pty Ltd.

Environment and Sustainable Development Directorate.

Health Directorate, ACT Local Hospital Network.

Justice and Community Safety Directorate, Legal Aid Commission (ACT), Public Trustee for the ACT.

Territory and Municipal Services Directorate, ACTION, ACT Public Cemeteries Authority.

Infrastructure Projects—Map.

Financial Management Act, pursuant to subsection 62(1)—Statements of Intent 2014-2015—

ACT Building and Construction Industry Training Fund Authority, dated 20, 21 and 27 May 2014.

ACT Gambling and Racing Commission, undated.

ACT Insurance Authority, undated.

ACT Long Service Leave Authority, undated.

ACT Public Cemeteries Authority, dated 16, 20 and 27 May 2014.

Australian Capital Territory Compulsory Third-Party Insurance Regulator (CTP Regulator), undated.

Canberra Institute of Technology, dated 13, 26 and 27 May 2014.

Cultural Facilities Corporation, undated.

Exhibition Park Corporation, dated 15 and 27 May 2014.

Independent Competition and Regulatory Commission, dated 19 and 27 May 2014.

Land Development Agency, undated.

Legal Aid Commission (ACT), undated.

Public Trustee for the ACT (PTACT), undated.

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (3.00): I move:

That this bill be agreed to in principle.

Canberra is facing a significant economic challenge.

The Commonwealth's cuts will hurt our city.

They hurt the most vulnerable in our community, they hurt our businesses, they hurt households and they hurt our economy.

The Gallagher Government believes in the brilliant possibilities that Canberra offers.

We believe in the role of government to support fairness and opportunity.

We are more than just consumers operating in an economy, units of economic production.

We are people and we live in a community.

We believe in the good that comes from a community that has the opportunity to grow, to learn and to think big.

We have enshrined these values in our Budget.

That is why this city always does better under Labor governments.

All Budgets are about choices—choices that show how much faith governments have in their community.

We are not choosing the austerity path taken by conservative governments—a path to cut services and to harm the community.

We will not add to the pain caused by the Commonwealth. We will not sacrifice essential services to our community for the sake of the bottom line.

Instead, we are taking the path that good governments take.

That is why our Budget is about investing in Canberra.

This Budget invests record funding in the vital areas of health, education and community services.

And it invests in the transformative infrastructure our city needs to create jobs and economic activity.

This investment will maintain growth in our economy and support jobs, which is even more important now at this time of Commonwealth contraction.

This investment provides the services, the facilities and the infrastructure that our community deserves.

And this investment will help our economy to modernise and to grow productively into the future.

These decisions are sustainable and they are planned for the long term.

Failing to act now will jeopardise our city's long-term growth and the health of our community.

The Government's investment in this budget will make a real difference to the lives of Canberrans.

It will provide the jobs, deliver the services, create the opportunities and build the confidence that makes all the difference to Canberra households and Canberra businesses.

This Budget makes the right economic choices in challenging economic times.

Choices based on the Government's fundamental belief in supporting jobs and in supporting our community.

These are decisions based on the confidence that our city will not only withstand the impacts of the federal government, but we will prosper in the wake of them.

Direct budget and staffing cuts to Commonwealth government departments, and the consolidation of agencies, will certainly hurt individuals and households but also it has a broader impact on the Territory economy.

It will dampen growth and will in turn flow to other parts of the Territory economy.

Concerns over job security may limit consumption and consumer confidence, and may delay businesses hiring and investing.

However, the investment pipeline for our city has stabilised and certainly has been encouraged by recent ACT Government tax reforms and stimulus measures.

The Government's capital program announced in this Budget will also support growth, as will low interest rates.

Gross state product is forecast to grow by 1¾ per cent in the 2014-15 fiscal year. This reduced growth largely reflects slower growth in the public sector and in household consumption.

Investment is forecast to rebound slightly in 2014-15, driven both in the dwelling and non-dwelling investment sectors.

