



# Debates

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**Thursday, 25 September 2014**

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

**Mr Kurt Steel**  
**Motion of condolence**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Housing and Minister for Tourism and Events): I move:

That this Assembly expresses its profound sorrow at the tragic death of Mr Kurt Steel and tenders its heartfelt sympathy to his family, friends and colleagues in their bereavement.

It is heartbreaking to be moving this motion today. We are grieving the loss of a dearly loved colleague, a talented political activist, a passionate advocate for the Labor cause, a community leader, and a close friend. This is significant, but it pales when compared to the loss of a son and a brother. I would like to acknowledge the presence of the Steel family in the gallery today—Kurt's parents, Philip and Jayne, and his brother, Chris—and friends who are here. We all knew Kurt was blessed by the love and support of his family and by his very strong network of friends, and today we offer our deepest sympathies to the Steels and to all of Kurt's friends on this tragic loss.

Kurt was simply an outstanding young man that we all loved. In this incredibly sad time, we have drawn some comfort from sharing our fondest memories from our experiences of working and being able to spend time with him. There are so many memories—from the elaborate practical jokes with the office photocopy machines, telephones and computers to all those times at office lunches, dinners and nights out celebrating election wins, birthdays, new babies in the office, marriages, promotions and all of those other significant personal milestones.

Kurt and I enjoyed some great times debating all things sport, particularly how to get the Raiders back to the top of the ladder. Between us we formed a very formidable team of selection and player recruitment for pretty much every sport I can imagine. Our debates over whether there was any decent music released prior to 1998 were robust and long-running. News that we had secured The Church to perform in Canberra's centenary year, which brought a great deal of joy to the generation X members of our office, was completely underwhelming to Kurt, and became a running joke with all of our future major event announcements. Kurt's ability to be positive and to find humour in all circumstances was one of his greatest qualities.

Kurt started working in the Assembly in April 2011, beginning in what is unquestionably the best job in the ACT government, as the adviser in the tourism, events and sport and recreation portfolios. He made an outstanding contribution in those areas and worked very closely with all of the stakeholder groups. That time was very fondly remembered by many people from sport and recreation organisations who have contacted the office in recent weeks.

Kurt had recently taken on one of the more challenging roles in this place, as a press secretary in my office, where his workload and responsibility increased significantly. The press secretary role is a 24-hour a day role: the media call all the time; he fielded those after-hours calls. He was the one who took all the calls about events and activities that happened right across the territory, including community meetings and at Labor Party branches. Simply, his role was to be across absolutely everything that happened. He was, and he kept me exceptionally well briefed on all of those issues.

As I have said before, and I will say again, in politics you are only ever as good as the team of people you have around you. Kurt was a standout leader in my team, someone who was admired, respected and cherished by his colleagues. And he was great fun to work alongside. He was talented, productive and committed. He was involved in everything in our office, and within the government, developing and implementing policy, organising at Labor Party conferences, and conducting grassroots campaigning where he forged very strong relationships with people on the other side of politics and within the Greens party. He worked with multiple stakeholders, community groups, the business community and the media. And throughout all of this, he maintained a great sense of humour and a passion for his work, and he demonstrated sound judgement and was a constant source of new ideas.

He was a wise young man. He had the ability to think through an issue or a problem, and also had a tremendous capacity to bring imagination to a task, to go beyond the obvious and to go beyond clichés. He understood that politics was more than winning votes, putting together a budget and counting numbers at Labor Party conferences—that ultimately it was about the values, vision and outcomes that you bring for the people you seek to represent.

Kurt was instrumental in the development of the new brand for Canberra, which for him was more than just a contemporary marketing strategy. It was a way of demonstrating the passion that he had for Canberra, a way of engaging positively in this city's future. And Kurt had a genuine passion for Canberra—for the uniqueness of our city, for its growth, for its social and cultural potential. He was, at this point, actively involved in the next phase of the brand, particularly the “hipster” elements of it. In one of the last texts that we exchanged before he went away, he said he was proud that he had retained my hipster credibility—which I think you would all know is something that would require a degree of work. He loved living in Braddon and being part of that emerging culture and that part of the city. Kurt recognised that Canberra had reached an important point in its history, somewhere where the young, the creative and the entrepreneurial could stay and make their mark—not having to move elsewhere to achieve their goals. I think Kurt personified this.

Kurt was building a successful career in Canberra, he had assumed leadership roles within the Labor Party, and his professional skills were in high demand. There was a universal view amongst his colleagues that he would go on to achieve even greater things, and I think this has been made clear by the breadth and depth of tributes from across the political spectrum, across the Canberra community and, indeed, around the nation in recent weeks.

The shock and the pain of Kurt's death have been felt deeply in this place, around Canberra, and across Australia. It is just hard to know how to respond. We are hurting, we miss our friend, and we are looking for something positive. All I can find that speaks to me, and I spoke of this on Friday at the service, are some very powerful words from Barack Obama, which I will paraphrase again today: we can respond by living our lives as best we can, with purpose, with love and with joy; we can use each day to show those who are closest to us how much we care about them; we can learn from our mistakes and grow from our failures; we can strive at all costs to make a better world so that some day, if we are blessed with the chance to look back on our time here, we will know that we have spent it well, that we have made a difference, and that our fleeting presence has had a lasting impact on the lives of others.

Kurt has had a lasting impact on us. This is how he lived his life. We are all the better for having known him. We will never forget him. He will continue to inspire us. Rest in peace, my dear friend.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health, Minister for Higher Education and Minister for Regional Development): I would like to begin by acknowledging Jayne, Philip and Chris Steel in the gallery today. Thank you for coming. We are also thinking of the rest of your family who are not able to be here—of course, Kurt's sister—and all of Kurt's friends, some of whom join us today but who we know are spread right around Australia and around the world. In the four weeks since Kurt's death you have all been constantly in our thoughts. It is a loss and a grief nobody should have to suffer, a treasured part of your lives which cannot be replaced. We wish we could do more, knowing that our tributes can only offer limited comfort.

During Kurt's funeral service, we heard three very beautiful speeches about the way Kurt gave so generously to his family and friends. He kept a social calendar which could be tiring just to read, but also managed to be there for those he loved and who loved him—always there, always giving, an essential figure in his loving family.

To his friends Kurt offered the same warmth, a sense of adventure, energy and inclusiveness, through which they always felt connected to him and of which we heard from his close friends at his funeral. As many of us grow older, some friendships tend to fade, but this rule of thumb seemed not to have applied to Kurt, whose loss has been felt so deeply—from the school communities of Melrose High School and Canberra College to the University of Canberra; the Canberra Raiders; the Labor Party and the broader labour movement, particularly the many committees on which Kurt served and the Canberra South Sub-branch; and, of course, here in the Legislative Assembly.

In recent weeks his legacy has been acknowledged in the Australian and New South Wales parliaments, and it is right that a written record of this Assembly will show from here on the contribution Kurt Steel made to his beloved city of Canberra and his beloved Labor Party.

Few 25-year-olds have made such an impression on so many people. If ever there was a testament to the need for youth, enthusiasm, creativity, optimism, fun and

friendship in our party and in our politics more broadly, it came through in Kurt. He was a man of vision and unshakable Labor values, but also a man of knowhow, a strong work ethic and a “get in and do” attitude.

When I reflect back on my memories of Kurt, one of them from this year is at the ACT Labor conference. As members will know, I am in the friendly left group of the party and Kurt was not in the friendly left group; he was in the friendly right group of the party. We were having a vote on something; I cannot remember what it was. We have counters who come, and it was an area where those two friendly groups in the party did not agree. Kurt was a counter for the right and he had his arms full of papers. I think he was sweating. He had batons in his back pocket and he was counting the votes with a few others. I remember that our eyes caught each other and I smiled at him and he smiled back at me. It was that moment when I realised he was someone to watch in the party. It was just the way he was conducting himself, the fact that people were going to him for advice and he knew everything that was happening on the floor. I have only seen that a couple of times now in our party. It was that moment for me when I thought, “I am going to have to keep my eye on this guy.” I knew that his role in the party was just going to get bigger and bigger.

When government members and staff first gathered together the morning after the terrible news of Kurt’s accident came through, we shared our shock and grief at the loss of our friend. This has been added to in the time since as the absence of Kurt as an irreplaceable part of our team has sunk in. He was certainly a force in this place, not just for the Deputy Chief Minister but for the government as a whole. He was a dedicated adviser and an engine room of ideas for constant improvement in the way we govern and communicate.

He was also an incredibly passionate Canberran. Where there was an opportunity to build on the success of the city, grow our profile abroad or put on a new artistic or sporting event, Kurt was in there pushing to make it happen. We will think of him especially when Canberra takes another step into the international limelight next year in the hosting of matches in the Cricket World Cup and the Asian Cup football, knowing that Kurt would have been at every game, full of pride for his city.

Some show the stress of working in these environments, but Kurt took it in his stride, always looking for the next opportunity and, of course, always smiling. This building is so much poorer without that smile.

I remember that Kurt helped me at an event where I opened the Gungahlin pool. Usually, as members would know, he was an adviser to the Deputy Chief Minister; my media people were not available that day, so he stepped in to help and fulfil that role. One part of that role, as members of my staff will know, is to hold whatever handbag, phone, keys, kids toys or whatever I have hanging off me when I do interviews. My office had briefed Kurt on the fact that he would have to take whatever I was holding in my hands and that they would not be able to tell him what that would be, but his role was to take it. I happen to have a very nice Alannah Hill aqua bling iPad cover, which is very feminine. I remember having to say “Kurt”, and he grabbed this, looked at it just for a moment, and then went, “All right.” He put it under his arm and he stood there proudly for that moment. I enjoyed that.

Again, it sums Kurt up. There was that moment of worry as he realised what he was going to have to hold, but then he got on and did it—again, with a positive and happy smile.

Our party depends on people devoting their time and effort to the Labor cause because they believe in the improvements it can make to the life of others. In reflecting on the loss of Kurt, our party celebrates the contribution he has already given, but we mourn the loss of his enormous potential and of what he still had to give.

We know music was a cherished part of Kurt's life. One of the songs played at his funeral service contains the words "if a lion roars, would you not listen?" There are lessons for us all in Kurt's vivacious approach to life. The echo of his time with us will carry on, and it is a privilege to speak to this motion today.

**MR HANSON** (Molonglo—Leader of the Opposition): I rise today to speak on behalf of the opposition, and also the broader Liberal movement in this town, to express our condolences to the families, the friends and the colleagues of Kurt Steel. I especially note the family, Philip, Jayne and Chris, who are here, and Yasmin, who is absent; and all the friends of Kurt who are here today.

Many of us knew Kurt. I recall that just before he went on his trip I had occasion to walk up the stairs with him in the Assembly, as often was the case. His smile was very memorable. He talked of his excitement about going away.

Many of us on our side have had interactions with him, both formally and informally, over the years, be they chance encounters or more. His absence will be greatly felt.

Of the many qualities that Kurt possessed, one of the most striking was his ability to reach across the political divide. That is not to say that he was not a great warrior for his Labor cause; he was. But certainly the Kurt that we knew was someone that we only had positive dealings with and about whom we could only have positive things to say. Having been at Kurt's funeral on Friday, where I know there was standing room only in the Playhouse, I can say that that is an expression from all across the political divide.

Kurt was a passionate warrior for the Labor cause, but he was always courteous, always professional and always approachable. That was expressed in Andrew Leigh's speech, if you have seen it, which he gave in the federal parliament. It was a good one; I have watched that one. It is interesting that you make the comment about the Labor left and right, Chief Minister. You made the comment that Kurt would have been surprised about where the condolences came from, including the Labor leader, but perhaps he would have been even more surprised that they came from the Labor left. Clearly he was not just a warrior for the Labor cause; I know that he was a leading light in a faction, in the right faction. I am sure that one day he would have played an even greater role, both within the faction and within the greater Labor movement.

Kurt's love of soccer was well known to us, as it was, obviously, to his family. Kurt played in the Assembly soccer team, Mr Doszpot's team. Mr Doszpot is always



trying to find recruits for the team from both this side of the Assembly and the other side. Kurt was one of the ones that put his hand up and played for the team. That is probably far better than if Andrew Barr or I had put our hand up, to be honest. That was just an expression of how he was able to put his political battles to the side and join in for the greater team. I have had conversations with Mr Doszpot and, with the family's blessing, Mr Doszpot has suggested that the annual match in future be named after Kurt, as the Kurt Steel Cup. With the family's blessing, I know that that is something that Mr Doszpot would like to do as an expression of the respect of all of us for Kurt.

It is very tragic when someone is taken so young, particularly someone with so much potential. I know that Kurt has received many tributes. It is unusual for someone of his age to have received so many tributes across the political divide from so many esteemed leaders in our community. I know that there are very few words that I can express today that really will provide any comfort. I wish they could. I know that there is a struggle to find meaning. As you said, Andrew, it is difficult in these circumstances for any of us to find meaning.

From my perspective, something that Kurt's untimely passing has shown all of us—and it is something that Kurt always showed—is that our humanity, our common humanity, is much greater than the ideology that separates us. What Kurt has done today is shown that as Canberrans, as Australians, as humans, we are far more united than divided.

**MR RATTENBURY** (Molonglo): I would like to thank Mr Barr for providing this opportunity for us to reflect on and say a few words about Kurt Steel in the Assembly today. There is no doubt that the loss of someone close to us is hard. In this building, against the backdrop of the political teams we all work for and support, there are relationships that are built across party lines. They are both the casual, friendly conversations and the work conversations that happen each day as we try and deliver on the work that needs to be done.

There is respect, admiration and even affection and good humour between many of us, irrespective of which political team we support. In the Assembly we understand the pressures and share many of the pleasures from working in this place. Across the years and the different issues we come into contact with many people, both in MLA offices and in the secretariat. It is in that context that the loss of someone like Kurt, a cheerful and bright young man who was well respected and well liked across the Assembly, is keenly felt.

Kurt, who worked as a media adviser in the Deputy Chief Minister's office, was an accomplished and driven young man who achieved a lot in his short years. He worked hard and seemed to thrive on the challenges that working in a political office presented. But he also seemed to make time for fun and friendships and was clearly a well-known and popular person across the community. He had cheerful enthusiasm for life which was infectious. All of these character traits were wonderfully shared at the memorial service last Friday through the various stories that people told during that wonderful service.

We are especially touched by Kurt's tragic loss because of his young age and his very bright future. Age 25 is simply too young. He was an active and enthusiastic member of the Labor Party. Those that knew him well predicted that one day he too would be asked to represent the community on behalf of that party. Not only did he contribute substantially to the Labor Party here in Canberra; he volunteered his time to other Labor offices across the country and was a truly dedicated advocate for his party. The sentiments that we have heard from the federal parliament are a testament to the impact he had beyond our Canberra community.

Kurt had been looking forward to his trip for some time, a well-deserved break for a young man so dedicated to his work—as many have said, the trip of a lifetime. Kurt died while travelling overseas, adventuring in South America. The paths that young people take as they journey around the world are well worn, and young Australians are particularly drawn towards these adventurous journeys. They are not always safe, but then life is not always safe. Not one of us would wish that our young people did not set off on these life-changing journeys. They are almost a rite of passage. But I think we assume our friends and family will return safely, so we are jolted and shaken when we hear news like we heard just a few weeks ago, that a terrible accident has happened and that someone we know and care about has been involved.

On behalf of all the staff in my office, myself and the Greens party across Canberra, I would like to offer our sincere condolences to Kurt's family—his parents Jayne and Philip, his brother Chris and his sister Yasmin. It is impossible to find the words to console you. The loss of such a fine young man who had so much to look forward to must leave an aching hole in your hearts. Our condolences go also to Kurt's friends and those in the Labor Party both here and across the country who knew Kurt and will miss his bright, warm personality and the contribution that he made to the Labor cause.

To Andrew and all the staff in his office and right across the Labor team in the Assembly, who I know are hurting and carrying the pain of this loss, we know and understand the friendships and trust that are required to work in a political office. We understand how these relationships are forged through an intense work environment and a shared passion. Your colleagues become your second family. We understand that Kurt was an integral part of your team and we have been and are thinking of you during this very difficult time. The gap left by the loss of someone so young and bright is vast and often hard to comprehend. We offer our deepest condolences to you all.

**MS PORTER** (Ginninderra): I would like to express my condolences to Kurt's family and his friends and to just add a few words. The last day in August was a particularly sunny Sunday morning. I was with my family watching one of my granddaughters play in an Aussie Rules semi-final at Greenway. The siren had just blown and the young women and their families were ecstatic, as they had made it through to the grand final in their first-ever season of playing AFL together.

However, in a moment my world was about to change, as it has changed for all of us in this place and for so many. We were walking towards the team to congratulate them when my husband Ian took a call from Pierre Huetter, who is known to many

of you here, telling us that Kurt had been killed in a bus accident in Bolivia. As you can imagine, our feelings of joy at the success of our granddaughter's victory was quickly overtaken by disbelief as we attempted to absorb the news of the death of one so young, one so full of life and one with so much to give. Try as we might, we simply could make no sense of it.

Having worked in this place for almost a decade and having been a keen observer and participant in the political process for many years, I can say without fear of contradiction that Kurt Steel was one of the finest political people, staffers and operatives that I have had the privilege to know. Being numbed by the news of his death, I could see Kurt's ever-smiling face that we have all talked about this morning, his ever-happy and positive voice. One of my staff who only works here part time and had never had the privilege of meeting him face to face told me that she always knew that he was smiling when he spoke to her on the phone.

Like all of us, I am sure that Kurt had his down times, but having worked with him for the last few years and having known him personally for a number of years prior to that, I can honestly say that he always seemed to maintain the same non-flustered demeanour and positive outlook on life and, as we know, in this place that is not always easy.

In recent weeks I have been told about many young people who have either gone to school or university with Kurt and to a person they have all said that he was always the same wonderful young person that we had come to love and respect for who he was, for what he did and for the way he did it. I think I share the opinion of many when I say that, in this era of young political professionals becoming the norm on all sides of politics, it is easy to become somewhat sceptical about what motivates them on occasions. However, such could not be said about Kurt. I believe all of us in this place would observe how his passion for his work and making Canberra a better place for everyone to live and work in was his strong and driving motivation.

We will of course never know, unfortunately, whether he would have gone on to a career as an elected representative of the people of the ACT. What is absolutely certain, however, is that in his almost 26 short years amongst us—and I believe it would have been his 26th birthday the day before yesterday—he made a significant impact on all of those who came in contact with him. One probably could not claim this of many of this age.

Because of his untimely death, the Labor Party in particular and the Canberra community in general have lost a great advocate for a better and more just society. Unfortunately, due to being interstate neither Ian nor I were able to pay our respects at Kurt's memorial service, which I believe was attended by hundreds of his colleagues from all walks of life. However, I have been given a copy of the order of service, and I have read the beautiful words of Henry Scott Holland in his piece *Death is nothing at all*. I would like to read some of those lines, as I think they speak volumes about the man that we are acknowledging this morning, and who, as Henry Scott Holland said in his piece, has only slipped away to the next room. I will read a few lines:

Death is nothing at all.  
I have only slipped away to the next room.  
I am I and you are you.  
Whatever we were to each other,  
That, we still are.

Call me by my old familiar name.  
Speak to me in the easy way  
which you always used.  
Put no difference into your tone.  
Wear no forced air of solemnity or sorrow.

Laugh as we always laughed  
at the little jokes we enjoyed together.  
Play, smile, think of me. Pray for me.  
Let my name be ever the household word  
that it always was.  
Let it be spoken without effect.  
Without the trace of a shadow on it.

I will not read any more, but I think they are beautiful words by Henry Scott Holland, and they sum up so much of what I believe Kurt would want us to think and to do now.

I offer my deepest sympathy to Kurt's parents, his brother and sister, and all of his family and friends. Kurt will long be remembered.

**DR BOURKE** (Ginninderra): At Kurt's funeral service, Aunty Agnes Shea spoke of her respect for Kurt and commended his interest in improving the recognition of the traditional custodians of the ACT, in conjunction with the United Ngunnawal Elders Council.

Earlier this year Kurt had decided that consideration should be given to strengthening the recognition of the original custodians of this land by government representatives in public speeches, as is ACT government policy. He met with me and we talked about how a motion to this year's ACT ALP conference could be framed and that this would begin discussion within the party on the issue.

There are many reasons why acknowledgement is important. It pays respect to Aboriginal people's culture and heritage and shares Aboriginal cultural practices with the broader community, promoting better understanding. It demonstrates Aboriginal cultures and cultural practices are living through ceremonies and protocols, and it recognises the unique position of Aborigines which can assist in building partnerships.

Kurt was keen to see the use of language, Ngunnawal language, as part of the acknowledgement—and that this should be with the agreement of the United Ngunnawal Elders Council. We talked about how this could be achieved respectfully, and I was impressed with his rapid grasp of the need to involve the ACT ALP Indigenous Labor Network. Kurt came to our network meeting in April, where his proposal was greeted with support and appreciation.

On the conference floor in June, the motion was passed unanimously. I was so proud of this young man's work which showed his capability and passion for getting things right. I am so glad that I was able to congratulate him right then and there on his success and to tell him of my admiration for his achievements.

*Question resolved in the affirmative, members standing in their places.*

**Sitting suspended from 10.36 to 10.49 am.**

## **Administration and Procedure—Standing Committee Report 4**

**MADAM SPEAKER:** Pursuant to order, I present the following report:

*Administration and Procedure—Standing Committee—Report 4—Inquiry into standing order 241—Disclosure of proceedings, evidence and documents of committees, dated 24 September 2014, together with a copy of the extracts of the relevant minutes of proceedings.*

**MR RATTENBURY** (Molonglo) (10.49): I move:

That the report be adopted.

Members will recall that in the course of a vigorous debate in this Assembly some months ago about the disclosure or otherwise of committee proceedings I moved that this matter be discussed in the administration and procedure committee to reflect on whether the standing orders reflected accurately the practices of this place. The administration and procedure committee did look at this matter and we have now provided a report to the Assembly. I would like to thank my fellow committee members, Mr Smyth, Madam Speaker and Dr Bourke, and the secretariat, particularly Tom Duncan and Janice Rafferty, for the support I received.

We worked through this issue and really took the approach of looking at the current practice of other parliaments across Australia and New Zealand, as I had identified that in the terms of reference. The New Zealand parliament being, of course, a close parliament had different practices that I had suggested we canvass as part of looking at what was the right practice here in the ACT. Without disclosing the proceedings of the committee there was a thorough discussion on this. We did look at all of the other jurisdictions across the country and in New Zealand. In the committee report there is a fairly succinct and useful summary of those practices.

There were some differing views in the committee, as we have noted, about what was the most appropriate practice but ultimately the committee did come to a view. There was a middle ground here that preserved the integrity of a committee's deliberations whilst allowing for discussion once the report was finalised. It was agreed that any disclosure during that period should be limited to members only.

This reflects the Senate practice which essentially says that once a committee has finalised its report members are free to discuss that with other members. To my mind

this reflects, perhaps, the practicalities of working in party groupings in the sense that there will be discussion, be it in the caucus room, the party room or whatever group we collect in, of the tactics for a coming parliamentary period or parliamentary sitting. It is appropriate, in my view, for members to be able to share information with their colleagues that will help them prepare for those parliamentary sittings.

Ultimately the committee has recommended that standing order 241 be amended by inserting a new subparagraph 241(ba) that reads:

Members of the Committee may discuss a committee report with other Members on a confidential basis in the time between the substantial conclusion of the Committee's deliberations on the report and its presentation to the Assembly.

My interpretation of the rationale for that is that members should, while they are on a committee, continue to operate perhaps independently in the spirit that we, I think, collectively have the view that members should participate on committees as an individual and, as Mr Hargreaves used to say, as a parliamentarian, not necessarily as a representative of one's party, and that we come to these committees with an open mind to look at the issues as they are presented to us. But then once the committee has finalised its deliberations, as I spoke of earlier, there is a freedom to discuss that with other members but on a confidential basis.

We were quite clear in our discussions that if another member is to receive information that is confidential they should not disclose that to non-members of the Assembly, they should not disclose it to the media. It should simply allow for the functioning of this place in recognition of the fact that we work as parliamentary teams.

I think that summarises the views of the committee and I do commend the report to the Assembly.

Question resolved in the affirmative.

## **Statute Law Amendment Bill 2014 (No 2)**

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

Title read by Clerk.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (10.54): I move:

That this bill be agreed to in principle.

The Statute Law Amendment Bill 2014 (No 2) makes statute law revision amendments to ACT law under guidelines for the technical amendments program approved by the government. The program provides for amendments that are minor or

technical and noncontroversial. They are generally insufficiently important to justify the presentation of separate legislation in each case and may be inappropriate to make as editorial amendments in the process of republishing legislation under the Legislation Act 2001. The program is implemented by presenting a statute law amendment bill such as this in each sitting of the Assembly, including further technical amendments and other amending legislation where appropriate.

Statute law amendment bills provide an important and useful mode for continually modernising the statute book. For example, laws need to be kept up to date to reflect ongoing technological and societal change. Also, as the ACT statute book has been created from various jurisdictional sources over a long period, it reflects the various drafting practices, language usage, printing formats and styles throughout the years.

This statute law amendment bill deals with three kinds of matters. Schedule 1 provides for minor, noncontroversial amendments proposed by a government agency that have received the approval of the Chief Minister. Schedule 2 contains amendments of the Legislation Act proposed by the parliamentary counsel to ensure that the overall structure of the statute book is cohesive and consistent and is developed to reflect best practice. Schedule 3 contains technical amendments proposed by the parliamentary counsel to correct minor typographical or clerical errors, improve language, omit redundant provisions, include explanatory notes or otherwise update or improve the form of legislation.

I would briefly mention a few matters dealt with in this bill now. Schedule 1 of the bill amends the Health Records (Privacy and Access) Act 1997 by omitting the words “in the ACT” from the dictionary definition of health service provider. This is a beneficial amendment that will allow the sharing of vital health information and records between health service providers who are members of a patient’s treating team if some of those providers are outside the ACT. Members would appreciate the importance of the continuity of ongoing care and management of patients without legislative obstacles preventing the sharing of health records. Sharing of information will also assist in generally improving health services provided to consumers.

Schedule 1 of the bill also amends the Lifetime Care and Support (Catastrophic Injuries) Act 2014 by inserting new section 6(3)(aa) to make it clear that the term “CTP cover under the CTP Act” extends to a motor vehicle involved in a motor accident if the vehicle is covered by a compulsory third-party insurance policy in force under the law of another jurisdiction. This clarification is consistent with the New South Wales Motor Accidents (Lifetime Care and Support) Act 2006 which the ACT act is intended to mirror and on which minimum benchmarks agreed for the national injury insurance scheme for motor accidents have been modelled.

Section 98 of the Lifetime Care and Support (Catastrophic Injuries) Act 2014 is also amended to give the power to approve forms to the Lifetime Care and Support Commissioner instead of the director-general. Because most forms required under the act relate to the commissioner’s functions, it is appropriate for the commissioner to have the power to approve the forms.

Schedule 2 contains minor, noncontroversial structural amendments of the Legislation Act 2001 which have been initiated by the Office of Parliamentary Counsel. These structural issues are particularly concerned with making the statute book more coherent and concise. Strategies to achieve these objectives include avoiding unnecessary duplication and achieving the maximum degree of standardisation of legislative provisions consistent with policy requirements and operational needs.

In this bill, the Legislation Act section 151 is amended to present the rules for working out periods of time generally in an act or statutory instrument in table form, consistent with the approach in the Acts Interpretation Act 1901 of the commonwealth section 36. This will make it easier for legislation users to work out periods of time under ACT law. Current section 151(2) to (6) is replaced by the table and section 151(7) is remade as a consequence. This amendment does not substantively change the existing policy on working out periods of time.

For further clarity, the dictionary, part 1, is amended by remaking the definitions of calendar month and month and omitting the definition of named month. Calendar month is currently defined as “a period beginning at the start of any day of a named month and ending at the end of the day before the corresponding day of the next named month or, if there is no such corresponding day, at the end of the last day of the next named month”. The definition of month is substituted by another amendment to replicate the substance of the current definition of calendar month.

As a consequence, the definition of calendar month is being simplified in accordance with current plain language drafting style. The revised definitions of month and calendar month will be consistent with the definitions of those terms in the commonwealth Acts Interpretation Act 1901 and are more consistent with how calendar month and month are generally understood. The amendments also remove the need for a definition of named month, which is omitted by another amendment.

Schedule 3 includes amendments of acts and regulations that have been reviewed as part of the ongoing program of updating and improving the language and form of legislation. In this bill in particular, amendments are made to the Electoral Act 1992 and the Government Procurement Act 2001 as a consequence of the amendments of the Legislation Act 2001 included in schedule 2.

Finally, in addition to the explanatory notes in the bill, the parliamentary counsel is also available to provide any further explanation or information that members would like about any of the amendments made by the bill. I commend the bill to the Assembly.

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

## **Emergencies Amendment Bill 2014**

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

Title read by Clerk.



**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (11.01): I move:

That this bill be agreed to in principle.

I am pleased to present this bill today. This bill introduces amendments that will strengthen our bushfire prevention activities in the ACT and support our emergency service personnel to prepare and respond to emergencies when they occur. The Emergencies Act was introduced in 2004 following the 2003 Canberra bushfires and provides a consolidated, all-hazards approach to emergency management in the territory.

Emergency service agencies need to be prepared and have clear governance arrangements in place to ensure the most effective and coordinated response eventuates when major emergencies and disasters occur. The Emergencies Act outlines the governance arrangements regarding the powers and functions of the Emergency Services Commissioner, chief officers, emergency controllers and the four emergencies services being ACT Fire & Rescue, ACT Ambulance Service, ACT Rural Fire Service and ACT State Emergency Service.

The Emergencies Act also outlines the planning activities required across government to ensure we are ready as a community to respond to and recover from a major emergency or disaster in the ACT. This includes the development of the ACT emergency plan and a range of specific hazard plans which provide detail around our emergency management arrangements, including who will lead the emergency response.

Earlier this week, I tabled the third version of the five-year ACT strategic bushfire management plan which addresses the ever-present risk of bushfires to the territory. The consultation undertaken to develop that plan has contributed to the development of proposed amendments in this bill that will strengthen a number of sections in the bushfire prevention chapter of the Emergencies Act. In addition, the ACT Auditor-General, in her performance audit into the ACT's bushfire preparedness in 2013, also recommended a number of amendments to the act.

Amendments included in this bill seek to improve our bushfire prevention activities and include better alignment of various government plans for public land such as the strategic bushfire management plan required by the Emergencies Act and plans of management required by the Planning and Development Act to enhance guidance to managers of public land around issues of public safety and conservation; better alignment of the requirements on leaseholders living in the bushfire abatement zone to prepare a bushfire operational plan every five years, with the requirement under the Planning and Development Act to enter land management agreements with government every five years; and increased penalties for those that discard lit cigarettes, particularly those flicking lit cigarettes from moving vehicles, from \$200 to \$300, reflecting the fire danger posed by this dangerous behaviour.

The amendments in relation to bushfire prevention attempt to balance the significant bushfire risks posed to the ACT community from bushfire against the important conservation values we hold for our environment. I would point out that the objects of the Emergencies Act are to protect and preserve life, property and the environment. Overall these new amendments, along with the new strategic bushfire management plan, place the ACT in a better position to respond to the challenge of a hotter and drier climate for the ACT which we are confronted with as a result of climate change.

In addition to amendments to improve bushfire prevention, a number of amendments in the bill seek to improve the response capability of our emergency services personnel. In recent years emergency services and agencies have undertaken planning activities and exercises surrounding a wide range of emergency situations, including responding to a pandemic, quarantine event, bushfire, earthquake, terrorism event, energy shortage, flood, mass casualty event, heat event and hazardous materials emergency scenarios. These activities provide the opportunity to continually reflect on improvements to the way we prepare for and respond to emergencies.

