Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

EIGHTH ASSEMBLY

27 NOVEMBER 2014

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Thursday, 27 November 2014

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

Petition

The following petition was lodged for presentation, by **Mr Gentleman**, *from 523 residents*:

Roads—Allara Street—petition No 19-14

> **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**
>
> This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly the urgent need for re-assessment of a current plan by the Major Capital Works section of the Directorate of Territory & Municipal Services, Roads ACT, to advance the construction of a one-way connection of Parkes Way to Allara Street.
>
> We, the undersigned residents of Canberra, respectfully submit that this proposal would create enormous access problems for the very many citizens who use the Canberra Olympic Pool and gymnasium, the residents and employees of Allara Street and those who wish to access the lake and Commonwealth Park.
>
> Your petitioners therefore request the Assembly to put on hold and to fully re-evaluate this proposal in the context of the Government's wider vision for Canberra, including the aims for public transport, tourism, safety health and lifestyle issues.

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

Education—early childhood
Ministerial statement

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) (10.02), by leave: In August this year the Assembly unanimously passed a motion supporting the continuation of the national partnership on universal access to early childhood education. At that time, the Assembly asked that I seek assurances from the Australian government that it would continue this program and asked that I update the Assembly on the progress of negotiations for the continuation of this partnership. I am now able to report back to the Assembly on the future of the national partnership agreement on universal access to early childhood education following recent advice from the Australian government.

In September of this year, the commonwealth Assistant Minister for Education, Ms Sussan Ley, announced that the Australian government will commit $406 million for the 2015 year to ensure families can continue to access up to 15 hours of preschool education per week. However, it was not until late last month that the Prime Minister wrote to the Chief Minister seeking agreement and signature for the agreement for next year. This offer was made on a take it or leave it basis, with a one-month consideration period, with the ACT required to sign by 30 November this year. We have since received an extension of that date.

Under this new national partnership, the ACT is forecast to receive approximately $6.8 million, which compares to the 2014 school year amount of $6.9 million, with funding supporting service delivery through 2015.

However, and I must stress this, while the Australian government has branded the national partnership as an extension agreement, there are significant changes when compared to the existing agreement. In my opinion, it is not correct to call the new offer a continuation of the existing agreement. This is a substantial new agreement which expands the scope of the previous agreement without increasing the funding available.

The new agreement includes changes to the proposed funding distribution and increases the amount of funding which can be withheld if not all performance benchmarks are achieved. These changes occur with limited implementation time, no additional funding, and little acknowledgement of the jurisdictional context. Nor has the Australian government provided clarity regarding ongoing funding beyond 2015. I raised these significant changes and potential issues recently at the Education Council meeting, on 31 October this year, where a number of other states and territories also supported and raised concerns.

Further, the Chief Minister has written to the Prime Minister proposing that the existing national partnership agreement be extended for 2015 without change. While we have yet to receive a formal response from the Australian government, negotiations are proceeding at an officer level. While the ACT government will continue to negotiate with the commonwealth in good faith, it is disappointing that such a level of uncertainty continues to remain so close to the end of this year. I am hopeful that we will see a resolution in the near future to allow our services to plan appropriately so that the commitments made on service delivery for next year can be continued.

I table the following paper:

> Early Childhood Education—Future of the National Partnership Agreement on Universal Access—Statement by leave, dated November 2014.

I move:

> That the Assembly takes note of the paper.

Question resolved in the affirmative.

Public Sector Bill 2014

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Higher Education and Minister for Regional Development) (10.06): I move:

> That this bill be agreed to in principle.

I present to the Assembly the Public Sector Bill 2014. Central to ensuring Canberra citizens have access to high quality services, from health care and education to making sure households have their garbage bins cleared every week is that we have the very best arrangements for structuring the public sector and for engaging and employing those who deliver services to us.

Although it is given little recognition, the legislation that establishes the public sector and the public service is a vitally important part of the unseen landscape in the ACT. It operates in the background, unobtrusively, but it is through such underpinning arrangements that we in Canberra can rely on efficient and effective systems that result in the delivery of services and ultimately high standards of living. One of our biggest challenges is to make sure that this legislation continues to be relevant and up to date in an ever-changing environment.

The government has for some time considered that the Public Sector Management Act needed updating. This was made clear in 2011, when the *Governing the city state: one ACT government—one ACT public service* report released by Dr Allan Hawke recommended a complete overhaul of the PSM Act on the basis that it was out of date and did not support a modern public sector. The government took the first steps towards such an overhaul, with amendments being made to the PSM Act in 2011, primarily to facilitate the introduction of the one service model and to establish directorates as well as to establish the role and functions of the head of service.

While the one service model has been successfully introduced, the passage of time since then has made it abundantly clear that the PSM Act remains unable to keep pace with the broader changes in the culture and structure of the public sector. Change is still required to take into account the growth of regulation governing both private and public sector employees. After all, as members would be aware, it is not our own legislation that is the primary source of entitlements for staff but enterprise agreements made under federal legislation.

Consequently, the government is of the view that, in order to properly address the emerging, and in some cases longstanding, issues with the PSM Act, it is not appropriate to simply apply a bandaid approach and make further amendments. Instead, the government has decided that completely new legislation is required. As a result, the Public Sector Bill 2014 being introduced today will repeal and replace the PSM Act.

I would like to summarise the major features of the bill, which is a much more accessible, streamlined piece of legislation, removing about 100 pages from the current PSM Act.

The bill establishes the public service and deliberately distinguishes the public service proper from the remainder of the sector. That is, it delineates those officials employed in directorates who ultimately report to the head of service from the rest of the agencies in the ACT public sector that also employ staff to facilitate and reinforce clear reporting and accountability.

The parts of the current PSM Act that deal with employment powers have been stripped back to high level heads of power. Regulations will contain the detail about how those powers are to be exercised, and when legal authority is required. This approach will ensure that the legislative provisions can easily complement agreements as they change.

The bill introduces new public sector principles that set expectations of a high performing, efficient and accountable public sector. It also includes the ACTPS values which were the subject of much consultation across the public sector and were finalised in 2012. While the ACT public sector code of conduct will remain in subordinate legislation, it is appropriate that the revised values are elevated into the primary legislation, providing a high level statement of how the public sector is to conduct itself.

An important change which I am sure members will be interested in is the creation of a stand-alone office of public sector standards commissioner, replacing the Commissioner for Public Administration. The role is to have specific whole-of-sector functions, mainly relating to upholding behaviours and conduct.

In order to achieve the best possible outcomes for the territory, contract executives under the PSM Act will be reorganised into a formally established SES, senior executive service, with accompanying functions around promoting collegiality and cooperation across the service.

The bill will also remove the arcane concepts of "office" and "offices". Public servants will still be employed in a position at a certain classification in the public sector, but will not be tied to a specific position. This will facilitate mobility and redistribution of resources to make the public service more agile and readily able to respond effectively in line with changes to government priorities.

Lastly, it refocuses the key concept of merit to concentrate on outcomes rather than simply an expression of process. Merit remains, as it should, the cornerstone of the public service. However, it has been recast to focus on the best recruitment result for the sector. Procedural fairness will remain an important feature but process requirements will not be prioritised over outcomes.

As I mentioned earlier, one of our biggest challenges is to make sure that the legislation establishing the public sector and the public service continues to be

relevant and up to date in an ever-changing environment. It is vital that we have a strong and effective public sector. This bill enhances the legislative framework to ensure that we do. I commend the bill to the Assembly.

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

Annual Reports (Government Agencies) Amendment Bill 2014

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Higher Education and Minister for Regional Development) (10.12): I move:

> That this bill be agreed to in principle.

I am pleased to introduce the Annual Reports (Government Agencies) Amendment Bill 2014. The government's commitment to open government is being facilitated by developments in the online environment, which is setting an unprecedented ability to engage the electorate with up-to-date information. While the annual report remains a key accountability document for the Legislative Assembly, its importance to the community is changing and perhaps diminishing. The electorate wants up-to-date, relevant information which annual reports cannot do, as they provide information at a point in time and are available three months after the end of the reporting year. Therefore, annual report content is being reviewed to complement an increasing presence of government agency information that is being published online with frequent updates.

The bill will allow annual reports to have a more modern focus to reflect ACT community expectations. The requirements of annual reporting are governed by the Annual Reports (Government Agencies) Act 2004, and the content and presentation of annual reports is stipulated by the annual report directions. There are numerous other acts which currently require particular information to be included in one or more annual reports, but their purpose is not related to annual reporting. The bill allows annual report requirements to be consolidated into directions by omitting them from numerous unrelated acts. The bill makes the directions the main legislation to stipulate the content and place of annual report information.

The bill allows for consolidation of annual report requirements to make change to annual reporting easier to implement through one piece of legislation. The bill makes no change to annual report requirements that are contained in legislation that are about accountability and reporting, as they are obvious places for agencies to find information, such as the Financial Management Act 1996. It makes no change to legislation of independent agencies with government accountability roles, such as the Auditor-General and the Ombudsman, to maintain their independent annual reporting requirements in primary legislation.

The bill provides the option for whole-of-government annual reporting to improve presentation. The bill allows for whole-of-government reporting by a coordinating directorate to present a single ACT public service result on particular targets, such as greenhouse gas emission targets. The extent and timing of these proposals being taken up will be progressed in the development of the new directions.

Finally, the bill extends the submission time line of annual reports by one month to the end of October to allow for sufficient rigour in the quality assurance process, including the Auditor-General's audit of financial statements. While a change in timing of annual report hearings would result, it does not alter the information or impact on the opportunity for scrutiny of that information. Even with the current end of September deadline, annual report hearings often extend late into the year. This extended timing has precedent in other jurisdictions, including the commonwealth, which has some entities that are required to table their annual reports by the last sitting period for the calendar year.

These small but key amendments will complement open government reform, improve transparency and allow sufficient time and rigour of annual report content whilst maintaining the opportunity for annual report hearings and appropriate scrutiny process. I commend the bill to the Assembly.

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

Judicial Commissions 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) (10.17): I move:

> That this bill be agreed to in principle.

I am pleased to present the Judicial Commissions Amendment Bill 2014 today. The bill amends the Judicial Commissions Act 1994 to create a statutory framework for handling complaints against judges and magistrates in the ACT, including the establishment of a part-time judicial council, and provide powers to the council to receive, investigate and report on complaints, and take appropriate action to address complaints. Our community rightly has confidence in our judiciary, which is fundamental to the rule of law and a free society. This bill is designed to further underpin that confidence.

At present the ACT has limited formal options for responding to a complaint made against a judicial officer. Under the Judicial Commissions Act, the Attorney-General may request the executive to appoint a judicial commission to investigate a complaint

but only if the Attorney-General believes that the complaint could, if substantiated, warrant the removal of a judicial officer from office.