There is no doubt that the Commonwealth job cuts will impact on the rate of employment growth in the territory, which is forecast to moderate to just half a percentage point in 2014-15.

This Budget recognises the need to support the Territory economy through a challenging period.

Now is certainly not the time for the Territory Government to compound the Commonwealth cuts with further deep cuts of our own.

Instead, our focus is on building confidence in this economy.

After taking office the Government ran sustained operating surpluses and built one of the nation's strongest balance sheets.

This has provided the ability to respond to the economic shocks that we are experiencing and to support the economy.

We are doing this now by making sustained, prudent and transformational investments in services and in infrastructure.

Over the coming years the government has allocated $2.5 billion to the Territory's infrastructure program, including a record $735 million in the coming 2014-15 fiscal year.

This approach requires the Government to borrow funds.

We will leverage our strong credit rating and our very low net debt to support this community in its time of need.

This borrowing is an investment in the future. Most importantly, it is an investment in the productive capacity of the economy.

Infrastructure projects will not only generate employment and allow for the delivery of better services, but they will create a legacy for our city as we begin the journey of our second century.

The forward estimates have been adjusted to reflect the impact of the Commonwealth budget on the Territory economy and on our own fiscal position.

The direct impacts of the Commonwealth Budget decisions have caused a writedown on the revenue side of $375 million over four years.

The estimated loss of 6,500 Commonwealth jobs from the ACT in the four years to 2016-17 will have a further impact on economic activity and, of course, on the Territory's own-source revenue.

Therefore, the General Government Sector Headline Net Operating Balance is forecast to be in deficit to the tune of $332.8 million in the coming fiscal year, improving to a deficit of $117 million in 2015-16, returning to balance in 2016-17 and a modest surplus in 2017-18.

The increased deficits in the short term have arisen largely from factors outside the Territory Government's direct control.

Lower Commonwealth health grants and the reduction in revenue from the land release program due to falling Commonwealth employment have together added more than $80 million to the deficit in 2014-15.

The return to balance over the forward estimates reflects that spending in this budget is largely offset by savings and revenue initiatives over the next four years, and that operating cash surpluses are forecast throughout this period.

Canberrans expect and deserve quality services and quality infrastructure.

But these services and infrastructure must be delivered sustainably and responsibly.

To maintain a balanced budget over the long term the Government has offset nearly all new expenditure with savings, and made savings initiatives totalling $93.6 million over the forward estimates period.

Savings announced in previous budgets and in the mid-year review for this and future years will also continue.

The savings focus on improving the efficiency of service delivery across the Territory Government and in reducing administrative overlap.

There is a concerted push towards efficiencies obtained through the greater use of digital and online technology.

A number of savings feature an expenditure component that will fund strategic investments to meet our long-term goals.

The commitment the Government gives is that full-time equivalent staffing levels in the ACT Public Service will not fall below 2013-14 levels.

To fill the gap from lost Commonwealth funding and meet the cost of providing increased services some fees and taxes will rise.

The Government has sought to keep these increases to a minimum and has taken most of the impact of the Commonwealth cuts directly to the Budget bottom line.

Madam Speaker, reforms to make our tax system fairer, simpler and more efficient continue in this Budget.

Insurance tax will again be cut by one-third this year, and will be abolished entirely from 1 July 2016.

Stamp duty will be cut on every single property in Canberra, making buying a home in this city more affordable than ever.

The top rate of stamp duty that was slashed to 5.5 per cent last year from 7.25 will be further cut to 5.25 per cent for all properties—residential and commercial—valued at more than $1.455 million.

The new Over 60s Home Bonus will provide massive stamp duty cuts, with eligible buyers now paying only $20 in stamp duty, a saving of up to $20,500 for those eligible under this scheme.

This will encourage people over 60 to move to more suitable accommodation as their life circumstances change. It will free up larger housing stock for families and it will bring flow-on benefits to the property market and to housing affordability.