Recent exercises and planning activities, along with post-disaster inquiries, have highlighted a number of amendments which would improve the emergency management framework for our emergency services personnel. Many of the proposed amendments attempt to remove any ambiguity and clarify the act in relation to emergency management powers and arrangements. These amendments include ensuring the act recognises the important operational and administrative support areas within the ESA that support the functions of our four emergency services, clarifying the powers of the Emergency Services Commissioner when providing directions to chief officers regarding the coordination of response and recovery activities in times of an emergency, providing the power for chief officers and an emergency controller, if appointed, to close premises in emergencies and to obtain information, and, finally, clarifying the powers available to an emergency controller, if appointed, to manage an emergency involving essential services such as a shortage of fuel or electricity or some other fundamental good or service that supports the community. The additional powers provided to emergency personnel need to be viewed in the context of the reasons for which they are provided. The powers enable our emergency services personnel to protect and preserve life, property and the environment and to manage and coordinate our community response to emergencies when they arise.

In conclusion, the proposed amendments in this bill will improve our planning activities to prevent bushfires, provide new powers to our emergency service personnel to assist them in managing emergencies and propose an increased infringement penalty to those that discard lit cigarettes. I commend this bill to the Assembly.

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

## **Training and Tertiary Education Amendment Bill 2014**

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

Title read by Clerk.

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Disability, Minister for Multicultural Affairs, Minister for Racing and Gaming, Minister for Women and Minister for the Arts) (11.09): I move:

That this bill be agreed to in principle.

Vocational education and training and higher education are key enablers of continued economic growth for Canberra, through impacts on productivity and competitiveness. The ACT tertiary education sector also contributes to the social wellbeing of Canberrans by providing life-long learning opportunities. For over a decade the ACT vocational education and training and higher education sectors have undergone a succession of reforms aimed at improving quality, accessibility, equity and efficiency in the delivery of tertiary education. These aims are linked to reforms at the commonwealth level designed, on the whole, to achieve national consistency. As a result of the recent move to a national regulatory system for vocational education and training and higher education, the ACT legislation requires revision to bring it up to date.

Commonwealth legislation has established the National VET Regulator, which is known as the Australian Skills Quality Authority, or ASQA. ASQA is now responsible for the registration of vocational education and training providers in the ACT and the accreditation of VET courses. In addition, Tertiary Education Quality and Standards Agency, or TEQSA, has assumed national responsibility for the registration and accreditation of higher education providers, including universities. The commonwealth legislation establishing ASQA and TEQSA effectively overrides the ACT legislative provisions for the registration and accreditation of vocational education and training and higher education providers. It is, therefore, no longer necessary to maintain the legislative functions and powers of the ACT Accreditation and Registration Council. The bill I am presenting today will repeal the establishment of the council and its functions and powers.

I take this opportunity to thank the council for its work since its establishment in 1995. The council laid valuable groundwork for the evolution of the current ACT vocational education and training system. The council's good work was conducted in close cooperation with the Education and Training Directorate, in its role as secretariat to the council and its subcommittees.

In addition to accreditation and registration, the current legislation also assigns additional advice functions to the council. Since 2010 the council's additional advice functions have been gradually replaced by the Education and Training Directorate and the Chief Minister's Treasury and Economic Development Directorate, supported by a range of new initiatives, including local and national advisory bodies.

This transformation reflects substantial changes to the tertiary education landscape at both the national and local levels. For example, the council's regular stakeholder engagement activities—facilitated by the Education and Training Directorate—have been replaced since 2010 by the directorate's quarterly VET stakeholder forums. These forums enable the directorate to consult directly with stakeholders about issues of quality in vocational education and training and to gather evidence on which to base its advice to the government.

Also in 2010 the ACT government formed an ACT Tertiary Taskforce to consult on the future of tertiary education, including vocational education and training and higher education. The task force brought together education providers, industry and government. In its response to the task force report of February 2011 the ACT government established the Learning Capital Council to provide advice on tertiary education policy and planning, including workforce issues. The views of the council were well represented on both the Tertiary Taskforce and the Learning Capital Council by the council chair, John Richards.

As members are aware, in 2012 the ACT government established a ministerial portfolio for higher education. Administrative Arrangements 2014 (No 1) transferred the responsibility for the provision of advice about higher education from the directorate to the Chief Minister's Treasury and Economic Development Directorate. Members will also recall that in 2013 the Chief Minister and Minister for Higher Education established the vice-chancellors forum to inquire into and advise on issues about higher education. The Chief Minister chairs the forum, and members include the vice-chancellors of the Australian National University and the University of Canberra, as well as senior representatives from the Australian Catholic University and the University of New South Wales Canberra.

As a result of these initiatives, today's bill also repeals the council's function to inquire into and advise ministers about vocational education and training and higher education issues. Further, the bill includes amendments that will assign oversight of the ACT vocational education and training system to the director-general of the Education and Training Directorate. These amendments are intended to support the implementation of further reforms to the ACT's vocational education and training system. Further reforms include the implementation of nationally agreed Australian Apprenticeships harmonisation principles, designed to simplify and streamline the Australian Apprenticeships system.

The amendments are also intended to facilitate the Education and Training Directorate's implementation of ongoing reforms to quality, efficiency, transparency, equity and access in the ACT's vocational education and training sector, in line with similar reforms at the national level.

This is not the first time that the ACT vocational education and training and higher education legislation has been amended to complement reforms agreed at the national level. ACT legislation underwent major revisions in 2003 and 2007 for similar purposes to those for which I present this Training and Tertiary Education Amendment Bill today.

I would now like to turn members' attention to the amendment in the bill that provides the director-general with the power to determine a probationary period for apprenticeships and traineeships. This provision will allow the employer or apprentice or trainee to end the training contract before the end of the probationary period, without requiring formal approval from the director-general. It also streamlines this compliance requirement, while still maintaining appropriate protection for the parties to the contract.

The purpose of this amendment is to achieve consistent rules for Australian Apprenticeships training contracts across multiple jurisdictions. By providing this legislative power that applies generally to each class of training contract is an efficient approach to implementing probationary periods for training contracts.

Another amendment will assign power to the director-general to authorise persons to visit premises where a registered training organisation is conducting, or proposing to conduct, training or assessment as part of a VET course. This power was previously assigned to the council. In practice, the council was assisted in the exercise of this power by authorised staff of the Education and Training Directorate.

This amendment is intended to support the director-general's function to facilitate recognition and quality assurance in the provision of vocational education and training in the ACT. This amendment will also assist the director-general to be satisfied that certain conditions of apprenticeship and traineeship contracts are met, including that the facilities, equipment and methods proposed to be used for the training are suitable.

Together, these provisions in this bill accord to the broader ACT government's objective of promoting the role of quality vocational education and training in providing a skilled workforce that meets the current and future needs of the ACT economy. I commend the bill to the Assembly.

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

## **Planning, Building and Environment Legislation Amendment Bill 2014 (No 2)**

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

Title read by Clerk.

**MR GENTLEMAN** (Brindabella—Minister for Planning, Minister for Community Services, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (11.19): I move:

That this bill be agreed to in principle.

This is the seventh bill to be created under the government's omnibus planning, building and environment legislation amendment bill process. This process manages all minor policy, technical or editorial amendments for legislation administered by the Environment and Planning Directorate.

This omnibus bill process provides an efficient avenue for consolidation of minor amendments into a single bill. The single bill process also helps the wider community to access and understand changes being made to environment and planning legislation.

The bill I present today proposes editorial, technical, consequential and minor policy amendments to the Building Act 2004, Building (General) Regulation 2008, Planning and Development Act 2007 and Planning and Development Regulation 2008.

The bill responds to needs identified by the Environment and Planning Directorate and Parliamentary Counsel.

This bill includes four minor policy amendments. I would like to briefly discuss these minor policy amendments. This bill amends the Building Act to require building certifiers to prepare a notice when issuing a building approval for exempt development. This notice will explain why a development is considered to be exempt. It amends the Planning and Development Act to allow the minister to make changes to a development approval decided under the call-in power. It amends the notification requirements for an environmental significance opinion under the Planning and Development Act. The bill also amends the notice of direct sale requirements in the Planning and Development Act.

I will now discuss these amendments in further detail. Firstly, the bill makes a minor policy amendment to the Building Act and Building (General) Regulation. In May this year, the Auditor-General's Office provided a performance audit report to this Assembly titled *Auditor-General Performance Audit Report—Single Dwelling Development Assessments—Environment and Sustainable Development Directorate*. The report examined single dwelling development assessments by what is now referred to as the Environment and Planning Directorate.

Recommendation 5 of the Auditor-General's report called for the increase the transparency of decision-making by certifiers in relation to exempt development or—as they are referred to—“DA exempt”.

In this report, the Auditor-General suggested that a lack of documentation in some circumstances made it difficult to assess whether an accurate DA exemption assessment had been made by a certifier or building surveyor. The Auditor-General recommended that the directorate require building surveyors and certifiers to submit a minimum level of documentation, such as a checklist, in relation to DA exempt assessments.

The amendments contained in this bill concern those developments that are exempt from requiring development approval and go to addressing the issues raised by the Auditor-General.

Currently, under existing sections 29 and 30 of the Building Act, the certifier cannot issue a building approval unless the site works involved have development approval or are DA exempt. The proposed reforms therefore are being made to strengthen the documentation requirements relating to this assessment by the certifier.

I would like to take a moment to define “site work” for the benefit of the Assembly as it is relevant to the bill. “Site work” is a defined term under the Building Act, which includes the construction of the relevant building work and other work that is separate

to but related to the main building work. For example, site work could include putting up safety fencing or removing a tree.

The bill will address the Auditor-General's comments by requiring certifiers to issue a site work notice when granting building approval for proposed building work in certain circumstances.

The required site work notice will need to be provided to affirm the certifier's conclusion that the works are DA exempt and indicate the basis for this. In particular, the site work notice will need to identify the provisions of the Planning and Development Regulation that form the basis of the conclusion that the works are DA exempt. The notice will also need to identify any relevant territory plan codes.

The process of determining whether site works are DA exempt is an assessment that the certifier is already required to undergo under the Building Act. Consistent with best practice, the proposed amendments will require the certifier to prepare a level of documentation to underpin this assessment and make the thinking behind it transparent.

It is important to note that the requirement for the site work notice does not add red tape but makes it clear what the documentation requirements of this existing assessment process are.

I would also add that the requirement for a site work notice will not apply if the relevant site work has been approved by development approval or been declared to be exempt by a works assessor or building surveyor under what is known as an exemption assessment D notice, as to do so would duplicate requirements.

Under the Planning and Development Act, a landowner can apply to a works assessor or building surveyor for one of these notices. The D notice confirms whether the landowner's proposed development is DA exempt in the view of the works assessor or building surveyor. It is not compulsory for the landowner to apply for the D notice. This process is separate to and independent of the building approval or development approval processes.

However, what the bill does is to make a related amendment to the Planning and Development Regulation to ensure that that the D notice must contain the same information as a site work notice. This amendment ensures that the two processes are consistent. Importantly, the amendments contained in this bill will address the concerns of the Auditor-General without overburdening certifiers with paperwork.

The bill also makes three minor policy amendments to the Planning and Development Act. Firstly, the bill amends the Planning and Development Act to allow the minister to amend a development approval originally decided by the minister under the call-in powers.

Under section 197 of the Planning and Development Act, an application can be made to amend a DA that has been decided by the Planning and Land Authority. There is presently no specific power under the act to amend a DA that was originally decided by the minister under the call-in powers.

The bill amends the Planning and Development Act to allow the minister to amend a DA. The Planning and Land Authority may prepare a report for the minister in relation to the application on anything the minister considers relevant. The minister may, in deciding to amend or refuse to amend a DA, consider the report prepared by the Planning and Land Authority. The minister may also delegate the decision to amend or refuse to amend the DA to the Planning and Land Authority.

Madam Deputy Speaker, the criteria for assessment of an application for amendment by the minister are to be the same as the criteria for applications to amend DAs decided by the Planning and Land Authority. The minister must consider the application as if the development originally approved had been completed, and the application was an application for approval of a development proposal to change the completed development to give effect to the amendment.

The minister must refuse to amend if the amendment results in a change in the assessment track or would be in breach of a court-imposed condition. The minister must also refuse to amend unless satisfied that the amended approval will be substantially the same as the originally approved development.

I would like to make it clear that this does not open the door to significant changes to the original DA. The amendment merely allows for minor non-substantive adjustments of the DA if this is required as a matter of practical necessity. Any changes can only be made within the clearly defined limits that I have referred to.

I would also like to make it clear that, under the Planning and Development Act, the minister's decision on a DA under the call-in power is not reviewable by ACAT. This is consistent with the nature of the decision which is made at ministerial level, taking into account the wider public interest and the fact that the minister is accountable for this decision to the Assembly and the electorate. Consistent with this, the minister's decision to amend a DA will also not be subject to ACAT merit review.

The bill also amends the notification requirements for an environmental significance opinion under the Planning and Development Act. The environmental significance opinion process applies to certain developments that are ordinarily subject to the impact track for development assessment. If the proponent wants the development assessed in a less onerous merit track on the grounds that it is not likely to have a significant adverse environmental impact, they can apply to the relevant agency for an environmental significance opinion, or ESO.

If the relevant agency rejects the application, it must notify the applicant and the Planning and Land Authority in writing. The Planning and Land Authority presently processes applications for an ESO and an opinion is frequently given by the Conservator of Flora and Fauna.

The bill will amend this notification requirement to achieve administrative efficiency. Rather than the relevant agency notifying the applicant, the agency will notify the Planning and Land Authority. The Planning and Land Authority will then notify the applicant.



This is a more efficient process, given that the Planning and Land Authority has general oversight of the assessment process and has its own well-established procedures to notify applicants and other interested parties. This new process keeps the Planning and Land Authority informed of the status of the application for the ESO. There is no change to the applicant's position from the applicant's point of view. The applicant will simply be notified by the Planning and Land Authority rather than the relevant agency.

The bill also amends notice of direct sale requirements in the Planning and Development Act. Section 242(1) of the Planning and Development Act provides that within five working days after the end of a calendar quarter, the Planning and Land Authority must give the minister notice about the number of leases granted by direct sale during the quarter.

The bill amends this section to extend this time period from five to 10 working days. This change has been made to provide the Planning and Land Authority with additional time to produce the notice and associated documents and to ensure the minister receives the notice. This amendment ensures that the authority continues to meet the statutory time frames.

In conclusion, the bill proposes a number of minor technical and editorial amendments to acts and regulations. These amendments include the correction of typographical errors and updates to section references. The bill proposes amendments that are non-controversial and make good practical sense. The amendments deliver minor policy, technical and editorial changes as an omnibus bill should.

The bill demonstrates this government's commitment to effective and responsible use of the omnibus bill process. I note that in the past members of the community have expressed appreciation of being able to access one bill to monitor the minor changes that are happening to legislation in the planning, building and environment sphere. The bill also helps this Assembly to monitor the effective operation of territory laws. A single bill ensures that changes to those laws are easily accessible to all Canberrans. I commend the bill to the Assembly.

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

## **Workers Compensation (Cross-border Workers) Amendment Bill 2014**

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

Title read by Clerk.

**MR GENTLEMAN** (Brindabella—Minister for Planning, Minister for Community Services, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (11.32): I move:

That this bill be agreed to in principle.

The Workers Compensation (Cross-border Workers) Amendment Bill 2014 is an important piece of legislation that will assist employers, workers, insurers, insurance brokers and the courts to more reliably determine a cross-border worker's state of connection. Australian states and territories require employers to hold workers compensation insurance that covers all of their workers in the event of a workplace injury. In some instances, workers may perform their duties in more than one state or territory. These workers are known as cross-border workers and they are common in the ACT.

In the past this led to employers taking out a policy of insurance for some workers in more than one jurisdiction. This was an expensive and inefficient arrangement that was prone to disputation. To minimise the cost of workers compensation insurance, in 2003 states and territories agreed that employers should only need to insure each of their workers in just one jurisdiction regardless of how many states or territories they may work in from time to time.

In order to achieve this objective each jurisdiction should apply the same rules for determining where a worker must be insured for the purposes of workers compensation, and this is known as the worker's state of connection. If states and territories apply different rules, they may form conflicting views on which state or territory's workers compensation scheme should cover a cross-border worker's injury.

This is a concerning scenario for workers and employers because the inconsistent application of state of connection rules between states may result in, firstly, workers not being covered by workers compensation policy for all injuries, claims being made on government-operated safety net schemes for uninsured workers such as the ACT default insurance fund, an increase in disputation and legal costs, and legal and financial penalties for employers if they are found to have been inadvertently uninsured in a jurisdiction where their workers have rights to compensation.

Given the number of businesses operating across the ACT-New South Wales border, consistency with how New South Wales determines a worker's state of connection is a particularly important consideration. By 2010 ACT workers compensation insurers and the default insurance fund administrator had become concerned that the common law had reached a point where the nationally agreed state of connection rules were being interpreted differently by insurers, regulators and courts in New South Wales and the ACT. Rather than risk being uninsured, some employers responded by purchasing multiple insurance policies to cover their cross-border workers. This has increased insurance costs and is out of step with the territory's policy position. In response, the heads of workers compensation authorities undertook a review of the national guidance material and in March 2012 released updated state of connection rules.

The amendments proposed in this bill closely reflect the New South Wales approach and are in line with updated nationally agreed arrangements. The updated national guidance material imposes three main tests to be considered sequentially for determining a cross-border worker's state of connection. They are: where the worker usually works, where the worker is usually based, or the location of the employer's principal place of business in Australia. A state of connection test is prescribed in part 4.2A of the Workers Compensation Act 1951. However the legislation does not provide the level of direction needed to ensure all decision-makers apply the tests consistently. This bill amends the Workers Compensation Act 1951 and strengthens the state of connection provisions by inserting "usually based" and "principal place of business tests" based on the updated national guidance material.

The bill also inserts examples adapted from the national guidance material in the act in order to give direction to decision-makers when considering where the worker usually works or is usually based. These changes to the Workers Compensation Act 1951 are expected to enable employers to readily determine where to obtain workers compensation insurance, ensure workers temporarily working in other states or territories have access to the workers compensation entitlements available in their home jurisdiction, and provide certainty for workers about their workers compensation entitlements.

The ACT government is mindful of the economic pressures facing territory businesses large and small, and this bill has potential to reduce insurance costs by restoring employers' confidence in the need to insure their workers in only one jurisdiction and by reducing the number and the cost of uninsured claims. This bill highlights the government's commitment to reducing regulatory costs for ACT employers and maintaining the best possible workers compensation scheme for both workers and employers.

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

## **Annual and financial reports 2013-14**

### **Reference to standing committees**

Debate resumed from 18 September 2014, on motion by **Mr Corbell**:

That:

- (1) the annual and financial reports for the calendar year 2014 and the financial year 2013–2014 presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004* stand referred to the standing committees, on presentation, in accordance with the schedule below;
- (2) the annual reports of ACT Policing and the Office of the Legislative Assembly stand referred to the Standing Committee on Justice and Community Safety and Standing Committee on Public Accounts respectively;

- (3) notwithstanding standing order 229, only one standing committee may meet for the consideration of the inquiry into the calendar year 2014 and financial year 2013–2014 annual and financial reports at any given time;
- (4) standing committees are to report to the Assembly by the last sitting day in March 2015;
- (5) if the Assembly is not sitting when a standing committee has completed its inquiry, a committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
- (6) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Annual Report (in alphabetical order)	Reporting area	Ministerial Portfolio/s	Standing Committee
ACT Auditor-General		Chief Minister	Public Accounts
ACT Building and Construction Industry Training Fund Authority		Minister for Education and Training	Education, Training and Youth Affairs
ACT Electoral Commission		Attorney-General	Justice and Community Safety
ACT Gambling and Racing Commission		Minister for Racing and Gaming	Public Accounts
ACT Human Rights Commission		Attorney-General	Justice and Community Safety
ACT Insurance Authority		Treasurer	Public Accounts
ACT Insurance Authority	Office of the Nominal Defendant of the ACT	Treasurer	Public Accounts
ACT Long Service Leave Authority		Minister for Workplace Safety and Industrial Relations	Justice and Community Safety
ACT Ombudsman		Chief Minister	Public Accounts
ACT Policing		Minister for Police and Emergency Services	Justice and Community Safety
ACTEW Corporation Limited		Treasurer	Public Accounts
ACTTAB Ltd		Treasurer	Public Accounts
Canberra Institute of Technology		Minister for Education and Training	Education, Training and Youth Affairs
Chief Minister and Treasury Directorate		Chief Minister	Public Accounts
Chief Minister and Treasury Directorate	ACT Executive	Chief Minister	Public Accounts

Chief Minister and Treasury Directorate	Industrial Relations Policy  Workplace Compensation and Workplace Safety	Minister for Workplace Safety and Industrial Relations	Justice and Community Safety
Chief Minister and Treasury Directorate	Default Insurance Fund	Minister for Workplace Safety and Industrial Relations	Justice and Community Safety
Chief Minister and Treasury Directorate	Work Safety Council	Minister for Workplace Safety and Industrial Relations	Justice and Community Safety
Chief Minister and Treasury Directorate	Regional Development	Minister for Regional Development	Public Accounts
Chief Minister and Treasury Directorate	Economic, Budget and financial management	Treasurer	Public Accounts
Commerce and Works Directorate	ACT Government Procurement Board	Treasurer	Public Accounts
Commerce and Works Directorate	Director of Territory Records	Treasurer	Public Accounts
Commerce and Works Directorate		Treasurer	Public Accounts
Commissioner for Public Administration		Chief Minister	Public Accounts
Community Services Directorate	Arts Policy, Advice and Programs (including Arts ACT)	Minister for the Arts	Education, Training and Youth Affairs
Community Services Directorate	Community Affairs—Aboriginal and Torres Strait Islander Affairs	Minister for Aboriginal and Torres Strait Islander Affairs	Health, Ageing, Community and Social Services
Community Services Directorate	Community Affairs—Ageing	Minister for Ageing	Health, Ageing, Community and Social Services
Community Services Directorate	Community Affairs—Multicultural Affairs	Minister for Multicultural Affairs	Health, Ageing, Community and Social Services
Community Services Directorate	Community Affairs—Women	Minister for Women	Health, Ageing, Community and Social Services
Community Services Directorate	Community Development and Policy	Minister for Community Services	Health, Ageing, Community and Social Services

Community Services Directorate	Disability and Therapy Services	Minister for Disability	Health, Ageing, Community and Social Services
Community Services Directorate	Housing ACT	Minister for Housing	Health, Ageing, Community and Social Services
Community Services Directorate	Children, Youth and Family Services  (Child and family centre program; children services; youth services)	Minister for Children and Young People	Education, Training and Youth Affairs
Community Services Directorate	Children, Youth and Family Services  (Care and protection services)	Minister for Children and Young People	Health, Ageing, Community and Social Services
Community Services Directorate	Official Visitor— <i>Children and Young People Act 2008</i>	Minister for Children and Young People	Health, Ageing, Community and Social Services
Cultural Facilities Corporation		Minister for the Arts	Education, Training and Youth Affairs
Director of Public Prosecutions		Attorney-General	Justice and Community Safety
Economic Development Directorate	Directorate corporate management and Governance  Economic Development  Business Development	Minister for Economic Development	Public Accounts
Economic Development Directorate	Tourism Policy and Services (including Australian Capital Tourism)	Minister for Tourism and Events	Public Accounts
Economic Development Directorate	Venues and Events	Minister for Tourism and Events	Planning, Environment and Territory and Municipal Services

Economic Development Directorate	Sport and Recreation Services	Minister for Sport and Recreation	Planning, Environment and Territory and Municipal Services
Education and Training Directorate		Minister for Education and Training	Education, Training and Youth Affairs
Environment and Sustainable Development Directorate		Minister for the Environment	Planning, Environment and Territory and Municipal Services
Environment and Sustainable Development Directorate	ACT Heritage Council	Minister for Planning	Planning, Environment and Territory and Municipal Services
Environment and Sustainable Development Directorate	ACT Planning and Land Authority	Minister for Planning	Planning, Environment and Territory and Municipal Services
Environment and Sustainable Development Directorate	Conservator of Flora and Fauna	Minister for the Environment	Planning, Environment and Territory and Municipal Services
Environment and Sustainable Development Directorate	Environment Protection Authority	Minister for the Environment	Planning, Environment and Territory and Municipal Services
Exhibition Park Corporation	Economic Development Directorate	Minister for Economic Development	Public Accounts
Health Directorate		Minister for Health	Health, Ageing, Community and Social Services
Independent Competition and Regulatory Commission		Treasurer	Public Accounts
Justice and Community Safety Directorate		Attorney-General	Justice and Community Safety
Justice and Community Safety Directorate	Corrective Services	Minister for Corrective Services	Justice and Community Safety
Justice and Community Safety Directorate	Emergency Services Agency	Minister for Police and Emergency Services	Justice and Community Safety
Justice and Community Safety Directorate	Transport Policy and Regulation	Attorney-General	Justice and Community Safety
Land Development Agency		Minister for Economic Development	Planning, Environment and Territory and Municipal Services
Legal Aid Commission (ACT)		Attorney-General	Justice and Community Safety
Office of the Commissioner for Sustainability and the Environment		Minister for the Environment	Planning, Environment and Territory and Municipal Services
Office of the Legislative Assembly		Speaker	Public Accounts
Public Advocate of the ACT		Attorney-General	Justice and Community Safety
Public Trustee for the ACT		Attorney-General	Justice and Community Safety
Territory and Municipal Services Directorate		Minister for Territory and Municipal Services	Planning, Environment and Territory and Municipal Services

Territory and Municipal Services Directorate	Arboretum	Minister for Territory and Municipal Services	Planning, Environment and Territory and Municipal Services
Territory and Municipal Services Directorate	ACTION	Minister for Territory and Municipal Services	Planning, Environment and Territory and Municipal Services
Territory and Municipal Services Directorate	ACT Public Cemeteries Authority	Minister for Territory and Municipal Services	Planning, Environment and Territory and Municipal Services
Territory and Municipal Services Directorate	Animal Welfare Authority	Minister for Territory and Municipal Services	Planning, Environment and Territory and Municipal Services
University of Canberra		Minister for Higher Education	Education, Training and Youth Affairs
Victims of Crime Support Program		Attorney-General	Justice and Community Safety

and on the amendment moved by **Mr Coe**:

Insert the following row into the schedule:

Annual Report (in alphabetical order)	Reporting area	Ministerial Portfolio/s	Standing Committee
Capital Metro Agency		Minister for Capital Metro	Planning, Environment and Territory and Municipal Services

**MR RATTENBURY** (Molonglo) (11.38): I just want to indicate that I will be supporting this amendment which corrects an oversight in the earlier motion moved by Mr Corbell.

Amendment agreed to.

Motion, as amended, agreed to.

## **ACT Lobbyists Regulation Guidelines—adoption**

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health, Minister for Higher Education and Minister for Regional Development) (11.39): I move:

That the following continuing resolution be adopted:

### **ACT LOBBYIST REGULATION GUIDELINES**

#### **Persons/Entities required to be registered**

(1) A “lobbyist” is defined as:

Any person, company or organisation who conducts lobbying activities on behalf of a third party, or whose employees or other personnel conduct lobbying activities on behalf of a third party, where such lobbying activities



are ordinarily carried out in the expectation of receiving direct or indirect financial reward or other valuable consideration whether or not the amount thereof is ascertainable at the time such activities are conducted.

(2) In relation to part (1), “lobbying activities” are defined as:

Any oral or written (including electronic) communication with a public official to influence legislation or policy, regulatory or administrative decisions of the public official or another public official other than a communication:

- (a) with a committee of the Assembly;
- (b) with a Minister in their capacity as a local Member and in relation to matters falling outside their ministerial responsibilities;
- (c) in response to a coercive requirement by a public official for information;
- (d) in response to a request by a public official for information or the submission of view;
- (e) in response to a request for tender, expression of interest, etc;
- (f) protected by a government-endorsed whistle-blower regime;
- (g) that is only an approach to a public official for publicly available information without any attempt to influence;
- (h) as part of a grassroots campaign;
- (i) made in a public forum; or
- (j) for the avoidance of doubt:
  - (i) by one government to another government; or
  - (ii) by one government official to another government official in the course of the official duties of the former.

(3) A “public official” means:

- (a) a Member of the Legislative Assembly;
- (b) any person employed by such a person under the Legislative Assembly (Members’ Staff) Act 1989; and
- (c) any person employed under the Public Sector Management Act 1994.

#### **Persons/Entities ineligible to be registered**

The following persons are ineligible to be registered as a lobbyist or authorised person:

- (1) a person who has ever been sentenced to a term of imprisonment of 30 months or more;
- (2) a person who has been convicted, as an adult, in the last 10 years, of an offence, one element of which involves dishonesty, such as theft or fraud;
- (3) a person who is, or acts as, a member of a federal, state or territory political party executive or administrative committee, or similar;
- (4) a person whose name has been previously removed from the Register because of a contravention of the ACT Lobbying Code of Conduct; and
- (5) a person who, in the opinion of the Clerk, has not acted, or cannot be relied upon to act, in a manner consistent with general standards of ethical behaviour.

### **Persons/Entities not required to be registered**

The following categories of persons/entities are not required to be registered before conducting defined lobbying activities even though they might otherwise fall within the definition of lobbyist:

- (1) religious bodies;
- (2) charities;
- (3) not-for-profit organisations that represent the interests of their members, such as trade unions, trade and industry associations, etc;
- (4) members of foreign trade delegations;
- (5) persons/bodies registered under government laws where dealings with government are part of the normal day-to-day work of people in their profession, for example, architects, customs brokers, etc;
- (6) members of professions who make occasional representations to government on behalf of others in a way that is incidental to the provision of their professional services, for example, doctors, accountants, lawyers; and
- (7) persons who conduct lobbying activities only for relatives or friends provided that such are only in respect of the personal rather than business or commercial affairs of such persons.

### **Public content of the ACT Register of Lobbyists**

The public section of the Register is to contain the following detail for each registrant:

- (1) For a natural person:
  - (a) full name;

- (b) trading name, if applicable;
- (c) business address;
- (d) contact details;
- (e) ABN, if applicable;
- (f) full name and address of any other person authorised to conduct lobbying activity on behalf of the registrant;
- (g) for the registrant and any other named person, place of and title in previous public sector employment and date of separation;
- (h) name and address of each client on whose behalf lobbying activity is or may be conducted; and
- (i) name and address of each person or entity on whose behalf lobbying has been conducted in the preceding 12 months, whether or not for reward.

(2) For a partnership:

- (a) full name of each partner;
- (b) trading name of partnership, if applicable;
- (c) business address of partnership;
- (d) name and contact details for partner principally responsible for registration;
- (e) ABN of partnership, if applicable;
- (f) full name of any person authorised to conduct lobbying activity on behalf of the partnership;
- (g) for each partner and any other named person, place of and title in previous public sector employment and date of separation;
- (h) name and address of each client on whose behalf lobbying activity is, or may be, conducted; and
- (i) name and address of each person or entity on whose behalf lobbying has been conducted in the preceding 12 months, whether or not for reward.

(3) For a company:

- (a) registered company name;
- (b) trading name of company, if applicable;
- (c) business address of company;

- (d) name and address of each director of the company;
- (e) name and address of any entity or other person holding 10% or more of the issued capital of the company;
- (f) name and contact details for company officer principally responsible for registration;
- (g) ACN/ABN of company;
- (h) full name of any person authorised to conduct lobbying activity on behalf of the company;
- (i) for each director and any other named person, place of and title in previous public sector employment and date of separation;
- (j) name and address of each client on whose behalf lobbying activity is, or may be, conducted; and
- (k) name and address of each person or entity on whose behalf lobbying has been conducted in the preceding 12 months, whether or not for reward.

### **Registration Forms**

In addition to providing the information required to be shown on the public ACT Register of Lobbyists, applications for registration must declare on the Registration Form that he or she:

- (1) has never been sentenced to a term of imprisonment of 30 months or more;
- (2) has not been convicted, as an adult, in the last 10 years, of an offence, one element of which involves dishonesty, such as theft or fraud;
- (3) is not and does not act as a member of a federal, state or territory political party executive or administrative committee, or similar; and
- (4) gives an undertaking to comply with the ACT Lobbying Code of Conduct, separately signed by each person whose name will appear on the Register.

### **Changes to registered details**

- (1) A registered lobbyist is required to advise the Clerk of any change to any detail appearing on the public register within 10 days of that change occurring.
- (2) A registered lobbyist is additionally required to advise the Clerk within 10 days of becoming aware that any person named on the Register has:
  - (a) been sentenced to a term of imprisonment of 30 months or more;
  - (b) been convicted of an offence, one element of which involves dishonesty, such as theft or fraud; or

- (c) become or is acting as a member of a federal, state or territory political party executive or administrative committee, or similar.