There is no formal mechanism for dealing with a complaint that, while requiring attention, does not warrant removal of the judicial officer from office. Informally, complaints are usually referred to the head of the relevant court. This means there is no formal, supported way to consider and address complaints where the issues in question are not of a kind to potentially warrant removal from office.

In contrast, New South Wales currently operate a standing judicial commission under their Judicial Officers Act 1986 which, among many other functions, independently receives, investigates and makes recommendations about complaints against judicial officers. The New South Wales commission's powers are broad enough to refer serious complaints to the Attorney-General to begin removal proceedings or to recommend less serious administrative steps be taken by the relevant court.

The bill before members this morning establishes the council and requires that it be constituted by the Chief Justice, the Chief Magistrate and two members to be appointed by the executive, with the Chief Justice being the head of the council. One of the members appointed by the executive will be a legal practitioner jointly nominated by the council of the Law Society and the council of the Bar Association, and one will be a person whom the executive is satisfied as to qualifications and experience to assist the council in the exercise of its functions. The council will be supported in the exercise of its public functions by a principal officer and other staff that it considers suitable.

The bill ensures that if a member of the council is a complainant or the subject of a complaint, the member may not exercise their council functions in relation to that complaint. The bill also allows the Chief Justice and the Chief Magistrate to delegate their council functions if they are unable to exercise them for any reason, such as a conflict of interest or a perceived conflict of interest.

The amendments list the functions of the council as receiving complaints, examining complaints, referring certain complaints to the executive or a head of jurisdiction and giving information about the provision of complaints. The council is able to delegate administrative functions to its support staff.

The council will receive all complaints against judicial officers but not ACAT members and will be able to dismiss the complaint if it is inappropriate, frivolous, vexatious, trivial, too remote, able to be addressed by other satisfactory means, already subject to appeal or review or about a person who is no longer a judicial officer; refer the complaint to the relevant head of jurisdiction; hold a hearing into the complaint in accordance with the bill; or recommend to the executive that a judicial commission be appointed.

While the council will not deal with complaints against ACAT presidential members, the bill provides for the Attorney-General to approve a separate protocol for dealing with complaints against them. This protocol will be a notifiable instrument.

The amendments require the council to give a copy of a report of its findings to the judicial officer who is the subject of the complaint and to the Attorney-General. The council may also give a copy of the report to the complainant. If a complaint is substantiated, the council may make recommendations to the Attorney-General, the executive or the head of jurisdiction on what action should be taken in relation to the judicial officer complained about.

The amendments set out procedural requirements for the council, including determination of questions before the council, appointment of a lawyer to assist the council, protections and immunities for council members and disclosure of information. In addition, if the council forms the opinion that the judicial officer may be physically or mentally unfit to perform the functions of their office it may ask the officer to undergo a specified medical examination.

The amendments give the council power to issue a subpoena to require a person to appear at a hearing to give evidence or produce a document or thing relevant to the hearing. The council must report annually to the Attorney-General, who must table the report in the Legislative Assembly as soon as practicable after receiving it.

The bill also makes consequential amendments to other acts. These include amendments to the Administrative Decisions (Judicial Review) Act 1989, to exclude decisions of the judicial council from judicial review; the Information Privacy Act 2014, to place the judicial council in the same position as a judicial commission—that is, to exempt it from the application of the Information Privacy Act; the Freedom of Information Act 1989, to place the judicial council in the same position as a judicial commission—that is, not a prescribed authority for the FOI Act; and the Ombudsman Act 1989, to prevent the Ombudsman from investigating administrative action taken by the judicial council.

These changes will introduce a formal, transparent accountability measure for the ACT's judicial officers and will help promote ongoing community confidence in our judicial system. I commend the bill to the Assembly.

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

Crimes Legislation Amendment Bill 2014

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (10.17): I move:

> That this bill be agreed to in principle.

I am pleased to present the Crimes Legislation Amendment Bill 2014. The bill addresses a number of criminal justice legislation issues that have arisen in the territory. The bill makes two important amendments to the Crimes (Forensic Procedures) Act. I will deal with these in turn.

Firstly, the act is amended to provide an interview friend to an Aboriginal or Torres Strait Islander person who is a suspect, serious offender or volunteer under the act. An interview friend is there to support the person subject to a forensic procedure or during an application process for an order for them to undergo a forensic procedure. Currently, an interview friend must be provided for a child or incapable person at any hearing for, or the carrying out of, a forensic procedure. Aboriginal and Torres Strait Islander people are significantly overrepresented in our criminal justice system. It is fair and appropriate that they be afforded appropriate assistance and safeguards when involved in a justice process.

Secondly, the bill amends section 54 to provide that, if an intimate forensic procedure is to be carried out on a suspect, serious offender or volunteer, the person carrying out the procedure or helping to carry out the procedure must be of the same sex as the relevant person if practicable. The current absolute obligation to provide a practitioner or helper of the same sex, unless consent is given to the practitioner or helper being of a different sex, poses significant operational difficulties for clinical forensic medical services due to the limited number of suitably qualified male practitioners and nurses.

The bill also creates a new offence in the Criminal Code to prohibit the display of drug pipes, including ice pipes, hash pipes and cannabis water pipes, in retail and wholesale outlets. The prohibition applies to products that are intended for the purpose or apparent purpose of inhaling, drawing or smoking, smoke or fumes of controlled drugs. The prohibition does not apply to the display of smoking equipment that is not intended for use with illicit drugs but conceivably could be used this way.

This new offence balances the potential harmful impacts associated with al1owing the display of drug equipment with the concern that prohibiting the sale of drug equipment could lead to more harmful ways of consuming controlled drugs. The prohibition is consistent with the government's commitment to a harm minimisation approach to illicit drugs.

This bill also contains amendments to the Crimes Act 1900. The amendments will ensure that the law appropriately deals with voyeuristic acts that are in breach of people's right to privacy. New section 61B(1) will criminalise indecent observations or recordings of another person in a situation where that person should be given privacy. This is an important amendment to ensure our current legislative scheme appropriately addresses behaviour where citizens participate in antisocial and criminal behaviour at the expense of other people's right to privacy. The primary offence will apply where the offender observes another person with the aid of a device or captures visual data—for example, a film—and a reasonable person would consider this an invasion of privacy and indecent.

The maximum penalty will be two years imprisonment and/or 200 penalty units. Invasion of privacy and indecency do not require proof of intent as these questions should be objectively assessed.

The bill makes a number of amendments to the Firearms Act which will allow for the safe and effective use of firearms without compromising the public safety purposes of strict controls on the possession and use of firearms. It also reduces unnecessary red tape on certain firearm users. The amendments include giving authorised instructors a general authority to use firearms registered to their respective club for the purposes of instruction and allowing certain licensees, regardless of the genuine reason supporting the acquisition and registration of the firearm, to use their firearms on club shooting ranges. The bill also clarifies that unlicensed people 12 years of age or over may possess and use a firearm for the purpose of receiving instruction on a shooting range.

The bill also amends the Crimes (Sentencing) Act to allow a victim impact statement to be in the form of drawings or pictures, to reflect existing practice in the court of allowing the tendering of drawn statements. Expressly permitting this practice in legislation will ensure that there is no doubt that it can continue to occur.

Section 102 of the Children and Young People Act is amended by the bill to allow the court to order the director-general to bring a young detainee before the court for a civil proceeding if the young person consents and to return the young person to the centre or other place in accordance with the order. The amendment does not compel a young detainee to attend a civil proceeding. It is consistent with a recent amendment to allow adult offenders to attend civil proceedings but not to compel them to attend.

The bill also makes a number of minor amendments to crimes legislation to ensure consistency and the effective operation of the criminal justice system. The bill provides extra protection and support to members of the community in particular need and it provides protection for the privacy of members of the community as a whole. I commend the bill to the Assembly.

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

Electoral 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) (10.31): I move:

> That this bill be agreed to in principle.

I am pleased to present the Electoral Amendment Bill 2014 (No 2) this morning. On 20 March this year the ACT Legislative Assembly established a select committee on

amendments to the Electoral Act to consider a number of matters related to electoral reform in the ACT.

In June this year the committee released its report entitled *Voting matter*s, including 18 recommendations. In September this year the ACT Electoral Commission also provided its report, *Proposed changes to the Electoral Act 1992*, which responded to voting matters and made further recommendations around campaign finance. This afternoon I will be tabling the government response to both of these reports.

This bill, therefore, implements the legislative aspects of the government responses to these important reports. The government's responses are underpinned by a commitment to establishing a strong regulatory framework. This framework supports transparent and accountable electoral expenditure and minimises the incentive and opportunity for corruption and undue influence. It achieves this through a strong reporting framework coupled with an increase in public expenditure and the retention of expenditure caps.

I will outline the major amendments contained in this bill. As recommended by the select committee, the bill amends the expenditure cap on candidates so that it is $40,000 per individual candidate, with party expenditure capped at $1 million. Penalties will continue to apply for electoral expenditure exceeding these limits. The $40,000 expenditure cap will also apply to third-party campaigners and associated entities. With the number of members in the Assembly increasing to 25 at the next ACT election, these caps will prevent a significant increase in campaign expenditure by the larger parties and assist in preventing disadvantage to independent candidates.

On the other side of the balance sheet, the bill removes restrictions on how much can be donated to a party or candidate. Removing this restriction does not lessen the reporting requirements around donations. These still remain to ensure transparency and accountability.

By abolishing the $10,000 limit on donations, the government is removing an unintended incentive for donors to circumvent the electoral funding laws and therefore reduce transparency. We have seen experience of this in New South Wales. While the donation limit is not kept, the usefulness of excessive donations is severely limited by the reduction in the cap on electoral expenditure. Removing the donation limit removes sections 205I and 205J from the act, including section 205I(4) which is likely to be invalid. Section 205I(4) includes gifts from donors outside the ACT unless paid into a federal account.

In 2013, the High Court considered a similar New South Wales provision and found it invalid on the basis that it impermissibly burdened the implied freedom of political communication.

The High Court decision in Unions New South Wales v New South Wales also cast some doubt on the validity of the provisions contained in sections 205F, 205G and 205H relating to aggregated electoral expenditure. This bill therefore amends sections 205F and 205G to remove the aggregation provisions and delete section 205H which aggregates the expenditure of a third-party campaigner acting in concert with others.

Removing the aggregation provisions will not result in reduced transparency. Associated entities, party groupings, non-party MLA groupings and third parties will still be subject to electoral expenditure caps and will still be required to give the Electoral Commissioner a return stating details of their expenditure.

In addition to lowering the expenditure cap and removing the limit on donations, the government proposes that public funding of elections be increased from $2 to $8 per eligible vote. The government agrees with the select committee's conclusions that full public funding of elections would not be an appropriate way of achieving greater involvement of minor parties.