In this Budget, concessions to assist low income households will also be expanded.

The Budget extends eligibility for the sewerage rebate to Low Income Health Care Card holders, and the taxi subsidy will also increase.

Local businesses will benefit from the acceleration of the Government's payroll tax reform. The threshold rises further to $1.85 million in 2014-15—the highest threshold in the country.

Businesses with a payroll of $2 million will save a further $6,850 in their payroll tax bill, and 40 additional Canberra businesses join the 23,000 who are excluded from paying payroll tax at all.

This takes the payroll tax cuts delivered by this Government in the last two years to nearly $25,000 per annum for every Canberra business that pays payroll tax.

Other initiatives in the Budget include a harmonisation of our payroll tax legislation with other jurisdictions; and introducing a new, fairer rating structure for land tax that slashes the marginal tax rates and introduces a fixed charge component to provide greater equity between the revenue raised from houses and units.

This Budget invests in the growth of our economy.

A growing economy is vital to maintaining our way of life and supporting our community—a growing economy creates jobs and allows the Government to fund important services and infrastructure.

The capital program announced in this Budget, $2.5 billion over four years, is the largest ever by an ACT government.

It will progress a range of transformational projects for our city—Capital Metro, the Australia Forum convention centre, the City to the Lake project and new court facilities, to name but some of the projects funded.

It also funds a broad range of smaller projects across the Territory, such as the new government office building in Gungahlin, a new school in Coombs and a range of infrastructure investments to support the Territory's land release program.

Health infrastructure is a priority for the Government, with funding for the new sub-acute public hospital at the University of Canberra, a secure mental health unit, extra hospital beds and a new car park for Calvary Hospital.

The Budget invests in the opportunities the digital age offers to drive growth in our economy.

It provides $75.5 million to progress a range of digital initiatives that will make it easier and cheaper to do business with the ACT Government.

Local businesses are the lifeblood of our economy. We will assist them to grow and create jobs through a range of new and continuing programs.

Former government employees will be assisted to make the transition to the private sector, to start their own businesses; young entrepreneurs will receive expert support; and there will be a helping hand for smaller businesses who need that assistance to transition in this changing economy.

Invest Canberra—our dedicated investment promotion body—will receive extra funding to bring more business and investment to the Territory, and there are a range of new initiatives to boost our tourism and events sector.

The Budget also continues the broad-ranging regulatory reforms the Government has been introducing in recent times to improve efficiency, to cut red tape and to make it easier to do business with government.

Of course, health and education remain the Government's top priorities.

Although the Commonwealth Government is withdrawing funding from these areas, the ACT Government is stepping in to fill the gap, and we will continue to improve the health and education outcomes of all Canberrans.

As the Chief Minister has said, health services cannot be turned off like a tap—and we will not stand by and let Canberrans suffer from these cruel Commonwealth Government cuts.

This Budget reinforces our very strong commitment to provide the best health care, no matter what people earn and no matter where they live.

This Budget provides $1.4 billion for health in 2014-15. This includes the $40 million coverage of the shortfall that has been left by the Commonwealth Government.

It includes over $164 million over four years for growth and new initiatives in our health system.

There will be more services and more staff at our local health centres, more outpatient services and more beds in our hospitals.

Services for those who need critical care will be expanded, and there will be new bariatric services.

The Budget delivers $122 million over four years in capital funding for the Health Infrastructure Program, and includes provision for the construction of the University of Canberra Public Hospital.

There is help for Canberrans to live healthier and more active lifestyles, with significant funding for a range of sport and recreational initiatives, the continuation of our healthy weight programs, and more walking and cycling projects.

This Budget invests more than $961 million in our education system—a 6 per cent rise on last year. This supports our educators to improve learning outcomes for all students in all schools, regardless of the students' ability or their background.

Childcare centres will be upgraded and there will be improved training for preschool teachers.

Capital funding of almost $82 million will improve education infrastructure and enhance information and communication technology in schools.