### **Maintaining accuracy of the Register**

In addition to providing notification of changes in registered details, a registered lobbyist is required to provide the Clerk with a quarterly return, within 10 working days of 31 March, 30 June, 30 September and 31 December in each year, which return is required to:

- (1) confirm that their registered details are accurate; and
- (2) update the listing of each person or entity on whose behalf lobbying has been conducted in the preceding 12 months, whether or not for reward.

### **Registration decisions**

- (1) The Clerk is precluded from placing on the Register a lobbyist or authorised person who has not provided all required documents.
- (2) The Clerk is also:
  - (a) empowered to deny registration where he or she believes that registration documents provided are false or misleading;
  - (b) empowered to remove from the Register any currently registered lobbyist or authorised person who the Clerk considers has since become ineligible for registration;
  - (c) empowered to remove from the Register any lobbyist or authorised person who the Clerk considers has acted in contravention of the ACT Lobbying Code of Conduct unless satisfied that the contravention was unintentional and that adequate steps have been implemented to render any further contravention unlikely;
  - (d) required to remove from the Register any lobbyist or authorised person who, once registered, does not provide all required change notification or confirmation documents; and
  - (e) has a general discretion to refuse (or remove) registration of an otherwise eligible lobbyist or person authorised to lobby on their behalf where the registering authority considers that there are reasonable grounds to believe that that lobbyist or person has acted, or cannot be relied upon to act, in a manner consistent with general standards of ethical behaviour.
- (3) Before exercising any of these listed powers, the Clerk is required to offer the lobbyist and any authorised person in question a reasonable opportunity to make a submission in relation to the proposed decision and should be required to have regard to any submission made before taking a final decision.

### **Access to the Register**

Internet access to the Register is to be available to the public free of any charge.

### **Timing of entries on or changes to the Register**

To avoid any unwarranted delay in the conduct of the business of a lobbyist, new entries or changes to existing entries should be available on the Register webpage on average within two (2) business days of the receipt of properly completed registration forms.

### **Handling of Complaints**

- (1) If the Clerk receives a complaint that lobbying activities have been conducted by a person required to be registered but not registered on the Register, he is to contact that person and ensure that they are aware of the registration requirements. If that person does not become registered within a reasonable period, the Clerk is to advise all Members and the Head of Service that the person in question is not registered and that Members, their staff, consultants and contractors and persons employed under the Public Sector Management Act 1994 are not permitted to knowingly entertain lobbying activities from that person.
- (2) If the Clerk receives a complaint that a person registered on the Register has breached the ACT Lobbying Code of Conduct, the Clerk is to consider whether or not that person should be removed from the Register. Before taking any such action the Clerk is required to offer the lobbyist or authorised person in question a reasonable opportunity to make a submission in relation to the proposed decision.
- (3) If the Clerk receives a complaint that a Member has entertained lobbying activities by a person required to be but not registered on the Register, the Clerk should refer that matter to the Member in question for their consideration, and copy that referral to the Speaker.
- (4) If the Clerk receives a complaint that a staff member of or contractor or consultant to a Member has entertained lobbying activities by a person required to be but not registered on the Register, the Clerk should refer that matter to the Member in question for their consideration of any necessary further direction to or other action in respect of that staff member or contractor or consultant, and copy that referral to the Speaker.
- (5) If the Clerk receives a complaint that a person employed under the Public Sector Management Act 1994 has entertained lobbying activities by a person required to be but not registered on the Register, the Clerk should refer that matter to the Head of Service for their consideration of any necessary further direction to or other action in respect of that person, and copy that referral to the Chief Minister.

This resolution has effect from 1 January 2015 and continues in force unless amended or repealed by this or a subsequent Assembly.

Members have heard me on my commitment to lead an open government and have witnessed numerous initiatives in this regard. I have commented that our community rightly expects transparency and open decision-making from elected representatives. An ACT register of lobbyists adds another example to our modernised codes of conduct to ensure high standards of probity in public life. In this context, I am glad that our integrity framework is being further enhanced and expanded today.

Members would be aware that political lobbyists' influence on the democratic process is a source of comment and concern around the world and in Australia. Whilst lobbying is a legitimate activity and one which plays an important part in our democracy, it is only right that individuals and groups should seek to press their views on elected officials. But with that in mind I reiterate my longstanding view that an ACT lobbyists' register should be applicable to all MLAs and not just ministers and their staff. This is a view which has been supported by the Assembly Ethics and Integrity Adviser's advice to the Standing Committee on Administration and Procedure during its work regarding the scoping and development of an ACT register of lobbyists. I further believe that, in the interest of transparency, probity and accountability, the register should also apply to all staff employed under the Public Sector Management Act 1994.

This continuing resolution picks up from my previous motion which sought the Clerk to develop an ACT register of lobbyists and supporting guidelines with reference to the model guidelines recommended by the committee in its June 2014 report on lobbyist regulation, and that the Clerk table these for consideration of the Assembly by 18 September this year. Further, the motion sought that the Clerk consider whether it would be viable for the ACT to recognise lobbyists registered under the commonwealth government register of lobbyists. I understand that following the investigation of this avenue it was assessed not to be viable, among other things, due to the size of the commonwealth's register. The motion also sought a commencement date and that MLAs and their staff should not knowingly allow themselves to be the subject of lobbying activities following that commencement date.

Finally, I sought that, following commencement of the register, the ACT lobbying code of conduct be adopted as a continuing resolution of the Assembly and that the resolution have effect from the date of its agreement by the Assembly and continue in force until amended or repealed by this or a subsequent Assembly.

The continuing resolution today is a result of the work that has been undertaken by the standing committee and the Clerk in the development of the ACT register of lobbyists and guidelines. It provides specific details relating to the operation of the register, which I can outline today.

Initially, the motion provides a succinct definition of a lobbyist, lobbying activities and a public official. It outlines in detail those required to be registered, those ineligible to be registered and those not required to be registered, and provides details of the public content of the register, specifically for a person, a partnership and a company.

In addition to providing the information required to be shown on the register, applications for registration must make certain declarations on the registration form. They must declare if they have ever been sentenced to a term of imprisonment of 30 months or more or have been convicted, as an adult, in the last 10 years of an offence which involves dishonesty such as theft or fraud. Importantly, those wishing to be registered must declare if they do or do not act as a member of a federal, state or territory political party executive or administrative committee and must also declare that they will abide by the ACT lobbying code of conduct.

A large part of this integrity initiative involves the role of the Clerk in relation to his obligations to advise and assist MLAs on Assembly procedures and to provide administrative support for MLAs in undertaking their parliamentary and electoral duties. Therefore, any person or entity that is registered must advise the Clerk of any change to any detail appearing on the register within 10 days.

In order to maintain the accuracy of the register, a registered lobbyist is required to provide the Clerk with a quarterly return by certain dates within a calendar year. This return confirms that their registered details are accurate and update the listing of each person or entity on whose behalf lobbying has been conducted in the preceding 12 months, whether or not for reward.

The Clerk is precluded from placing on the register a lobbyist who has not provided all the required documents. The Clerk is empowered to make other decisions regarding registration, particularly if the Clerk believes that documents are false or misleading or if the Clerk considers the registered lobbyist has since become ineligible for registration. The Clerk is further empowered to remove registration if those involved have acted in contravention of the ACT lobbying code of conduct. The Clerk is required to move from the register any lobbyist who, once registered, does not provide all required change notification of confirmation documentation.

The Clerk also has a general discretion to refuse or remove registration of otherwise eligible lobbyists, particularly if there are reasonable grounds to believe that the lobbyist or person has not acted or cannot be relied upon to act in a manner consistent with general standards of ethical behaviour. Of course, natural justice occurs in these circumstances. Therefore, the Clerk is required to offer those in question a reasonable opportunity to make a submission in relation to the proposed decision and should consider that submission before making a decision.

The register should be open to the public, and therefore internet access to the register is to be available to the public free of charge. To avoid any unwarranted delay in the conduct of the business of a lobbyist, new entries or changes to existing entries timing of entries should be updated within two business days of the receipt of properly completed forms.

Members would be aware that complaints may, and most likely will, be made as we embed this initiative. Therefore, a mechanism must be in place to handle such complaints. In this context, the Clerk will handle any complaints made in relation to specific circumstances such as lobbying activities by a person who is not registered,



or where a registered lobbyist has breached the ACT lobbying code of conduct, or where an MLA has entertained lobbying activities by a person requiring registration and is not registered. These complaints also relate to staff members of MLAs and persons employed under the Public Sector Management Act 1994.

Finally, this resolution has effect from 1 January 2015 and continues in force unless amended or repealed by this or a subsequent Assembly.

The ACT community has been served well by MLAs in this place, and I have said that a number of times. I think this initiative will enhance the framework available to MLAs to ensure that the citizens of the ACT continue to be well served by MLAs that are guided by these important documents.

Strengthening our integrity framework will build confidence in our system of government but, at the end of the day, it is what we as individual members bring to the job. I look forward to working with MLAs to continue to build community confidence in the work of politicians and the valuable role that we can play in the ACT community.

Should this continuing resolution be passed by the Assembly, I urge all members to educate their staff and make them aware of the register and the supporting guidelines. I will also be writing to the Head of Service to ensure that the broader public service are aware of the register.

I thank all of those who have been involved in this important initiative, including the committee, the Speaker, the Clerk and the Assembly Ethics and Integrity Adviser. I also thank MLAs for their support and for being prepared to strengthen the integrity of the Assembly today.

**MR HANSON** (Molonglo—Leader of the Opposition) (11.47): I will start, essentially, where the Chief Minister finished. The broader intent of what we are attempting to do here today is to strengthen integrity measures around this Assembly to make sure that the community have confidence that the executive, the non-executive and all members of this place behave in a way that we would consider consistent with what our community would expect—that is, that we be honest in our dealings and that when any of us make decisions in this place, be they ministers or members of the non-executive, we do so in the best interests of our community and not because of pressure that has been brought to bear by any lobbyist or individual interest group, particularly where financial interests are involved.

We have observed what has happened in other jurisdictions. I agree with the Chief Minister in her assessment that the community can be rightfully proud that the conduct of members of this place of all particular persuasions has been, I think, an exemplar of conduct when it comes to ethical behaviour, integrity and openness of their dealings with regard to any financial benefit that a particular party may seek to take advantage of.

I thank the Chief Minister for bringing this forward. It is prudent that we implement all the measures that we can to make sure that that confidence is maintained. We

cannot afford to rest on our laurels and say, “We’ve got it right so far, therefore, she’ll be right.” Essentially, waiting for something to go wrong is not the approach and I think that has been accepted in this place.

More broadly, I would indicate that it is a very positive thing that the three parties in this place, although potentially we have disagreed on some of the detail, have moved forward in strengthening this Assembly to make sure that it is a better functioning organisation that can provide better governance. That includes the decision that we took, which was a difficult one, to increase the size of the Assembly. There is also the work that has been done by the tri-party committee on the review of the Electoral Act. I know there are some disagreements on some elements from the crossbench but, in the main, the intent is shared.

The Chief Minister has outlined the details. I will not go to that, but I will point out that this is something that is going to engage ministers more than the non-executive. It is a reality that, whoever is in government, it is ministers who appropriate funds and make the decisions that will result in public money being spent. We are happy to comply, we are comfortable to comply, and we will comply. But this is not something that I would anticipate will affect the non-executive as much as it will the executive. We will need to make sure that this does not inadvertently encumber members in the conduct of their duties.

This is new and, as the Chief Minister has pointed out, it is the result of a lot of work. I commend the committee, and certainly the Clerk and his staff, for the work that they have done. It may be that when this takes effect we find there are elements that need review or updating. I think that would be understandable. If that is the case then we should not be afraid of changing this to make it more workable—not change the effect or dilute it but just make sure that what we have looked at in theory on paper actually works on the ground. It would be reasonable to look at this in maybe 12 months time and see how it has all rolled out.

The opposition supports this. I think it is a good initiative. This year we have implemented a number of things which have been good for the Assembly. I look forward to any legislation that comes forward as a result of the review into the Electoral Act which can further strengthen this Assembly to make sure that the ACT community can retain its confidence in its elected members.

Question resolved in the affirmative.

## **Education, Training and Youth Affairs—Standing Committee**

### **Statement by chair**

**MS PORTER** (Ginninderra): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Education, Training and Youth Affairs relating to statutory appointments in accordance with continuing resolution 5A.

Continuing resolution 5A was agreed to by the Legislative Assembly on 23 August 2012. The requirements of the resolution set out a transparency mechanism to promote accountability in the consideration of statutory appointments. The resolution

requires relevant standing committees which consider statutory appointments to report on a six-monthly basis and present a schedule listing appointments considered during the applicable period.

The schedule is required to include the statutory appointments considered and, for each appointment, the date the request from the responsible minister for consultation was received and the date the committee's response was provided. In this period the committee has advised ministers it had no comment to make on the appointments proposed.

For the applicable reporting period—1 January 2014 to 30 June 2014—the committee considered a total of 19 appointments or reappointments to six statutory agencies.

I table a schedule of appointments for the period 1 January 2014 to 30 June 2014 as considered by the education, training and youth affairs committee for the Eighth Assembly in accordance with continuing resolution 5A. I present the following paper:

Education, Training and Youth Affairs—Standing Committee—Schedule of  
Statutory Appointments—8<sup>th</sup> Assembly—Period 1 January to 30 June 2014.

The committee notes that it had no specific comment to make on any proposed appointments during this period, and notes all correspondence and associated material provided to the committee complied with the terms of the continuing resolution in providing full details relevant to proposed appointments, including appropriate CV, remuneration, details of legislative requirement and term of appointment.

It is pleasing that there has been an improvement in this regard. Whilst the committee may have had to remind people from time to time that we need a little bit more information, it was always provided and it was always there for the consideration of the committee. I thank everyone who has assisted in this process, particularly the committee office and my secretary.

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

**MS BERRY** (Ginninderra): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Planning, Environment and Territory and Municipal Services relating to an inquiry that the committee has commenced.

On 20 August 2014 the Minister for Planning referred the draft plan of management for the Albert Hall to the Standing Committee on Planning, Environment and Territory and Municipal Services for its consideration. The committee was also given a summary of the public consultation that was undertaken in 2012.

The Planning and Development Act 2007 requires all public land to have a plan of management which details how land management objectives prescribed in the act are to be met.

Albert Hall is widely recognised for its heritage significance, and the committee has decided to conduct an inquiry into the draft plan of management. The plan sets out objectives, uses, management, actions and monitoring and review for the management of Albert Hall for the next decade. The development of the plan follows the release of an earlier draft plan of management in May 2012.

The committee has invited written submissions to be in by Monday, 13 October 2014 and will consider further steps in the inquiry after that point.

## **Public Accounts—Standing Committee**

### **Statement by chair**

**MR SMYTH** (Brindabella): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to statutory appointments in accordance with continuing resolution 5A.

Continuing resolution 5A was agreed by the Legislative Assembly on 23 August 2012. The requirements of the resolution set out a transparency mechanism to promote accountability in the consideration of statutory appointments. The resolution requires relevant standing committees which consider statutory appointments to report on a six-monthly basis and present a schedule listing appointments considered during the applicable period.

The schedule is required to include the statutory appointments considered and, for each appointment, the date the request from the responsible minister for consultation was received and the date the committee's feedback was provided.

For the applicable reporting period—1 January 2014 to 30 June 2014—the committee considered 14 statutory appointments.

I therefore table a schedule of statutory appointments for the period 1 January 2014 to 30 June 2014 as considered by the Eighth Assembly's public accounts committee in accordance with continuing resolution 5A. I present the following paper:

Public Accounts—Standing Committee—Schedule of Statutory Appointments—  
8<sup>th</sup> Assembly—Period 1 January to 30 June 2014.

### **Statement by chair**

**MR SMYTH** (Brindabella): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to inquiries about certain Auditor-General's reports currently before the committee.

On 8 June 2012 Auditor-General's report No 2 of 2012 was referred to the Standing Committee on Public Accounts for inquiry.

This report presented the results of a performance audit on whole-of-government information and communication technology—ICT—security management and services for ACT government directorates and agencies. ICT security is a component of information security that in turn is part of an organisation's protective security. As noted in the audit report:

Information security is an important, complex and challenging issue particularly as information management needs to continually respond to new technologies and community expectations.

At the time of the audit, responsibility for protective, information and ICT security resided from:

- a policy perspective—with the Justice and Community Safety Directorate's Security and Management Branch and the Treasury Directorate's Territory Records Office;
- from a management of technology perspective—with the Treasury Directorate's Shared Services Centre—specifically, Shared Services ICT security section; and
- from an operational perspective each directorate and agency is responsible for ensuring policies and procedures are in place so that staff comply with whole-of-government policies in managing their ICT.

The report contained three recommendations—each with multiple parts—to address the audit findings.

The committee received a briefing from the Auditor-General in relation to the audit report on 5 February 2013, and a submission from the government dated 12 September 2012. In its submission the government agreed to each of the three recommendations, with the exception of noting part 3(g).

Given the significance of information security and its management as an important and critical issue in the contemporary public sector environment, the committee has followed up on progress regarding implementation of the Auditor-General's recommendations.

Relevant annual reports reporting on external scrutiny provide information on the status of audit report recommendations. As at 30 June 2013 the committee notes that significant work against each of the recommendations has taken place, progress has been achieved in relation to each and, where relevant, agencies have dealt with the issues identified by the audit report and laid out plans for how shortcomings would be addressed.

The committee emphasises that it is the action taken by applicable agencies to implement audit recommendations that is all-important in helping achieve better efficiency and improving accountability of the government, not the recommendations per se.

The committee has resolved to make no further inquiries into the audit report.

## **Executive business—precedence**

*Ordered that executive business be called on.*

### **Major Events Bill 2014**

#### **Detail stage**

Clause 1.

Debate resumed from 16 September 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 the Environment and Minister for Capital Metro) (12.02): Pursuant to standing orders 182A (b) and (c), I seek leave to move amendments to this bill together that are minor and technical in nature and in response to comments made by the scrutiny committee.

Leave granted.

**MR CORBELL:** I move amendments Nos 1 to 39 circulated in my name together [*see schedule 1 at page 3301*] and I table a supplementary explanatory statement to these amendments as well as a revised explanatory statement to the bill.

First of all I draw members' attention to the fact that I have tabled a revised explanatory statement. The revised explanatory statement addresses a number of issues with the Major Events Bill 2014 which were identified by the scrutiny of bills committee in report No 22.

The revised statement clarifies that crowd management powers at part 3 do not affect venue operators' rights and responsibilities under ACT or commonwealth law, or under the common law, and they further clarify that the prohibited items list at section 12 specifies, rather than includes, prohibited items, clarifies issues about admissibility of evidence obtained during searches, and clarifies the findings of the Senate economics references committee report on ticket scalping.

I have also tabled a supplementary explanatory statement which addresses the amendments the government proposes in response to the issues raised by the scrutiny of bills committee. These amendments address a number of comments that have been made by the committee or are technical amendments for consistency and clarity.

The amendments support the policy basis for the bill and reinforce the government's position in relation to major events policy. The amendments specifically achieve the following: a higher threshold for declaring and notifying events, further protections and clarity around crowd-management powers, consideration of risk for orders banning people from an event, and repeal of the Major Events Security Act 2000.

The Standing Committee on Justice and Community Safety commented in their report No 23 that powers created by the bill might be exercised to suppress expressions of political concern. The right to freedom of expression, including political expression, is limited by the bill in a number of ways. With respect to protection of symbols and restriction of advertising in certain clean zones, I refer the committee to the discussion in the explanatory statement to the bill which outlines the way in which the right to freedom of expression is safeguarded and the ways in which any limitations on this right are restricted to the minimum degree necessary.

With respect to behaviour which may interfere with an event, clause 14 of the bill provides an offence prohibiting certain behaviour at events or event activities. I will be moving a government amendment to this clause, government amendment 12, which will further restrict any limitation on the right to freedom of expression, including political freedom.

Dealing with the comments from the committee in relation to police powers, the committee provided a number of comments in their report, suggesting that certain police powers provided by the bill should be restricted. As such, I would make some general comments and outline further how government amendments 16 through 22, which I will be moving today, address these matters.

Police in Australia draw on national guidelines for incident management, conflict resolution and use of force in the management of incidents at major events. In this regard it is useful to recall that the Sixth Assembly considered in detail issues around how police manage critical events involving large crowds, and how they apply available powers through policing practical and operational guidelines.

In 2008 the Standing Committee on Legal Affairs considered police powers of crowd control in the ACT. The submissions to that committee, and the committee's own report and the government's response, underscore the importance of an informed approach to how police can manage issues that can arise through major events.

The government's submission noted issues of crowd psychology, the way groups can interact, and crowd dynamics. It is in this context that we ask police to manage risks associated with major events through the use of expanded search and related powers.

With regard to conducting searches of people or property, it is important that this may occur away from the eye of the general public if that is the wish of the person subjected to the search. If items are to be confiscated, the person should have the ability to regain their property at a later appropriate time, provided the items are not illegal.

With regard to removing people, police would only use force as a last resort, and any such disruptive person will first be given the opportunity to leave the event of their own accord.

In its report, the committee raised a number of issues with respect to whether giving authorised people a power to stop, detain and search a person without the need to be

satisfied, based on either belief or suspicion that an offence has been or is likely to be committed, is appropriate.

The committee asked why the existing general law protections are not sufficient to protect the interests of venue operators, and whether there is sufficient justification for displacement of limitations to the “power of state authorities to interfere with the privacy and bodily integrity of citizens by means of stop and search powers”.

I would reiterate that the government recognises that the crowd management powers in the bill limit important human rights. As identified by the committee, these issues have been addressed in the explanatory statement. It remains the government’s view that these powers are proportionate and necessary to provide for the safe and effective hosting of major events.

As I stated in my response to the committee, major events as envisaged in the bill occur in a very different environment. When major events go badly wrong, consequences can be catastrophic. Members can probably recall international major events that have gone badly. Major events are unlike everyday events in terms of their scale, and tighter security measures are required to ensure that members of the community attending these events can do so safely and comfortable in the knowledge that the event is secure.

Turning to the amendments themselves, I will just briefly address a range of them. Amendment 1 makes changes to provide further grounds on which the executive must be satisfied in order to declare a major event. The amendment requires the executive to be satisfied on reasonable grounds that a major event declaration is necessary and appropriate.

Therefore this amendment provides a higher threshold for declaring a major event, and amendment 3, which I will speak to further shortly, applies the same threshold for varying such a declaration. This provides further support for human rights by ensuring that any limitation on rights as a result of an event being declared to be a major event, or any variation to such a declaration, will be necessary, appropriate and reasonable.

Turning to amendment No 2, this provides that, in order to state that for a major event a specified item is a prohibited item, the executive must consider not only that such a prohibition is reasonable in the circumstances but also that the item could be used to interfere with the event or be a risk to public safety.

Turning to amendment 3, this applies to variations to major event declarations. It provides that a minister must be satisfied on reasonable grounds that a major event declaration variation is necessary and appropriate for the good management of the event or the safety and enjoyment of people at the event. This amendment is consistent with amendment 1, which applies to the original declaration decision for a major event.

Turning to amendment No 4, this amendment provides that any variations made to a major event declaration must be in the form of a disallowable instrument. This will ensure that any variations that are made by the minister are able to be considered by the Assembly and, if deemed appropriate, disallowed.



In relation to amendment 5, this provides further grounds on which the executive must be satisfied in order to give notice of an important sporting event. The amendment requires the executive to be satisfied on reasonable grounds that an important sporting event notice is necessary and appropriate for the safety of people attending the event and the avoidance of disruptions to it.

This amendment therefore provides a higher threshold for giving notice of an important sporting event. It provides further support for human rights by ensuring that any limitation on rights as a result of an event being notified as an “important sporting event” will be necessary, appropriate and reasonable.

Amendment 6 provides that an important sporting event notice must be in the form of a disallowable instrument.

Amendment 7 provides that, in order to state that for an important sporting event a specified item is a prohibited item, the executive must consider not only that such prohibition is reasonable in the circumstances but also that the item could be used to interfere with the event or be a risk to public safety.

Amendment 8 is a minor technical amendment to ensure the wording describing this particular prohibited item is clear.

Amendments 9 and 10 serve the same general purpose. Amendment 9 provides that a glass item is only a prohibited item for a major event or important sporting event if it could be used to interfere with an event or present a risk to safety, and amendment 10 similarly provides that a metal can is only a prohibited item for a major event or an important sporting event if it can be used to interfere with the event or present a risk to public safety. This imposes important restrictions. It will restrict any limitation on the right to privacy by ensuring these two items are only prohibited where it is necessary for the purposes of risk management.

Amendment 11 inserts a note to signpost that a major event declaration or an important sporting event notice may state that an item is a prohibited item if the item could be used to interfere with the major event or major sporting event or may be a risk to public safety.

Turning to amendment 12, this amends the offence at clause 14(1)(c) of the bill. The amendment provides that it is an offence to cause unreasonable disruption or unreasonable interference to another person at a major event, important sporting event or an activity associated with the event. The maximum penalty for this offence is 15 penalty units.

This amendment ensures that any limitation on the right to freedom of expression resulting from the offence is restricted to situations where a person’s actions are unreasonable and cause disruption or interference to another person at the event. This is an important offence, as the disruption or interference with targets may quickly lead to an unsafe situation for event attendees and participants.

Prohibiting the conduct is the minimum restriction on freedom of expression necessary in order to ensure that people attending events are safe and that events remain low risk. In this way, through this amendment, the bill balances the right to freedom of expression with the right to liberty and security of the person and responds to comments made by the scrutiny of bills committee in its report No 22.

Turning to amendments 13, 14 and 15, these amendments provide a new example of the term “about to enter” for the purposes of clause 16 of the bill, provide a new example of the term “about to enter” for the purposes of clause 17 and also for clause 18.

These amendments provide examples in relation to clauses 16 to 18 of the bill. Clauses 16 to 18 provide that an authorised person or police officer may ask to search a person or, in the case of a police officer, require a search in certain circumstances, including where a person is “about to enter” a venue. The amendments provide clarity for the term “about to enter” for authorised people, police officers and people attending an event so that it is clear when certain searches can and cannot be requested or performed.

In relation to amendment 16, this provides that a police officer may conduct a scanning search, an ordinary search, or a frisk search under clauses 17 or 18 of the bill only if the officer is the same sex as the person being searched or, where this is not practicable, another person of the same sex, or a sex nominated by the person to be searched, is present while the search is conducted.

The amendment also provides that after conducting a frisk search a police officer must make a written record of the search and must include certain details in the record. It further provides that a police officer conducting a search must not detain a person for longer than is reasonably necessary to conduct a search of the person. It further provides that, if a person expresses a wish to be searched in a less public place and it is practicable to do so, a police officer searching the person must take the person to a less public place to conduct the search.

It further restricts the power of police to search a person at a major event or important sporting event and provides consistency with similar powers in the Crimes Act and it also addresses comments made by the scrutiny of bills committee.

Amendment 17 provides that a police officer may request, rather than require, a person entering or about to enter an event venue to state the person’s name and home address. The amendment supports a person’s right to privacy, as they have a choice about whether to provide personal details to police, and further addresses the comments made by the scrutiny of bills committee.

Amendment 18 provides two new examples of the term “about to enter”, similar to the amendments I have already canvassed in relation to amendments 13 to 15.

In relation to amendment 19, this provides that, where a police officer has requested a person entering or about to enter an event venue to state their name and home address,

the person may choose to comply with the request or not enter, or attempt to enter, the event venue within 24 hours after the time the request is made. Similar to amendment 17, this amendment supports a person's right to privacy, as they have a choice about whether to provide details to police officers.

Amendment 20 provides that an authorised person giving a direction to a person to leave or not enter an event venue for a period of 24 hours may only give such a direction where the authorised person has already asked the person to leave the event venue and not re-enter for a period of 24 hours and the person has refused to leave or has attempted or has entered or attempted to enter the venue. Similarly, amendments 20 and 22 restrict the powers of an authorised person at a major event or sporting event to direct a person to leave the event, and these provide greater clarity to both authorised officers and event attendees.

Amendment 21 is a technical amendment consequential to government amendment 20. Amendment 22 provides that a direction given by an authorised person must state that the direction applies for 24 hours and may be given orally or in writing and similarly restricts the power of an authorised person at a major event or important sporting event to direct the person to leave the event.

Amendment 23 is a minor correction. Amendment 24 provides that, where an order is sought banning a person from a major or important sporting event, the court must consider that there is a significant risk that an offender may disrupt a major event before such an order is made. This introduces a more objective standard for measuring risk, and therefore the necessity of a ban order.

Amendments 25, 26 and 27 provide that, in an order to give notice that a symbol for an event is a protected symbol, the minister must first be satisfied on reasonable grounds that such notice is necessary and appropriate. Amendment 26 provides that, in order to give notice that an area is a "clean zone", the minister must be similarly satisfied on reasonable grounds that such notice is necessary and appropriate. And amendment 27 provides for the same thresholds for the minister to be satisfied in order to give notice of protection of ticketing arrangements. These are important amendments to those provisions.

In relation to amendment 28, this removes clause 59 from part 6 of the bill to allow clause 59(1) to apply to other provisions in the bill. Amendment 29 is related to amendment 28 and provides that compensation may be sought for loss or expense suffered because of powers exercised by an authorised person under part 6 of the bill and clause 16 of the bill. Clause 16 provides that it is an offence to not permit an authorised person to search personal property where the person is entering, about to enter or is in an event venue. This amendment ensures that, where inappropriate searches result in damage to property during the course of a search, that person may be compensated for such loss where it is just for such compensation to be ordered.

Finally, amendments 30 and 31 are technical amendments to the bill, as are amendments 32 to 37. I should also point out that amendment 38 is the formal repeal provision for the Major Events Security Act 2000, as this bill will replace that act in its entirety.

I thank members for their forbearance in relation to that detail but these are important changes that do have impacts on people's liberty, personal privacy and freedom of expression and need to be addressed in detail. I commend the amendments to members.

**MR HANSON** (Molonglo—Leader of the Opposition) (12.24): That was 25 minutes of our lives we are never going to get back and should never have occurred. This is sloppy process. When a speech on 39 amendments to a bill goes longer than the in-principle debate I think you have got problems with the way that the process is being followed. I think that is clearly the point here today. I raised concerns with this legislation when I spoke in the in-principle stage and identified then that was poor process.

There is a review being conducted in New South Wales on certain aspects that are similar to the provisions in this bill and it would have been prudent to wait for that. I note that the ticketing elements are not really being substantively addressed by these 39 amendments today. Regardless, we are here. We have to deal with it no matter how unsatisfactory this process has been.

I take this opportunity to commend the scrutiny of bills committee for the work that they have done in identifying a number of the flaws with this legislation. I think that process has strengthened this bill. It is good to see that in action, working as it should.

It will be a relief to hear that I will not go through each of those 39 amendments in any great detail. What I will say, though, is that in the main we welcome those amendments because they do improve the bill. I particularly note, with regard to providing that higher threshold for declaring or notifying events, we need to make sure that we do not see events beyond things like the world cup or the Asian Cup becoming essentially notifiable events. I think that by making that a disallowable instrument is a good measure, and I welcome that.

I raised my concerns with this in the in-principle stage. Nothing has changed. I think the fact that we have 39 amendments before us today probably validates concerns that the opposition raise. That said, this is obviously going through today. The opposition will have a keen eye on how this rolls out and how it is implemented on the ground to make sure that none of those powers that are being essentially given to the government and the minister today are in any way misused.

**MR RATTENBURY** (Molonglo) (12.27): During my in-principle speech on this bill I talked about the need for the government to make amendments in response to various concerns about civil liberties to ensure the legislation strikes the appropriate balance between security, safety and efficiency on the one hand and appropriate protection of people's rights and liberties on the other. I do appreciate that the government has gone to some effort to amend the bill in order to address the issues raised.

I also note that in the original drafting of the bill there were several improvements to the version of similar changes that were introduced in New South Wales. It does

appear that the ACT drafters paid attention to concerns that were raised in the New South Wales scrutiny committee and were actually raised by my colleagues in the Greens in New South Wales and that those issues were picked up and addressed in the ACT draft. I commend both the drafters and Minister Corbell and his policy team for making sure that the ACT took that iterative step and improved the ACT legislation because this is a difficult area of policy and one that does need to provide a fine balance.