Instead, increasing the amount payable per eligible vote will help to level the playing field between the various parties and individual candidates, thereby allowing more meaningful exposure of candidates' election platforms and better informing voters. Removing the limit on donations means there is no longer any need for an ACT election account or another separately identified account or sub-account. Therefore, the bill removes the requirements for a separate ACT election fund.

The bill makes a number of amendments designed to improve the reporting process without reducing the level of accountability or transparency. The first of these is amending the period for lodgement of returns of gifts to require quarterly reporting, with more frequent reporting for the two quarters leading up to an ACT election. This amendment acknowledges the onerous nature of the current reporting requirements and aligns the requirements under the act with current business reporting requirements.

The bill also clarifies the position of reporting agents, providing for the appointment of only one reporting agent at a time. This will remove any ambiguity about responsibility for reporting, which may exist if two or more reporting agents are appointed. The bill also includes measures intended to protect the personal details of individuals who make donations, again without compromising the transparency of donations.

To achieve this, the bill amends section 243A to specify that the Electoral Commissioner must not publish the full private address details of an individual who has made a donation. The person's name and suburb, or a post office box if provided, will be sufficient to comply with the act. To maintain transparency, the amendment provides that details will be available for public inspection at the Electoral Commission's office.

The bill also brings the authorisation requirements into the technological age, exempting private unpaid commentary on social media from authorisation requirements. This recommendation by the select committee reflects changes in technology and addresses the difficulties of enforcing existing requirements in this area.

The bill amends the provisions relating to anonymous gifts of up to $1,000, removing the concept of a "small anonymous gift" and importing consistency to this area of the legislation.

The commission's report to the Legislative Assembly recommended changes to the campaign finance reform provisions of the act. This bill implements the government's response to that report.

The commission has recommended that the Assembly consider whether some categories of gifts in kind, such as room hire, be exempt from disclosure under the act. This recommendation acknowledges the difficulties of meeting reporting requirements in this situation. The government response as reflected in this bill is that gifts such as free room hire be included in annual returns to be lodged with the commission and the returns not include the cost of room hire. Any gifts over and above the room hire, such as donations of food or drinks, will still have to be reported as required currently.

The commission also recommended that the act be amended to ensure that gifts given to MLAs in their capacity as a minister be treated as gifts for the purposes of the campaign finance reform provisions of the act. This would remove an ambiguity in the act which could lead to inconsistent practice or perceptions of inappropriate receipt of gifts. Clauses 44 and 45 of the bill implement this proposal.

The commission also identified an issue relating to disputed debts with a total amount of $1,000 or more held by a registered party, MLA or associated entity at 30 June. This bill amends the act to require such debts to be reported in annual returns.

In another measure to assist parties to comply with deadlines for annual returns, the bill proposes that the lodgement date for submission of annual returns be extended to 31 August. This will provide an opportunity for the electorate to be aware of disclosures prior to an election, while allowing obligated parties to include more accurate, verified information.

Finally, the bill makes a number of technical amendments to remove ambiguity, ensure consistency within the act and maintain fairness in counting.

As stated in the government response to the select committee, the integrity of our electoral system is the cornerstone of a robust democracy and a society in which citizens can truly participate. The government is committed to maintaining a robust electoral system that territory voters can have confidence in.

I would like to thank the select committee for its careful consideration of the issues raised and its thoughtful recommendations. I also thank the Electoral Commission for its continued watchfulness over the highly technical systems that support ACT elections. As these changes will be in place for the next ACT election in 2016, there will be a significant amount of work required in the next two years to support the new arrangements. I commend the bill to the Assembly.

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

Public Pools Bill 2014

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

Title read by Clerk.

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrective Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Sport and Recreation) (10.42): I move:

> That this bill be agreed to in principle.

Madam Speaker, today I am pleased to introduce the Public Pools Bill 2014. The bill will regulate public pools that are territory-owned assets—that is, Dickson, Manuka and Civic pools, and pools within the leisure centres at Tuggeranong, Erindale and Gungahlin. These public pools are currently regulated under the Public Baths and Public Bathing Act 1956, the existing act. This bill will repeal parts 2 and 3 of that act. I am sure the Assembly would agree that our territory-owned pools are great community assets that are managed very well.

Madam Speaker, put quite simply, the age of the existing act and the terminology used in it do not support modern, efficient and effective operational practices. They hamper innovation and place an unnecessary administrative burden on officials and pool operators. Our territory-owned pools are managed under facility management agreements. These agreements are not well supported by the existing act.

This bill has been developed to provide a modern administrative framework, a framework that supports current contemporary management and contractual arrangements for territory-owned public pools, so that these assets can continue to deliver high standards of water safety and enjoyment for the community. The key concepts are establishing minimum standards based on national best practice principles, facilitating access to maximise participation by all members of the community, providing flexibility to respond to business innovation and changing safety standards, and establishing an early intervention process to manage possible antisocial behaviour.

To achieve all of this the government has been innovative in its thinking, and today I present a bill that removes the past trend of rigid enforcement and criminal sanctions. A flexible regulation approach has been adopted which provides for minimal regulatory intervention and removal of unnecessary administrative burdens, while maintaining the high safety standards currently adopted by the government's pool operators.

The bill provides that the responsible minister will be able to distinguish between public pools through a category system. This system will enable public pools to be classified by the level of regulatory intervention needed.

In addition, an appropriate administrative framework has been established which will allow the minister, or the director-general, to make minimum standards to guide the management, operation and maintenance of territory-owned public pool facilities. For the first time, clear guidance will be able to be provided to pool operators on emerging trends and changing safety standards in the industry through the minimum standard framework. These standards will be determined as legislative instruments so there is full transparency to the community and members of Assembly.

This modern administrative framework also provides an early intervention process which takes a proactive focus on removing people from premises if they display antisocial behaviour. Under the existing act, such behaviour would have been considered a criminal offence, even for relatively minor infractions.

Under the bill, people will be given an opportunity to modify their behaviour and leave the premises willingly. I am sure everyone in this Assembly would agree that this approach is preferable to a person incurring a criminal offence for "bad" behaviour, which could affect their lives well into the future. That is not to say that extreme examples of this kind of behaviour will be tolerated. There is still provision for licensed security guards and police to intervene and remove patrons after an authorised person has given a direction that has not been complied with.

To support maximum participation by all sectors of the community, a right of entry and public notice regime has been included in the bill. This is to minimise occurrences where a person is not able to access a pool facility when there should be no barrier to entry.

This bill clearly defines an inspector's powers and also, for the first time, indicates the enforcement powers that may be exercised by an inspector under prescribed circumstances. This bill adopts self-regulation principles, and a "light-hand" approach is being adopted. However, the light-hand approach does not mean that the minister, or the director-general, does not have the ability to act if such a need arises. The safety and wellbeing of Canberrans enjoying our government facilities remain paramount.

The bill balances a light-handed approach with the government's need to be proactive in minimising potential risks to public safety and damage to property and the environment. Accordingly, the bill provides the required flexibility to immediately close pool facilities if necessary and require pool operators to undertake maintenance in the event that the facility, or part of the facility, poses a danger to the public.

Furthermore, the way pools are categorised and the ability to determine minimum standards enables different standards and matters to be determined for specific facilities or operators if such a need arises. In other words, operators of territory-owned public pools that continue to operate with high safety standards have nothing to fear in this legislation. In fact, the bill empowers pool operators to provide a safe environment for the whole community to enjoy.

Finally, I will also mention that the bill includes two consequential amendments. The Public Baths and Public Bathing Act 1956 is proposed to be renamed as the Public Bathing Act 1956, since it will now regulate only public bathing areas outside of public pools such as Casuarina Sands. The bill also makes some amendments to the Uncollected Goods Act 1996 relating to lost property and items left at public pools. I commend the bill to the Assembly.

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

Planning and Development (Capital Metro) Legislation 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) (10.49): I move:

> That this bill be agreed to in principle.

Madam Speaker, I am pleased to present the Planning and Development (Capital Metro) Legislation Amendment Bill 2014.

The bill that is before the Assembly today is designed to smooth the way for the timely delivery of the capital metro light rail project. Because this project is critical to the future of our city, it is essential that we deliver this project as soon as possible. The bill will amend the Planning and Development Act 2007 to remove potential legal and administrative delays to the project and enable the government to deliver it. The bill does this by proposing changes to the territory plan variation and development assessment process and putting in place certain restrictions on ACAT merit review and Supreme Court review rights.

It will assist the government to progress a project of great significance to the territory by fast-tracking the construction and completion of the capital metro light rail project. The capital metro light rail project is an important initiative of this government. It will deliver a number of benefits to the Canberra community. The provision of light rail infrastructure will create alternatives to car travel, and reduce personal vehicle operating costs. Transport currently accounts for about 22 per cent of the territory's greenhouse gas emissions. The capital metro light rail project will provide a more sustainable alternative to car travel, and reduce car use and greenhouse gas emissions from petrol engines. The project will create jobs. Ernst & Young's report *Capital metro: job creation analysis* found that the project would stimulate the ACT economy. The report estimated that more than 3,500 jobs will be created during the construction of stage 1 of the capital metro project.

I would like to make it clear that this bill does not represent a significant overhaul of the planning and development assessment process. The amendments are project specific, and tailored to deliver a key priority of the government. While there will be some restrictions on rights of review, the development assessment process, including public notification, will still apply.

Amendments made by this bill will only apply to the construction of light rail tracks and associated infrastructure. Further, the associated infrastructure must be for the purpose of light rail and must be within or partly within one kilometre of the proposed light rail track. I would also note that clause 15 of the bill inserts a new definition in the dictionary of the act of the term "light rail". This term is defined as a "system of transport for public passengers using lightweight rail and rolling stock". So, taken together, there are quite specific parameters on the scope of this bill.

I will now refer more specifically to the operational measures contained in the bill.

The bill proposes certain minimal changes to the existing territory plan variation process in the Planning and Development Act 2007. The proposed changes are to allow construction work on the light rail project to proceed in a timely manner. The bill expedites the completion of territory plan variations necessary for the project if the minister is satisfied that a shorter period would minimise the risk of delay to the development of light rail.

Under the Planning and Development Act, the minister can refer a draft territory plan variation to an appropriate committee of the Legislative Assembly and ask the committee to report on the variation to the Assembly. If the committee does not report on the draft variation within six months, the minister may take further action with respect to the variation, including approving it for tabling in the Assembly.

The bill proposes a change to this process for variations related to the capital metro light rail project. Under the proposed amendments, the minister would be able to refer a draft territory plan variation to the relevant standing committee for report within a period of less than the standard six months but not less than three months. If the standing committee does not make its report within the shortened period, then the minister will be able to progress the draft variation by presenting it to the Legislative Assembly despite the fact that the standing committee report has not been completed. This ability to reduce the time is considered to be acceptable given the straightforward nature and confined scope of the proposed changes to the territory plan, and the importance of the capital metro light rail project.