The Budget also includes the construction of the new Coombs Primary School, a state-of-the-art facility designed to cater for more than 700 students.

This Budget maintains Canberra's status as one of the most liveable cities in the world.

It provides accessible, high quality services, and supports those Canberrans who need a helping hand.

More than $465 million will be provided for community services and housing, including enhanced funding for disability and out-of-home care services, community housing and homelessness services.

Children with disabilities will receive extra support, with funding for more school-based therapy intervention services.

Canberrans with disabilities will receive appropriate care in the transition to the National Disability Insurance Scheme.

The *Better Human Services* initiatives will simplify access to, and help from, community services—ensuring vulnerable Canberrans get the right service, at the right time and for the right duration.

Homelessness services will be boosted, with extra support for people with multiple and complex needs.

The Government is committed to maintaining a safer community.

The capacity of our emergency services will be improved, with a new ambulance and fire station to be built in Aranda, and communications upgraded to better manage emergency responses.

Funding is also provided for a range of justice system reforms and improvements, notably to focus on preventative programs, a new court facility, and upgrades to the Alexander Maconochie Centre.

Canberrans can be rightly proud of their city—and this Budget invests more in our built environment, in our neighbourhoods and in our natural surroundings.

This investment will boost the economy.

There is more than $45 million to expand and maintain our roads—particularly in the newer suburbs in Gungahlin and Molonglo—ensuring our road network continues to be the best in the country.

There is also significant investment in public transport, including more services to new suburbs, the start of work on the redevelopment of the Woden bus interchange, a new bus station for Erindale, and the establishment of a Community Transport Coordination Centre.

More than $15 million has been allocated to ensure that our urban parks and trees, shopping centres and other community open spaces continue to be managed and maintained to a high standard.

In particular, we have a program to ensure our local shops are attractive, clean, safe and "ready for business".

This Budget also makes significant investment in a range of environmentally responsible waste and recycling services.

The Government remains committed to maintaining our natural environment and enhancing its biodiversity.

Funding has been provided to ensure the beauty and sustainability of Canberra's parks and reserves is not compromised, and that the environment is protected from threats such as bushfire.

Through this Budget, the Government makes the choice to support our economy and our community during these most challenging of economic times.

This Budget is about building for growth and maintaining confidence in this community.

It lays the foundations for the city's future, and positions Canberra for a new phase of development.

This Budget is about being ***confident*** in our city and our people.

It is about being ***bold*** in the decisions we take to meet the challenges ahead.

It is about being ***ready*** as a Government and as a community to work together to build a stronger, fairer and more prosperous Canberra.

I commend the Bill to the Assembly.

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

Appropriation (Office of the Legislative Assembly) Bill 2014-2015

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (3:22): I move:

> That this bill be agreed to in principle.

This bill does, as the Clerk has indicated, provide for the workings of the Office of the Legislative Assembly. This provision of a separate appropriation for the OLA is a relatively new way of appropriating funds to the Legislative Assembly. I present this bill and the associated appropriations to the Assembly for consideration during the estimates period.

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

Papers

MADAM SPEAKER: I present the following papers:

> Auditor-General Act—Auditor-General's Report No. 3/2014—Single Dwelling Development Assessments, dated 26 May 2014.
>
> Standing order 191—Amendments to:
>
> > Officers of the Assembly Legislation Amendment Bill 2014, dated 20 May 2014.
> >
> > Planning, Building and Environment Legislation Amendment Bill 2014, dated 20 May 2014.
> >
> > Rail Safety National Law (A.C.T.) Bill 2014, dated 16 and 19 May 2014.
> >
> > Road Transport (Alcohol and Drugs) Amendment Bill 2013, dated 20 May 2014.

Given that section 20AB of the Financial Management Act 1996 will be in force after the commencement of the Officers of the Assembly Legislation Amendment Act 2013 on 1 July 2014, I present:

> Electoral Commissioner—Budget Statememts 2014-2015.