I will be supporting the amendments proposed by the government today as they do improve the bill in important ways. In particular, they place further reasonable limits on crowd control and search powers. I think in the current environment, where unfortunately there is a large amount of fear, there is always the potential for inappropriate use of these powers and for potential discrimination.

There are two other issues I would like to raise which I think still do need to be addressed and which I will be keeping an eye on if this legislation comes into force. It is relevant to mention them here as I have not had the opportunity to propose relevant amendments. Unfortunately we did not see the amendments until after 5.30 on Tuesday which did mean, with the 24-hour rule, there was a limited time to canvass the proposed amendments and whether there were any gaps remaining.

I will touch quickly on two issues. The first is that the legislation does not allow a person a defence of a reasonable excuse to refuse a search. To me it does make sense that this should be allowed. After all, the excuse has to be reasonable. It could, for example, be that the person has a medical condition which provides a reason.

The second issue is that I agree with the scrutiny of bills committee that there should be some amendment to the provision that gives authorised people the power to refuse entry to people on the basis that they are likely to commit an offence under the act or another ACT law. As the scrutiny committee said about a similar power in the Olympic Events Security Bill 1999, when taken in conjunction with the range of offences that could be created by the act this is a very broad and draconian power. It offends the general notion that a person may be penalised by reason of what they do and not simply by reason that it is suspected that they might do something.

The provision in the Major Events Bill is even broader than the one in the Olympic Events Security Bill as it extends to an offence against another law applying in the ACT. In these circumstances I recommend removing the part of the bill which allows authorised people the power to refuse entry to people on the basis they are likely to commit an offence under the act or another ACT law. This can be achieved by removing the words “or is likely to commit” in subsection 20A of the bill. I accept that there is a purpose to the power and that is to prevent the commission of offences inside the venue. However I believe the power is framed too broadly.

I would like to then just briefly remark on a few of the amendments that have been proposed. I agree with government amendments 1 and 3 as they provide further grounds on which the executive must be satisfied in order to declare or vary a declaration for any major event. This responds to an issue raised in the scrutiny committee that the state of satisfaction of the executive to declare a major event to be

based on reasonable grounds and that, to the extent feasible, the relevant elements of the public interest be spelt out. In the latter respect, the terms of subclause 8(2) might well be a model, given that it states criteria for a variation of a major event declaration. The changes ensure that any limitation on human rights due to a declaration will be necessary, appropriate and reasonable.

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

**Sitting suspended from 12.32 to 2.30 pm.**

**Questions without notice**  
**Government—polling**

**MR HANSON:** My question is to the Chief Minister. Chief Minister, Canberrans have recently been polled by a “robo” calling service called the “Greasy Poll”, asking them how much they support various government policies, including light rail, asbestos removal and city to the lake. Chief Minister, is the government in any way responsible for this polling being conducted?

**MS GALLAGHER:** I thank the leader of the opposition for the question. I heard Mr Coe mention this yesterday, and that was the first I had heard of it. I am not aware of the government authorising—certainly not me—any polling on those matters.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** What, if any, polling is the government currently conducting?

**MS GALLAGHER:** I would have to take that on notice. In this instance I am not sure how you would define “polling”. Certainly, surveys—

*Mr Hanson interjecting—*

**MS GALLAGHER:** I am not going to mislead the Assembly either. I am aware that each directorate at different points, as is required by many of the performance indicators in the annual reporting season and budget process, measure their performance. That research could be and has been in the past interpreted and defined as polling. This is part of government work where research is undertaken and surveys are completed as part of normal government business. But on the issue that Mr Hanson has specifically raised, I am not aware of that and I am not aware of who has been conducting it.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Chief Minister, is it appropriate to use polling to confirm support for existing policy priorities?

**MS GALLAGHER:** I certainly think that there is use in asking the community their views on certain services that they receive and infrastructure projects. I do not have a problem with that. I think it is part of our job to ensure that the community has a say and that we understand the issues, concerns and support. I think that is quite reasonable. I do not have a problem with that. I think it does help to inform debate. It certainly helps us understand what the concerns of the community are and, therefore, we can respond to them. It certainly, in my experience, provides a more balanced response on some of the work underway by the ACT government to what we perhaps hear from those opposite.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Chief Minister, will you table how much has been spent and the results of all telephone polls undertaken by the government in the last 12 months?

**MS GALLAGHER:** I will undertake to see whether that can be done without expending too much energy and resources on it. If it is an easy question to answer, then I am certainly happy to bring that back to the Assembly.

### **Education—school chaplaincy program**

**MR DOSZPOT:** My question is to the minister for education. Minister, you are on record saying that you have “a very clear policy that schools should be able to choose religious or secular counsellors and the ACT government would not accept the scheme’s administration unless this was the case.” In question time on Tuesday on school chaplains you said:

Last week I met with Di Priest, who is the organising agency for most of the chaplains in Canberra. She too supports that position.

Minister, we have spoken to Di Priest and she has stated in writing:

We expressed sympathy and concern for the plight of the secular welfare workers ... but we cannot support the outright rejection of the funding for the next four years which will mean 47 schools will be denied the choice and opportunity to provide the additional support in their School Services Team.

Minister, why did you state that Di Priest supported your position to reject all federal funding when she, in her own words, does not?

**MS BURCH:** I do not think I did say that Di Priest supported rejection of funding. In fact, I said Di Priest, in the conversation, was sympathetic and supportive about the position where schools should have a choice, that chaplains and secular workers should be supported. That was the conversation that I had with Di Priest.

Just to be very clear, I am quite happy to read into the record the letter that I sent to Scott Ryan that goes to my approach to this. The letter goes:

ACT schools, both public and non-government, have participated in the Australian Government's school chaplaincy program since it was established in 2007. There are currently 56 chaplains and secular student welfare officers funded ... in schools; 36 in public, 11 in Catholic systemic schools, and nine in independent schools (including one vacant position). I note that 24 of the 55 currently employed are secular officers, including 10 of the 19 in non-government schools.

The ACT government recognises the importance of giving children and young people opportunities to seek advice, support and guidance about ethics, values and relationships. However we also recognise the value of allowing each school, in consultation with its school community, to make decisions about what best meets the needs of the children in their care. This greater emphasis on school-based decision making is, I believe, consistent with the approach being pursued by the Australian Government.

The ACT Government is willing to participate in the National School Chaplaincy Program and I propose that this include the option of a secular student welfare officer, as is the case under current arrangements.

In considering this response to your proposal, I have sought the views of the Catholic Education Office and the Association of Independent Schools in the ACT. Please find enclosed copies of letters from these organisations confirming their support for the approach outlined above, including the continuation of secular workers.

I also note, based on the information in the letter from Senator Ryan, that nine fewer ACT schools will be funded. I sought his advice and clarity on those funding arrangements. I am quite happy to table that letter and the letter from the independent schools association supporting that position and from the Catholic Education Office supporting that position.

**MADAM SPEAKER:** A supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister, will you accept the money that is currently on offer for school chaplains for the next four years if there is no change in the federal offer?

**MS BURCH:** I think my position has been quite clear on this. I am seeking the opportunity for ACT schools to choose chaplain or secular welfare worker.

**Mr Hanson:** Madam Speaker, a point of order.

**MADAM SPEAKER:** A point of order, Mr Hanson.

**Mr Hanson:** My point of order is as to relevance.

**MADAM SPEAKER:** Stop the clock, please.

**Mr Hanson:** We went through this the other day. The question is very specific. There is a deal on the table from the federal government. The minister has previously said



she would reject that deal. We want to see confirmation that that is her position. That is what the question goes to, and the minister is not answering it. It is a very simple yes, she will accept it, or no she will not.

**Mr Corbell:** On the point of order—

**MADAM SPEAKER:** On the point of order, Mr Corbell.

**Mr Corbell:** Madam Speaker, Ms Burch has been on her feet for 15 seconds. She is explaining her position. She is entitled to do that and she is remaining relevant to the question.

**MADAM SPEAKER:** On the point of order, the standing orders require that the answer shall be concise and directly relevant to the subject matter of the question. The subject matter of the question is about the chaplaincy program, and the question was: will you accept the offer currently on the table, or words to that effect. Minister Burch, whilst you are entitled to put some context around it, could I ask you to come to the point and directly answer the question.

**Mr Corbell:** On your ruling, Madam Speaker, what period of time is sufficient to be concise, given that Minister Burch has had 15 seconds so far to endeavour to be concise? Is there some limit on her capacity to be concise before you will rule that she must come to the definitive point of the question?

**MADAM SPEAKER:** I think we have had enough discussion on the point of order. I have acknowledged that the minister has the right to put some context around it, but I also draw members' attention to the fact that standing order 118 specifically says that the answer shall be concise and directly relevant to the question. I am giving Minister Burch some leeway, at the same time reminding her of what the standing orders say, and remembering that this is a supplementary question and that there are two minutes in which to answer the question. I am not going to set a rule that says there are 37½ seconds allowed for context. I am not going to do that. Neither you, Mr Corbell, nor anyone else in this place is going to encourage me to go down that path.

**Mr Corbell:** No, I do not want you to, Madam Speaker. I am simply seeking guidance.

**MADAM SPEAKER:** I call the minister.

**MS BURCH:** Thank you, Madam Speaker, Mr Doszpot and those indeed who have put out the call to arms to have members arrive in this place and for Mr Doszpot to have an audience for his question. As I have read to you, we have said—

**MADAM SPEAKER:** I will remind you of the standing orders, Minister Burch. I will ask you to be directly relevant.

**MS BURCH:** I am, Madam Speaker. As I have indicated, the government is willing to participate in the chaplaincy program and I still stand by the proposition that secular welfare workers be included. What we have is 56 positions in the ACT, 56

individuals with families, connected to the school community and doing a good job. Out of those, 25 are secular workers. Should the commonwealth reject the proposition of the government schools, the independent schools and the Catholic schools, that will result in 25 people being sacked from their jobs. I do not think that is in anyone's interest, and I ask—through you, Madam Speaker, and it is a hypothetical question, I know—those opposite whether they really want to see 25 secular workers, nine of whom work in the Catholic schools and two of whom work in independent schools, sacked. I do not think we should accept that for the ACT community.

**MADAM SPEAKER:** A supplementary question, Ms Berry.

**MS BERRY:** Minister, why is it important for school communities to be able to have a choice between secular and chaplain welfare workers?

**MS BURCH:** I think the benefit of having that choice is that the school community knows what best meets its needs. A whole range of reasons will come into that local decision-making. Chaplains and secular workers do a very good job, and the work that they do is on record. They support the school community, they support children. I have heard stories of where they are involved in the breakfast clubs, supporting kids that are disadvantaged or isolated from the general community. Secular and chaplains alike have got the school community's best interests at heart.

What I would like to see is this chamber have our school community's best interests at heart. And that includes the 25 schools that choose to employ a secular worker. I would have thought it is the right thing that we support those schools. Indeed, I would have thought it was inherently the Christian thing to do, to support those 25 secular workers.

**MADAM SPEAKER:** Supplementary question, Mrs Jones.

**MRS JONES:** Minister, will you support the sacking of the 27 religious chaplains, which is a possibility?

**Mr Corbell:** Point of order, Madam Speaker.

**MADAM SPEAKER:** You have a point of order, Mr Corbell?

**Mr Corbell:** Is that question hypothetical, Madam Speaker? It refers to what the minister will do if an eventuality that is not yet in prospect occurs.

**Mrs Jones:** On the point of order, the question relates to a position that has been made clear by the minister that she is playing tricky words with. So I want the question answered of whether the 27 chaplains who are already employed under this program have their jobs on the line because this minister wants to play games on secularised grounds.

**MADAM SPEAKER:** I think that was a speech, Mrs Jones, not a response to the point of order, but I am going to allow the question, because in answer to the two

previous questions the minister raised the prospect of a certain number of people losing their jobs and I think that it is reasonable to ask whether the other people in the equation are also at risk of losing their jobs. Minister Burch.

**MS BURCH:** I will continue to do all I can to make sure all of these people keep their jobs and continue to support the schools in which they work.

### **Canberra Hospital—inpatient care**

**MS LAWDER:** My question is to the Minister for Health. Minister, following on from yesterday's question relating to a patient at Canberra Hospital, recently my elderly mother-in-law was taken to the Canberra Hospital by ambulance after a serious fall. She had hip replacement surgery and also had a broken shoulder.

Within a few days of the surgery, with her complaints of burning heels and sore toes ignored, she developed serious bedsores. Being an insulin-dependent diabetic, her dietary requirements were often ignored, and insulin was often not given to her when she needed it before meals. Due to her broken shoulder, she was unable to open containers or feed herself, let alone cut up food, so family had to be present at meal times. She could rarely get help from the nurses for this.

A nurse took photos of her bedsores and told her that she would make an official complaint on her behalf, but she never heard anything more on this.

Opposite her was an elderly man who had accidents with bedwetting, usually because there was such a long delay between him pressing the buzzer for assistance and someone arriving to help. On one occasion when I arrived to visit her, this man had wet his pyjama bottoms and they were removed, but he was left in the bed naked from the waist down and had been lying there for hours, curtains open, given no dignity.

On numerous occasions, my mother-in-law was also left lying in bed, unable to get up to go to the toilet for hours, despite ringing the bell, but was told there were not enough staff to help her.

In summary, these occurrences are not isolated incidents. Minister, why have you allowed these systemic problems with lack of nursing staff to develop within the health system?

**MS GALLAGHER:** I thank Ms Lawder for the question and I do hope that she and her family are pursuing the issues that she has raised here today with the Canberra Hospital if they have continuing concerns about the level of care that was provided to Ms Lawder's mother-in-law.

In 2013-14, Canberra Hospital had a total of 243,432 bed days, of which 201,855 were overnight bed days. For the last 12 months, we have received 4,656 pieces of feedback around patient care. This comprised 3,247 compliments and 1,409 comments and complaints. Compared to the figures for the same period in the year before, it is a 17 per cent increase in feedback overall, a 34 per cent increase in compliments and a nine per cent reduction in complaints over that time.

I would also say that we have the best nursing ratios in the country. You will not find a better nurse-patient ratio in any jurisdiction in the country than the one we have at Canberra Hospital.

The concerns you raise, as I understand it, relate to the quality of care that was provided, and I think that those issues need to be investigated, if they have not been already.

In terms of the case that was brought to the Assembly yesterday, I would ask that members consider the need to bring individual cases to the Assembly without the opportunity to have the feedback or input of the other side of these stories; they are not always as clear as some might like it to be. In the case that was brought to this Assembly yesterday, as I say, I have not taken the practice of coming in and speaking about individual cases in the Assembly, but considering that they are now being considered to be raised here, I do think that I need to respond.

There is a difference of views in the response that has been provided from the staff who cared for that patient over the time that they were in hospital. I think that will need to be looked at in respect of any further discussions. Nursing staff met with the patient and his family extensively on the ward during his stay to discuss concerns that were raised by the family. These conversations are well documented in the medical records. During these conversations, the family expressed concern about the treatment, and staff did attempt to address the concerns if they were raised. In addition, the family were talked through the complaints process and asked if they would like to make a formal complaint, on a number of occasions, as was their right.

**Mr Hanson:** Point of order.

**MADAM SPEAKER:** Point of order, Mr Hanson. Stop the clock, please.

**Mr Hanson:** The question asked was about a specific case and about the systemic issues. The Chief Minister is going directly to an individual case that was relevant to the question yesterday. I am just wondering whether it is relevant in this case.

**MADAM SPEAKER:** I think that the Chief Minister has addressed some of the issues. She did talk about staff ratios and how they compare to other hospitals. And I think that, that having been answered, it is within the bounds of the Chief Minister's capacity to answer other issues that were touched upon.

**MS GALLAGHER:** Over the course of the weekend in question, the clinical nurse consultant, who is the senior nurse on the ward, was on leave. However, they did return and met with the family shortly after. The CNC undertook a number of actions to address the concerns the family had raised, including around the availability of bariatric equipment during the stay. The meeting with the CNC occurred as soon as the CNC arrived back at work. Prior to this, concerns were being addressed by nursing staff on the ward.

The Canberra Hospital has undertaken a number of actions in relation to the complaint that was raised yesterday, including allocating a central equipment storage area that ward and nursing staff have access to during weekdays and weekends. More bariatric equipment has already been ordered and obtained for ward areas. *(Time expired.)*

**MADAM SPEAKER:** A supplementary question, Ms Lawder.

**MS LAWDER:** Minister, are you aware of other instances where a patient's diabetic requirements have been ignored in the hospital?

**MS GALLAGHER:** No, I am not. Although, as I said yesterday, there are complaints that come across my desk from time to time, I am not aware of the one that Ms Lawder has raised directly in this Assembly. If this is going to be a continuing trend of the opposition bringing individual cases to here, we are going to have to put in place some way of managing it so that there is at least an opportunity for those who provided the care to have their response to these situations as well.

I can advise the Assembly—and I am not disregarding complaints in any way—that I have received some feedback from an elderly patient's family who was provided care more recently and during the busy time the hospital is having, as opposed to the complaint that was raised yesterday. They, through their advice to me, cannot speak more highly of the care that was provided to their parent during the time that they were in hospital—in fact, saving that individual's life. I could read through it.

**Mr Hanson:** Listen to 666 and 2CC for the calls, Katy.

**MS GALLAGHER:** As I said, Mr Hanson, we have received about 4,656 pieces of feedback over the last 12 months. Of these, 3,247 were compliments, 1,409 were comments or complaints. In addition, I have received a card today from a young child who has had their arm fixed in surgery. The parents of that child could not speak more highly of the care that their child was provided in the hospital.

This is the nature of a health system. It does not show systemic failings by any means. It is a human system, it is a busy system and there will be people who feel that the care provided to them was not of the standard that they should have been provided. There will also be a number of patients who think that the care exceeded their expectations and then there will be those in the middle.

We have a high-quality health system. *(Time expired.)*

**MADAM SPEAKER:** Mr Hanson, a supplementary question.

**MR HANSON:** Minister, are you aware of other occasions where patients have been left lying naked on a bed for hours?

**MS GALLAGHER:** As I said, I am not aware of the case that Ms Lawder has raised directly in the Assembly today. But there will be occasions when people do not feel

that the care provided to them was of the standard that they expected. There will be situations like the ones that have crossed my desk this morning talking up how lucky we are to live in a place where the health care system provides such excellent care.

I would also point out that complaints and compliments cross my desk from every hospital in the ACT. I get complaints and compliments about Calvary hospital, I get complaints and comments about John James and I get complaints and compliments about national capital hospital. In every instance of a complaint that has crossed my desk, regardless which hospital it has come from, every incident is investigated by that hospital. If it is a private hospital, usually the private hospitals forward the response back to me, what they have provided to the patient in terms of having their concerns raised.

That is what you need in a high-quality health system where you have complaints processes that are robust. You have clinical review processes which are accurate and monitor any complaints around clinical practice, and where people feel able and free to provide their feedback. That is what we have here in the ACT.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Minister, is bed occupancy of over 95 per cent resulting in less than optimal care at the Canberra Hospital, as foreshadowed by Dr Hall, the clinical director of the emergency department?

**MS GALLAGHER:** The incident you raised yesterday was not during that period of time, Mr Hanson, so I would say no. If the beds are available and there are patients in them, the quality of care, as a rule, is of a very high standard, notwithstanding the fact that there will be times when people feel that care is not up to scratch. When that occurs, investigations need to happen and complaints should be examined. In the case of the one raised with us in this parliament yesterday, no complaint had been received or lodged by the family. It is being progressed this morning. I know that contact is being made, so we can follow it up.

### **Community sector—government relationships**

**DR BOURKE:** My question is to the Minister for Community Services. Minister, could you please outline how the Community Services Directorate has been working with the community sector to streamline its relationship with government?

**MADAM SPEAKER:** I am sorry; could you repeat the question, please, Dr Bourke?

**DR BOURKE:** Yes, Madam Speaker. Minister, could you please outline how the Community Services Directorate has been working with the community sector to streamline its relationship with government?

**MADAM SPEAKER:** I am sorry; the community sector's relationship with the government?

**DR BOURKE:** Yes.

**MADAM SPEAKER:** Thank you. I just want to make sure that I have an understanding of the question because it has an impact on other things.

**MR GENTLEMAN:** I thank Dr Bourke for his question. The starting point for streamlining the relationship between the community sector and the government is to recognise the importance of that relationship and to recognise that, from time to time, some processes of government can get in the way of an efficient relationship.

We also recognised that, if we wanted a more streamlined relationship with the community sector, the starting point was in our hands. For us, that starting point was a community sector red tape forum held in February 2013 with some 65 community sector leaders. The forum showed clearly that what the sector needed from us was improvements in four areas. These were relationship management, procurement processes, contracting arrangements, and performance reporting.

Our response was to put together a whole-of-government working group to look into these areas, supported by a community sector working group. The important point here is that the process was, and continues to be, highly consultative. We worked with the sector advisory group to establish precisely how we might change procurement and how we might change contracting and improve our relationship management.

A number of reforms have since been implemented. We have implemented a single relationship management model for the Community Services Directorate. This means that even if an organisation has multiple contracts with different parts of the directorate it will only have to deal with one relationship manager. In practice, we have shifted the burden of coordination from the sector and taken this on ourselves.

We have applied a sensible approach to scaling our funding arrangements to match the risk. This means that where there are low risks we have introduced the concept of a current grant to replace more administratively complex service funding agreements. This has been a real benefit to the sector, allowing about 40 per cent of our relationships to be simplified.

We have also increased the length of service funding agreements and recurrent grants from three to five years. This change, along with simplifying payment arrangements, has led to significant cost and time saving benefits to community sector organisations.

But we did not stop there. We have simplified the conditions of our grants. For example, the old agreement could require a community sector organisation to establish a separate bank account into which our grant had to go, and nothing else. We have changed that, along with a number of other onerous provisions that delivered nothing for the sector and, quite frankly, nothing much for government. Now we are doing the same with the service funding agreements, working through them to make them simpler to use and with less administration.

Coming back to the main point, these are all sensible improvements, but it is how we are doing it that is important. We are doing it together—the government and the community sector—both parties working openly to explore how to make the relationship stronger because that is how you get long-term improvements and benefits that stick.

**MADAM SPEAKER:** A supplementary question, Dr Bourke.

**DR BOURKE:** Minister, what savings have been identified for community sector organisations as a result of the changes outlined?

**MR GENTLEMAN:** The savings that have been identified are considerable. We have changed audit requirements which means we have changed thresholds at which particular audit requirements were needed. Savings from changing the thresholds are estimated at about \$800,000 per year. We have introduced the concept of recurrent grants. That is worth about \$650,000 per year in reduced administrative effort for community sector organisations. We have changed the term of service funding agreements from three to five years. That is worth around \$750,000 per year in reduced administrative effort for community sector organisations.

We are introducing single relationship managers. It is a bit harder to measure, but conservatively it will save more than \$200,000 per year in time and effort, and much more of course in reduced complexity and stress for those community organisations. Savings from reductions in reporting costs are ongoing. There are still more reporting costs that can be stripped from the system, but so far we estimate the removal of close to \$200,000 in reporting costs for the community sector.

In total, that is around \$2.6 million in savings each year through a streamlined relationship between the government and the community sector.

**MADAM SPEAKER:** A supplementary question, Ms Porter.

**MS PORTER:** Minister, what further initiatives are being considered with the community sector?

**MR GENTLEMAN:** I thank Ms Porter for her supplementary. Reforms of this nature are a journey, not a destination. Right now we are in the process of reviewing the directorate's community sector procurement prequalification process. Many community sector organisations are required to meet a number of different standards, sometimes several standards. Maintaining all those standards takes a huge effort, particularly when many of the requirements overlap. We are looking at some tools which, if appropriate, could significantly reduce the administrative effort required to support operating over multiple standards frameworks.

There is also the whole-of-government dimension to the red tape reform program. The reform agenda includes the exploration of how and where we might manage the relationship with the community sector on a whole-of-government basis, not just a portfolio-by-portfolio basis.

Service funding agreements have been progressively moved towards the procurement of outcomes rather than outputs. We see multiple benefits in this for the sector, including the increased flexibility in how they deliver their services, with flow-on benefits to clients in the delivery of more flexible services as well as some administrative benefits for organisations.



In short, we want to make sure it is easier for community organisations to work with us as a government.

**MADAM SPEAKER:** A supplementary question, Ms Berry.

**MS BERRY:** Minister, what feedback has there been from the sector about these changes?

**MR GENTLEMAN:** The short answer is that everyone likes having red tape reduced. Feedback on issues like the introduction of recurrent grants has been very positive. Equally, feedback on the introduction of the single relationship manager model has been very positive. Organisations that we have funded for many years have said that they appreciate that their service funding agreements can now be up to five years, with potential for extending for another five years.

Each of the reforms we make chips away at the burden of red tape and each of the reforms we make is appreciated by those who benefit. Spontaneous applause does not usually accompany government announcements, but I understand that is what happened when my predecessor, Minister Barr, announced these reforms at a community sector function in June this year.

I look forward to continuing these reforms into the future and to further developing an effective, streamlined relationship with our community sector partners.

### **Education—school chaplaincy program**

**MRS JONES:** My question is to the minister for education. Minister, the employment of secular counsellors and chaplains is indeed important to all schools. However, within your direct control is whether the chaplains have the opportunity to continue to be employed. Therefore will you accept the funding for them; yes or no?

**MS BURCH:** As I have made it very clear here, I am supportive of secular workers and of chaplains, and that these schools are able to maintain the choice and the positions that they have in place. Indeed I would have thought that we could have been united on this and say to the federal government that we here in the ACT respect both and want to provide assurance that schools can maintain both.

**MADAM SPEAKER:** A supplementary question, Mrs Jones.

**MRS JONES:** Minister, why are you unable to give a direct answer on this matter? Is it because you plan to reject the current funding?

**MS BURCH:** Because I will continue with the proposition that schools can choose and that chaplains and secular workers are both supported. The independent schools support that position. The Catholic schools support that position. I support that position. Indeed, when I was interviewed on 1WAY FM the commentator, the interviewer there, supported that position.

I understand absolutely Di Priest's position and she is clearly in a position to stand by those people that she is responsible for. I understand that. But make no mistake, everyone I have spoken to supports that position, other than, it would seem, the Canberra Liberals and the federal Liberals who are denying schools their choice to have what they want.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Minister, under what circumstances will you reject the funding from the commonwealth?

**Mr Corbell:** On a point of order, Madam Speaker, it is hypothetical. Mr Wall is asking for an unspecified range of possible scenarios that the minister has to try and answer. It is a completely unreasonable and clearly hypothetical question.

**MADAM SPEAKER:** I am not entirely convinced it is hypothetical. Mr Wall, can you repeat the question, please?

**MR WALL:** Certainly, Madam Speaker. The question was: under what circumstances will the minister reject the funding from the commonwealth?

**Mr Hanson:** On the point of order, Madam Speaker, there is a great deal of confusion. What we want is an answer very clearly on whether or not the minister will accept the funding. She has previously said that the position of this government—as late as 27 August—was that they would not administer the scheme unless they could choose secular counsellors—

*Government members interjecting—*

**MADAM SPEAKER:** Yes, I think this is a speech. I have been asked to rule on whether Mr Wall's question is hypothetical. I actually do not believe it is hypothetical. I think I will allow the question.

**MS BURCH:** Perhaps this is a hypothetical question: why would secular workers be denied the opportunity of employment?

**MADAM SPEAKER:** Supplementary question, Ms Berry.

**MS BERRY:** Minister, could you inform the Assembly why you support the maintenance of the status quo?

**MADAM SPEAKER:** I presume what you mean is the status quo in relation to the chaplaincy program.

**MS BERRY:** The choice of schools to choose a chaplain or a secular worker.

**MS BURCH:** It is important because it has served our school community—the government schools, the independents and the Catholic communities alike—well. We

have 128 schools; only 50 schools participate in the program. Of those 56 schools, 31 have a chaplain and 25 have a secular welfare worker. So it is very clear that schools value that choice. Very clearly, schools value the choice. This has been administered from the federal government since the beginning.

*Opposition members interjecting—*

**MADAM SPEAKER:** Order! Members of the opposition will come to order. I want to hear Ms Burch.

**MS BURCH:** Thank you, Madam Speaker. Very clearly, schools have welcomed the choice. The school communities have welcomed the choice. I do not think it is unreasonable—

*Mr Doszpot interjecting—*

**MS BURCH:** There will not be any choice. In response to the interjection of Mr Doszpot, there will not be a choice.

**MADAM SPEAKER:** Don't respond to the interjections.

**MS BURCH:** The federal government are denying the choice of schools. They are changing the parameters of the program as it is now. It is the federal government—

*Opposition members interjecting—*

**MADAM SPEAKER:** Order! The members of the opposition will come to order.

**MS BURCH:** that is denying our community the choice. I would have thought that we here in the chamber could have had respect and regard, and I do, for the chaplaincy program and for the work they do. But I also would have thought that we should have respect and regard for all schools. If they choose a secular worker, we should be supported to do that.

*Mr Doszpot interjecting—*

**MADAM SPEAKER:** Mr Doszpot, I warn you.

**MS BURCH:** What I hear from the Canberra Liberals is “chaplains, fine; secular workers, sacked, gone”.

### **Infrastructure—proposed new convention centre**

**MR SMYTH:** My question is to the Minister for Economic Development. Minister, yesterday you claimed in this place that the impact of the deferral of the convention centre on future visitor numbers would be “none”. Yet on budget day you claimed that the Australia forum “has the potential to provide a truly world-class convention facility that will allow the ACT to attract more business tourism and grow our economy”. Mr David Marshall of the Canberra Business Council claimed that “the

convention centre will generate hundreds of millions of dollars for the city and it should be a top priority for the government". Minister, how do you reconcile your claim yesterday that the impact of the deferral of the convention centre would be "none" with your claim on budget day that it would allow the ACT to attract more business tourism?

**MR BARR:** I indicated in my media release at budget time that such a proposal for a new convention centre had the potential. I do not accept Mr Marshall's position. He has no business case and no basis to have made that claim. Mr Marshall is of course entitled to his views. I am aware of them, and I am aware of the views of a number of organisations who are supportive of new facilities. However, in terms of the impact in the immediate term, there has been no government commitment to the financing of a new convention facility. There has simply been a government commitment to getting it investment ready, and that commitment remains.

**MADAM SPEAKER:** A supplementary question, Mr Smyth.

**MR SMYTH:** Minister, how do you reconcile your claim that the deferral of the Australia Forum will have no impact on visitor numbers with the claims by the Business Council that it would generate hundreds of millions of dollars for the city?

**MR BARR:** Again, they are claims. They are yet to be fully tested by a business case. There are a number of assumptions that are made in the claims by the Business Council, most particularly related to aviation capacity and hotel capacity within the city, and an assumption that current and future convention facilities outside a new centre would be unable to cope with any additional demand, assuming that there is additional demand for conventions in this city, given investment is being made in other cities.

It is not an arms race around convention centres. We are not participating in an arms race. It is not who can have the biggest, shiniest memento for their life goal of building convention centres.

The government will meet its commitments in relation to the parliamentary agreement to have an investment-ready project available to the market, but we have made no commitment to finance the \$400 million to \$500 million that would be required to build the facility to the standard that is required and outlined by those who are most passionately in support of this particular project, noting that there are a range of other infrastructure priorities for the city.

The government is weighing up its financial contribution and the capacity of the private sector to make financial contributions to that range of projects, and further announcements in relation to the time frame for each project will be made in subsequent budgets.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Minister, why has the ACT government had the replacement of the convention centre as such a low priority for the past 13 years?

**MR BARR:** Prior to your time in the Assembly, Mr Wall, this government invested \$30 million in upgrading the existing convention centre.

*Mr Smyth interjecting—*

**MR BARR:** No, it is not a replacement, but it was a significant upgrading of convention facilities. The reality of this city of 385,000 people—

*Mr Coe interjecting—*

**MADAM SPEAKER:** Mr Coe, come to order!

**MR BARR:** The reality is that we have a convention centre that is suitable for a city of 385,000 people. There are those who aspire to a convention centre that has national capital status. Without commonwealth government support, it is unreasonable and unrealistic to expect this community of 385,000—

*Mr Smyth interjecting—*

**MADAM SPEAKER:** Order, Mr Smyth!

**MR BARR:** It is unreasonable to expect this community to fund a piece of infrastructure equivalent to a community five times larger without commonwealth government support.