The bill also proposes changes to the development assessment process to expedite the construction of the capital metro light rail project. The bill proposes some limitations on third-party merit review by the ACT Civil and Administrative Tribunal, or ACAT, and appeals to the Supreme Court.

Review processes through ACAT and the Supreme Court are important avenues for review and accountability. However, they can result, on occasion, in delay, uncertainty and costs for the proponent and the wider community. The delay can

amount to months or, in some cases, years. This uncertainty can be especially problematic for developments that are a high priority for the government and community when their implementation in a timely and certain manner is of prime importance. The review process can also mean uncertainty as to the final outcome of the development approval process.

The bill proposes some limitations on these review processes to improve efficiency and administrative certainty for the capital metro light rail project. Development approvals relating to light rail and associated infrastructure will not be subject to third-party ACAT merit review. In addition, the bill amends the AD(JR) Act to provide that review under the AD(JR) Act does not apply to a decision in relation to a development proposal related to light rail. The ability to seek review by the Supreme Court under the common law is retained; however, time limits will apply.

However, these restrictions on review will not apply to development approval decisions involving a "protected matter" as defined by the recently passed Planning and Development (Bilateral Agreement) Amendment Act 2014. The bilateral agreement amendment act was made to enable the commonwealth to accredit ACT environmental assessment processes under the proposed "one-stop shop" process. Full review rights are retained for these decisions to protect matters of national environmental significance and to retain the potential for a one-stop shop approval process here in the ACT consistent with negotiations with the commonwealth. In other words, the existing legislation on matters of national environmental significance will not be affected by the proposed measures.

I would also like to add that, apart from the proposed limitations on review, the development application, assessment and approval process, including public notification and the right to comment, remains the same as for standard development applications.

I would at this point like to make the observation that there are a number of precedents, both here and interstate, for restrictions on review rights.

In New South Wales and Queensland, for example, I am advised that third-party merit review rights apply only to relatively complex major projects—that is, the equivalent of an impact track assessable matter here in the ACT. I am told there are no third-party merit review rights in Western Australia, and in South Australia they are limited to developments known as "category 3" developments.

It is also worth noting that in New South Wales, the Environmental Planning and Assessment Act 1979 permits key infrastructure to be declared as critical state significant infrastructure if it is considered essential for economic, social or environmental reasons. The declaration has the effect of removing statutory rights of third-party review.

Under Queensland's Economic Development Act 2012, a priority development area can be declared by regulation. The area is then removed from the planning and development process in Queensland's Sustainable Planning Act 2009, and is subject

to a streamlined development assessment process with shorter time frames and fewer requirements.

In Tasmania, the Governor declares a major development proposal to be a project of state significance under the State Policies and Projects Act 1993. The proposal must meet criteria such as making a significant contribution to the state's economic development and infrastructure requirements, and there are no rights of appeal for projects of state significance.

The proposed limitations on third-party ACAT merit review are also not without precedent here in the ACT. In June 2014 the Planning and Development (Symonston Mental Health Facility) Amendment Act 2014 amended the Planning and Development Regulation to provide that development approvals for the secure mental health facility would not be subject to third-party ACAT merit review. The Planning and Development Regulation also removes third-party merit review from development in the city centre and town centres.

Delivery of the capital metro light rail project is a core commitment of the ACT government. It is a project of major significance to the territory and to the Canberra community. It is this government's view that the proposed restrictions on review are necessary and appropriate. It will remove uncertainty and potential delays for this important initiative.

The bill also amends the Planning and Development Act to permit the Planning and Land Authority to make a declaration by notifiable instrument specifying development proposals that are related to light rail. The Planning and Land Authority will need to be satisfied that the proposal meets prescribed criteria with respect to light rail. The declaration will remove any doubt about which proposals are related to light rail, reduce the potential for legal disputes about the scope of the amendments and provide clarity about the applicable review rights for development proposals related to light rail. Furthermore, the Planning and Land Authority will not be able to make such a declaration unless satisfied that the development proposal does not in fact meet the criteria set out in the act meaning of "related to light rail". The declaration will not be subject to third-party ACAT merit review or judicial review by the Supreme Court under the AD(JR) Act. A person will not be able to bring a proceeding to the Supreme Court under its common law jurisdiction with respect to the declaration more than 60 days after the day the declaration is made.

The bill also makes some amendments to the development assessment process itself. The bill proposes amendments to the Planning and Development Act to increase the ability for the decision-maker to depart from referral entity advice and approve a development proposal that is related to light rail if the implementation of the advice would risk significant delay, cost or impediment to the commencement or completion of development related to light rail. While the bill will increase the ability of the decision-maker to depart from referral entity advice, referral entities do retain the ability to comment on development proposals.

This measure will apply to advice from any referral entity, except in relation to a protected matter, including, for example, the Environment Protection Agency,

Heritage Council and Conservator of Flora and Fauna. For consistency, the proposal will also permit departure from the advice of the Conservator of Flora and Fauna in connection with registered trees and declared sites, but only in the abovementioned circumstances. Under existing legislation there is no ability at all to depart from such advice. I am advised that it is not anticipated that registered trees will impact on the light rail project as currently proposed, but this remains a possibility subject to final design. Further, it is possible that registered trees will have an impact on light rail in possible future stages extending to additional areas in Canberra.

An ability to depart from referral entity advice is not without precedent. The Planning and Development Act permits a decision-maker to depart from entity advice when approving a development proposal in certain circumstances. For example, sections 119(2) and 128(2) of the Planning and Development Act allow the decision-maker to give development approval for a development proposal if the decision-maker has considered any applicable guidelines and any reasonable alternatives to the proposed development and the development is consistent with the objects of the territory plan.

The bill also proposes an amendment to the Planning and Development Act to simplify the documentation requirements for a development application, or DA, that is related to light rail. The bill will amend the act to create the ability to prescribe documentation requirements for the DA by regulation. Reducing the level of documentation required for the DA will allow the approval process to proceed expeditiously and with greater clarity. The reduction in documentation is appropriate for a staged development of this nature.

The measures in this bill that will give priority to the proposed capital metro light rail project have been consciously developed with the future in mind. The measures will apply, obviously, to the first stage construction of the proposed light rail from Gungahlin to the city centre.

Importantly, the measures will also be able to apply to the second and subsequent stages in the construction of light rail. For example, the measures in this bill will automatically apply to any extension of the light rail from the city centre to Weston Creek, Tuggeranong or any other locale. This is the case because the bill will apply to light rail and related infrastructure whenever and wherever it is constructed in the territory. In other words, the bill does not limit the locale of the light rail. The proposed location and extent of the light rail are a matter for government decision and authorisation through the development approval system. The location of the light rail is not a matter that is determined or restricted under this bill.

In conclusion, the bill introduces important project-specific efficiency measures to deliver a key government commitment. The capital metro light rail project itself is of considerable economic, social and environmental benefit to the territory, and is an important government commitment. This project-specific legislation will ensure that its benefits are delivered expeditiously. I commend the bill to the Assembly.

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

Legislative Assembly

Sitting pattern 2014

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (11.06): I move:

> That:
>
> (1) the resolution of the Assembly of 28 November 2013 be amended by inserting "December 4"; and
>
> (2) the sitting scheduled for 4 December 2014 commence at 9 am and debate on the matters listed below conclude at 12.30 pm and on that day the Assembly will consider the Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-15, and the report from the Standing Committee on Public Accounts on its inquiry on the bill.

As members are now aware, it is proposed, through this motion, for the Assembly to be recalled for the period 9 am to 12.30 pm on 4 December this year to allow the Assembly to consider the Appropriation (Loose-fill Asbestos Insulation Eradication) Bill and the associated report on the bill from the Standing Committee on Public Accounts on its inquiry into this bill which is now underway.

This is clearly an important matter, a matter of great significance to hundreds and hundreds of Canberra families, and a matter, of course, that requires an expeditious resolution. Therefore the government is proposing that the Assembly be recalled on 4 December to specifically debate this bill, and I encourage members to lend their support to this amendment to the sitting calendar for that purpose.

Question resolved in the affirmative.

Sitting pattern 2015

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (11.08): I move:

> That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2015:

February	10	11	12
	17	18	19
March	17	18	19
	24	25	26
May	5	6	7
	12	13	14

June	2	3	4
August	4	5	6
	11	12	13
September	15	16	17
	22	23	24
October	27	28	29
November	17	18	19

I am pleased to be moving this motion this morning which sets out the proposed sitting calendar for the coming calendar year, 2015. I thank members for their feedback and what would appear to be general support for the proposed sitting calendar based on the feedback that I have received to date. I am pleased that I have been able to make a number of adjustments to the earlier draft based on the feedback of members. I commend the motion to the Assembly.

Question resolved in the affirmative.

Executive business—precedence

Ordered that executive business be called on.

ABC and SBS—funding cuts

MR RATTENBURY (Molonglo) (11.09): I move:

That this Assembly:

(1) notes that the Federal Coalition Government has announced extensive funding cuts to Australia's public broadcasters SBS and ABC, and:

(a) the changes will cut more than $50 million from SBS and more than $250 million from the ABC over the next five years;

(b) the ABC has announced that about 10 percent of its staff—more than 400 people—are set to lose their jobs due to the cuts; and

(c) SBS is expected to increase the amount of advertising it shows to try and recover some of the lost funding;

(2) notes that the cuts to public broadcasting will have significant detrimental effects in the ACT, including:

(a) the loss of local employment, including an expected loss of eight staff at the local ABC;

(b) a reduction in the resourcing for local reporting, political scrutiny, and the production of other local content that is important to Canberra residents; and

(c) the loss of valuable local programs such as 7:30 ACT, and a possible reduction of women's sports broadcasting which feature ACT sporting teams;

(3) opposes the Federal Coalition Government's cuts to ABC and SBS; and

(4) calls on the Speaker to write to the Prime Minister and Federal Minister for Communications expressing this Assembly's opposition to cuts to the ABC and SBS and requesting that the cuts be reversed.

This motion calls upon the ACT Assembly to formally oppose the more than $300 million of cuts that the federal coalition will impose on our public broadcasters, the ABC and SBS. It asks all members to recognise that these cuts will be detrimental for Australia, for its independent journalism, sports coverage and political scrutiny, as well as specifically detrimental to the ACT and for the people that we represent in this Assembly. The motion asks all members to agree that our Speaker formally reflect our opposition to the cuts in a letter to the federal government.

Before I turn to some of the local issues, I will just recap the broader picture of the cuts to our public broadcasters. In 2013 there were no doubt some Canberrans who voted for Tony Abbott and the coalition government and who, before they voted, no doubt heard Mr Abbott's explicit promise to the nation that under the coalition government "there will be no cuts to the ABC or SBS". There could not have been a clearer statement: "There will be no cuts to the ABC or SBS." This, of course, has been exposed as a blatant lie or a broken promise if you prefer to phrase it that way.