I also present, for the information of members:

> Discrimination Legislation Review—Letter to the Speaker from the Attorney-General, dated 28 May 2014, relating to a resolution of the Assembly of 9 April 2014.

Executive contracts
Papers and statement by minister

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

Long-term contracts:

David Roulston, dated 13 May 2014.

Joanne Garrisson, dated 16 May 2014.

Short-term contracts:

Ajay Sharma, dated 8 May 2014.

Anthony Polinelli, dated 7 and 8 May 2014.

Doug Gillespie, dated 14 and 16 May 2014.

Jon Barnes, dated 14 May 2014.

Kim Smith, dated 7 May 2014.

Leanne Cover, dated 2 and 7 May 2014.

Lyndall Kennedy, dated 2 and 7 May 2014.

Michael Edwards, dated 16 and 19 May 2014.

Paul Peters, dated 6 and 7 May 2014.

Paul Rushton, dated 17 April and 13 May 2014.

Susan Reif, dated 7 and 8 May 2014.

Wilhelmina Blount, dated 14 and 15 May 2014.

Contract variations:

Adrian Scott, dated 3 April and 7 May 2014.

Bruce Fitzgerald, dated 6 and 7 May 2014.

Lana Junakovic, dated 7 and 8 May 2014.

Robert Gotts, dated 9 April and 7 May 2014.

Virginia Hayward, dated 19 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. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which requires the tabling of director-general and executive contracts and contract variations. Today I present two long-term contracts, 12 short-term contracts and five contract variations. Details of contracts will be circulated to members.

Territory-owned Corporations Act—statements of corporate intent

Papers and statement by minister

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (3.25): For the information of members I present the following papers:

> Territory-owned Corporations Act pursuant to subsection 19(3)—Statements of Corporate Intent—
>
> ACTEW Corporation Limited—2014-15 to 2017-18, dated 27 May 2014.
>
> ACTTAB Limited—1 July 2014 to 30 June 2015, dated 27 May 2014

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

Leave granted.

MR BARR: Madam Speaker, in accordance with section 19(3) of the Territory-owned Corporations Act 1990, I hereby present the 2014-15 statements of corporate intent for ACTEW Corporation Ltd and ACTTAB Ltd.

For ACTEW, the statement of corporate intent outlines the key commercial objectives, the main undertakings, the business and corporate strategies as well as the financial outlook extending from 2014-15 and through the forward estimates period.

As the Assembly is aware, ACTTAB is going through a sale process, and the financial estimates presented in the statement of corporate intent are predicated on the government's intention to execute a contract for the sale of ACTTAB by 30 June 2014. As it is expected that there will be a transition period during the 2014-15 financial year, estimates are provided only for that financial year with no forecasts in the financial years beyond 2014-15. The government at this stage is unable to predict the financial outcome nor the actual completion date of the ACTTAB sale as the evaluation and negotiation processes are, of course, ongoing at the time of the preparation of the budget papers and this statement of corporate intent. I commend the documents to the Assembly.

Papers

Mr Corbell presented the following papers:

> **Subordinate legislation (including explanatory statements unless otherwise stated)**
>
> Legislation Act, pursuant to section 64—
>
> Blood Donation (Transmittable Diseases) Act—Blood Donation (Transmittable Diseases) Blood Donor Form 2014 (No 1)—Disallowable Instrument DI2014-56 (LR, 8 May 2014).

Domestic Violence Agencies Act—Domestic Violence Agencies (Council) Appointment 2014—Disallowable Instrument DI2014-55 (LR, 8 May 2014).

Legal Profession Act—Legal Profession (Bar Council Fees) Determination 2014 (No 1)—Disallowable Instrument DI2014-57 (LR, 9 May 2014).

Public Place Names Act—Public Place Names (Beard) Determination 2014 (No 1)—Disallowable Instrument DI2014-60 (LR, 15 May 2014).