*Mr Coe interjecting—*

**MR BARR:** How many times do you need to warn those opposite?

**MADAM SPEAKER:** I have not warned Mr Coe. I am not going to be—

**MR BARR:** You did, earlier in my answer.

**MADAM SPEAKER:** I did not warn Mr Coe.

**MR BARR:** Madam Speaker, you did.

**MADAM SPEAKER:** Sit down. I called Mr Coe to order. I have a very good recollection of whom I have warned. I warned Mr Doszpot, and Mr Doszpot seems to have been behaving. I called Mr Coe to order and I called Mr Smyth to order. I have said that I do not expect that question time will be conducted in silence. Do you have more to finish your answer?

**MR BARR:** You have just sat me down, Madam Speaker.

**MADAM SPEAKER:** Do you want to say anything more in relation to—

**MR BARR:** You have just sat me down. I have eight seconds left.

**MADAM SPEAKER:** Okay. A supplementary question, Mr Wall.

**MR WALL:** Minister, why is it reasonable for ACT residents to fund light rail but not reasonable to fund a convention centre?

**MR BARR:** ACT residents benefit greatly from investment in public transport. It is a key priority for this government.

*Mr Hanson interjecting—*

**Dr Bourke:** A point of order, Madam Speaker.

**MADAM SPEAKER:** A point of order. Stop the clock.

**Dr Bourke:** Interjections from Mr Hanson are continually interrupting Mr Barr, which is contrary to standing orders and disorderly.

**MADAM SPEAKER:** There have been a lot of interjections. It is a judgement. Some people can talk over the interjections and some people find them distracting, and I have to draw the line. I did not think that the interjections—I did not hear the exact words—were particularly distracting. But members need to be mindful. If members are finding it distracting, you have to wind it back. So I will uphold the point of order that Dr Bourke has raised. While I have said over and over again that I believe this should be an animated chamber, if your interjections are such that they do distract people from their train of thought, you are going to have to come to order. Can you be mindful of that. I will call you to order, and when I call you to order I expect you to come to order. Minister Barr on the question of whether public transport is more important than a convention centre.

**MR BARR:** Yes, the government has indicated four key priorities for our infrastructure spend and our budget spend. They are health, education, public transport and the asbestos clean-up. They are our priorities for the next five years.

### **Disability services—respite facility**

**MS BERRY:** My question is to the Minister for Disability. Minister, could you update the Assembly on the progress of the partnership with the Ricky Stuart Foundation to build a purpose-built respite facility for young people in the ACT and how this facility will meet the needs of young people and their families?

**MS BURCH:** I do thank Ms Berry for her question. I would be delighted to update the Assembly on the partnership with the Ricky Stuart Foundation. In June of this year the ACT government announced its partnership with the Ricky Stuart Foundation to build a new respite centre for primary school aged children with disability, including autism.

The new centre responds to the needs of Canberra families and their children. We are planning a six-bedroom centre that will provide short-term, two or three nights, respite for families with children with a disability and aged from five to 12 years. It

will cater for between 30 and 40 families each year, depending on the need. The new centre will feature innovative physical and sensory design, including recreational spaces.

The centre will be suitable for all children with disability and will also provide appropriate support for children with autism. While in respite, each child's individual needs and interests will be cared for by qualified staff. The government has committed \$1 million to the project and has worked closely with the foundation to ensure the success of the partnership.

The respite property will be centrally located on land at the Chifley community hub. Land has been provided by the ACT government. This is a wonderful location and provides the family access to other services located in the hub such as Autism Asperger ACT, the YMCA, Warehouse Circus and Nutrition Australia. The centre will be operated by Marymead Child and Family Centre. Marymead is currently providing respite services for children with a disability at Kese House and it is fantastic that we will see a continuance of this service by Marymead when the new centre is opened.

I am delighted that the progress on the partnership and development of the centre is on track. The Ricky Stuart Foundation is project-managing the design, construction and fit-out of the new purpose-built facility with support from the Community Services Directorate through Disability ACT. It has been a great collaboration between the Ricky Stuart Foundation and this government and has really brought together a wealth of knowledge, shared goals and passion.

The foundation, Marymead and Disability ACT have been working closely with Cox Architects to finalise the design elements, and development approvals are underway. Construction is planned to commence in February of next year and is expected to be completed in November of next year.

**MADAM SPEAKER:** A supplementary question, Ms Berry.

**MS BERRY:** Minister, who is involved in this work and how is consultation on this project being undertaken?

**MS BURCH:** The project has significant support from the Ricky Stuart Foundation and also from JGS Property as the project manager. I would like to take this opportunity to thank Ricky Stuart and John Mackay from the foundation for their foresight in approaching the government with this proposal and their ongoing commitment, and also to James Service from JGS Property for the project management that he has committed to.

I am very pleased that the construction of the new six-bedroom facility for children with a disability has significant support from the building and construction community. Cox Architects has been engaged to undertake the design elements and there is significant interest from other providers in regard to the construction and fit-out elements of the project. In addition, the Ricky Stuart Foundation has raised over \$500,000 from the business community to put towards this project. The foundation has stated it will continue to raise funds to support children with a disability.

Hearing what families and children need from a respite facility is an important part of this project and both the foundation and the government have committed to talking with families, children and carers. Disability ACT and Marymead are working together to consult with children and their families and a framework of consultation is being developed which will involve information sessions and individual conversations to engage with children with a disability and their families. The development application will involve consultation with the broader community and also the community of the Chifley community hub.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Minister, who will have ownership of the respite centre at Chifley and who will be responsible for the ongoing operation of the centre once construction has been completed?

**MS BURCH:** It will remain the property of the ACT government.

**MADAM SPEAKER:** A supplementary question, Dr Bourke.

**DR BOURKE:** Minister, how does the partnership relate to the government's election commitment to improve disability respite facilities in the ACT?

**MS BURCH:** I thank Dr Bourke for his question. The ACT Labor election commitment was to progressively replace the respite facilities in Canberra. I am very pleased to provide an update.

In September last year Disability ACT announced that, in anticipation of the national disability insurance scheme, it would transition the management of centre-based respite services to the non-government sector. In March this year Marymead Child and Family Centre was announced as the successful provider for the children's respite centre at Kese House. Marymead commenced operating at the centre in August this year. Marymead, as I have just said, will also be providing the services in the new Ricky Stuart Foundation partnership with this government. The ACT government was approached by the Ricky Stuart Foundation with an idea of supporting children with disability, particularly autism. The new centre being constructed by the government in partnership with the foundation will be the first centre to be delivered.

The government's funding will ensure it meets its commitment to provide a new facility. However, the inclusion of the funding from the Ricky Stuart Foundation will ensure a state-of-the-art respite facility is provided to the community. As mentioned before, the Ricky Stuart Foundation has already raised \$500,000 from business and other community members. I think that is an extraordinary contribution. Well done to Ricky Stuart for that, and certainly well done for his commitment to put that investment together with ours to make sure we do the very best for our Canberra children.



**Environment—west Belconnen**

**MR COE:** My question is to the Minister for the Environment. Minister, the ACT government is working in partnership with the Riverview Group to develop land to the west of Belconnen. The land is adjacent to Ginninderra Creek, including Ginninderra Falls. Minister, what involvement have you had to ensure appropriate management of the environment at the site?

**MR CORBELL:** It should be noted that responsibility for assessment of environmental impact in terms of its statutory assessment is a responsibility under the Planning and Development Act and, therefore, the responsibility of the Minister for Planning. I had very close engagement in a range of environmental issues in relation to the Riverview development in my previous responsibilities as Minister for the Environment and Sustainable Development, where I had responsibility for the Planning and Development Act.

Largely, those matters, in terms of assessment of environmental impact, will be the statutory responsibility of my colleague the Minister for Planning. However, I continue to seek advice and receive advice from my officials, as Minister for the Environment, in relation to any issues of environmental concern in relation to the proposed Riverview development. Those are matters that I keep under close attention.

**MADAM SPEAKER:** Supplementary question, Mr Coe.

**MR COE:** To either the Minister for the Environment or the Minister for Planning, whichever is more appropriate, what are the setback requirements adjacent to Ginninderra Falls, and are the proposed setbacks in place in the draft plans sufficient?

**MADAM SPEAKER:** Could I just get a bit of advice. Are Ginninderra Falls in the ACT or in New South Wales?

*Members interjecting—*

**MADAM SPEAKER:** This is question time for the Speaker. I suppose what I need to determine is: does any minister have responsibility for the setbacks at Ginninderra Falls?

**Mr Gentleman:** Madam Speaker, if I can clarify, Ginninderra Falls are in New South Wales.

**MADAM SPEAKER:** But does anyone in the ACT have responsibility for the setbacks?

**Mr Gentleman:** No.

**MADAM SPEAKER:** Ms Lawder, do you have a supplementary question that I can rule in order?

**MS LAWDER:** Minister, how will you be working with the Minister for Regional Development and other relevant ministers to ensure a coherent strategy for the environmental management of the Riverview area will be in place?

**MR GENTLEMAN:** I thank Ms Lawder for her question. I look forward to working with other ministers and other locations and geographical areas in dealing with the Riverview proposal, but we have not met with them at this time.

**MADAM SPEAKER:** A supplementary question, Ms Berry.

**MS BERRY:** Minister, when will the Riverview development commence?

**MR GENTLEMAN:** I thank Ms Berry for her question. It will commence once approvals are all in place and the community consultation has been worked through.

### **Environment—waste management**

**MR WALL:** My question is to the Minister for Territory and Municipal Services. Minister, it has been reported in the *Canberra Times* this week that the Mugga Lane tip is nearing capacity; so about half of the ACT's rubbish will be sent to the west Belconnen tip instead. It has also been reported that work to extend the operational life of the Mugga Lane facility has been brought forward because the tip has reached capacity faster than expected. Minister, why did the government not have contingency plans in place to ensure that the tip had sufficient capacity at all times?

**MR RATTENBURY:** Yes, there has been a temporary arrangement put in place to handle the ACT's waste. As Mr Wall has touched on in his question, for a period of some several months, commencing from 13 October until early 2015, around half of the ACT's waste will be diverted to the Belconnen landfill site. In some ways, that goes to the contingency plan. The Belconnen landfill site is available as a contingency plan in the event that other sites are not available.

As members know, the government has been working on providing new landfill sites at Mugga Lane. Unfortunately we are in a situation where the existing cells have been filled faster than had been anticipated by the previous modelling. TAMS has been successfully working with the contractor to bring forward the completion of one of the new cells earlier than expected, by about four months, with no additional cost to the territory, simply by working with the contractor to adjust the timetable. I think that is a positive development.

Nonetheless, there has been an error in the calculations of how soon a new cell was needed. I am obviously very disappointed that that is the case. TAMS is now undertaking an investigation to ascertain why those errors were made and ensure that lessons are learned from those errors that have been made.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Minister, is there enough capacity at the ACT tips to cope with the proposed demolition of 1,000 Mr Fluffy homes?

**MR RATTENBURY:** Yes, this situation will have no impact on the capacity to deal with asbestos. Asbestos, as members probably know, is dealt with at west Belconnen landfill and the site does have sufficient capacity.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Minister, what steps will be taken to ensure that there is not additional traffic on Beaurepaire Crescent in Holt, given the additional traffic put there with the speed humps placed on Spofforth Street?

**MR RATTENBURY:** The government's intention is that there will not be rat running through those streets. The government will work with the contractors. A large number of the additional vehicles going to west Belconnen are those of SITA, which is of course the direct contractor taking the household garbage to the site. But with all of the other trucks going out there, TAMS knows who they are, and they will be directed to use Southern Cross Drive. If members or members of the public do notice vehicles not using the routes they are supposed to use, I would appreciate an early report so that we might seek to address that matter.

**MADAM SPEAKER:** Supplementary question, Mr Coe.

**MR COE:** Minister, will the Mugga Lane tip have sufficient capacity to cope with the ACT rubbish after the new cells are opened in January?

**MR RATTENBURY:** Yes. Once the new cells are completed—the first one will be ready from January; then there is a second cell coming. That is the short-term answer, but there is also a larger planned extension, stage 5 of the Mugga Lane landfill, which will cater for the ACT's waste needs until at least 2035.

### **Transport—light rail**

**MS PORTER:** My question is to the Chief Minister. Chief Minister, last week you confirmed the government's commitment to the capital metro project component of the 2012 Labor election commitment to building and transforming our city. Can you advise the Assembly of the investment that has been made over the past decade by successive Labor governments in building and delivering transport options for Canberra?

**MS GALLAGHER:** I thank Ms Porter for her question. As Ms Porter has outlined in her question to me, the Labor government has made significant investments over the last decade in building and delivering transport options for Canberra. Significant investments in all forms of transport are part of the government's larger plan to invest right across the city and, indeed, remain one of our four key priorities.

The government understands the importance of high quality infrastructure to the economic prosperity of our community and our region. Our investment has been

comprehensive, sustained and increasing over the decade. This investment includes constructing major new road infrastructure, for example our major arterial road projects such as the Majura parkway, Monaro Highway and Gungahlin Drive. Expenditure on road infrastructure over the last 10 years exceeds \$1 billion, with \$638 million spent in the last four years.

The government has also funded an extensive program to provide new and upgraded cycling and pedestrian infrastructure across the city. From 2011-12, over \$12 million in new cycling funding has been committed. Over 131 kilometres of new community paths—footpaths, cycle paths—have been constructed right across the city over the last three years. Some 2,700 kilometres of footpaths and 343 kilometres of off-road cycle paths are maintained on an annual basis.

Existing road infrastructure has not been forgotten, with significant levels of funding being made available to ensure maintenance programs maintain the quality and maximise the life of that infrastructure. Expenditure on the maintenance of road infrastructure and associated assets, such as bridges, paths and traffic signals, exceeds \$358 million over the last seven years, with \$227 million being spent in the last four years.

At the same time, we have continued to invest in our public transport system, with a number of new initiatives delivered, including new buses and extensions to ACTION's existing bus network.

The government has also kept an eye on the future and has continued to work with the commonwealth on the planning for high-speed rail on the east coast, including the high priority Sydney to Canberra link.

**MADAM SPEAKER:** A supplementary question, Ms Porter.

**MS PORTER:** Minister, can you advise the Assembly of the level of this investment over the past decade in improving our roads network in the ACT?

**MS GALLAGHER:** I thank Ms Porter for the supplementary. Over the past 10 years the government has invested over a billion dollars in improving our road network right across the city. In addition to this, some \$360 million has been spent over the last seven years in maintaining our roads and associated infrastructure to a high standard.

Of course, there has been the expenditure on the major new arterial roads from north to south, with Majura parkway, Gungahlin Drive, the widening of Parkes Way, the Monaro Highway upgrades and the Cotter Road improvements, which have all gone to enhance the road network across the city and ensure that people who are travelling around the city are able to do so quickly and easily. These road networks and the upgrades have also had the capacity to cater for active travel such as cycling. Members will see and notice the increased number of cyclists using this infrastructure to get around the city.

In addition, major project-specific expenditure includes the \$288 million for the Majura parkway, which is jointly funded with the commonwealth, which again, as I

understand it, is travelling very well from both the budget point of view and a timing point of view. I look forward to seeing that road opened to ensure that our role as a regional centre is enhanced but also that people travelling from Gungahlin to the south side of Canberra are able to do so quickly and easily.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Chief Minister, why do you think Infrastructure Australia rejected the ACT government's request for funding for light rail, despite Julia Gillard being the Prime Minister at the time?

**MS GALLAGHER:** I do not know that they did reject the project itself. They certainly thought that more work needed to be done, which of course is the work that we are doing at the moment. I would also say that it took some time to convince Infrastructure Australia of the benefits of the Majura parkway. But luckily this government did and, once that was done and it was rated one of those top priorities by Infrastructure Australia, the funding flowed.

**MADAM SPEAKER:** A supplementary question, Dr Bourke.

**DR BOURKE:** Chief Minister, can you advise of the transport benefits that the Majura parkway will deliver to Canberra and its region once it is completed.

**MS GALLAGHER:** I thank Dr Bourke for the question. As members would be aware, it is a \$288 million investment in our regional transport network, jointly funded in 2011 by the commonwealth and ACT governments. As members would be aware, we argued for some time that this should be something that the commonwealth funded in its entirety, which is the approach they had taken to other jurisdictions. Unfortunately, we were not able to convince them of that, but the importance of the road and its priority for us were well known, and as a sign of good faith, in trying to secure some funding for that road, we offered to pay 50 per cent of it.

The Majura parkway will deliver 11½ kilometres of dual carriageway which connects the Monaro Highway with the Federal Highway. It is forecast to carry 40,000 vehicles a day, including up to 6,000 trucks by 2030. The new road will play a significant role in improving the movement of freight, both nationally and within our own region, by easing congestion.

### **Canberra Hospital—bed availability**

**MR SMYTH:** My question is to the Minister for Health. On 11 September the executive director of the Canberra Hospital emergency department addressed staff concerns in an email entitled "Current ED issues". In this email it is reported that in May 2014 the Canberra Hospital implemented new bed audits to locate vacant beds. Bed audits are a process of phoning every ward every two to three hours and asking if there are any empty beds and also walking round the hospital twice every day to find empty beds. Minister, is phoning wards and walking around looking for empty beds the only way that a modern hospital can locate empty beds?

**MS GALLAGHER:** It is a standard practice in all hospitals.

**MADAM SPEAKER:** A supplementary question, Mr Smyth.

**MR SMYTH:** Are there any other management systems in place at the Canberra Hospital that can monitor bed occupancy in real time such as would be in place, for instance, at a hotel?

**MS GALLAGHER:** Yes, there are.

**MADAM SPEAKER:** A supplementary question, Dr Bourke.

**DR BOURKE:** Minister, could you remind the Assembly what investment the ACT government is making in this budget in beds in hospitals in Canberra?

**MS GALLAGHER:** I can; thank you. There were 670 beds when we came to power and there were 1,048 beds as of last count, with an additional 40-odd beds coming on in the next financial year.

**MADAM SPEAKER:** A supplementary question, Ms Porter.

**MS PORTER:** Minister, could you outline to us some of the measures that this government has taken to keep people out of hospital beds?

*Mr Hanson interjecting—*

**MS GALLAGHER:** You are so funny, Mr Hanson. God forbid you would ever be in charge of it.

*Mr Hanson interjecting—*

**MS GALLAGHER:** Exactly. Thank you very much for that endorsement, Mr Hanson. I will use that in my next newsletter. I do appreciate that. There had to be some good that came out of Brendan's little stunt, and we have got it today. Thank you, Mr Hanson. As members would know, the community health—

*Mr Hanson interjecting—*

**MS GALLAGHER:** There will be some very selective reporting, just like you do, Mr Hanson; as you did yesterday in that letter in this place, as you well know. The community health network is an important part of ensuring that people stay out of hospital, as is our desire to encourage people to lead healthy lifestyles, which also includes not spending too long in this place, I have to say, as an enhancement to everybody's mental health and wellbeing.

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

## Papers

**Madam Speaker** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2013-2014—

ACT Electoral Commission, dated 15 September 2014.

ACT Ombudsman, dated 12 September 2014.

Legislative Assembly for the Australian Capital Territory—Office of the Legislative Assembly—Annual Report 2013-2014, dated September 2014.

## Annual reports 2013-14

### Papers and statement by minister

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

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2013-2014—

Chief Minister and Treasury Directorate (2 volumes), dated 1 September 2014.

ACT Public Service—State of the Service Report (incorporating the Commissioner for Public Administration).

I ask leave to make a statement in relation to the *State of the service report*.

Leave granted.

**MS GALLAGHER:** Pursuant to section 13 of the Annual Reports (Government Agencies) Act, I present the Assembly with the 2013-14 *ACT public service state of the service report*. This includes the 2013-14 annual report for the Commissioner for Public Administration and the workforce profile.

The 2013-14 annual report for the Commissioner for Public Administration provides an account of the management of the ACT public service during the reporting period 1 July to 30 June 2014 and focuses on the exercise of the commissioner's statutory powers and functions under the Public Sector Management Act 1994.

The workforce profile provides a comprehensive overview of the state of the service and wider ACT public sector, captures aggregate workforce statistics and identifies trends that affect the service. The workforce profile shows that the ACT public sector headcount of employees was 23,137 people, representing 10.7 per cent of the ACT's labour force. Overall, the ACT public sector workforce has undergone an increase of 2.1 per cent in the last 12 months. The ACT public service represents approximately 89 per cent of the ACT public sector workforce and employs 20,551 employees. Of these employees, women make up a headcount of 13,307, or 64.8 per cent of the

workforce. Some 17.8 per cent were 29 years or younger; 50.2 per cent were between the ages of 30 and 39; and 32 per cent were over the age of 50. Aboriginal and Torres Strait Islander employees were represented by a headcount of 253, or 1.2 per cent of the service workforce. People with a disability were represented by a headcount of 415, or two per cent of the service workforce. And employees who identified as culturally and linguistically diverse totalled 3,453, or 16.8 per cent of the service workforce.

The incorporated 2014 people matter survey was conducted in May 2014 in partnership with the Victorian public sector. Employees from across the ACT public sector were asked to respond to a series of statements on job satisfaction, wellbeing and engagement. A total of 6,299 employees completed the survey, representing a response rate of 29 per cent. These results show strength in the awareness of the ACT public service values and signature behaviours, informal feedback and change management. There is more work to be done on embedding the values and behaviours, and the take-up of formal feedback needs to be strengthened. The ACT public service will be working on this over the next year, as well as on initiatives that can strengthen the one-service approach, particularly around collaboration and agility.

The final component of the *State of the service report* is the agency survey, which provides comparative reporting on areas such as values, culture, workplace equity and diversity, workforce planning, workforce behaviour, attraction and retention in human resource management.

I commend the report to the Assembly.

## Papers

**Ms Gallagher** presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2013-2014—Health Directorate, dated 13 September 2014.

**Mr Barr** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2013-2014—

ACTEW Corporation Limited, dated 10 September 2014.

ACTTAB Limited, dated 10 September 2014.

ACT Insurance Authority (including Office of the Nominal Defendant of the ACT), dated 15 September 2014.

Commerce and Works Directorate (2 volumes), dated 16 September 2014.

Independent Competition and Regulatory Commission, dated 18 September 2014.

Economic Development Directorate, dated 16 September 2014.

Exhibition Park Corporation, dated 10 September 2014.

Land Development Agency, dated 15 September 2014.



**Mr Corbell** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2013-2014—

ACT Human Rights Commission, dated 18 September 2014.

Director of Public Prosecutions, dated 18 September 2014.

Justice and Community Safety Directorate (2 volumes), dated 24 September 2014.

Legal Aid Commission (ACT), dated September 2014.

Public Advocate of the ACT, dated 18 September 2014.

Public Trustee for the ACT, dated 13 August 2014.

Victim Support ACT, dated 12 September 2014.

Civil Law (Wrongs) Act, pursuant to subsection 4.56(3), Schedule 4—Professional Standards Councils—Annual Report 2013-14.

## **Planning, Environment and Territory and Municipal Services— Standing Committee Report 5—government response**

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (3.48): For the information of members, I present the following report:

Planning, Environment and Territory and Municipal Services—Standing Committee—Report 5—*Inquiry into Vulnerable Road Users*—Government response.

I seek leave to make a statement.

Leave granted.

**MR CORBELL:** I am pleased to present to the Assembly the government's response to the Standing Committee on Planning, Environment and Territory and Municipal Services report on the inquiry into vulnerable road users. On 9 May last year the Assembly referred the issue of vulnerable road users to that standing committee for inquiry and report by the last sitting day in April this year. That was later extended to the last sitting day of June.

The government made a submission to the committee. I appeared before the committee on 28 April this year, and the Minister for Territory and Municipal Services also appeared before the committee. The committee received 54 submissions, including submissions from Pedal Power, the Amy Gillett Foundation, the Motorcycle Riders Association, NRMA Motoring & Services, the ACT Law Society, ANCAP, and the Council on the Ageing. The committee held seven public hearings and heard from 36 witnesses.

The report of the inquiry was presented on 5 June this year. It contains 28 recommendations. The inquiry into vulnerable road users was an important opportunity to recognise the particular risks for this group of road users, consider how the ACT can improve road safety outcomes and, in doing so, encourage greater use of sustainable transport modes. Increasing participation in cycling and walking can also improve public health and environmental outcomes.

The government is committed to protecting people in our community who are more vulnerable than others. This principle applies to all aspects of life in Canberra, including the use of our roads. Improving the safety of ACT roads is critical to achieving the government's road safety and sustainable transport objectives.

On the road our most vulnerable people are pedestrians, cyclists and motorcyclists. These road users are vulnerable because they do not benefit from the level of crash protection which is provided by other vehicles. Research has shown that safety concerns are a significant barrier to people cycling and walking. This is also an issue for motorcyclists, with recent research published by the NRMA-ACT Road Safety Trust showing that the rate of death for motorcyclists is 20 times more than the rate for car drivers.

In 2013, there were 7,863 on-road traffic crashes in the ACT, involving 15,399 vehicles and resulting in 7,792 casualties, including seven fatalities and 140 hospital admissions. Three fatalities and 236 injuries involved vulnerable road users. This is 43 per cent of all fatalities and 30 per cent of injuries recorded in 2013. Provisional drivers represented just under 16 per cent of drivers involved in casualty crashes despite being only six per cent of all licence holders.

There is no doubt that these issues require a targeted response. The government is prepared to accept the challenge of improving road safety for vulnerable road users and pursue action which will make our roads safer for the many Canberrans who choose the two wheels of a motorcycle or a bicycle or their own two feet for walking.

Having carefully considered the committee's report, the government response agrees to 18 recommendations, agrees in principle to five and notes five.

The government has already announced its agreement to implement one of the recommendations, and will conduct a two-year trial of motorcycle lane filtering. This will commence on 1 February next year and will include a number of conditions aimed at making the practice safe for motorcyclists and all other road users, including a requirement that motorcycles not filter at a speed greater than 30 kilometres per hour, on the kerbside next to a footpath, in a bicycle lane or in a breakdown lane. To ensure that safety is not compromised for younger pedestrians, motorcyclists will not be allowed to lane filter in school zones.

Of the committee's other recommendations, there are three I will address in particular today, in recognition of the interest the community has expressed in these proposals. These are the recommendations relating to lower speed limits, allowing cyclists to ride across road crossings and minimum passing distance rules for overtaking cyclists.

The government agrees to the recommendation that the requirement for cyclists to dismount at pedestrian crossings be amended to enable cyclists to remain on their bikes but that they must slow to a walking pace prior to entering and when crossing the crossing. The government will trial a change to the crossing rules so that cyclists do not have to dismount at a pedestrian zebra crossing or at a marked signalised crossing provided they cross at no faster than walking pace.

However, the government will be careful to ensure that safety is not compromised in the application of the trial. This is emphasised in the government's response, which notes that a purpose of the existing road rules is to reduce the risk of injury to cyclists associated with cyclists approaching or crossing a road at a speed which provides limited opportunities for motorists to see and give way to the cyclists.

As part of this work, the government will consider the approach taken in Queensland to the rules for road crossings. In Queensland, the road rules were amended in October last year to allow cyclists to ride slowly across the road on a marked foot crossing. Under this rule, the cyclist must give way to pedestrians on the crossing and keep to the left of any oncoming rider of a bicycle or person who is using a personal mobility device.

The Queensland government also recently agreed to a Queensland parliamentary committee recommendation to amend the road rules to allow cyclists to ride across pedestrian and children's crossings but to require that cyclists will be required to come to a complete stop before riding slowly across the crossing and giving way to pedestrians on the crossing.

The government will also trial a mandated minimum overtaking distance of one metre in speed zones 60 kilometres and below and 1½ metres in speed zones above 60 kilometres. The government will also review the operation of a current trial in relation to this matter in Queensland which runs to 2016. The government understands that so far this trial is operating acceptably and there has been a positive change in behaviour and attitude from motorists towards cyclists. Police in Queensland have issued infringement notices to drivers in breach of the rule. The government believes that a minimum passing rule, which has often been characterised by the Amy Gillett Foundation as "A metre matters", will play an important role in educating the general community about the vulnerability of cyclists in relation to other more powerful vehicles.

The government notes that introducing this rule into the ACT could present some compliance issues, as there are existing roads where large vehicles and general traffic could not theoretically comply with the rule. To address this, consideration will be given to supporting measures and provisions such as those in Queensland which allow motorists to cross centre lines, including double unbroken centre lines, straddle lane lines, or drive on painted islands to pass cyclists, provided it is safe to do so. A comprehensive community awareness and education strategy will also be developed.

Finally, the government agrees to the recommendation for lower speed limits in school zones and residential areas with a high level of pedestrian and cycling activity

in close proximity to shared paths. The potential road safety benefits of lower speed limits are supported by a range of evidence and research. Speed is highly implicated in a large proportion of serious casualty crashes and contributes significantly to the severity of all crashes, particularly those involving vulnerable road users.

Research commissioned by Austroads in 2005 confirmed this and showed that as a vulnerable road user the chances of surviving a crash with a car decreases rapidly at impact speeds above 30 kilometres per hour. Therefore, the government has agreed to consider the extension of 40 kilometre per hour speed limits to group and local centres and will undertake community consultation to determine the community demand for lower speed limits. The government will also consider the introduction of 30 kilometre per hour speed limits in some school zones as part of an overarching policy on school precinct traffic safety.

The government response to the inquiry sets out the rationale for the response to each of the recommendations, the majority of which are agreed or agreed in principle. The five which are noted are considered to require no specific action or to raise implementation issues, including resourcing, which would need to be considered in the context of competing budget priorities.

The government welcomes the committee's report on this important issue. I want to thank the committee for their work, and thank all of the members of the community who made submissions and contributed to the inquiry. This inquiry is a great example of the committee system in the Assembly working to bring together ideas from the community and translate them into government action.

I commend the government response to the Assembly and I move:

That the Assembly takes note of the paper.

**MR RATTENBURY** (Molonglo) (3.58): I would like to make a few comments on the government's response to the committee report on vulnerable road users as well as to reflect on the committee process. Members will recall that I brought the issue of vulnerable road users to the Assembly in May 2013. Safety and prioritisation of more sustainable travel modes, like walking, cycling and motorcycling, is an issue that I am committed to as a Green. But it is an issue, I think, on which this Assembly is now showing tripartisan support. The Assembly agreed with my motion and passed a resolution to refer the matter to an Assembly committee for inquiry.

I think the process has worked very well. I would like to thank the committee for its work, both the members of the committee and the supporting committee staff. The inquiry received a large number of submissions and held several days of hearings. It produced a unanimous report that contains some well-considered and valuable recommendations.

I would like to state my strong support for the government response and welcome the collaborative approach to its development, with input across government agencies. The government response to this report and the commitments it has made are quite significant.

In my view this report, the government response and the commitments that the government has made going forward are very important to the future of this city. Beyond that, I think they are going to set a new standard that will encourage other jurisdictions to take action.

With the acceptance and implementation of the recommendations of the committee, the ACT is in the position of becoming Australia's leading jurisdiction for supporting, encouraging and protecting the range of users that make up this category of vulnerable road users. I am optimistic that this signals a turning point that will lead to improved safety and a growth of sustainable transport. From that grows a variety of related benefits such as an increasingly welcoming and vibrant urban environment.

The measures committed to by the government are beneficial on several levels. First, they signal an important shift in government attitude. The response recognises the importance of taking measures to prioritise and improve safety for vulnerable road users. It recognises that this area deserves special attention and commitment. As members will know, these are issues the Greens have been actively pursuing for many years. Members will remember that earlier this year the term "vulnerable road users" was defined in the ACT's road transport legislation for the first time. This was also, I believe, the first time such a definition has been used in any Australian legislation.

The report recognises that these measures are both good for users, because it helps keep them safe, and an effective way to improve the overall sustainability and character of our city. That, of course, is beneficial to all road users. The government's response to this report encompasses numerous parts of government—Territory and Municipal Services, planning, education, the Land Development Agency, and Justice and Community Safety. My hope and expectation is that this new attitude will become ingrained in the work of these directorates.

Let me briefly touch on some of the specifics in the government response and what the changes mean. They occur in different categories, including planning and policy, rules and regulation, educational measures, and infrastructure changes—a wise approach, as a suite of coordinated changes will obviously work better than changes in isolation.