Mr Abbott promised before the election that he would "re-establish the bonds of trust that should exist between government and people" and would not break any promises. So his ABC statement broke two promises at once.

The twisting and turning that Mr Abbott has exhibited in the last week as he tries to say that he did not break a promise is acutely embarrassing. There are no cuts, no broken promises, just an efficiency dividend, he says. That is simply ridiculous. The promise was clear. And now there is over $250 million to be cut from the ABC and over $50 million to be cut from SBS.

Almost equally ridiculous is Mr Turnbull's claim that the cuts will only affect operational efficiencies and that it is the ABC's call to cut programming rather than tackle back office and administrative costs. Of course, as one would expect, the cuts will cause a massive restructure to the ABC. ABC Managing Director Mark Scott has announced already that he expects 400 jobs to be lost and drastic changes to the ABC's capabilities, including program cuts. It already will be significantly cutting costs and back office functions to find savings but it cannot avoid making program cuts.

Right across Australia, Friday's state-based *7.30* programs will be axed, including the ACT's *7.30* program. That is not the only news program to be affected. The current affairs program *Lateline* will be cut back, widely regarded as one of the best and most in-depth current affairs programs in Australia. No doubt there are a few coalition ministers pleased to see the ABC lose some of its current affairs capacity.

Before the 2013 election it became quite clear that Tony Abbott was refusing to appear in long-form interviews on programs like *Q&A*, *Lateline* or the *Insiders*. By mid-2013 it had been 1,054 days since Tony Abbott had appeared on *Q&A*, 72 days since he had appeared on *7.30* and 583 days since he had appeared on *Lateline*. And this was despite open invitations. Of course when Mr Abbott did appear on *7.30* in 2012 he seemed rather stunned by Leigh Sales's use of facts and research and ended up notoriously admitting he had not read a report he was using to attack the government of the day.

Other impacts on the ABC will include cuts of 20 jobs to the ABC's foreign affairs bureaus in Tokyo, Bangkok, New Delhi and New Zealand. In South Australia, TV production outside news and current affairs will be shut down. This led to one of the ultimate moments of irony, with Liberal minister Christopher Pyne starting a petition against the South Australian reductions which were attributable to the millions of dollars cut by his own government.

We all enjoy the arts in this chamber. In fact yesterday members spoke fondly about the arts on a motion presented by Mr Smyth. The cuts to the ABC will mean $6 million will be cut out of ABC radio, with the biggest cuts affecting ABC Classic FM. ABC Newcastle will be downgraded to a regional operation, losing eight staff and two of its key presenters.

We must not forget, of course, that our other public broadcaster, SBS, the Special Broadcasting Service, is also in the firing line, with over $50 million of cuts proposed. As members would know, SBS is very important particularly for its provision of multilingual and multicultural radio and television services. Its goal is to reflect Australia's multicultural society, and to many Australians who are new to our country, who have English as a second language or who simply have a close connection to their ethnic heritage or are even interested in diverse cultures, SBS provides a very special service.

In an attempt to recover its lost funding SBS is now expected to increase the amount of advertising it shows. The increasing encroachment of advertising into public broadcasting has a variety of negative impacts which I think we are all well aware of.

I would like now to turn to the impact on Canberra of these cuts. Like other coalition policies, the short-sighted cuts to public broadcasting will have a negative impact right here in Canberra. Perhaps the Liberal opposition members will again try to avoid having to talk about this kind of issue, claiming it is solely a federal issue. In fact I see Mr Hanson has done exactly that in his circulated amendment. Heaven forbid we might discuss a matter that has an impact on Canberra even if it is done by the federal

government, because somehow we should only talk about local council matters in this place, according to Mr Hanson and his colleagues.

But it cannot be denied. These changes do impact on Canberra. They impact on the Canberrans that we represent and their ability to view local programming and receive local news. They even impact on the political discourse in our city as we face an inevitable decrease in the amount of local political reporting and political scrutiny. All members in this chamber should lament this decline and should stand up and oppose these cuts.

It has already been reported that it is expected that eight jobs will be lost at our local ABC. Not only is this difficult for these individuals and their families but it is a significant proportion of the relatively small Canberra ABC.

On this note I might just mention that Greens Senator Scott Ludlam asked Senator Eric Abetz in question time yesterday if the government would apologise for breaking a promise and also to the ABC staff who have lost their jobs. Senator Abetz's answer was: "No, and, secondly, no-one has lost their job." I wonder what Mr Abetz says to our local ABC staff about that.

As an example of the way local reporting will change, the regular ABC news bulletins will reduce from 10 minutes to five minutes. For Canberra this means there is a high likelihood that there will be less room for local news in these bulletins—perhaps no room at all. Unfortunately all this serves to alienate Canberrans from their local Assembly, from the issues that are happening here and that affect them every day.

The ABC has a long and proud history in Canberra. The ABC was launched in 1932 with a broadcast heard across the country. During the Second World War we heard Australia's first ever female newsreader on the ABC, Margaret Doyle. Radio station 2CN, which we know today as ABC 666, started in Canberra in 1953. ABC television was launched in 1956, and current affairs programming was first introduced in the 60s with *Four Corners*. In 1986 we welcomed the *7.30 Report*, which has evolved into what we now know as *7.30*. In 1996 we also got *Stateline*, the local-focused version of the *7.30 Report*. And since 2011 we have known our local ACT *Stateline* as *7.30 ACT*.

I found it devastating to hear that following these cuts there will no longer be a *7.30 ACT* program. The program has provided a fantastic local focus, with quality stories that both celebrated Canberra and profiled local Canberrans and events, as well as conducted serious current affairs on issues that were important and topical to locals. Many of the members here in the Assembly have probably appeared on *Stateline* or *7.30 ACT*, and I think we all appreciate the professionalism of that program and its journalists and presenters, currently Chris Kimball but of course many of his predecessors.

Over the years there are many favourite and memorable *7.30 ACT* programs that stick in our memories, stories on the Canberra bushfires, a moving piece about a homeless security guard in Canberra, a story showcasing the Namadgi national park, its in-depth coverage of our local elections, a 2002 story on the community radio station

2XX when they lost their broadcast licence for a week, which was particularly memorable for one of my staff who worked at 2XX at the time. Our local *7.30 ACT* will end. They will shortly broadcast a final and no doubt nostalgic and probably somewhat sad program, and this will be a very sorry loss for Canberra.

But the local impacts of these cuts do not stop here. As I have said in my recent media comments, I am particularly concerned about the impacts that the ABC cuts will have on women's sports. As we all know, the ABC has for many years been a strong supporter of netball, women's cricket and since 1980 has broadcast the Women's National Basketball League, the WNBL. The ABC's final WNBL game will be the grand final, scheduled for 8 March next year.

It remains to be seen how or what will replace the ABC's role as the national broadcaster. The ABC coverage has been an important part of promoting our local women's team, the Canberra Capitals, around the country, helping them to earn sponsorship, helping to promote the excellent quality of women's sport and our local team to the broader population.

The same is true for the W-League, women's soccer. We have watched women's football grow from strength to strength, and the free-to-air televising of this sport has helped cement its place in the Australian sporting landscape. Our Canberra United team were the W-League premiers in 2013-14, a proud moment for this city and the many supporters of the team in green. Who knows where women's soccer will go from here. It will certainly be more difficult.

I must acknowledge that the decision to pull these programs fell to the ABC board, as it did with all the program changes I have described. But the sheer quantum of cuts forces these decisions to be considered and to be made.

The void left by the ABC no longer broadcasting these sports will not just impact friends, families and fans around the country tuning in to watch elite women's sports but also reduce the exposure of positive role models for young women. Further, there is a very real risk that the competitors and the competitions will suffer as players, clubs and leagues struggle even harder to gain sponsorship.

These cuts to the ABC are bad for Canberra, for our local identity, for our ability to have local information and for our local democracy. In democratic societies such as ours we use the news media to help us make decisions about who will represent us in parliament and make laws on our behalf. A diverse and objective news media is essential to help us make the right decision.

The media is essential to a healthy democracy, for two key reasons. It helps to ensure that citizens make responsible, informed choices when they go to the ballot box and their general participation as citizens in an active democracy. And widely available and accurate information serves an important oversight function by ensuring that elected representatives uphold their oaths of office and carry out the wishes of those who elected them.

I noted with interest yesterday that Mr Hanson's motion on the health system quoted facts about Canberra Hospital which were reported by local ABC news. Perhaps in the future that reporting will not occur and Mr Hanson will not have the benefit of that scrutiny from our local reporters. I think we would all have to agree that Canberra will be worse off without that independent scrutiny.

As the Greens representative in this chamber, I put on the record that I strongly oppose these cuts. They should be reversed. That might seem a hard ask but it is amazing what can be achieved with concerted public pressure. And the public are opposed to the cuts as well. They are making their voice heard now and I imagine they will do so at the next election. If not, this could be the first in a series of funding attacks on our respected public broadcasters. The Greens will fight to oppose these cuts and to ensure proper funding is provided. I call on my fellow MLAs to do the same. I commend the motion to the Assembly.

MR HANSON (Molonglo—Leader of the Opposition) (11.23): Madam Deputy Speaker, there is a game of bluff going on between me and Minister Corbell in rising to speak to the motion—I will not call it a wally motion. What shall I call it? A grandstanding motion? Is that in order? This self-indulgent piece of grandstanding by Mr Rattenbury. We know that what drives Mr Rattenbury with his motions in here is the opportunity for a bit of publicity. There could be no greater publicity that he craves than the attention of the ABC. Mr Rattenbury, a crusader for the ABC, is coming in here to make his case so that he gets the media attention he so craves.

It is somewhat ironic. When the Labor government, under Julia Gillard, supported by the Greens, was cutting the public service to ribbons, when it was applying efficiency dividends significantly higher than those applied to the ABC and when thousands of ACT residents who worked in the federal public service were losing their jobs, did we hear a squeak from Mr Rattenbury? There was not a pipsqueak from Mr Rattenbury as thousands of public servants lost their jobs across the federal departments of health, education and the environment. Across the board and across national institutions as well cuts were made under efficiency dividends imposed by the Gillard government. I will just read from a couple of articles. In August 2012, Laura Tingle wrote:

> Federal cabinet ministers have been told that departments face another round of big staffing cuts, in a move that will blunt Labor's attack on state Coalition governments for slashing public service numbers.
>
> Cabinet ministers have been told the expenditure review committee of cabinet will impose a further "efficiency dividend" on the federal bureaucracy, in addition to the on-going 1.5 per cent dividend and an additional, one-off 2.5 percentage-point boost dividend imposed last November. That took the dividend—in effect, enforced spending cuts—in 2012-13 to 4 per cent.