National Reconciliation Week
Ministerial statement

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (3.27), by leave: Madam Speaker, last week we recognised National Sorry Day and the start of Reconciliation Week with a range of activities culminating today. On Friday, 23 May 2014 we observed the National Sorry Day bridge walk across Commonwealth Avenue Bridge organised by Winnunga Nimmityjah Aboriginal Health Service. The theme—"Sorry. Still living on borrowed time"—acknowledges that there is still a lot to be done to achieve justice for the stolen generation. However, it was a really positive event to see schools from across the ACT with their school banners leading the bridge walk. I felt confident we continue to move forward together with our younger generation.

In 1997 the *Bringing them home* report recommended that all Australian parliaments, police forces, churches and others officially acknowledge the responsibility of their predecessors for the laws, policies and practices of forcible removal and issue an apology in recognition of this responsibility. The Australian Capital Territory, led by the then Chief Minister Kate Carnell, formally apologised to members of the stolen generation on 17 June 1997. Each Australian state and territory government apologised in parliament to the stolen generations between 1997 and 2001.

Whilst the commonwealth government offered a motion of reconciliation in Parliament on 26 August 1999 which expressed "deep and sincere regret", this was not considered to be a true apology as it did not contain the word "sorry", a word with rich cultural meanings for Australia's first peoples. However, on 13 February 2008, as parliament returned from its summer break, the then Prime Minister Kevin Rudd moved a motion of apology to Australia's Indigenous peoples in the House of Representatives, apologising for past laws, policies and practices that devastated Australia's first nations peoples, in particular members of the stolen generations.

Between 27 May and 3 June each year we celebrate National Reconciliation Week. The 2014 theme is, "Let's walk the talk". The dates commemorate two significant milestones in the reconciliation journey: the anniversaries of the successful 1967 referendum and the High Court Mabo decision, which was actually handed down on this day in 1992.

Reconciliation means different things to different people, but the goal should always be to build positive, respectful relationships between Aboriginal and Torres Strait Islander peoples and other Australians to achieve a sense of fairness and justice. It is a mixture of big things and little things. We can give an acknowledgement of country to

show our awareness of and respect for the traditional custodians of the land on which we are meeting, recognising their continuing connection to their country. We can ask the traditional custodians to give a welcome to country to welcome us to their traditional land. We need to do this and more to recognise the culture that is here in Australia, which has been here for at least 20,000 years.

We have words buried in our Native Title Act 1994, words that have meaning to reconciliation, words that should be brought to the forefront. They are:

> Before European settlement, land in Australia had been occupied, used and enjoyed since time immemorial by Aboriginal peoples and Torres Strait Islanders in accordance with their traditions.
>
> Land is of spiritual, social, historical, cultural and economic importance to Aboriginal peoples and Torres Strait Islanders. In the Australian Capital Territory, there are sites that provide evidence of their use by various groups of Aboriginal peoples at different times for a variety of purposes.

We plan to use words to this effect in the Aboriginal and Torres Strait Islander agreement which I spoke of to the Assembly earlier this year. It is with recognition and reconciliation in mind that we look towards the upcoming NAIDOC Week, the theme of which for 2014 is, "Serving country—centenary and beyond". This theme recognises the past and ongoing roles of Aboriginal and Torres Strait Islander men and women in the defence of Australia and defining our shared cultural identity. It reminds us that the Aboriginal and Torres Strait Islander story is integral to the history of Australia and that it cannot be ignored.

A number of important events will acknowledge the contribution of Aboriginal and Torres Strait Islander people during this year's NAIDOC Week, including the NAIDOC Week flag raising ceremony, which will be held on Monday, 7 July 2014. This year's flag raising ceremony will recognise the important contributions of Aboriginal and Torres Strait Islander service men and women. There is the NAIDOC Week family day at Acton Peninsula, a real highlight of the calendar, with a range of activities and stalls. I certainly enjoyed my time there last year and encourage all members to put Sunday, 6 July 2014 from 10.30 am in their diaries.