An example of changes to occur in the planning and policy space is the development of a formal urban design hierarchy, prioritising vulnerable road users, which would provide overarching guidance to government planning and design decisions. It would say, for example, that first we prioritise pedestrians, and then cyclists, ahead of private motor vehicles. This will filter through to all kinds of planning and design decisions, and it is important to ensuring our city is designed properly as new suburbs are built.

Similarly, the government will rework its estate development code to see how it can better prioritise vulnerable road users and to be conducive to slower speed environments. One of the existing problems with some of Canberra's neighbourhoods is that they are designed for higher speeds, so obviously vehicles adapt to higher speeds and it can be difficult to retrofit traffic calming measures.

The response does not include a lot of detail about changes to infrastructure designed to assist and facilitate vulnerable road users. It does agree to take more opportunities to use raised priority crossings as a way of giving foot and cycle traffic priority over other vehicles. There are many opportunities for the territory to use this infrastructure.

Through my role as TAMS minister, I am also committed to exploring and prioritising further infrastructure improvements. TAMS is at the moment reviewing its design standards, and I have asked that they look at best practice in terms of supporting users of sustainable transport and vulnerable road users.

One area to expand the government's infrastructure response is in the provision of facilities that separate cyclists from general traffic at key locations. This type of infrastructure is particularly good at attracting new cyclists or cyclists who are apprehensive about riding in traffic—more often women and children. This is where great gains can be made in increasing the number of people who ride. As I have said before, I would love to see the ACT become the "women's cycling capital of Australia".

Through the implementation of this report there will be several meaningful changes to rules and regulations governing the road environment. One change which I know will interest many in the community is the government's agreement to trial a minimum passing distance rule under which vehicles must leave a minimum of a one-metre gap when passing a cyclist, and a 1.5 metre gap if the speed limit is over 60 kilometres an hour. This rule works well elsewhere, and will work well as part of an overall package of vulnerable road user reforms and education measures.

It is important to specify that the government is aware of practical implementation issues with this rule and will be working through the details of its implementation closely. There are a variety of options. One example which I have discussed with TAMS is using a nuanced version of the rule which would apply where the physical width of the road would not allow a vehicle to legally pass. In this circumstance a vehicle could pass, but only after slowing down to a safe passing speed. Similar exemptions have been implemented in California following a lengthy review process.

This is not necessarily the only or the complete answer, but I mention it to emphasise that there are options and nuances available if practical issues become problematic. Governments are flexible enough to accommodate these challenges. The practicalities that have been raised are not a reason to say no to implementing this rule, when it obviously can play an important safety and educational role.

Something I am also pleased to note is that the government will also explore the introduction of a specific offence for people who harass, assault or endanger

vulnerable road users from a vehicle. This is an issue I have raised several times before, and unfortunately it is something that happens all too often on our roads.

Another issue I want to particularly mention is the government's agreement to review the existing driver competencies that a driver must pass to receive their provisional licence, with a view to introducing a new competency highlighting driver responsibilities towards vulnerable road users.

I think this is a key change, as it begins to entrench the concept that some road users have a special responsibility to other road users. It will begin to educate a new generation of drivers. This kind of training is one of the reasons European countries have successfully adopted the reverse onus of proof for accidents involving vulnerable road users, and it will help our jurisdiction to lay the foundation for future positive changes.

The government is also laying further groundwork for these types of changes by agreeing to examine the case for introducing changes to the law which would place a rebuttable presumption on heavier vehicles if they are in an accident with a vulnerable road user.

I also mention the agreement in the report to move towards slower speed areas in our city. Firstly, through TAMS, I am looking at the extension of 40-kilometre-an-hour zones to group centres. This work is already underway. TAMS will also undertake consultation on the use of 30-kilometre-an-hour zones to gauge community attitudes. Further consideration will be given to 30-kilometre-an-hour zones as part of an overarching policy on school traffic safety. That will be a strong partnership between the Education and Training Directorate and TAMS. TAMS has already completed work in this area. Future urban areas will be more conducive to slower, safer speeds, and this will be examined through a reworking of estate development codes and a new urban design hierarchy, as I mentioned earlier.

Sometimes motorcycle riders are overlooked—in general, but also people forget that they are a category of vulnerable road user. I am pleased to note that the report takes several initiatives that will help motorcycle riders. As the Attorney-General mentioned, this includes a lane filtering trial, and it also includes a review of licence requirements. I want to emphasise that several of the broader policy reforms, such as reviewing estate development codes and the urban design hierarchy, need to be done with motorcyclists in mind, not just cyclists and pedestrians. I expect that this work will have good outcomes for motorcyclists.

The last thing I want to emphasise, especially to members of the community who may only hear a radio grab or other snippet about this report, is that the proposed measures are of benefit to all road users and to the city as a whole. They should not be divisive. We have probably all heard the acrimonious debates between different road users. Cyclists and car drivers can be particularly hostile to one another.

It might seem that by taking action to assist vulnerable road users, this somehow comes at the expense of car drivers. I do not believe that this is the case at all. These changes will help create a better and safer urban environment where users share the

roads appropriately, and where road users are aware of their responsibilities to one another. As road users are different, their responsibilities and needs are different. These reforms start to recognise that.

In conclusion, I commend the committee's report, and strongly support the government's response. I do not suggest that it does everything that needs to be done, and we need to stay firmly on a path of positive reform to transport and the city environment. But it is a very welcome and admirably progressive step for our jurisdiction. We all have a lot of work now to get on with in implementing these reforms.

Question resolved in the affirmative.

## **Papers**

**Mr Corbell** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2013-2014—ACT Policing, dated 18 September 2014, in accordance with the Policing Arrangement between the Commonwealth and the Australian Capital Territory Governments.

Crimes (Controlled Operations) Act, pursuant to subsection 28(9)—ACT Policing Controlled Operations—Annual Report 2013-2014, dated 19 September 2014.

Crimes (Surveillance Devices) Act, pursuant to subsection 38(4)—ACT Policing Surveillance Devices—Annual Report 2013-2014, dated 19 September 2014.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2013-2014—

Environment and Sustainable Development Directorate, dated 1 September 2014.

Office of the Commissioner for Sustainability and the Environment, dated 30 August 2014.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2013-2014—Capital Metro Agency, dated 10 September 2014.

Taxation Administration Act—Taxation Administration (Special Arrangements—Lodging of Returns) Determination 2014 (No 1)—Disallowable Instrument DI2014-245 (LR, 15 September 2014), together with its explanatory statement.

**Ms Burch** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2013-2014—

ACT Building and Construction Industry Training Fund Authority, dated 12 September 2014.

Education and Training Directorate, dated 12 September 2014.



Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2013-2014—Community Services Directorate (2 volumes), dated 5 September 2014.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2013-2014—ACT Gambling and Racing Commission, dated 29 August 2014.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2013-2014—Cultural Facilities Corporation, dated 18 September 2014.

**Ms Burch**, on behalf of **Mr Gentleman**, presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2013-2014—Long Service Leave Authority, dated 10 September 2014.

**Mr Rattenbury** presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2013-2014—Territory and Municipal Services Directorate, including the ACT Public Cemeteries Authority (2 volumes), dated 17 and 18 September 2014.

## **Education—priorities**

### **Discussion of matter of public importance**

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

The importance of Government getting its education priorities right for ACT residents.

**MR SMYTH** (Brindabella) (4.12): Getting priorities right for government is a very important thing, because it is what they then deliver to the people. After all, that is what we are here for. The slogan says “the Queen, the law, and the people”. I think often the people are forgotten as governments concentrate on the law and concentrate primarily on making themselves look good.

You have to question what are the priorities of this government in education. There are a lot of glossy documents on the website: education capital, leading the nation, education capital leading the action, 2014 action plan. But as you read them, they are light on details, there are lots of quotes from people, but you do not get a sense that the government has education as a priority.

At a recent Canberra Business Council luncheon, Brian Schmidt, our Nobel Prize winner for astrophysics, said, “Yes, the ACT does pretty good at education,” but then again we always did pretty well in education. For the money we spend in education, so we should. But he told the room he thought we should be doing a lot better. He

said if we want to grow and become more creative and more innovative, at the heart of it is the education system. I remember the slides that he showed and the presentation that he gave. At the end of it you did not get the impression that he was fully impressed with what was being done.

I think that is easy to understand. Look at the litany of failures even in recent times from this government. We have got schools that are now overcapacity, recalling, of course, that they closed 23 schools. Some schools do not have air conditioning and the working temperatures are not good, the working conditions are not good. We had to build mobile units for the school at Duffy, which of course was the result of poor enrolment planning. We see maintenance issues. I am sure Mr Doszpot, if he gets a chance to speak to this MPI, will elaborate on many of these issues.

The issues at Taylor Primary School were the result of neglect—deteriorated wooden frames and the possibility of exposed asbestos—resulting in the government spending \$13 million in repairs. In 2012, Forrest Primary School had a foul smell, weed infested bubblers, dirt covered classrooms. Farrer Primary School had mould, which left students and staff sick.

There were the broken 2012 election promises. There was \$28 million to fix Belconnen high. Two years later nothing has happened. There was \$70 million for what Labor calls school infrastructure for the future. Yet two years later even the unions are doubting the government's sincerity and doublespeak on this issue. There was \$70 million to refurbish older schools, but only for schools and families to learn that this was in ongoing maintenance only. We had the Majura Primary School upgrade delayed. At Evatt Primary School there was delayed commencement and completion, frustrating the school community. There was the lack of nurses at Woden and Cranleigh special schools. Dare we bring up the issue of chaplains? It is impossible to know what the minister's position on the chaplain issue is because it changes so quickly and changes so often.

As the chair of the estimates committee recently and with my responsibilities for higher ed, I will make a few comments on some specific areas. The estimates committee heard what I think can only be some disturbing issues about the mental health of young people in our education system, and I just want to read what was said by the various groups that appeared.

In the first case it was the YWCA that appeared, and they put quite a compelling case about the future of our young people. They spoke about how they were getting more and more young people presenting. Paragraphs 2.80 and 2.81 of the report say:

In response to questions from the Committee about the age that children are presenting to these services and the key drivers for accessing them, the Director of Community Services noted that the YWCA Canberra was identifying more children with attachment disorders in their early years emerging with mental ill health and anxiety. She indicated that the YWCA program focused on the middle years, as many programs relating to early years already exist.

The Director of Community Services indicated that the YWCA Canberra is noticing a growing number of young people with anxiety and early onset mental illness in secondary schools that have problematic school attendance and school

engagement. And the resulting issue of social isolation can compound their mental health issues.

They also went on to talk about parenting advice and assistance and the programs there being quite full.

When you go to the recommendations on mental health, recommendation 27 states:

The Committee recommends that the ACT Government detail to the Legislative Assembly by the last sitting day of October 2014 how it will fund and address—

and there is a month to go on that—

the issue of youth and young people's mental health in our education system particularly detailing the crosssectoral approach that will be undertaken.

You have to remember that two Liberal and two Labor members came to that conclusion. This was bipartisan. And the government's response is simply to note the issue. "Yes, okay, there is an issue; noted." The approach to address mental health in students is guided by the primary prevention and early intervention triangle model.

The government, I think, can be quite flippant about what is an important issue. We all know that if these issues are not nipped in the bud, if they are not addressed early, then of course they grow and fester and everyone suffers—the student, the class they are in, the teachers, the school, but particularly the families as well. I think it is unfortunate that the government seems to take such a light view of this. What they could have done was come back and detail what they were going to do and how they were going to address the growing need. That was why the YWCA brought it to the attention of the committee. They saw it as an important issue. It is a shame that the minister did not feel the same way.

In another area, there were questions about the issue of the physical fitness of our students. It is well known that kids that are fit do well, they comprehend well, they can of course concentrate better. Recommendation 91, again a bipartisan committee, two Liberal, two Labor, states:

The Committee recommends that the ACT Government collect, maintain and report annually on ACT school students' health and fitness.

Again the government's response is "noted". But the problem is that the government just seem to ignore the issue. They say, "There is a bit of work done here, and there is a bit of work here, and there are a few programs there." But we are already aware of that. The issues brought to us would indicate that these programs are not meeting need, these programs are not addressing the issues.

If you want an education capital that is leading the country, as the front of the strategic plan says, and you want your kids to do well, if they are not physically fit and if they are not mentally well, then the education that these kids are going to get will not be as good as it could be, to the detriment of all. I would ask the minister to go back and look at particularly those two recommendations again. If kids are starting behind then those kids are not going to get ahead, and that is a shame.

I think we all acknowledge the problem of mental illness in the community, but here is a real place to start. You have been given some evidence that things are not improving. In fact, things are deteriorating and there are a growing number of children presenting. But you just say, "We have got procedures in place. It is all okay." It is actually not okay. There is just a clear example where this minister and this government have got their priorities wrong. Let us address the mental health of students, particularly in early secondary, and let us address the fitness of all our students so that they get a better outcome.

Another group that the estimates committee heard from was the Childers Group. The Childers Group was particularly interested in arts in schools and the benefits of arts in schools and how it helps kids reach their potential. It is one of those things that help with creativity. What the Childers Group suggested was that we have arts education.

The government's response was a bit sad, really. The simple answer was, "We are already doing that." Recommendation 19, again the bipartisan committee, states:

The Committee recommends that the ACT Government establish a full-time Arts Officer embedded in the Education Directorate.

This is not about having arts teachers in the education directorate. It is about somebody from the arts community building that bridge between the community and the education system. The government's response was "not agreed". I just wonder whether the minister actually read what the committee said to her and, indeed, what the Childers Group, through the committee, said to her. Under "Arts Education", paragraphs 2.62, 2.63, 2.64 and 2.65 state:

The Coordinator emphasised the importance of having an arts officer funded by artsACT and situated in the Education Directorate who can broker relationships across the ACT Government and between government, schools, and program providers such as the ACT's key arts organisations.

In response to a question from the Committee, the Coordinator confirmed that the role of the Arts Officer would be to work with children already engaged in activities and with individual schools and institutions to increase exposure to art. He referred to an example in WA where relationships between the two sectors improved significantly once an Arts Officer, funded through arts money, was embedded in education.

The Spokesperson added that the Arts Officer could also have the added benefit of educating teachers to deliver an arts curriculum.

In response to a question from the Committee, the Childers Group agreed that another role for this Arts Officer could be to improve understanding in the Education Directorate and schools about the value of arts in increasing the overall performance of young people in the key areas of literacy and numeracy.

Indeed the strategic plan talks about improving the overall performance of young people. Here is a solid suggestion, a concrete suggestion, from a very knowledgeable group who have a solution for the government. But the government has seen fit to say, "No, we have already got that." The government's response to the recommendation is:

Not agreed.

The Education and Training Directorate (ETD) has existing established structures to facilitate and support arts education in ACT public schools.

ETD also works in partnership with a range of arts organisations and stakeholders, including artsACT, to enhance arts education in ACT schools.

The Childers Group does not think that is working. That is another priority that the government have got wrong, but if they got to the basics of it and made sure these relationships were working perfectly, if we are going to improve creativity in our kids, which we all know is important in the learning and the education process, then of course that would be a good way to do it.

The third area that I would like to speak about is higher education. Of course, we have now got a Minister for Higher Education. What we do not have is an output class, what we do not have are key indicators and what do not have is any strategic plan for it. Recommendation 71 states:

The Committee recommends that the ACT Government establish an output entitled 'Higher Education', and develop strategic objectives and accountability indicators for the output.

Yet again, the response is:

Noted.

While policy responsibility for higher education rests with the Commonwealth ...

There you have it. We are not going to do it because it rests with the commonwealth. Higher ed is incredibly important to all cities, to all nations, and we should be taking this seriously. Just to say it is noted and the policy rests with the federal government is a copout of the highest order. It goes on to say:

...the ACT Government is committed to supporting growth in the higher education sector ...

They have set up a website, StudyCanberra, they have gone on a few overseas trips, they tried to get the message out.

The other recommendation that came up in this area concerned student accommodation. Student accommodation is a really pressing issue. We heard from various groups including Shelter who said that really higher ed was not working for a lot of students because it is just out of their price range. Recommendation 3 states:

The Committee recommends that the ACT Government investigate and detail to the Assembly by the last sitting day of October 2014 the true extent of housing stress and homelessness amongst university students in the ACT.

If you go to the StudyCanberra website, it is fantastic. There is a whole section on accommodation and it has got a picture of the New Acton area where there is this lovely high rise and all this public art. But I just wonder how many students can afford to live in New Acton. The Nishi is in the background. It has got the large high rise there in New Acton. It states that Canberra is home to thousands of students from around Australia and the world and that, depending on your personal taste, budget, location and the length of your stay, there are a number of accommodation options. I just wonder how many students have the budget to live in New Acton. I suspect the answer is: not a great deal. I think that is to the shame of the government that they would just simply say, "We have got a website. People should look at the website," and give this impression that somehow things were hunky-dory. At paragraph 2.13 from Shelter:

The research and policy officer suggested that student specific accommodation in the ACT was unaffordable for the majority of students.

They cannot come and study here if they cannot live here. The paragraph continues:

He explained that whilst the construction of Unilodges near ANU and UC have provided a large number of beds, a 2012 ANU Student's Association survey found that the average Unilodge resident paid 52 per cent of their income towards their accommodation costs. In addition, a separate pilot study by Anglicare on student housing affordability indicated that share house students in the private market, were contributing close to 81 per cent of their income towards accommodation costs.

These are three simple areas—mental health and fitness, the arts, and student accommodation—which show that this government have got their priorities wrong. If you cannot address the basics, if you are not fit and healthy, if you cannot be creative, if you have not got a roof over your head, participating in education in the ACT is incredibly difficult. (*Time expired.*)

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Disability, Minister for Multicultural Affairs, Minister for Racing and Gaming, Minister for Women and Minister for the Arts) (4.27): I thank Mr Smyth for putting this matter of public importance forward today. It calls for getting priorities right. I have just listened to Mr Smyth for 15 minutes and there were no initiatives or priorities from the Canberra Liberals, but I should not be surprised about that.

I agree that it is absolutely vital that we get our education priorities right. I find it interesting that the Liberal Party have only just discovered education as a priority. I have to say this because, despite all their words on the matter, they have not put forward a single policy on early education and care. This is a party that even forgot, at the last election, the Canberra Institute of Technology. They forgot CIT. It did not feature in any way, shape or form. How can one forget the ACT's largest training provider and still attempt to maintain any credibility when it comes to the issue of education priorities?

*Mr Doszpot interjecting—*

**MR ASSISTANT SPEAKER** (Dr Bourke): Order, Mr Doszpot! Stop the clocks. Mr Doszpot, you have already been warned once today for disorderly conduct. I am warning you again.

**MS BURCH:** As I said, the Canberra Liberals forgot CIT at the last election. They may forget it, but this government does not. This government is investing in CIT and indeed will invest in a centre in Tuggeranong.

On the notion of early childcare education, which is a significantly important matter to our community, I just want to reflect back on the long day care numbers and places. In the four years prior to the election in 2001, the number of centres was 80 in one year, 80 in the second year, 78 in the third, and 80 in the fourth year—80 long day care centres. The number of places moved over that four-year period from 3,952 to 4,121. That was the effort. If you look at the graph, it is just about a straight line. That was the effort in supporting our families in early childhood from the Canberra Liberals.

Since this government came to office in 2001 we have seen a steady growth of early childcare centres. We now have 123 centres and over 9,700 places. You talk about getting priorities right. I think that providing opportunities for Canberra families in the early years of education is a priority and we clearly demonstrate that it is for us.

It is important to note that on early education and care we have just seen a very late and confused commitment from the federal Liberal government towards ensuring preschool funding for next year. Of course, we have seen the federal government's lack of commitment to school space funding beyond 2017. It would perhaps be wise for Mr Smyth and his colleagues, instead of spending their 15 minutes full of negativity, to get on the phone to their federal colleague and support ACT schools.

I remember a motion back here in March where I asked this chamber to make sure that we have appropriate needs-based funding for all schools—government, Catholic and independent schools—and each one of the Canberra Liberals voted that down. The Canberra Liberals said that they did not want to know about needs-based funding; they did not want to know about secure funding for independent and Catholic schools beyond 2017. Each one of them voted against secure funding for education. I hope that when they are out in the community they make it clear that they oppose a better deal for schools—independent and Catholic schools.

I see this MPI as nothing more than a confected outrage and an attempt to create a crisis. They have nothing to offer the ACT in positive policy. Through this confected outrage they are trying to pull together another crisis, but we know they do not actually believe what they say because they have said so many positive things about it themselves. Indeed, Mr Doszpot, on 3 May, on the topic of ACT public education, said:

I know that there is a wonderful present and an even better future. ACT education enjoys a favourable reputation around Australia, and that is deserved.

Again, on 8 May:

The ACT government has funded government schools above the national average for some years.

Mr Hanson, again, has gone on record to say:

We have got a great non-public and public school system. We support it.

So I am not quite sure how Mr Smyth can come in here and make comments that are completely at odds with other comments that have been made in this place.

For the benefit of those opposite, I will outline what we are doing to ensure that the ACT remains the best place for education in this nation and remains a global competitor. The priorities for education are around ensuring that parents and children are at the centre of our schools and education system, providing high-quality teaching, empowering school leadership and making sure all children and young people have access to learning experiences that enable them to grow and face the future with optimism and skills. I emphasise here that I am talking about all our schools—Catholic, public and independent.

I have also launched the preschool matters initiative which provides small grants to preschools to support parental engagement. Canberra families are already strong supporters of their schools and a range of new tools and resources will allow them to better engage with the local school.

Earlier this year I announced my goal for all new ACT public school teachers to have literacy and numeracy skills that sit in the top 30 per cent of the population. From next year the recruitment process for new public school teachers will include a literacy and numeracy test. We are currently working with the Australian Institute for Teaching and School Leadership on an online assessment tool to implement this test.

Again, in teacher quality, the ACT Teacher Quality Institute has implemented accreditation processes for professional development programs to ensure quality and relevance to professional needs is maintained. I have also asked the institute in the coming year to work with all sectors and with the universities in the ACT on quality assurance measures for professional experience of pre-service teachers.

We want our young people to leave school with the level of literacy they need to move successfully on to employment, training or higher education. Starting with our year 11 students next year, all students will be required to complete a course under the English course framework as a requirement of receiving a year 12 certificate. I also want consistent reporting across all our public schools so parents know that an A is an A no matter what school their child attends.

In terms of the school environment, it is obvious that where children learn has a big impact on how well they learn. We simply have to continue our investment in schools and it will not be easy as we move into a tighter fiscal environment. That is understood, but we will continue our investment in schools.



Over the last 10 years the government has spent, or budgeted to spend, more than \$800 million on capital works in the Education and Training portfolio. If you add the building the education revolution, that comes to over \$900 million. Each year the government allocates \$20 million for repairs and maintenance. The funds are used for front entry upgrades for our schools, security and older schools upgrades. Over the past few years the government has spent over \$6 million on expansion and upgrades.

In closing, I will go back to school priorities. Mr Smyth made mention of some comments through estimates around the health and wellbeing of our young people. In this place today on the question of chaplains I have been trying to advocate for all schools to have the choice of support that they want. The Canberra Liberals have clearly set a position that I should not be supporting and fighting in every way I can to allow schools to have chaplains and secular workers. If Mr Smyth wants to care for children then he should be supporting me and asking the federal government to have regard and respect for our schools.

On higher education, Mr Smyth seems to forget that the federal government is looking to increase fees that will disproportionately affect students from disadvantaged backgrounds and women. In an interview I heard Mr Pyne actually say, "We're not asking a lot. We're not asking them to donate their left kidney." That is the narrative from the federal Minister for Education that those opposite are seeking to support. That is the tone that he puts in the debate for children who are aspiring to get a tertiary education.

Our schools provide a good service to the community. We rank well on any measure. We have seen a positive growth in enrolments in our schools over the last decade. Our school numbers sit at over 42,200 students, and I think that is a good thing. (*Time expired*)

**MR RATTENBURY** (Molonglo) (4.38): As we see a theme developing here this week, it is worth noting that this week's matters of public importance are aligning well with the recent cabinet announcements of health, education and public transport including light rail, and the Mr Fluffy situation, as being the utmost priorities for government. The opportunities to discuss these matters in this section of the sitting program this week have reinforced that. The MPIs give us all a chance to discuss our views on a range of issues but, unfortunately, when it comes to our colleagues across the chamber, more and more we are seeing them turn into quasi-motions with a focus on criticism. They do it in a regular way with no alternative solutions and no ideas on what should be done differently; it is simply a stump speech on whatever the issue of the day is.

Be that as it may, I will talk to education as a priority and a matter of importance to the ACT Greens, to the government and to the broader community. The ACT Greens believe that a high-quality, free and equitable education is a cornerstone of a healthy democracy and is fundamental to Australia's continued prosperity. We understand that learning is a lifelong process fostered in both formal education and informal settings from early childhood through adult life and believe that everyone should have equitable access to an education that meets their needs and aspirations and gives them the skills and capacity to participate in society.

The ACT Greens are committed to closing the gap in academic achievement associated with students' socioeconomic status and cultural background. We would like to see improved educational and training outcomes for young people with a disability or a learning difficulty by expanding and diversifying alternative settings and programs within schools for students with complex learning needs or experiencing barriers to mainstream education.

We want a vibrant and properly funded public education system that attains world-class standards of excellence and is built on an innovative curriculum, and we want government and non-government education funding to be based on a formula that allows equity of educational outcomes, and is allocated in a transparent and accountable manner.

I think the ACT Greens have our education priorities right, and I know that this is clear to see in our parliamentary agreement with Labor. Many of the government education priorities we share with Labor are already reflected in policy and process. While there is always a need to adjust and review progress, I think that on the whole we are getting our priorities right.

One of the hardest things to do in government, though, is to respond to the slings and arrows of outrageous fortune. The federal government's complete and utter disregard for the Gonski review, the clear need for greater clarity and certainty for schools funding, was a particularly outrageous piece of misfortune for Australian education. But respond governments must, to ensure that changes in funding sources do not adversely affect our aspirations of a world-class and inclusive education system right here in the territory.

On this level, again, I believe the government is getting the balance right. We know in this place that ACT students are getting a great education and that academically we are performing extremely well in comparison with other jurisdictions. We are seeing an increased confidence in our public schools as a place of safe and positive learning environments, with enrolments increasing each year. We are lucky enough to have a strong and collaborative relationship with the Catholic and independent school sector, and a shared vision of excellence and inclusiveness.

Are there areas for improvement? Well, undoubtedly there are. The ACT Greens would like to ensure we are continuing to address the findings and information gained from the 2010 inquiry into the educational achievement gap in the ACT, which looked at social and economic issues, amongst others. We want to see students with English as a second language getting the support they need to excel in mainstream classes and for students at risk of disengaging from education being helped and encouraged.

Moreover, we want schools funding to be based on need, something that I think we have been very clear about for some time. I think is about stepping beyond some of the old divides and ensuring that students simply get what they need and that we do get that true equity of educational outcomes.

In summary, my view is that we have much to be proud of in our education system in the ACT. I am committed to ensuring that it continues to grow and strengthen to provide the best for our community. There is no doubt that achieving good educational outcomes is one of the best things we can do for children and young people in Canberra. I think the ACT is doing well, and we must continue to strive to maintain the highest possible standards in the territory.

**MR DOSZPOT** (Molonglo) (4.43): I thank Mr Smyth for bringing this matter of public importance to the Assembly this afternoon, the importance of government getting its education priorities right for ACT residents.

Last week I raised a motion in this Assembly on the lack of maintenance in our public schools. There were several incidents that were known about at Gowrie, at Belconnen High, and at Birrigai, and there were probably many more minor issues that were dealt with by teaching staff who either knew there was no money in their budget to fix the issues or thought it was not worth the grief to make a formal repair request.

I pointed out that an overwhelming number of schools in the ACT are more than 50 years old, and so it was inevitable that their maintenance issues would only get worse, not better, over time. I also highlighted the recent research that demonstrated that several of our schools are already over capacity, that several more would move that way in the next few years. I pointed out that, other than changing the priority enrolment areas for schools and putting in transportable or demountable or modular classrooms, planning was vague at best. That had already been demonstrated when a decision was taken by Labor to close 23 schools, against a body of evidence from parents and the community that suggested many of those decisions were wrong, and they were, because the overcrowded schools are in those areas today.

I was at pains to point out that, despite the Labor government getting its priorities wrong and its judgement lacking in what moneys and priorities needed to be directed to education, we had a first-class education system with teachers who, in many cases, struggled with overcrowded classrooms in rooms that last summer were over 35 degrees on some days, but still delivered quality teaching.

The minister of course chose to ignore what I have said—she has repeated her mantra again this afternoon—and she instead pulled out her set piece of rhetoric about how I always run down ACT education. She did not acknowledge the ageing infrastructure but instead highlighted how commonwealth government money had delivered great gymnasiums, libraries and outside covered areas to many ACT schools.

She pointed out how good Taylor Primary School was, how effective Duffy's modular rooms were and what a showpiece Gungahlin College was. She completely missed the point, and she still does, that Duffy's modular classrooms were a consequence of poor enrolment planning, that Taylor Primary was a consequence of not recognising that the school was in a poor state and therefore was prey to some bad weather. And of course Gungahlin College is the showpiece school that this government never fails to highlight, as it should. But it is just one college—one school in a system that is expected to educate 70,000 students.

And that is exactly the point, Ms Burch, of today's MPI: the inability of this government—of you—to recognise priorities and to set them appropriately.

A previous education minister was legendary for his glossy brochures and various strategic direction papers. We had *Every chance to learn*, *Excellence and enterprise: advancing public schools of distinction*, the latter designed to counter the success and popularity of ACT non-government schools. We had *School improvement in ACT public schools: directions 2010-2013*, *Priorities 2014*, *Improving ACT public high schools and colleges*—every year another glossy brochure, another set of buzzwords, all designed to give the impression they knew what they were doing and where we were going.

In the meantime we had schools falling down, overcrowded, teachers fighting the directorate on pay rates and conditions, and hot classrooms. We had an IT strategy that rolled out IT in our schools, a worthy objective, but, at several schools I visited, I heard about the litany of disasters with printers that did not work, that were not connected to the network, that needed to be serviced or upgraded, and schools unable to get information out because there was no-one on the help desk in Shared Services available to fix the problems.

In 2012 I raised the issue of disgusting foul-smelling toilets, weed-infested bubblers, and dirt-covered classrooms at Forrest Primary School that had been in desperate need of upgrade and repair for years. At another school, the principal was so excited to show me her new toilets, because she had waited almost a decade to get them. And who could forget the years of neglect that affected Farrer Primary School, where mould continued to spread throughout the school building and sickness increased in both children and staff. It was identified by the *Canberra Times* that several recommendations from a civil engineer to fix moisture problems going back two more years had been ignored—another example of poor priority setting, Ms Burch.

We move to the 2012 election campaign, and ACT Labor came out with the \$28 million to fix Belconnen, with a time frame that said it would be done early in the new term. Two years later, and most of the money is still to be spent. But of course we will hear that they are in active consultation or that preliminary designs have been considered, or some other stalling tactic. In the meantime Belconnen High was evacuated a couple of weeks ago due to some fault that caused the smoke alarm to be triggered.

The same 2012 election manifesto talked about an extra \$70 million for what was termed “school infrastructure for the future”. Well, I can agree at least that it was well named, but, two years down the track, I believe that even the ACT education union question the legitimacy of that election promise.

Well you may laugh, Ms Burch, but you have not given us any answers. In the 2012 ACT election campaign, ACT Labor issued an education policy which made commitments totalling an additional \$250 million over four years. Included in those commitments was the significant sum of \$70 million to refurbish older schools. To the ordinary person, to the ordinary voter, that commitment meant \$70 million extra

money. But we understand that ACT Labor now may be indicating that that figure should be read as capital upgrades—that is to say, it should be understood as standing for an already existing, ongoing, routine recurrent program of maintenance of public schools.

Well, we are still waiting for Minister Burch. We are still waiting, Minister Burch, for you to set the record straight. The silence is deafening.

**MADAM ASSISTANT SPEAKER** (Ms Lawder): Mr Doszpot, direct your comments through the chair, thank you.

**MR DOSZPOT**: Thank you, Madam Assistant Speaker. Well, we are still waiting, Minister Burch, for you to set the record straight.