Four per cent in a single year in health and education. All of those federal bureaucrats were sacked by Gillard and Rudd. Did we hear anything out of Mr Rattenbury? Where was the outrage in this chamber then? There was not a squeak. A four per cent efficiency dividend in one year for federal departments and national institutions and there was not a squeak. But 4.6 per cent over five years for the ABC and there is

outrage from Mr Rattenbury. Shock, horror! This is going to damage our democracy; it is the end of the Western world as we know it, as far as Mr Rattenbury is concerned. Let us be very clear here.

Mr Corbell: Stand up for Canberra.

MR HANSON: Mr Corbell injects. He does not like this evidence, does he? I remember Mr Corbell did not come in here either, Madam Deputy Speaker—

Mr Corbell: Why don't you stand up for Canberra?

MADAM DEPUTY SPEAKER: Stop the clock. Mr Hanson, sit down. Mr Corbell, stop interjecting across the floor. I do not want Mr Hanson to shout any more than he is already shouting. If you could lower the tone a little bit it might be helpful, particularly to me in the chair. If we could continue now without any interjection across the chamber?

MR HANSON: Thank you, Madam Deputy Speaker. Mr Corbell says, "Stand up for Canberra; stand up for Canberra." Where was Mr Corbell when all those efficiency dividends were being applied by Gillard and Rudd? Can you remember, members? Can you remember Mr Corbell coming in here as well—united with Mr Rattenbury in outrage at the thousands of public service jobs that were cut by Rudd and Gillard—and standing up for Canberra? I do not recall that.

I certainly condemn all the job cuts that are happening in Canberra, be it in health, education or across the board. I do not want to see any jobs move out of Canberra. But I will tell you what, Madam Deputy Speaker, I will be consistent. I do not want to see any cuts. I do not care if they are by federal Liberal or federal Labor. For Mr Rattenbury and Mr Corbell the only bad cuts are those made by Liberals. If there are Liberal efficiency dividends they are evil. If they are Labor efficiency dividends there is not a squeak, and particularly for Mr Rattenbury if there is potential media involved.

There is plenty of evidence about those efficiency dividends and indeed they have been applied at the ACT level as well. You can go to the budget papers for 2011-12 in the ACT budget and you can see table 1.51. You can see the extensive list of efficiency dividends applied in the ACT budget. All of those savings initiatives in the ACT budget took place in a cabinet that Mr Corbell was part of and were voted on by Mr Rattenbury. The savings initiatives were about reducing administrative inputs, improving efficiencies and limiting growth in staff numbers.

Mr Rattenbury was quite the champion of efficiency dividends when there was not a camera involved, when it kept him in his nice plum job. But here we have the rank hypocrisy of those opposite. They cheered on Gillard and Rudd when they made efficiency dividends that stripped thousands of public service jobs in Canberra. They imposed efficiency dividends themselves and said in this place, "Efficiency dividends can be achieved with back-of-house efficiencies." They made all these arguments about efficiency dividends: this sort of rate can be applied to back-of-house; it does not require job cuts. But now we see what is going on with the ABC they come in

here with feigned outrage. Let us not pretend there is anything going on in this place other than political opportunism by those on the left of politics. They are trying to attack the government.

When you look at what Minister Turnbull has done then you can see he has applied an efficiency dividend on the ABC that is reasonable. He actually did a study. He commissioned a study, called the Lewis report, to look for efficiencies. He made sure that the efficiency dividend imposed on the ABC could be done with back-of-house savings. I quote Mr Turnbull:

> I asked the Department of Communications to undertake an Efficiency Study to identify savings that could be made by improving efficiencies in the back of house departments of the ABC, in other words savings that could be made without reducing the resources available for programming.
>
> This was a very deliberate move on my part. The easiest way to cut costs in a television network is simply to cancel programmes—and replace them with cheaper ones. More difficult is to go through the way the business operates, line by line and ask if we can do this more efficiently, with fewer people, with fewer fixed assets or other expensive resources.

He goes on:

> In other words, it was obvious the ABC and SBS were going to have to contribute to the overall Budget repair strategy.

I interpolate there. You have got to remember that the federal coalition was told there was going to be a surplus in 2016-17. Do you remember that, Madam Deputy Speaker? Do you remember the federal Labor government telling us how there was going to be a surplus? They swore by it. It was Wayne Swan's illusionary surplus. Then we had Chris Bowen reinforcing that, saying there would be a surplus. What did the coalition government find when they came in? They found it was simply not true and they faced billions of dollars of deficit.

Mr Rattenbury wants us to just ignore that and have no efficiency dividends. It is the magic pudding that the Greens play by, where you never have to cut anything. You just spend, spend, spend and it is all put on the credit card because they do not have to take responsibility. I go back to Malcolm Turnbull:

> Given the findings of the Efficiency Study, we announced a 1 per cent reduction in funding to the ABC and SBS in the 2014-15 Budget. This contributed savings over four years of $38.3 million for the ABC and $8.5 million for SBS.
>
> This was not an ongoing efficiency dividend, but as I stated at the time, a down-payment on larger savings—

And so on. He goes on:

> In its 146 pages the Lewis Efficiency Study discusses 48 operational activities across the ABC and the SBS. It identifies five key areas where significant efficiencies and savings can be achieved …

He goes through many of those details. I would suggest you have a look at his website to read that. He goes on to talk about program cuts and changes:

> Ever since the prospect of these savings has been raised the ABC, or people claiming to speak for the ABC, has suggested that the programme will be a casualty.
>
> At one point even the beloved Peppa Pig was said to be facing the axe! And then when that strained credulity, Tony Jones and Lateline were substituted for the pig only to be followed by the Stateline versions of 730 on Friday evenings.
>
> Let me be quite clear—

this is quoting Malcolm Turnbull—

> The savings announced today are not of a scale that requires any particular change to programming. All of the savings can be found within operational efficiencies of the kind canvassed in the Lewis Efficiency Study.

That is the main point here. The subject of my amendment that I will be moving shortly is that these are savings that have been looked at judiciously. There has been a study. These are efficiency dividends of the like that federal Liberal, federal Labor and ACT Labor locally have done consistently. Managers of departments, managers of directorates and the management of national institutions are required to find those efficiency dividends without cutting front-line programs, and they do it. They do it despite ongoing efficiency dividends that have been applied by Liberal and Labor federally on an ongoing basis. The ABC has been immune. The ABC, which has been immune from efficiency dividends for years, has a small efficiency dividend applied comparative with health, education and other national institutions. What we see is Mr Rattenbury in here with outrage about eight jobs.

I do not want to see a single job go from the ABC. I say that very clearly. I love the ABC *7.30 Report*. I am a big fan of the ABC. We want to see all of its programming maintained. But Mr Rattenbury is coming in here with concerns about eight jobs that have been stripped by ABC management when they did not need to be while he was mute while thousands of jobs went in health, education and across other departments.

Let us not pretend that this is anything other than it is. Cuts are being made, and it is disappointing. I am sure that no-one in government wants to apply efficiency dividends. No-one in government, any sort of government, wants to apply cuts. But governments do it—federal Labor, federal Liberal, ACT Labor. Consistently with their efficiency dividends they make cuts. It is disappointing when that is going to flow down into an organisation. I think it is a real shame when we see any staff cut at all.

What is playing out here is a decision by ABC management. ABC management have made the decision that, rather than apply efficiency dividends back of house without cutting programming, as has been demonstrated can be achieved by the Lewis efficiency study, they will go after the soft underbelly, the easy, low-hanging fruit that

will cause the most outrage. They have achieved their aim, haven't they, today? The management of ACT have achieved their aim. They have got Green and Labor politicians in outrage in the parliament here spruiking their cause, doing exactly what ACT management want to achieve from this. It is a sort of fever being whipped up around these efficiency dividends, rather than management of the ABC saying, "We understand."As Ross Solly said in his article today in the *Canberra Weekly*, "News and current affairs, an area where ABC often led the industry, is tightening its belt. I maintain the ABC cannot be immune from across-the-board budget cuts."

A respected journalist like Ross Solly says the ABC cannot be immune from across-the-board budget cuts. He acknowledges it; he recognises it. He is a very well respected ABC journalist from the ACT who has worked in 666 and has worked on the *7.30 Report*. He recognises that the ABC cannot be immune given the financial crisis that was left to the coalition government. He and others should recognise that it is a management decision that is trying to create a frenzy and some heat around this issue, rather than applying reasonable, sound efficiency dividends like department officials federally and locally are required to do in just about every budget.

What we have here is the ABC management achieving exactly what they wanted. They have got a Greens politician and a Labor politician who are going to play politics with this and use this for their own political purposes. That is what this is about. So congratulations; well done. Enjoy the sugar hit of politics on this. As you try and save the ACT budget and you look for savings, remember this moment. *(Time expired.)*

MADAM DEPUTY SPEAKER: Mr Hanson, you have not moved your amendment.

MR HANSON: I move my amendment as circulated:

> Omit all words after "That this Assembly", substitute:
>
> "(1) notes:
>
> (a) the high quality and important function of local ABC news content in the ACT;
>
> (b) the ABC is a Federal Government, not an ACT Government, responsibility;
>
> (c) the state of the Federal Budget inherited from the previous Federal Labour Government;
>
> (d) Mr Rattenbury's repeated support of efficiency dividends in the ACT Budget;
>
> (e) that 4.6 percent efficiencies applied over five years to the ABC are consistent or lower than efficiencies applied by Federal and ACT Labor Governments to numerous public institutions and departments, including health and education;

(f) that the Federal Minister for Communications asked the Department of Communications to undertake an efficiency study to identify savings that could be made by improving efficiencies in the back of house departments of the ABC;

(g) that the subsequent Lewis Efficiency Study found all of the savings required can be found within operational efficiencies that could be made without reducing the resources available for programming;

(h) that ABC management has instead cut ABC programming; and

(i) Federal Opposition Leader, Bill Shorten, has refused to commit to reinstate the funding reduction to the ABC; and

(2) expresses its disappointment that ABC management has cut programming, including *7.30 ACT*, as opposed to other efficiencies as outlined in the Lewis Efficiency Study.".

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (11.38): I am very pleased to rise in this debate today to lend ACT Labor's support for the motion, to stand up for public broadcasting: public broadcasting in our city, public broadcasting in our community, public broadcasting in Australia.

We have heard the outrageous commentary from the Leader of the Opposition, who yet again acts as the apologist for Tony Abbott and his cronies up in federal parliament. That is all Mr Hanson is: an apologist for Tony Abbott and his cronies, who are imposing an outrageous broken promise on the Australian community.