Also, the Aboriginal and Torres Strait Islander Elected Body will be holding its next election between 5 and 12 July. I would like to again thank them for their ongoing contribution in advising me and other ministers and advocating for local community issues. The ACT government recognises the important role the elected body plays in representing the views and advocating for Aboriginal and Torres Strait Islander communities in the territory, and I look forward to my continued relationship with both current and future members.

I look forward to attending these events as well as the many other community events that will be held over NAIDOC Week and learning more about our shared history and the valuable contribution Aboriginal and Torres Strait Islander people have made and continue to make to shape our national identity.

I present the following paper:

> Sorry Day, Reconciliation Week and NAIDOC Week—Ministerial statement, 3 June 2014.

I move:

> That the Assembly takes note of the paper.

Question resolved in the affirmative.

Adjournment

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

> That the Assembly do now adjourn.

The Assembly adjourned at 3.34 pm.

Schedule of amendments

Schedule 1

Information Privacy Bill 2014

Amendments moved by the Attorney-General

1
Clause 25 heading
Page 16, line 10—

omit the heading, substitute

25 Exempt acts or practices

2
Proposed new clause 25 (1) (ea) and (eb)
Page 17, line 7—

insert

(ea) an act done, or a practice engaged in, by a public sector agency in relation to a record that has originated with, or has been received from, a Commonwealth enforcement or intelligence body;

(eb) an act done, or a practice engaged in, by a public sector agency that involves the disclosure of personal information to a Commonwealth intelligence body if the body, in connection with its functions, requests that the agency disclose the personal information and—

(i) the disclosure is made to an officer or employee of the Commonwealth intelligence body authorised in writing by the head (however described) of the body to receive the disclosure; and

(ii) the officer or employee certifies in writing that the disclosure is connected with the performance of the body's functions;

3
Clause 25 (2), proposed new definitions
Page 17, line 15—

insert

Commonwealth enforcement or intelligence body means the following:

(a) a Commonwealth intelligence body;

(b) the Office of National Assessments established under the *Office of National Assessments Act 1977* (Cwlth), section 4;

(c) that part of the Defence Department known as the Defence Intelligence Organisation;

(d) that part of the Defence Department known as the Defence Imagery and Geospatial Organisation;

(e) the Integrity Commissioner appointed under the *Law Enforcement Integrity Commissioner Act 2006* (Cwlth), section 175;

(f) a staff member of the Australian Commission for Law Enforcement Integrity (within the meaning of the *Law Enforcement Integrity Commissioner Act 2006* (Cwlth));

(g) the Australian Crime Commission established under the *Australian Crime Commission Act 2002* (Cwlth), section 7;

(h) the board of the Australian Crime Commission established under the *Australian Crime Commission Act 2002* (Cwlth), section 7B.

Commonwealth intelligence body means the following:

(a) the Australian Security Intelligence Organisation continued in existence under the *Australian Security Intelligence Organisation Act 1979* (Cwlth), section 6;

(b) the Australian Secret Intelligence Service continued in existence under the *Intelligence Services Act 2001* (Cwlth), section 16;

(c) the Defence Signals Directorate of the Defence Department.

Defence Department means the Commonwealth department that deals with defence and that is administered by the Commonwealth Minister administering the *Defence Act 1903* (Cwlth).

Schedule 2

Road Transport Legislation Amendment Bill 2014

Amendments moved by Mr Hanson (Leader of the Opposition)

1
Clause 10
Proposed new section 7A (1) (a) (v)
Page 7, line 4—

omit proposed new section 7A (1) (a) (v), substitute

(v) the person was driving at a speed that exceeded the speed limit by more than 45km/h;

2
Clause 10
Proposed new section 7A (1) (a) (vi)
Page 7, line 6—

omit

3
Clause 10
Proposed new section 7A (4), definition of *vulnerable road user* and examples
Page 9, line 1—

omit