**MADAM ASSISTANT SPEAKER**: Mr Doszpot, direct your comments through the chair, thank you.

**MR DOSZPOT**: Madam Assistant Speaker, we are still waiting for Minister Burch to set the record straight on the election promise—questions I asked in last week's motion. So until we hear otherwise, it would appear that ACT Labor's explanation is that \$70 million worth of refurbishment of older schools really meant \$70 million already budgeted and programmed as capital upgrades.

Then we had to conclude that ACT Labor's election commitments are \$70 million less, and we are still waiting for Minister Burch to set the record straight. So, while we wait, we address the realities: Majura Primary School, upgrade delayed; Red Hill Primary, an upgrade that took forever to be started and completed. The list is endless, and almost every school has been put on the slow train for much-needed repairs and improvements. Again, poor priority setting.

At the same time there appears to be no delay to upgrades for the jail, with \$54 million being spent because Labor got its estimates of needed accommodation wrong, just like it did with the Gungahlin Drive extension. And who can forget the walk-in centre that the ACT Liberals pointed out was the wrong thing in the wrong place? Move to 2014 and guess what? They have just had to move them because indeed they were in the wrong place. More money, another skewed priority.

We heard in question time today another example of poor priority setting. I have berated several education and health ministers over the lack of nurses in our special schools. First it was Woden and now it appears it is Cranleigh. A parent of a child at Cranleigh has been told that her child does not need a nurse—it is like *deja vu*; what we went through at Woden School—and that a learning support assistant will suffice. Well, it did not in Woden, and it does not suffice at any of these schools, Woden or Cranleigh. At Woden, a child was put at risk because an LSA made an understandable error in a blood glucose reading. And then the minister tries to wipe her hands of the issue, saying that it is a health directorate matter. Another poor choice, another poor priority setting.

Education is the largest single directorate investment. But if we do not get our priorities right and spend the money when it is needed, it is useless. And this government has a track record in promising, re-promising and often not delivering. It is almost par for the course for this government. Perhaps that is its plan for the Gungahlin train set as well. But even if it is, millions of taxpayers' dollars have already been spent on this folly at a time when schools are being evacuated, others are needing temporary classrooms, and teachers are missing out on professional development.

Just before I conclude, Madam Assistant Speaker, Minister Burch has been very fond of saying what cuts this government has received. Well, I have a very clear direction from the federal government. There are no cuts to commonwealth government school funding to the ACT over the next four years, 2014 to 2017. The facts are the that Abbott government restored the \$1.2 billion that the previous government had taken out of forward estimates for school funding and that total commonwealth funding to all schools in the ACT will increase by \$67 million, a 28.7 per cent increase from 2013-14 to 2017-18. But Ms Burch was not complaining when the Gonski issues—*(Time expired.)*

**MS BERRY** (Ginninderra) (4.53): The government agrees wholeheartedly that it is important to get its education priorities right for ACT residents. This is a government that has made education a priority in every budget and will continue to do so. The 2014-15 budget invested \$943.2 million in the ACT education system, which is up 5.2 per cent on 2013-14. Recurrent funding for the public education sector, including teaching and schooling operation costs, is \$566.9 million, an increase of \$17.7 million on 2013-14.

This budget includes capital funding of \$81.6 million for 2014-15 to improve physical infrastructure, as well as information and communication technology. The ACT government continues to support non-government schools, with \$59.1 million allocated for this sector. This investment proves that education is a priority for this government. This investment will improve our schools and learning environments. This investment will improve educational outcomes for people at each stage of their life: our children in early learning, our school students through to year 12, and adults, both school leavers and more mature learners who are undertaking training. Yes, Madam Assistant Speaker, education is a priority for this government and we have got our priorities right.

We start early in a child's life. In the early learning space, our commitments focus on infrastructure, educators and quality. It is clear that investments in early learning pay dividends in setting up children for success. We have allocated \$1.4 million over two years to enable the refurbishment and upgrade of the childcare facilities at Bunyarra and Salem children's centres to meet the national quality standards for early childhood education and care services.

We are investing \$500,000 over the next two years to extend the existing early childhood scholarship program, and \$295,000 over four years and \$136,000 per year after that in the degree scholarships program which provides \$6,000 towards participants gaining an approved early childhood teaching qualification.

In 2006 public preschool hours were increased from 10 to 12 hours per week. This placed the ACT within the top jurisdictions nationally for providing the most hours of preschool education per week. With Australian government funding under the universal access national partnership, all ACT public preschools offer 15 hours per week of free preschool education. Without continued Australian government support, 15 hours of free preschool education cannot be maintained. The ACT government is working with the Australian government to secure a strong future for our children and our nation.

ACT students continue to be the best performing in Australia. Our 2014 NAPLAN test results show that ACT is in the top or equal top in 16 of 20 areas tested. These outstanding results—

*Discussion concluded.*

## **Major Events Bill 2014**

### **Detail stage**

Remainder of Bill as a whole.

Debate resumed.

**MR RATTENBURY** (Molonglo) (4.57): When we broke for lunch, I was making a few remarks relating to government amendments proposed for the bill today, and I will continue with those.

The next one I want to comment on is government amendment No 2. I agree with this amendment because it improves the process for declaring which items are prohibited items at major events. It essentially ensures that only items which may be used to interfere with the event or be a risk to public safety will be prohibited, and the prohibitions are reasonable.

Government amendment No 4 ensures that variations to a major event declaration are disallowable rather than notifiable. This means that the Assembly can consider any variations, which is appropriate, especially given the declarations can impact on various rights. This was an issue I raised with the government, and it was also raised by the scrutiny of bills committee. I note that there are similar amendments for important events mirroring the ones I have just spoken about for major events, and I welcome those amendments as well.

Government amendment No 10 provides that certain prohibited items are only prohibited if they could be used to interfere with an event or present a risk to safety. The amendments apply to prohibited items at section 12(1)(a)(xvi) and (xvii) of the bill—a glass item and a metal can. This was a specific issue that was raised by the scrutiny of bills committee. It gave examples of how regular, everyday items like phones have glass in them, and the list of prohibited items needed to be clarified.

Government amendment No 16 makes several improvements to the search powers by requiring that police officers need to be the same sex as the person being searched or, where that is not practicable, another person of the same sex or a sex nominated by the person to be searched is present while the search is conducted. By requiring written records of searches, including details such as the date, time and place of the search, by requiring police to not detain a person for longer than is reasonably necessary to conduct the search, and by requiring police to agree to a request to search a person in a less public place, if it is practicable to do so—these are appropriate protections which work to mitigate concerns about inappropriate use of the search power.

Government amendments Nos 17 and 19 amend the power in the bill that allows police to require a person to state their name and home address. It allows a person to refuse to comply with the request to provide a name and home address if they do not intend to, or wish to, enter the event venue. In my view this is an improvement but not an ideal amendment. I will reiterate the commentary from the scrutiny of bills committee, as it explains this issue quite well. It said:

The question of when and how is it justifiable to impose on a person an obligation to provide their name and address to the police has been considered by law reform bodies, and in particular by the Australian Law Reform Commission ... in *Criminal Investigation (Report No 2, Interim)* (1975). The ALRC noted that while “[s]tatutory power to require a person to furnish his name and address exists at present in most jurisdictions only in relation to traffic offences[, it] is nonetheless, a power which policemen need, and exercise in practice”. The Commission thus recommended:

The power to require a person to furnish his name and address, now available only in traffic cases, should be extended to situations where the policeman has reasonable grounds for believing that the person can assist him in relation to an offence which has been, may have been, or may be committed. The police officer should be required to specify the reason for which the person’s name and address is sought, and there should be a reciprocal right, in such a situation, for a citizen to demand and receive from the policeman particulars of his own identity.

The ALRC linked its recommendations to the means it recommended for enforcing safeguards against an excess of the powers of the police. It instanced “disciplinary action, the exclusionary rule, and the civil action for false imprisonment”.

So while the committee recommended in particular that a person be given the option of not providing their name and address if they do not want to enter the event, and this is what the amendment does, I also think that ideally the amendment would only require a person to give their name when there is an appropriate reason.

I support government amendment No 22 because it clarifies that an authorised person or police officer can only direct a person to leave a venue for 24 hours, when they have already been asked to leave, and has refused to leave, and the person has entered or attempted to enter the venue. Again, it is an appropriate limitation to help ensure that powers of police and authorised officers are used appropriately.



Having made those few detailed remarks, I welcome, as I said earlier today, the significant effort that the government has gone to to pick up the recommendations from the scrutiny committee. I think it has improved the bill substantially. Whilst I think there are issues to be monitored, I am happy to support the amendments today.

Amendments agreed to.

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

Bill, as amended, agreed to.

## **Heritage Legislation Amendment Bill 2013**

Debate resumed from 16 May 2013, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR RATTENBURY** (Ginninderra) (5.03): The ACT heritage community have been waiting for this revision of our heritage legislation for many years now, and the Greens are glad that this bill is finally before us today.

The Greens believe, first, that heritage is to be interpreted broadly in order to reflect the diverse nature of our territory's history from pre-European settlement to present-day society, inclusive of Indigenous, immigrant and contemporary Australians. Secondly, we believe that heritage in the ACT is a precious asset and resource to be respected and protected for current and future generations. And finally, we think that heritage protection is not limited to the preservation of buildings and other physical structures, but also includes preservation of intangible heritage such as the memories and stories of our elders, including Indigenous elders, which in turn fosters our sense of place and community.

Turning to the legislation, the Heritage Act contained a requirement for a five-year review. Heritage consultant Duncan Marshall, now chair of the Heritage Council, undertook the review of the ACT's heritage legislation, which was released in August 2010, after a government discussion paper and public consultation. The review contained 111 recommendations.

The Marshall review of the Heritage Act was very broad, and looked into our heritage system more broadly than just evaluating necessary legislative review. The review also identified a range of systems that could be improved in order to better protect and promote our heritage.

The review was long overdue, and we had heard about considerable issues regarding heritage management in the ACT for many years. Unfortunately, it then took until early 2013 for the government to respond to the review. And I note that this amendment bill before us today does not have another legislated review clause in it.

The government responded to the review in March 2013 and simultaneously tabled its legislation. Unfortunately, after taking many years itself, the government did not allow realistic time for community feedback on the legislation, allowing only one month for feedback despite the bill including controversial proposals such as introducing a ministerial call-in power.

As a result, there was substantial negative community feedback. The Greens were not in a position to support it at that time, and the bill was ultimately not debated last year at all.

This year, when the major project facilitation legislation was being developed, I suggested that, given that the facilitation legislation would create a fast-tracking option for the government for specific projects, a call-in power was not necessary in the heritage legislation. The government agreed that this was the case, and over the past six months we have seen significant revision of the bill to essentially remove the call-in powers and related ministerial intervention clauses.

Turning to nomination processes, unfortunately the ACT has a very long backlog of heritage applications that need to be assessed, leaving many people feeling uncertain about the particular places or spaces that they have nominated. Sometimes nominations take a decade or more to be assessed. This really means that assessment of nominations needs to be prioritised according to impending development threats, rather than the Heritage Council generally having the time and space to consider sites outside the context of particular development proposals.

The review recommended establishing a better nomination management process and accompanying guidelines, which the Greens support. Given that this bill presents a number of changes, it is probably worth evaluating how these changes affect the processes over the next six months or so, and then assessing what tweaks could be made to further improve processes.

There is a national ministerial agreement to standardise heritage criteria in line with the national heritage convention of chairs of state heritage councils and directors of heritage, HERCON. I am pleased that this bill brings our ACT heritage legislation more in line with these HERCON criteria. These criteria have been agreed on nationally, but have been varied slightly in each jurisdiction to better apply locally in each instance, and this is the case with this bill today.

The Greens wholeheartedly support better recognition of, and respect for, the skills and knowledge of traditional custodians and representatives of other Aboriginal and Torres Strait Islander peoples in relation to conservation and heritage issues. The government has consulted with the Office of Aboriginal and Torres Strait Islander Affairs, the United Ngunnawal Elders Council and the registered Aboriginal organisations on the development of the proposed bill.

I understand that while some of these stakeholders did not provide any submission or feedback, many considered the changes in relation to cultural heritage minor and not of negative impact, and in fact considered that they strengthened some of the

management of Aboriginal sites. I would also like to mention my hopes that these processes are sufficient not only to offer protection up-front but also to offer clear and sure penalties and consequences for when those protections fail, and that the local community will have avenues for recourse in instances where sites or artefacts are damaged.

My only other comment in this area is that I think that in future it would also be appropriate that the Aboriginal and Torres Strait Islander Elected Body be consulted on relevant legislation such as this bill.

I have spoken already of the call-in power, but one of the most significant changes that this legislation had proposed was a call-in power for the minister to decide whether something has heritage value or not. This is not something that the Greens believe that the minister should decide. There is an independent body, the Heritage Council, which determines the heritage values of nominations. If there is a political or economic imperative to override this value, this should be a separate decision, rather than our creating a way to undermine the assessment process.

The Burra charter sets out very clearly that the only consideration when assessing the heritage recognition or listing of a place or object should be the heritage value. This should be done solely by the experts. By giving a listing power to a minister, it is immediately at odds with accepted best practice and the Burra charter.

Decisions about what happens to the heritage place or object after it is listed are a separate question. It may be that the decision is made to destroy the heritage value of the place or object. If that is the case, the decision should be made with all the information available and acknowledging that we are deciding to destroy the heritage value. There is no integrity in the very underhanded way of not recognising that a site or place had the heritage value in the first place.

It was certainly a key point made in the Marshall review that registration is fundamentally recognition of heritage value. As such, we support his recommendation that the minister not be granted a call-in power or veto to decide if a place has heritage value. That decision is best left in the hands of the experts. This, together with the removal of repeal rights for third parties, which I will come to, would have been a bad combination.

I would like to turn to overlaps with the Nature Conservation Act. This bill improves intersections with other overlapping legislation such as the Nature Conservation Act and the Tree Protection Act.

In the case of the Nature Conservation Act, this means that areas that are already declared protected under the Nature Conservation Act, and are only protected for their natural heritage significance of flora and fauna, will not be able to be placed on the heritage register—although if an area also has cultural heritage, the site may be protected under both nature conservation and heritage legislation.

The Greens would like to see better alignment, where practical, of ACT, National Capital Authority and commonwealth heritage protection laws to overcome the present complexity of jurisdictional responsibilities in the ACT.

Being the national capital, Canberra often has jurisdictional issues when it comes to planning and development processes, and it is no different for heritage. In the past, the ACT Heritage Council was able to list sites on designated land. However, a legal revision of this ability brought the governments to the conclusion that actually the ACT government does not have jurisdiction on designated land—largely land in the parliamentary triangle. This meant that earlier last year, the ACT Heritage Council decided not to provisionally register a large number of sites on designated land, from the Carillon to Parliament House itself. Unfortunately, this means that there are now a large number of significant sites that do not have any legal protection, and it is not an issue that the commonwealth government seems to be particularly interested in.

In principle, the Greens support the bill today. However, I note that there are a few areas where there is certainly scope for improvement. I note that the government is considering a further minor amendment bill early next year. In that context, I raise some issues that I believe warrant further investigation and consideration by the heritage unit.

It was disappointing to learn that aside from the removal of the ministerial call-in power, no other amendments were made to the bill in response to the public submissions last year, including many recommendations, some minor, from the Heritage Council. The government also did not do a summary of issues raised with consultation or a government response to those issues. I believe that this is disappointing for members of the community who have made a contribution, because communities have a right to understand how the government has chosen to respond to concerns raised by interested stakeholders. Perhaps this may still arise in the context of the next round of minor amendments.

This bill changes the appeal provisions in this legislation. The opportunities for review remain the same but the interested persons, or the people who are now defined in clause 10 of this bill as being able to appeal decisions of the Heritage Council, have been restricted. Interested persons will now not include the broader public, and will only include ACTPLA, the conservator, the NCA if relevant, the owner or occupier of a place, the architect or designer of a place, the person who made the nomination and RAOs when relevant.

The Greens believe that there are other groups that also have a legitimate right to participate in heritage conservation decisions—for example, the National Trust and the Institute of Architects, who are excluded unless they are the ones who made the original nomination.

Although the public generally will no longer be able to appeal against a decision of the Heritage Council not to provisionally register a place or object, I note that the bill does create a process whereby, if a party has further information or argument about a site or object, they are able to lodge a new nomination for that same site or place.

Aside from this one glaring omission of rights, the majority of appeal provisions remain the same—for example, property owners will still be able to appeal against the decision to register their place.

There are some other issues that I would like to comment on. The Greens believe that there should be substantial compliance and enforcement powers on heritage, and penalties should be increased for damaging heritage significance. We think that conservation management plans should be required for all heritage places. However, I do note that there is a large variance in the plans, and there should be guidelines introduced as a disallowable instrument that outline the standard requirements for a conservation management plan. A conservation management plan is not necessarily the most appropriate tool for heritage precincts, and this is why guidelines as I have described would be preferable.

One area that was raised in the community submissions was the idea of introducing “viewscales” as a criterion. Given the planned nature of Canberra, and the symmetry and views that Walter Burley Griffin tried so very hard to integrate, and succeeded in integrating, into the plan, it would be appreciated if the heritage unit could consider this for future reform.

In terms of the role of the minister in this legislation, the most significant issue that was proposed, the call-in power, has now been removed with the amendments tabled today. I welcome that. It is important that heritage values are considered by the Heritage Council in the absence of ministerial intervention, and any ministerial roles in this legislation preferably need to be kept to a minimum, and to areas where the minister does not play a decision-making role but, rather, plays an administrative role, such as requesting the council to reconsider any issue.

I would also like to raise a few issues that are not directly related to the bill before us today but are very relevant to the functioning of our heritage processes in the territory.

The Greens believe that the government needs to ensure that appropriate heritage sites, including 20th and 21st century sites, are identified and protected. In that context, we believe that there are a few fairly simple, if not arduous, processes that would help to reach this goal. The first would be increased community consultation in relation to identifying what is considered as appropriate heritage and what constitutes its adequate protection, including reasonable measures to ensure that publicly and privately owned or controlled heritage is able to be adequately conserved. Secondly, heritage values should be appropriately integrated into all urban planning policy to ensure that new development, particularly in existing suburbs, takes into account heritage values.

We also wholeheartedly support the concept of taking a more proactive approach to heritage in the ACT. This would ideally involve the Heritage Council establishing a long-term strategic program to identify the gaps in our heritage register. This would probably best be done by running a series of public consultation sessions, involving a range of architects and relevant historical experts as well as the general public, and then encouraging nominations that fall into the identified categories.

That way heritage can be recognised at early stages of planning and development, rather than being seen as an obstacle. I know that the property sector would also appreciate this idea, as it would mean that they would have certainty about a site. It would also give developers and architects the opportunity to work positively with a

site, integrating any existing buildings and working with those characteristics. This is something that I hope the government will look at undertaking.

As MLAs, we are all aware of community concerns about suburbs changing. The Greens believe that a proactive plan to engage with our community and to determine at an early stage what parts of our heritage we want to protect is long overdue. It is concerning to see in the report that there is a lack of understanding about what heritage is, both across government directorates and I think in the wider community. This probably shows the need to make the ACT heritage processes more transparent, so that both the community and government understand our heritage system better and also to help the community understand what heritage values are and therefore what sites warrant further protection.

The Greens also believe that the Heritage Council needs to be well resourced so that it can fulfil its obligations and strategic directions, including considering nominations in a timely manner. At present, I think we are all in agreement that the Heritage Council is simply not able to cope with the number of nominations coming before it.

There are a range of other matters. I think there are areas for improvement that were identified in the Marshall report, including having an improved capability for people to access some sort of online portal where heritage listings can be viewed, where people again can improve their understanding of heritage in the territory.

In conclusion, now that the call-in power has, thankfully, been removed from this bill, through the government's amendments tabled today, the Greens will be supporting the bill.

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

That the debate be adjourned.

Question put.

The Assembly voted—

Ayes 7

Noes 8

Mr Coe	Mrs Jones	Mr Barr	Mr Corbell
Mr Doszpot	Ms Lawder	Ms Berry	Ms Gallagher
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury

Question so resolved in the negative.

**MR COE** (Ginninderra) (5.23): The opposition is very disappointed with the process that the government have put in place for the Heritage Legislation Amendment Bill 2013. Even today, key stakeholders were completely unaware that this bill was coming on for debate. Some of those stakeholders were even unaware that there were amendments put forward for discussion and that were being voted on today. I think it is extremely disappointing that, given the amount of time the government have had to properly consult on this bill, they still have not got it right.

Before discussing the details of the bill, I would like to comment further on the legislative process to this point. The Heritage Act was reviewed by Mr Duncan Marshall in 2010. Mr Marshall's report to the government contained 111 recommendations. The government considered these recommendations and presented its amendment bill in May 2013. The amendments contained in the government's bill included call-in powers, despite the Marshall report explicitly recommending that "no call-in power or veto should be implemented in the case of registrations". We are pleased that the amendments the government will be moving today remove those call-in powers, albeit with many people in the community, many key stakeholders, being unaware of these amendments.

After introducing the bill the government went very quiet. It is now 16 months since the bill was introduced and four years since the Marshall report was given to the government. Despite all of that time, the government still has not got the process right.

Finally, the government decided to bring the bill on for debate. I think the substantial delay is a good indication of the government's disinterest in the heritage portfolio. Yes, the government are bringing in some good amendments, but surely it does not take 14 months to work these out, and surely it would have been better if they did not propose the inclusion of those components which the amendments are taking out in the first place. If the legislation required so much reworking that it needed 14 months to do it then perhaps the government should have consulted more widely before introducing the legislation.

The fact that this bill was collecting dust for so long is Minister Corbell's legacy in the heritage portfolio. The process that has been put in place for this bill has simply been appalling.

With regard to the specifics of the bill, it removes appeal provisions for a decision not to provisionally register a place or object or a decision to extend or not extend consultation. This brings the appeal provisions in the ACT into line with other jurisdictions.

The bill also includes some technical amendments. It clarifies the objects of the act to provide greater certainty around the concept of natural heritage significance, cultural heritage significance and Aboriginal places and objects. The bill also makes it clear that heritage places or objects or Aboriginal places or objects should not be harmed unless it is not reasonably practicable to do otherwise. This allows economic factors to be considered.

The bill provides a comprehensive definition of an "interested person". I note that there has been some concern about the fact that community councils and residents associations are not included in the definition. However, the fact that these groups can make a submission during the consultation and then be included as "interested persons" is probably appropriate.

The bill requires the Heritage Council to consult with the Flora and Fauna Committee when deciding to register or cancel the registration of a place or object. The bill also introduces the National Heritage Convention, or HERCON, criteria as the standard for heritage significance assessments.

The bill allows the Heritage Council to access property owners' details so that they can be consulted. Some privacy concerns have been raised in relation to this provision, but I believe it is important that proper consultation can take place before a place or object is registered.

Finally, I would like to turn to the matter of call-in powers. The original bill contained call-in powers for the minister. The opposition would not have supported this extension of the minister's powers. We have previously raised concerns about the way in which call-in powers have been used by the minister—in particular, Minister Corbell. When this legislation was first presented to the Assembly I had amendments drafted which would remove the call-in powers. I am pleased that the government have decided to remove these powers of their own accord.

I am not the only person to be concerned about the call-in powers. The National Trust have also raised significant concerns about the proposal to give the minister the power to override Heritage Council decisions. In a submission about the bill, they said:

The case has not been made for call-in powers of such nature and scope in the heritage legislation. Regrettably the proposals as framed throw unwarranted doubt on the ability of the independent, expert, Government appointed members to carry out their current statutory functions to advise on and determine heritage matters requiring objective and balanced judgement.

As the National Trust pointed out, giving the minister call-in powers would have been a negative step and would undermine the work of the Heritage Council. Once again, I would caution the government that increasing the minister's powers in matters which are not their expertise is very dangerous. The opposition is pleased that the government have chosen to remove these powers.

In conclusion, the opposition will be supporting the amended bill but we are extremely disappointed with the process. We are pleased that the Heritage Act has finally been reviewed. We hope that the changes will improve the way heritage assessments work and reduce unnecessary delays in the process.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.29), in reply: I thank members for their support of the bill. I note the criticisms from the opposition but I also note that, despite those criticisms, they support the bill, and that is a good thing. On behalf of Minister Gentleman, I thank members for their support of this legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.



**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.30): Pursuant to standing order 182A(c), and on behalf of Mr Gentleman, the Minister for Planning, I seek leave to move amendments circulated in Mr Gentleman's name together as they are in response to comments made by the scrutiny of bills committee.

Leave granted.

**MR CORBELL:** On behalf of Mr Gentleman I move amendments Nos 1 to 35 circulated in Mr Gentleman's name together [*see schedule 2 at page 3308*]. I table a supplementary explanatory statement to the government amendments, along with a revised explanatory statement following the scrutiny of bills committee comments.

There are 35 government amendments. In the main, these amendments, all bar five, relate to the removal of ministerial call-in provisions. The five remaining amendments affect important concepts contained in the draft bill. The concepts affected are those which provide definitions for place, object, Aboriginal place, Aboriginal object and natural heritage significance.

Government amendment No 3 amends definitions for object and place. It ensures that the definitions provide clarity and certainty and clearly differentiates between the concepts of object and place. Government amendment No 4 clarifies the definitions for Aboriginal object and Aboriginal place. All Aboriginal places and objects are of significance to Aboriginal people. The intent of the definition is to ensure that all Aboriginal places and objects are protected by the legislation.

However, the definitions for Aboriginal place and Aboriginal object in the Heritage Act 2004 are problematic through their inclusion of terminology such as an Aboriginal place or object needing to have particular significance. The amended definitions remove this implied test and clarify that the heritage legislation protects all Aboriginal places and objects. The definition removes reference to history and contemporary history and replaces this with a further definition of what is meant by "Aboriginal tradition".

Government amendment No 5 clarifies the definition of natural heritage significance. Clause 7 of the amendment bill introduces the concepts of natural and cultural heritage significance in the amendment bill. While the Heritage Act has always made provision for both natural and cultural heritage through the heritage significance criteria, it is necessary to further define these concepts for the purposes of other clauses in the bill, such as that which seeks to reduce duplication of natural heritage registrations with other protection mechanisms under the Nature Conservation Act 1980.

The definition for these concepts clarifies that places and objects of natural heritage significance are those which form part of the natural environment and are of heritage significance or scientific value relating to biodiversity, geology, land form or other naturally occurring elements. Further government amendments of this section also clarify that the natural environment means native flora or fauna. These amendments do not alter or change the meaning of those concepts, but simply seek to provide further clarity and certainty, and this will help strengthen the interpretation of the act.

Government amendment No 23, to clause 32, relates to reduced duplication with nature conservation legislation in the ACT. Clause 32 makes provision to ensure there is no duplication between the registrations under the Heritage Legislation Amendment Bill 2013 and the Nature Conservation Act 1980. It does this by ensuring that where the significance of a place or object derives solely from the natural heritage significance of flora or fauna for which a declaration is in force or may be in force under the Nature Conservation Act, it cannot also be registered under the Heritage Act.

However, if the flora or fauna forms part of a place which also has aspects of cultural heritage significance for which a declaration cannot be made under the nature conservation legislation, it may be registered as part of the broader registration for that place or object. The government amendments to this section ensure that if the flora or fauna forms part of a place which also has aspects of natural heritage significance for which a declaration cannot be made under nature conservation law, it may be registered as part of the broader registration for that place or object. Government amendment No 32 clarifies that the definition of conservator is the Conservator of Flora and Fauna.

Government amendment No 28 is particularly important. It removes the proposed introduction of ministerial call-in provisions. It omits all provisions in proposed new part 7A, ministerial call-in or referral for a heritage matter.

The remaining government amendments all give effect to the removal of the proposed call-in powers. There are a number of government amendments which I will briefly outline for the benefit of members.

Government amendment No 2 omits reference to the minister in the context of a decision to register an urban tree. Government amendment No 6 removes concepts proposed through new sections 19A and 19C of the draft bill which have effect for ministerial call-in powers.

Government amendment No 7 omits provisions relating to ministerial call-in powers in relation to a request for an urgent decision about provisional registration. Government amendment No 8 substitutes references to a heritage finding with reference to a decision. The concept of a heritage finding had been established through the amendment bill to give effect to administrative processes enabling the minister to be able to call in a registration decision. Commensurate with other government amendments which remove the proposed ministerial call-in powers proposed in the amendment bill, government amendment No 8 removes reference to associated administrative matters.

Government amendment No 12 omits references to the minister in the context of a termination event for a registration matter in relation to a period of provisional registration. Government amendment No 13 omits reference to the minister in the context of the end of the provisional registration period where no decision has yet been made on the final registration.

Government amendment No 14 omits references to the minister in the explanatory note in the context of the end of the provisional registration period, where no decision has yet been made on final registration. Government amendment No 15 removes references to other administrative matters, as they are redundant in accordance with the other government amendments which remove the call-in power provision. By and large, clearly these amendments give effect to the removal of ministerial call-in power provisions as drafted in the original bill.

In amending this full range of provisions, the government amendments re-create the provisions of the existing heritage legislation in relation to the administrative processes and decision-making and reporting functions of the council. I commend the amendments to the Assembly.

Amendments agreed to.

Bill, as a whole, as amended, agreed to

Bill, as amended, agreed to.

## **Register of lobbyists**

### **Statement by Deputy Speaker**

**MADAM DEPUTY SPEAKER:** Pursuant to the resolution of the Assembly of 5 August 2014, in relation to the development of the ACT Register of Lobbyists, on behalf of the Speaker I wish to inform members that after consultation with the Clerk, the Speaker has determined that 1 January 2015 will be the commencement date for the new lobbyist arrangements.

## **Adjournment**

### **Mr Ian Fraser**

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.39): I move:

That the Assembly do now adjourn.

I would like to take this opportunity to recognise publicly the service of Mr Ian Fraser, who has been providing advice to government ministers on biodiversity and natural resource management issues for more than 30 years. Earlier this year, Mr Fraser indicated to me that with some regret he would be retiring from his position as chair of the ACT Natural Resource Management Advisory Committee at the end of the 2014 calendar year, a position he has held since 2005.

I accepted Ian's resignation with similar regret, particularly because of his long service of some 30 years on the committee and its predecessors, through which he has provided dependable and frank advice to both me and previous ministers for the environment.

The Natural Resource Management Advisory Committee has essentially been in place for over 30 years, albeit under various names. The committee has provided independent advice to ministers on a range of issues to protect the ACT's biodiversity, and improve management of our nature reserves and the broader landscape.

The ACT government and all Canberrans have benefited enormously from Ian's expert knowledge and passion for our native flora and fauna. I greatly respect and value his advice highly and thank him for his leadership as chair of the advisory committee over recent years since I have held the position of minister for the environment.

I would like to reflect upon the experience that Ian has brought to his roles. Ian is a well-regarded Australian naturalist, conservationist and author. He has over 30 years of experience in a diverse range of roles in the field of environmental management, including as an environmental consultant for over 18 years, founder of the Conservation Council of Canberra and the South-East Region, presenter of a fortnightly natural history show on Canberra ABC radio, teacher of bird and other natural history courses to adult students at the ANU Centre for Continuing Education, and leader of natural history bus-based tours throughout Australia and more recently South America.

Ian has been recognised through numerous awards, including the Australian Plants Award by the Australian Native Plants Society in 2001, and in 2006 he was awarded the Australian Natural History Medallion for work in conservation and education.

Ian Fraser has been passionate about Canberra's environment since he arrived here from Adelaide in 1980. In 2011 his book *A Bush Capital Year*, written with artist Peter Marsack, was awarded a Whitley Certificate for Best Regional Zoology by the Royal Zoological Society of New South Wales. This book celebrated the importance and beauty of Canberra's biodiversity and bird life. He has co-written six books on local natural history, most recently *Wildflowers of the Snow Country*, and a range of field guides that have encouraged people to appreciate and learn more about our territory's beautiful reserves and wildlife.

I personally will miss the leadership and wealth of experience that Ian has brought to the Natural Resource Management Advisory Committee. I am sure that once his formal role in advising the government on managing our natural environment has ended, he will still nevertheless continue to encourage all of us to get out and appreciate and understand better our bush capital, to learn about our wildlife, and how to care for it.