We hear the argument well: "This isn't a cut; this is an efficiency dividend." It is a bit like the great skit that is now circulating on YouTube of Tony Abbott as the black knight in *Monty Python and the Holy Grail*, where King Arthur approaches the black knight and challenges him to cross the river. When he refuses to, they have a fight, King Arthur chops the knight's arm off and says, "Well, now are you going to let me pass?" and the black knight says, "No." His arm is lying on the ground and there is blood spurting out of the body. King Arthur asks Tony Abbott, as the black knight, "Well, what's that?" Pointing to the severed arm on the ground, Tony Abbott says, "That's not a cut; it's an efficiency dividend."

This is the absurdity of the Liberal Party's position on this. Then, to add insult to injury, they say that we should accept the Liberal Party's argument because they have a report which shows how efficiency dividends can be delivered. But guess what: Malcolm Turnbull refuses to make that report public. He refuses to explain or justify his position that efficiency dividends can be achieved in the ABC, but says there is a report, which he keeps secret.

Mr Doszpot interjecting—

MR CORBELL: So apparently we can achieve these so-called efficiency dividends—cuts, efficiency dividends or whatever they may be.

Mr Hanson interjecting—

MADAM DEPUTY SPEAKER: Mr Corbell, resume your seat. Stop the clock, please. Mr Hanson and Mr Doszpot, I did ask for Mr Corbell to stop interjecting and to let you, Mr Hanson, speak without interruption. I am asking you to do the same for Mr Corbell. The noise level in here is getting just too much. I cannot even hear what Mr Corbell is saying.

MR CORBELL: Thank you, Madam Deputy Speaker. They do not like being called out on it—that is very clear—but the facts are that the justification for this cut on the ABC is apparently set out in a report that we should accept, even though it is not a public document. It is a secret document that is not being made available to anyone in our community. It is an absurd and outrageous position from those opposite. Of course we all understand that what this is is a direct cut and an attack on the ABC and a belated breaking of an election commitment by Tony Abbott, supported by his cronies here in the Assembly.

Our thoughts go out to all the ABC and SBS staff who have either lost, or now live in fear of losing, their jobs following this announcement. In the longer term, our concern is for the damage that such indiscriminate cuts do to the quality and content of broadcasting in Australia and in our region.

We can all have our views on different aspects of the ABC and SBS. We can have our views on different personalities, on the choice of programming, even on local political reporting. In a community and a democracy as vibrant as Australia's, you would not want it any other way.

With the challenge of catering to such vast diversity, how many public organisations could boast these quite outstanding statistics? Nearly nine out of every 10 Australians believe the ABC provides a valuable or very valuable service. Nearly three-quarters of Australia's adult population engages with the ABC every week. By subsidising the ABC and the SBS as national public goods, we create institutions which provide benefits nationwide—in our regions, to children and young people, to those with special interests such as the arts, world affairs, religion, academia, rural and agricultural issues, and to local communities like our very own.

Let us look at the Mr Fluffy issue as a great example. Despite its devastating effects, little is known outside Canberra about the extent of this significant problem. But what is known is in no small part thanks to the reporting of the ABC, such as Radio National and the local edition of the *7.30 Report*—both now, we know, in the firing line. Unfortunately, the decision of Tony Abbott is driven by the same values which have made the Liberals' federal budget so unfair. They seek to ignore the unique qualities of the ABC and SBS.

This decision is not an efficiency dividend. It is a broken promise. Forcing a large organisation to shed 10 per cent of its workforce—about 400 jobs—is a deep and damaging cut. Those who advocate it should at least face up and be honest about that. Unfortunately, as you examine the detail of where these cuts will bite, you see the undermining of the public good I have mentioned. In total, 10 per cent of the ABC news division is expected to go, and local news bulletins will be shorter, giving Canberrans less opportunity to understand what is happening in their city and the issues that affect them.

Lateline has reported that regional and state audiences will be hardest hit, as well as radio and local sport. We know what some of the local impacts will be. Eight jobs are expected to go from the local ABC operations here in Canberra. We will see the end of *7.30 ACT* and the important local community content, including political content, that it provides. The expected cuts to the broadcasting of women's sport such as the WNBL and W-League will see important women role models being taken off the television and will deny young girls and boys the exposure they should have to elite women's sport. The cuts dilute the ABC's ability to provide scrutiny of important political and other institutions.

All of these things work against the interests of a robust democracy. They reduce the capacity of the ABC, particularly local radio, to step up as the rallying point for the community during natural disasters or in other times of need. The decision also continues the disturbing way of doing business which has come to epitomise the current federal government. It was the theme of this year's budget and it is on display again now with the ABC and SBS.

There could have been a different way. But, instead of a process of change which engages the community, gives workers a chance to plan and explains the rationale, these cuts were announced, backed up by a secret report, and the workers in the community are left to pick up the pieces. The same goes, of course, for the public service cuts that are already putting great pressure on the local Canberra economy and many local families.

What is particularly disappointing is that the Canberra Liberals had a choice on this issue. They could have backed up their rhetoric with action and said that they were going to stand up for the local community and the local community public broadcasting that is delivered by the ABC right here in Canberra. They should know better than most how important the ABC is to local political debate and to informing the local community about their political perspectives, as much as it is about reporting on what the government or the crossbench are doing. But they have squelched that. They have squibbed the test and instead have decided to side with their cronies, Tony Abbott et al, up in the federal parliament. They really are apologists—apologists for Tony Abbott's broken promise and apologists for an attack on local public broadcasting here in Canberra.

Let us be clear: this motion is not about stepping in on a federal agenda. It is about stepping up to represent the views of our community, and I think all members should give it their support.

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrective Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Sport and Recreation) (11.48): I appreciate Mr Hanson making this all about me. But this is not about me; it is about the ABC. It was a real shame that we did not hear anything from Mr Hanson engaging in the substance of the issues impacting on the ABC.

There was no engagement from Mr Hanson on the issue of the impact on women's sport, a very significant casualty of the cuts we have seen to the ABC this week. There was no substantive discussion about local impacts. For heaven's sake, even Christopher Pyne has had the gumption to stand up against the cuts in South Australia. But Mr Hanson instead simply chose to give a speech which, if I had given a similar speech—and I would endeavour not to—the glass jaws on the other side of the chamber would have been taking points of order right through, with the sort of language and personal reflections we saw in that speech. That is the way it is in this place: those opposite dish it out all day but do not really like it when it comes back at them.

Nonetheless, what I want to do is to focus on the ABC today, because that is what this motion is about, and to reflect on the importance of the national broadcaster, the very significant impact it has in this country in terms of culture, on its popularity and the significant contribution it makes to people right across Australia but particularly, from an Assembly perspective, to our local community, who are so very engaged by the ABC, with its obviously ongoing significant ratings underlying the fact that the Canberra community values the ABC very highly.

For Mr Hanson's benefit, I will make reference to the fact that the Greens have in fact made a number of public statements on broader public service cuts. On 1 April 2011 we issued a press release entitled "Gillard's Public Service cuts shortsighted". Whilst I will not go into the whole press release, because that would be unnecessary, I simply correct the record. Mr Hanson should improve his research skills. Similarly, on 9 May 2012 the ACT Greens issued a press release: "Greens oppose Labor and Liberal public service cuts". I note that Mr Smyth also made similar comments yesterday, but the facts simply point to the furphies that the Liberal Party are bringing to this place, saying that the Greens have not made equal comments. We have made equal comments and the online record reinforces that.

It is disappointing to see these cuts that are being made to the ABC and SBS, with all the negative flow-on impacts both here in Canberra and elsewhere. We have seen over time that the Liberal Party does have a dislike for the ABC. The infamous letter that Liberal Senator Concetta Fierravanti-Wells sent to her Liberal Party colleagues back in 2006 talked about her dislike for the ABC and its apparent "pro-left and anti-conservative agenda". There clearly is a perception in the Liberal Party that this is the case. She went on to talk about a whole range of things, including her dislikes, and said:

> A culture at the ABC that promotes trade union protest action in platforms ranging from news bulletins to programme guest books and a "left-wing" take on matters such as the war on terror, the Middle East conflict, counter-terrorism legislation, immigration policy, indigenous affairs, Christianity and the monarchy.

That is a fairly comprehensive list. She even went on to say that the mini-series *Bastard Boys* about the 1998 waterfront dispute was another example of the ABC's "anti-government, pro-left agenda" as were various programs of *Four Corners*, *Stateline* and *Lateline.*

That is a fairly comprehensive conspiracy theory there from the good senator. Her letter went on for some nine pages, railing about "muck raking", "bias" and a "pro-left and anti-government agenda", and concluded with a call to be ever vigilant and with instructions about how to make a complaint to the ABC. Ironically, of course, that letter was exposed on ABC's program *Media Watch*, which, as some of the Twitter comedians have come out with this week, may have to be renamed "media glance" in light of some of the budget cuts that are coming to the ABC.

But we have seen a long history in the Liberal Party of its apparent belief that the ABC is a biased institution. Peter Reith, Richard Alston and Jeff Kennett have all had goes at the ABC over time, and even at the beginning of this year we saw the Prime Minister make an extraordinary comment. He spoke out against the ABC, complaining that it takes "everyone's side but Australia's" and went on to say that he would expect the national broadcaster "to have some basic affection for the home team". Presumably that is team Australia, but what an interesting comment, especially from someone concerned about apparent bias. Would that really be independent and accurate journalism to start from a policy of affection for the home team? What is the ABC supposed to be? It is not meant to be a mouthpiece for the government. It is meant to be an independent broadcaster that takes a range of views and brings them to the Australian public so that we have the opportunity to see that range of views being presented.

I think you can fairly say that the ABC program *The Drum* particularly puts forward a pretty broad spectrum of views, as do others right across the ABC's spectrum. To carry on with the view that somehow the ABC have got to bat for the home team really is a disturbing perspective. With that and the Murdoch media's dislike for the ABC, I think we can see the true agenda that is being played out here.

But the bottom line is that the ABC and the SBS are important national institutions and important contributors to Australia's cultural life, and I condemn the cuts to these important public broadcasters. They are vital and healthy elements of our democracy here in Australia; whether it is for important political discourse or the broadcast of women's sports, these are things that this country needs. We need them right across the country, not just in the metropolitan cities where you might have the critical mass to get independent or local newspapers, magazines and radio programs up and going, but right across the country, particularly in regional Australia. We obviously have regional areas right around this city that benefit from the value of programming that the ABC brings.

So it is disappointing to see these cuts to the ABC—cuts that are well beyond what are simply efficiency dividends. I do not think anybody doubts that all organisations need to strive for those efficiencies. Heaven knows I spend a lot of time with my own directorates, looking to make sure that we are doing things as efficiently as we can

and getting the best value for money for taxpayers. But this is much more than that. This is about a concerted attack on our important national public institutions.

I thank Mr Corbell and his colleagues for their support for this motion today and I call on the federal government to reverse these cuts to what is an important national institution.

Question put:

> That the amendment be agreed to.