Ian's involvement in and commitment to conservation is recognised and appreciated by the government, by conservation groups and I know by many in the broader ACT community. I would like to formally thank Mr Ian Fraser for his advice on my behalf, but also on behalf of environment ministers before me on both sides of this chamber, previous governments, and the broader community. I wish him and his family all the very best for the future.

## **Snowy Hydro SouthCare**

**MR COE** (Ginninderra) (5.43): I rise today to speak about the Snowy Hydro SouthCare service. All members would be familiar with the work of the Snowy Hydro SouthCare helicopter. Further to this, I know our colleague in the New South Wales parliament John Barilaro is a big supporter of the services they provide in his electorate of Monaro.

Snowy Hydro SouthCare began in 1998 as the primary provider of aero-medical and rescue helicopter services to people in the ACT and south-eastern New South Wales. The helicopter undertakes three main types of missions. Primary missions are those where crews fly direct to the scene of an accident and transport patients as quickly as possible to the hospital. Secondary missions are those where the rescue helicopter transfers patients from regional areas to major hospitals, and non-medical missions include search and rescue missions, and they are also assisted by the Bushfire Service with aerial firefighting .

While the helicopter's base is on the Monaro Highway, Snowy Hydro SouthCare's primary service area extends east to the coast, south to the Victorian border, and west to Hay and north to almost Sydney. The helicopter completes an average of two missions every day of the year.

The helicopter is an ideal rescue vehicle. It can move quickly over any type of terrain, land or sea. It can also hover in the air, allowing the crew to rescue people from places that may not necessarily be accessible by other vehicles. Once the patient is in the helicopter, the doctor and intensive care paramedic can begin necessary medical treatment while the patient is being transported to the nearest facility.

Since 1998, the helicopter has completed over 5,600 missions. These missions would not be possible without the generous support of the community, volunteers, community sponsors and their partner, Snowy Hydro Ltd.

I would like to place on the record my thanks to all those involved with this wonderful service. The board of directors comprises the chairman, David Marshall, and other members include Helen Leayr, Lisa Barlin, Kathryn Campbell, Mike Castle, Jure Domazet, Graham Gulson, Anne Kowalski, Eoghan O'Byrne, Vicki Williams, James Willson and David Hogan. The ambassadors are Len Goodman AO, Stuart Diver and Michael Milton. The staff are led by Owen Finegan as CEO, and include Simon Cosier, Alison Tonkin, Naomi Ford and Amy Linsell.

The sponsors are many and varied. They include Snowy Hydro Ltd, Capital Region Farmers Market, GoPro, Thales, TransGrid, Veolia Mulwaree Trust, Airservices, Bendigo Bank, Alacrity Technologies, the Good Guys, John James Memorial Foundation, Capital Chemist, WIN News, Canberra Milk, Ricoh, Jones Lang Lasalle, Barter Card, ClubsACT, Coordinate, Griffin Legal, CanPrint, the *Canberra Times*, Kowalski Recruitment, Freemasons, Lions International, Rotary International, and James Boag.

On 14 October this year the Snowy Hydro SouthCare training and administration facility will be officially opened. The new facility will see all the staff co-located at the helicopter base for the first time. The new facility has administration and training facilities and a multipurpose room to allow them to meet with sponsors and the community and promote awareness of the Snowy Hydro SouthCare's role in the community.

I commend all those involved with Snowy Hydro SouthCare and wish them all the best for their event on 14 October. For more information about their work, I recommend that members visit their website at [www.snowyhydrosouthcare.com.au](http://www.snowyhydrosouthcare.com.au).

### Australian geography

**DR BOURKE** (Ginninderra) (5.46): Last Sunday I was honoured to open an exhibition at Manning Clark House, *Amber to Ochre*, a series of landscapes by Canberra artist Harijs Piekalns.

Geography is very important to Australians. Our national anthem is mostly about geography. *My Country*, by Dorothea Mackellar, defends the love of a raw and rugged landscape as opposed to the verdant manicured vistas of Europe. Jack Davis's poem *The First-born* was published nearly 50 years ago. It goes:

Where are my first born, said the brown land, sighing;  
They came from my womb long, long ago.  
They were formed of my dust ...

Davis's *First-born* highlights the differences between that Indigenous relationship with the land as mother and Mackellar's country as a place to love and live.

The national capital was located here in the early 20th century because of geography, and pays homage to Indigenous and non-Indigenous concepts—a meeting place for thousands of years sited here in a cool climate supposedly helpful to intellectual development, according to those 19th century speeches; and a landscape exploited by Walter and Marion Griffin in the urban design of Canberra, which we continue to celebrate and revere.

The role of the land in shaping people is central to Aboriginal thought. Simon Schama's book *Landscape and Memory* reminds us also of the primary importance of the land within the European psyche as he explores the topography of cultural identity within the Lithuanian forests of his ancestors.

In his exhibition, Harijs Piekalns has drawn inspiration from his Latvian heritage and sought similarities between Latvian animistic beliefs, which see a spiritual essence in inanimate objects such as trees and rocks, and Aboriginal views of a spiritual country. His use of hand-collected ochre, rather than purchasing it already processed in a tube in the local art shop, has allowed him to be strongly influenced by the ochre sites and reinforced his belief that the spirit of the land is transmuted through the use of ochre. These ideas have shaped his work to reveal the abstracted landscapes of his exhibition. Harijs has collected ochres from the far south coast, and refined them using the techniques of Renaissance Europe by grinding them with oil, wax and emulsions.

The title of Harijs's exhibition, *Amber to Ochre*, highlights the respective precious commodities found in Latvia and Australia that were highly prized and hotly traded. In Renaissance times, pieces of Baltic amber, perhaps millions of years old, were dissolved to act as varnish for paintings and musical instruments. In Australia, red and yellow ochres from the famed Western Australian Wilgie Mia underground mine were traded as far as Queensland for thousands of years.

Australians affiliate the use of ochres with Indigenous art, but as Victoria Finlay reminds us in her book *Colour*, ochre or iron oxide was the first colour paint. It has been used on every inhabited continent since painting began, and it has been around ever since on the palettes of almost every artist in history.

Working with ochre collected in situ has helped Harijs to recognise and respect the significance of ochre in Aboriginal society. Using collected ochre also explores that tension in Australia between our views of Aboriginal and non-Aboriginal artwork.

I say that we can step above that tension. Landscape, our wide brown land, has power, and will inevitably pull all Australians towards the views that have prevailed here for the last 40,000 years.

Question resolved in the affirmative.

**The Assembly adjourned at 5.50 pm until Tuesday, 21 October 2014, at 10 am.**

## Schedules of amendments

### Schedule 1

#### Major Events Bill 2014

##### Amendments moved by the Attorney-General

**1**

##### **Clause 6 (2)**

##### **Page 4, line 8—**

*omit clause 6 (2), substitute*

- (2) The Executive may only make a major event declaration in relation to an event if satisfied—
- (a) that the event is a major event at an international, national, State or Territory level; and
  - (b) it is in the public interest to do so; and
  - (c) on reasonable grounds it is necessary and appropriate to do so.

**2**

##### **Clause 7 (2)**

##### **Page 5, line 24—**

*omit*

considers it reasonable in the circumstances

*substitute*

considers—

- (a) the item could be—
  - (i) used to interfere with the event; or
  - (ii) a risk to public safety; and
- (b) it reasonable in the circumstances.

**3**

##### **Clause 8 (2)**

##### **Page 6, line 6—**

*omit*

that the variation is reasonably necessary

*substitute*

on reasonable grounds that the variation is necessary and appropriate

**4**

##### **Clause 8 (3) and note**

##### **Page 6, line 18—**

*omit clause 8 (3) and note, substitute*

- (3) A variation is a disallowable instrument.

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

**5**

##### **Clause 9 (2)**

##### **Page 7, line 10—**



*omit*

that its making is reasonably necessary

*substitute*

on reasonable grounds that its making is necessary and appropriate

**6**

**Clause 9 (4) and note**

**Page 7, line 19—**

*omit clause 9 (4) and note, substitute*

(4) A notice is a disallowable instrument.

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

**7**

**Clause 10 (2)**

**Page 8, line 11—**

*omit*

the Executive considers it reasonable in the circumstances

*substitute*

the Minister considers—

(a) the item could be—

(i) used to interfere with the event; or

(ii) a risk to public safety; and

(b) it reasonable in the circumstances.

**8**

**Clause 12 (1), definition of *prohibited item*, paragraph (a) (xii)**

**Page 10, line 7—**

*after*

likely to

*insert*

be used to

**9**

**Clause 12 (1), definition of *prohibited item*, paragraph (a) (xvi)**

**Page 10, line 14—**

*after*

container)

*insert*

that could be—

(A) used to interfere with the event; or

(B) a risk to public safety;

**10**

**Clause 12 (1), definition of *prohibited item*, paragraph (a) (xvii)**

**Page 10, line 16—**

*after*

container)

*insert*

that could be—

- (A) used to interfere with the event; or
- (B) a risk to public safety;

**11**

**Clause 12 (1), definition of *prohibited item*, paragraph (b), proposed new note**

**Page 11, line 5—**

*insert*

*Note* A major event declaration or important sporting event notice may state that an item is a prohibited item if it is considered it could be used to interfere with a major event or important sporting event or be a risk to public safety, and it is reasonable in the circumstances.

**12**

**Clause 14 (1) (c)**

**Page 13, line 6—**

*omit clause 14 (1) (c), substitute*

- (c) causes unreasonable disruption or unreasonable interference to a spectator of the event or a person conducting or managing the event or event venue.

**13**

**Clause 16 (1), proposed new example**

**Page 15, line 7—**

*insert*

**Example—about to enter**

standing in a queue to enter a major event that extends outside the security gate of the venue and onto the footpath

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**14**

**Clause 17 (1), proposed new example**

**Page 15, line 20—**

*insert*

**Example—about to enter**

standing in a queue to enter a major event that extends outside the security gate of the venue and onto the footpath

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**15**

**Clause 18 (1), proposed new example**

**Page 16, line 15—**

*insert*

**Example—about to enter**

standing in a queue to enter a major event that extends outside the security gate of the venue and onto the footpath

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

16

**Proposed new clause 18A**

Page 17, line 7—

*insert***18A Scanning, ordinary and frisk searches—requirements**

- (1) A police officer may conduct a scanning search, ordinary search or frisk search of a person under section 17 or section 18 only if—
  - (a) the officer is of the same sex as the person to be searched; or
  - (b) if that is not practicable—another person of the same sex as, or a sex nominated by, the person to be searched is present while the search is conducted.
- (2) If asked by the person to be searched and it is practicable to do so, a police officer must take the person to a less public place in or near the major event venue so that the search can be conducted.
- (3) As soon as possible after conducting a frisk search under section 18, the police officer must make a written record of—
  - (a) the date, time and place of the search; and
  - (b) details of the search; and
  - (c) any details of the person who was searched known to the police officer.
- (4) In exercising a power under section 18 in relation to a person, a police officer must not detain the person for longer than is reasonably necessary to conduct a search of the person.

17

**Clause 19 (1)**

Page 17, line 10—

*omit*

require

*substitute*

request

18

**Clause 19 (1), proposed new examples**

Page 17, line 11—

*insert***Examples—about to enter**

- 1 standing in a queue to enter a major event that extends outside the security gate of the venue and onto the footpath
- 2 for a major event venue that includes a car park outside the event venue—sitting in a car that is in a queue of cars to enter the car park for the major event where the queue extends outside the major event venue

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

19

**Clause 19 (2) and penalty**

Page 17, line 12—

*omit clause 19 (2) and penalty, substitute*

(2) The person must—

- (a) comply with the request; or
- (b) not enter, or attempt to enter, the event venue within 24 hours after the time the request is made.

Maximum penalty: 5 penalty units.

**20**

**Clause 21 (1) (a)**

**Page 18, line 3—**

*omit clause 21 (1) (a), substitute*

- (a) direct a person to leave an event venue and not re-enter the venue for a period of 24 hours if—
  - (i) the authorised person believes on reasonable grounds that the person has committed, or is likely to commit, an offence against—
    - (A) this Act; or
    - (B) while attempting to enter into or while in the venue—another law applying in the ACT; and
  - (ii) the following happened:
    - (A) the authorised person has, before giving the direction, asked the person to leave the event venue and not re-enter the venue for a period of 24 hours;
    - (B) the person has refused to leave, has entered or attempted to enter the venue; or

**21**

**Clause 21 (1) (b), example heading**

**Page 18, line 13—**

*omit the example heading, substitute*

**Examples—par (b)**

**22**

**Proposed new clause 21 (1A)**

**Page 18, line 20—**

*insert*

- (1A) A direction under subsection (1) (a)—
  - (a) must state that the direction applies for 24 hours; and
  - (b) may be given orally or in writing.

**23**

**Clause 22 (2) (b)**

**Page 19, line 11—**

*omit*

notice

*substitute*

direction

**24**

**Clause 23 (4) (a)**

**Page 20, line 20—**

*before*

risk  
*insert*  
 significant

**25**

**Clause 25 (2)**

**Page 25, line 4—**

*substitute*

- (2) The Minister may only give notice if satisfied—
- (a) that the symbol relates to, and is sufficiently connected to, the identity and conduct of the major event; and
  - (b) that the event organiser has commercial arrangements in relation to the event that are likely to be adversely affected by the unauthorised use of the symbol; and
  - (c) on reasonable grounds it is necessary and appropriate to do so.

**26**

**Clause 31 (2)**

**Page 30, line 4—**

*omit clause 31 (2), substitute*

- (2) The Minister may only give notice in relation to a major event if satisfied—
- (a) that the event organiser has commercial arrangements in relation to the event that are likely to be adversely affected by unauthorised advertising in or near the clean zone; and
  - (b) on reasonable grounds it is necessary and appropriate to do so.

**27**

**Proposed new clause 38 (2) (e)**

**Page 34, line 26—**

*insert*

- (e) is satisfied on reasonable grounds it is necessary and appropriate to do so.

**28**

**Clause 59**

**Page 50, line 23—**

*[oppose the clause]*

**29**

**Proposed new section 63A**

**Page 54, line 23—**

*insert*

**63A Compensation for exercise of search and enforcement powers**

- (1) A person may claim compensation from the Territory if the person suffers loss or expense because of the exercise, or purported exercise, of a function under the following provisions by an authorised person:
  - (a) section 16 (Offence—authorised person may search personal property);
  - (b) part 6 (Authorised people).
- (2) Compensation may be claimed and ordered in a proceeding for—
  - (a) compensation brought in a court of competent jurisdiction; or
  - (b) an offence against this Act brought against the person making the claim for compensation.

- (3) A court may order the payment of reasonable compensation for the loss or expense only if satisfied it is just to make the order in the circumstances of the particular case.
- (4) A regulation may prescribe matters that may, must or must not be taken into account by the court in considering whether it is just to make the order.

30

**Clause 64 heading**

**Page 55, line 1—**

*omit the heading, substitute*

**64 Effect of disallowance of disallowable instrument**

31

**Clause 64 (1)**

**Page 55, line 2—**

*omit*

major event declaration

*substitute*

disallowable instrument made under this Act

32

**Clause 64 (2) (a)**

**Page 55, line 7—**

*omit*

major

33

**Clause 64 (2) (b)**

**Page 55, line 12—**

*omit*

major

34

**Clause 64 (2) (c) (i)**

**Page 55, line 21—**

*omit*

(a *major event party*) in relation to the major event

*substitute*

(an *event party*) in relation to the event

35

**Clause 64 (2) (c) (i)**

**Page 55, line 22—**

*omit*

major

36

**Clause 64 (2) (c) (ii)**

**Page 55, line 24—**

*omit*

a major

*substitute*

an

37

Clause 64 (2) (c) (ii)

Page 55, line 25—

*omit*

major

38

Proposed new part 8

Page 56, line 11—

*insert*

## **Part 8                      Repeal**

### **67                      Legislation repealed**

The *Major Events Security Act 2000* (A2000-41) is repealed.

39

Dictionary, definition of *important sporting event venue*, paragraph (a)

Page 58, line 14—

*omit*

(as added to or varied by any crowd management notice)

---

## **Schedule 2**

### **Heritage Legislation Amendment Bill 2013**

#### Amendments moved by the Minister for Planning

1

Clause 6

Proposed new section 3B (1) (b)

Page 4, line 14—

*omit*

or Minister

2

Clause 6

Proposed new section 3B (2)

Page 4, line 15—

*omit*

, or Minister,

3

Clause 7

Proposed new section 8

Page 5, line 3—

*omit proposed new section 8, substitute*

8

### **Meaning of object and place**

In this Act:

***object*** means a natural or manufactured object, but does not include a building or any other man-made structure.

***place*** includes the following:

- (a) a site, precinct or parcel of land;
- (b) a building or structure, or part of a building or structure;
- (c) the curtilage, or setting, of a building or structure, or part of a building or structure;
- (d) an object or feature historically associated with, and located at, the place.

**Examples—things that site or parcel of land includes**

- landforms
- plantings
- animal habitats

**Examples—object or feature historically associated with, and located at, a place**

- furniture
- fittings
- view to or from the place, including visible landscapes

*Note 1* Words in the singular number include the plural (see Legislation Act, s 145 (b)).

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**4**

**Clause 7**

**Proposed new section 9**

**Page 6, line 1—**

*omit proposed new section 9, substitute*

**9**

**Meaning of *Aboriginal object* and *Aboriginal place***

- (1) In this Act:

***Aboriginal object*** means an object associated with Aboriginal people because of Aboriginal tradition.

***Aboriginal place*** means a place associated with Aboriginal people because of Aboriginal tradition.

- (2) In this section:

***Aboriginal tradition*** means the customs, rituals, institutions, beliefs or general way of life of Aboriginal people.

*Note* Words in the singular number include the plural (see Legislation Act, s 145 (b)).

**5**

**Clause 7**

**Proposed new section 10A**

**Page 7, line 15—**

*omit proposed new section 10A, substitute*

**10A**

**Meaning of *natural heritage significance***

- (1) For this Act, a place or object has ***natural heritage significance*** if it—

- (a) forms part of the natural environment; and
- (b) has heritage significance primarily because of the scientific value of its biodiversity, geology, landform or other naturally occurring elements.



(2) In this section:

***natural environment*** means the native flora, native fauna, geological formations or any other naturally occurring element at a particular location.

6

**Clause 14**

**Page 11, line 19—**

*omit clause 14, substitute*

**14 New section 19A**

*in part 3, insert*

**19A Council must consult Flora and Fauna Committee on matters affecting natural heritage significance**

The council must—

- (a) consult the Flora and Fauna Committee before making any decision that may affect a place or object that has natural heritage significance; and
- (b) tell the Flora and Fauna Committee about the decision the council makes.

7

**Clause 23**

**Proposed new section 30 (4) to (6)**

**Page 26, line 5—**

*omit proposed new section 30 (4) to (6), substitute*

(4) If the council accepts the application, the council must—

- (a) as far as practicable, make a decision under section 32 about the place or object as if the place or object was a nominated place or object—
  - (i) if the place is a precinct—within 60 working days after the day the council receives the application; or
  - (ii) in any other case—within 20 working days after the day the council receives the application; and
- (b) notify each interested person of the decision.

8

**Clause 23**

**Proposed new section 31**

**Page 27, line 5—**

*omit*

heritage finding

*substitute*

decision

9

**Clause 23**

**Proposed new section 31A**

**Page 27, line 10—**

*omit*

heritage finding

*substitute*

decision

10

Clause 23

Proposed new section 32 (1), note

Page 27, line 19—

*omit*

11

Clause 23

Proposed new section 32 (2)

Page 27, line 21—

*omit proposed new section 32 (2), substitute*

- (2) However, the council may provisionally register a place or object only if satisfied on reasonable grounds that the place or object is likely to have heritage significance.

12

Clause 27

Proposed new section 35 (6), definition of *termination event*

Page 30, line 20—

*omit*

, or the Minister,

13

Clause 27

Proposed new section 36

Page 31, line 3—

*omit*

, or the Minister,

14

Clause 27

Proposed new section 36, note

Page 31, line 8—

*omit*

, unless the Minister gives the council a direction under s 50A

15

Clause 28

Proposed new section 37 (2), note

Page 31, line 20—

*omit*

16

Clause 29 heading

Page 32, line 1—

*omit the heading, substitute*

## **29 Sections 39 to 41**

17

Clause 29

Proposed new section 39

Page 32, line 3—

*omit proposed new section 39, substitute*

**39 Minister may require council to further consider issues related to registration**

- (1) The Minister may direct the council to give further consideration to the following when considering a place or object for registration under this division:
  - (a) any issue raised in, or arising from, the council's report to the Minister for the place or object under section 38;
  - (b) any issue relating to the council's functions.
- (2) The Minister must give the direction to the council in writing within 15 working days after the day the report is given to the Minister.

**18**

**Clause 29**

**Proposed new section 40 (3)**

**Page 33, line 4—**

*omit proposed new section 40 (3), substitute*

- (3) A notice under this section—
  - (a) is a notifiable instrument; and
  - (b) must be notified under the Legislation Act within 5 working days after the day the decision is made; and
  - (c) must be published in a daily newspaper as soon as practicable; and
  - (d) must include the following information:
    - (i) the registration details of the place or object;
    - (ii) the reasons for the council's decision;
    - (iii) for a decision to register a place or object—the date registration takes effect; and
  - (e) must not include restricted information.

**19**

**Clause 29**

**Proposed new section 40 (5)**

**Page 33, line 13—**

*omit proposed new section 40 (5), substitute*

- (5) However, any decision of the council under this section may only be made if—
  - (a) the council is satisfied on reasonable grounds that the place or object has heritage significance; and
  - (b) the council has complied with any direction given by the Minister under section 39.

**20**

**Proposed new clause 29A**

**Page 33, line 27—**

*insert*

**29A Notice of decision about registration  
Section 42**

*omit*

**21**

**Clause 30**

**Page 34, line 1—**

*[oppose the clause]*

22

Clause 31

Page 34, line 7—

*[oppose the clause]*

23

Clause 32

Proposed new section 42A

Page 34, line 17—

*omit proposed new section 42A, substitute***42A Registration of place or object under this Act limited if declaration under Nature Conservation Act 1980 in force**

The council may register a place or object that has native flora, native fauna or a process, that is, or is likely to be, the subject of a declaration in force under the Nature Conservation Act 1980, section 38, only if the place or object also has—

- (a) cultural heritage significance; or
- (b) natural heritage significance of a kind not protected under the *Nature Conservation Act 1980*.

**Example**

The council registers a homestead and its surrounding property that includes vegetation that is the subject of a declaration in force under the *Nature Conservation Act 1980*, s 38, because of either of the following:

- (a) the homestead and surrounding property have cultural heritage significance because of the homestead's special association with the ACT community;
- (b) the surrounding property on which the homestead is located contains an unusual geological formation (the *Nature Conservation Act 1980* is principally concerned with the protection of flora and fauna).

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

24

Clause 36

Proposed new section 45 (2)

Page 37, line 24—

*omit*

before making its heritage finding

25

Clause 37

Proposed new section 45A (2)

Page 38, line 7—

*omit proposed new section 45A (2), substitute*

- (2) In deciding whether the place or object should cease to be registered, the council must consult, and consider the views of, the Flora and Fauna Committee.

26

Clause 38

Proposed new section 46 (2), note

Page 38, line 21—

*omit*

27

Clause 39

Page 39, line 1—

*omit clause 39, substitute***39 Sections 47 to 49***substitute***47 Report to Minister about public consultation**

As soon as practicable after the end of the public consultation period in relation to the cancellation of the registration of a place or object, the council must give the Minister a written report that—

- (a) identifies the place or object; and
- (b) gives the council's view about whether the registration of the place or object should be cancelled under this part; and
- (c) identifies issues raised in comments made to the council before the end of the public consultation period; and
- (d) includes a copy of the written comments (if any); and
- (e) if the council's view is not to cancel the registration of the place or object—identifies any change the council proposes to make to the registration having regard to the issues raised in the comments.

**48 Minister may require council to further consider issues related to cancellation**

- (1) The Minister may direct the council to give further consideration to the following when considering a cancellation proposal:
  - (a) any issue raised in, or arising from, the council's report to the Minister for the place or object under section 47;
  - (b) any issue relating to the council's functions.
- (2) The Minister must give the direction to the council in writing within 15 working days after the day the report is given to the Minister.

**49 Decision about cancellation proposal**

- (1) If the council receives a cancellation proposal about a registered place or object, or proposes cancellation on its own initiative, the council must by written notice either—
  - (a) decide to end the registration of the place or object, in accordance with the proposal by entering the following information in the heritage register:
    - (i) particulars of the place or object and its registration;
    - (ii) the reasons for the decision;
    - (iii) the date the decision takes effect (the *cancellation date*); or
  - (b) decide not to end the registration of the place or object.
- (2) However, any decision of the council under this section may only be made if—
  - (a) the council is satisfied on reasonable grounds that the place or object no longer has heritage significance; and
  - (b) the council has complied with any direction given by the Minister under section 48.
- (3) The cancellation date must not be a date that happens before the end of the period an interested person may apply to the ACAT for a review of the decision.

- (4) The notice—
- (a) is a notifiable instrument; and
  - (b) must be notified under the Legislation Act within 5 working days after the day the decision is made; and
  - (c) must be published in a daily newspaper as soon as practicable.
- (5) The council must take reasonable steps to give a copy of the notice to each interested person within 15 working days after the day the decision is made.

**28**

**Clause 40**

**Page 41, line 1—**

*[oppose the clause]*

**29**

**Clause 70**

**Proposed new section 118A (1) (a)**

**Page 71, line 6—**

*omit*

or Minister

**30**

**Clause 70**

**Proposed new section 118A (2)**

**Page 71, line 11—**

*omit*

or Minister

**31**

**Clause 70**

**Proposed new section 118A (3)**

**Page 71, line 15—**

*omit*

or Minister

**32**

**Clause 77**

**Dictionary, proposed new definition of *conservator***

**Page 76, line 3—**

*omit*

conservator for flora and fauna

*substitute*

conservator of flora and fauna

**33**

**Clause 77**

**Dictionary, proposed new definition of *heritage finding***

**Page 76, line 16—**

*omit*

**34**

**Clause 83**

**Page 77, line 18—**

*[oppose the clause]*

**35**

**Clause 86**

**Dictionary, proposed new definition of *referable heritage matter***

**Page 78, line 18—**

*omit*

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## Answers to questions

### Capital Metro Agency—publications (Question No 316)

**Mr Coe** asked the Minister for the Environment, upon notice, on 14 August 2014  
(*redirected to the Minister for Planning*):

What is the total (a) cost of printing and (b) quantity printed, for the A4 factsheet entitled  
*Canberra Light Rail Master Plan – Project Update June 2014*.

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

- (a) \$392.70 (including GST)
  - (b) 200 copies.
- 

### Alexander Maconochie Centre—contraband seizures (Question No 321)

**Mr Wall** asked the Minister for Corrective Services, upon notice, on 14 August 2014:

- (1) What is the total number of contraband seizures at the Alexander Maconochie Centre (AMC) intercepted (a) from visitors upon entry to the AMC, (b) detected within the centre or (c) from other sources, for each quarter between January 2012 and June 2014.
- (2) What penalties resulted from the contraband seizures identified in part (1).

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

- (1) The table below provides information on the number of contraband seizures at the AMC. Please note that a 'contraband seizure' is distinct from an item of contraband; for example, a search of a cell where several items of contraband are located is counted as one contraband seizure.

Contraband includes a range of prohibited and unauthorised items, including, but not limited to, makeshift weapons, mobile phones, illicit substances, cigarette lighters, excess food, and unauthorised property. A single seizure may include more than one type or item of contraband.

The contraband seizures within the AMC outlined below include seizures made in admissions and the Transitional Release Centre.

'Other sources' listed in the table below include contraband seizures made in areas:

- Shared by detainees and the public, such as the visits centre common areas and visits centre walkways.



- Where the general detainee population is not permitted and where only minimum security approved detainees on work crews can go, such as the visitors' car park, in or around the perimeter fence or bulk stores (while this is typically detainees in the Transitional Release Centre, other minimum security detainees may be risk assessed and subsequently approved to undertake prison employment in these areas). .

Quarter	Contraband Seizures at the AMC		
	From visitors upon entry to the AMC	Detected within the AMC	From other sources
July (part) – Sept 2012	2	36	0
Oct – Dec 2012	0	94	1
Jan – March 2013	4	59	0
Apr – June 2013	0	74	1
July – Sept 2013	4	155	2
Oct – Dec 2013	8	104	4
Jan – March 2014	3	80	1
Apr – June 2014	2	93	0

The second half of 2013 shows a notable jump in seizures within the AMC. The predominant reason for this increase is that the AMC conducted a number of extra searches in a targeted effort to both increase general detection as well responding to intelligence regarding the presence of contraband. The increase can also be attributed to a significant increase in detainee numbers at that time.

The Member will note that data has not been provided for the first two quarters of 2012. Information pertaining to contraband seizures made prior to July 2012 is not available in a format that enables easy extraction of data, as was available for subsequent years. Any effort to retrospectively collate the figures requested in the Member's question would place an unreasonable time and resource impost on ACT Corrective Services.

- (2) Detainees found to be in possession of 'prohibited things' (contraband) as defined in the *Corrections Management Act 2007* are subject to disciplinary action as set out in that Act. Penalties applied can range from the withdrawal of privileges to separate confinement. More serious matters can and are referred to police.

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

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

Where a visitor is found in possession of a non-prescription drug or other illegal substance, ACT Corrective Services contact ACT Policing who takes possession of the item.

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

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**Bimberi Youth Justice Centre—drug tests  
(Question No 322)**

**Mr Wall** asked the Minister for Children and Young People, upon notice, on 14 August 2014:

- (1) What is the total number of drug tests by (a) urinalysis and (b) blood test conducted at Bimberi Youth Justice Centre by month, between 1 December 2011 to 30 June 2014.
- (2) What was the number of tests conducted (a) upon entry to Bimberi, (b) based on information “targeted tests”, (c) as part of rehabilitation programs and (d) randomly, for those tests referred to in part (1).

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

1. Total number of drug tests
  - One young person was sent for a urinalysis in 16 May 2013, requested by Youth Justice Case Management (YJCM);
  - Six young people were sent for urinalysis in April 2014;
  - One young person was sent for urinalysis in July 2014 at the request of the young person's solicitor;
  - there has been no other urinalysis or blood tests conducted between December 2011 to 30 June 2014.
2. Of the eight urinalysis conducted;
  - Two were “targeted tests”. One was requested by the young person's solicitor and the other one requested by YJCM. Both were requested based on information disclosed in Court.
  - The other six urinalysis young people were conducted on a random basis as a security measure for the safety and security of the Centre.
  - All urinalysis screenings were conducted under Section 237 of the *Children and Young People Act 2008*.

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**Capital Metro Agency—advertising  
(Question No 325)**

**Mr Coe** asked the Minister for Capital Metro, upon notice, on 18 September 2014:

- (1) What was the total cost of producing the branded Capital Metro (a) white shopping bags and (b) brochure entitled *Capital Metro is at the heart of the ACT Government's vision to create a truly sustainable city*.

- (2) What was the cost of publishing and distributing the 17 000 flyers which were sent to residences along the light rail corridor.
- (3) What was the total quantity of each item produced for those items listed in part (1).

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

- (1) (a) \$3,919.60 (GST inc).  
(b) Design, print, production and delivery – \$5,397.92 (GST inc).
- (2) Design, print and distribution for 18,000 flyers –\$5,585.25 (GST inc).
- (3) (a) 2,000.  
(b) 600.

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**Parking—restrictions  
(Question No 327)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 17 September 2014:

What streets in (a) Action, (b) Ainslie, (c) Barton, (d) Belconnen, (e) Braddon, (f) Bonython, (g) Bruce, (h) Campbell, (i) Chifley, (j) Curtin, (k) Deakin, (l) Dickson, (m) Florey, (n) Forrest, (o) Garran, (p) Greenway, (q) Griffith, (r) Hughes, (s) Kingston, (t) Lyneham, (u) Lyons, (v) Macquarie, (w) O'Connor, (x) Page, (y) Parkes, (z) Pearce, (aa) Phillip, (ab) Reid and (ac) Turner, have (i) no parking signs or (ii) time-limited parking.

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

In response to your question see **Attachment A**.  
This data is correct as at Monday 22 September 2014.

*(A copy of the attachment is available at the Chamber Support Office).*

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