The Assembly voted—

Ayes 8		Noes 9	
Mr Coe	Ms Lawder	Mr Barr	Ms Gallagher
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury
Mrs Jones		Mr Corbell	

Question so resolved in the negative.

Motion agreed to.

Leave of absence

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

> That leave of absence be granted to all members for the period 5 December 2014 to 9 February 2015.

Standing orders—suspension

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

> That so much of the standing orders be suspended as would prevent the adjournment debate for this sitting continuing past 30 minutes.

Executive business—precedence

Ordered that executive business be called on.

Food Amendment Bill 2014

Debate resumed from 23 October 2014, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (12.01): We are back here today to talk about the Food Amendment Bill. I would have to say that it is no great surprise, given the way that this bill was originally framed, put together and tabled in the Assembly back in 2012. It is important, I think, that we understand the history so that we understand why we are here trying to clean it all up, because that is what this is. This is the clean-up of the bill. People would know it as the sausage sizzle fiasco or the quiche police. Community outrage has led to a reversal of the government's position and our coming back here today to tidy it all up.

The history goes back to the Auditor-General's report into the management of food safety in the Australian Capital Territory that was tabled in December 2011. That could only be viewed as a damning report. I have a copy here that has been kindly highlighted by my staff that really goes through a litany of problems that were happening within the food inspectorate of ACT Health. Essentially, the problems were not so much the legislation but the actual implementation of that legislation. I quote from the report:

> The registration and renewal files were frequently incomplete and registration data within the Health Manager database was inaccurate … Registration files reviewed by Audit held no evidence of review and approval by appropriately delegated officers between 2003-2009 … Registration renewals for these businesses have been neither timely nor effective … unable to achieve its own targets … the Public Health Complaints database was not accurate … the database does not contain sufficient information to facilitate effective management of Food Safety Programs … the Health Protection Service has not developed formal policies and procedures … Documentation on enforcement files in the Health Management Database was incomplete or inaccurate … the Service's responses to non-compliance with the Food Act have been largely reactive.

There are a number of recommendations that came out of that. In the same sort of time period, there were a number of problems that arose with food poisoning. There was then a significant amount of attention paid to this issue by the media, particularly the *Canberra Times*. There was enormous pressure then for the minister to be seen to be doing something, to be seen to be responding. There was talk about scores on doors and about naming and shaming. All these sorts of things were flying around. The minister had to be seen to be acting. She came out with essentially a piece of legislation to attempt to demonstrate action.

A lot of it was to do with the failings that had been identified in the Auditor-General's report. But rather than let those flow through, let those amendments take place, there was then a rush to get that off the table politically, I suppose. I can go back through to the debate that happened in February 2012, where I made these points.

In the legislation that got brought forward, in the amendments and then the discussions that we had with the directorate staff, a number of questions were asked about websites for the sort of name-and-shame aspect and about the engagement with the community. We were told, "That is ongoing. Trust us; we have got to get this

done." As I said, in going through these issues, they are the sorts of the questions that were not answered. Quoting from my speech in February 2012, I said:

> Again, I have been told that that will be resolved, negotiations are going on, there is engagement with the community and that will be advised.
>
> But I am concerned that the government was unable to provide those answers. Although we have assurances from the government that those two issues will be addressed, the Canberra Liberals are supporting this legislation today on the presumption that it will be addressed. But I look forward to receiving assurances and looking at that in the regulations and in further briefings and seeing that those issues have been resolved.

I think it is pretty clear that we were being told that all of the issues, all the concerns relating to this legislation were going to be fixed up, were going to be addressed. We took the government in good faith. We accepted that but what then flowed out of it were these ridiculous measures. I will quote the *Canberra Times*, which stated:

> Forking out cash to supervise kids' BBQs? Don't be a silly sausage.

There were impacts of this legislation that were clearly not articulated to the opposition and, indeed, maybe even the government. But certainly the opposition was not, in its briefings with department officials and in the content of legislation that was tabled here and the speeches from the minister, made clear about the impact of this legislation. It was pretty shabby. As a result we saw the impact in the supporting legislation. I will quote again from my speech from 2012:

> There are gaps in terms of information and how it is going to be implemented, and they need to be addressed. We need to be assured that this legislation will be effectively implemented on the ground, because the Auditor-General has told us that the current regime is not. We support this bill with those quite significant caveats.

I think that in retrospect I regret supporting that legislation, because the assurances we were given and the information that we were provided with were inadequate. The assurances that we were given proved to be an error. It is an interesting debate that we have had and it is good that we are back here to tidy it up, but I do note that it took a bit of time to get the minister across the line on this. I do recall reference to the quiche police, the barbecue squad and the fritter brigade. They are the minister's words when talking about this issue. I did ask a question in November 2013 about this issue:

> Minister, if you still believe that it is a good thing to have a food safety supervisor for the sausage sizzle, why have you backflipped?

Ms Gallagher said:

> I have listened to the community, Mr Hanson, which is a job that our politicians are meant to do. I do not eat from sausage sizzles.

I suppose that the minister has said that it is not her problem. She said that she did not eat from sausage sizzles. She said, "I do not eat sausages." But she said that she had

read the meat standards and she knew what was in them. It is a sort of strange admission that the minister made. I suppose that the impact of this potentially came front of mind to her attention because she seems to have some sort of dislike of sausages. I do not know what that is, but she is nodding her head. The minister is not a fan of sausages. However, those on this side of the Assembly are not anti sausage, Madam Speaker, and let me make that clear.

I know that the Chief Minister does not like lemonade. She does not like fruit juice. She certainly hates cigarettes. We know that. We know she hates cigarettes. She does not like people vaping. She does not like chocolate bars.

Ms Gallagher: I do like them.

MR HANSON: She likes them but just does not want other people to be able to eat them or access them. She wants to ban those. There are a lot of things that the minister does not like, so we can add sausages to that list. But luckily and thankfully the community has spoken and the community seems to be on the side of the opposition. We are not going to be an anti-sausage jurisdiction. We will be banning most things, but we will be standing up for the humble sausage at the neighbourhood barbecue.

So we are back here to fix up the errors that were made. What I would say again is that we do expect this time, as we agree to this legislation, that it is done right and we are not back again to fix up the ongoing saga of the family, the charity and the community sausage sizzle.

MR RATTENBURY (Molonglo) (12.11): l will speak only briefly in support to this amendment bill and simply note the considerable community interest and general conversations that these issues have sparked. While it may be easy to make good sauce of the "sausagegate" headlines in respect of the recent efforts the health minister has undertaken to improve the safety of the general community, the reality is that food poisoning and related concerns are unfortunately not a joke. The ACT government and ACT Health have a clear responsibility to regulate what can be risky activities if not handled well.

At the same time, these regulatory actions should not, partly as result of these amendments, unduly burden the community. As always, there is a balance between these concerns that must be made. I can appreciate the need from time to time to tweak the levers available to ministers to ensure this balance is being achieved, but also to respond to genuine community feedback.

As the Minister for Health said when this bill was tabled, following concerns about the burden imposed by these requirements, an exemption was provided that specifically supported non-profit community organisations that sell food for occasional events such as a fundraising barbecue and which only provide lower risk foods. This had the immediate effect that these groups would be exempt from the requirement to register and appoint a food safety supervisor.

The Health Directorate has been regulating community fundraising food stalls in line with this direction. This shows that the government is responsive to the voice of the

community. An area of particular community interest was this need to distinguish and clarify the differences between fundraising and commercial operations. There obviously is a difference there. As the explanatory statement makes clear, clause 6 removes food-related activities conducted for the purpose of fundraising by non-profit community organisations from the application of the Food Act, except at declared events.

Of particular interest to me and my constituents in the sports and recreation space, the exemption is intended to include the operation of non-commercial fundraising stalls by community organisations, such as a weekend canteen by a community sports club or cake stall at a school fete.

The explanatory statement goes further in helpfully describing the rationale behind this decision. It recognises that food stalls at fetes and fundraisers sell food to any persons who choose to attend. Customers attending do not need to purchase food and have the option of going elsewhere to purchase food. In short, it acknowledges that people buying a sausage out the front of Bunnings, for example, are doing so of their own free will and with an awareness of the cooking and food handling conditions. I guess that it is the classic case of caveat emptor: let the buyer beware.

I think that this is a common-sense approach that unfortunately the previous manifestation of the legislation did not quite get right. I appreciate that the minister has come back to change these regulations in light of the fact that the way they played out I do not think were in anybody's expectations of the bill that was passed through this place on a previous occasion. I am happy to lend my support to the bill.

Visitors

MADAM SPEAKER: Before I call the minister, I would just like to acknowledge the presence in the gallery of students from the CIT's adult migrant English program. Welcome to the Legislative Assembly.

Food Amendment Bill 2014

Debate resumed.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Higher Education and Minister for Regional Development) (12.15), in reply: I table a revised explanatory statement. I thank other members for their contribution to the debate this morning on the Food Amendment Bill.

The food service industry is both dynamic and diverse. The breadth of food-related activities in the ACT spans fine-dining restaurants, farmers markets, cafes, takeaways, mobile food vans and home businesses. Additionally, food service forms part of a range of other activities, including festivals, school fetes and community fundraisers. Each of these contributes to the vibrancy of life in Canberra and delivers important value to our economy.

The government recognises that each of these food-related activities has unique characteristics in terms of food safety risks, commercial contexts and community expectations. The bill we are debating today puts forward measures that will give our food regulation framework greater flexibility to deal appropriately with each activity. It seeks to strike a sensible balance between protecting the public from foodborne illnesses and supporting industry and the community to undertake food-related activities with proportionate regulation.

The impacts of foodborne illnesses are serious, for both individuals and our community. A recent report released by the commonwealth Department of Health estimates that there are 4.1 million cases of foodborne gastrointestinal illness in Australia annually, each having flow-on effects to our health system and economy. I am sure members would agree that this is an unacceptably high number of cases for something that is largely preventable. In this context, it is important that governments, industries and consumers work together to reduce the incidence of foodborne illness.

The measures in this bill complement broader initiatives the government is undertaking in food regulation. As part of our efforts to enhance collaboration and transparency in government, ACT Health has recently established a food regulation reference group to discuss and advise on aspects of food regulation in the ACT. The reference group comprises representatives of industry, government and public health organisations, including Clubs ACT, Restaurant & Catering, Nutrition Australia, the AHA, the Australian Food and Grocery Council and the Public Health Association. The group meets to discuss issues including the implementation of regulatory requirements and incentives for food businesses to achieve higher food safety standards. The establishment of the reference group demonstrates the government's commitment to balancing food safety with red tape reduction—and so does this bill.

The bill contains a number of regulatory reforms designed to reduce the compliance burden on food businesses across the spectrum, whilst ensuring strong protection of public health.

I will now speak about the removal of notifications. Currently food businesses in the ACT must register with ACT Health unless they meet certain exemption criteria. Generally speaking, the exemption applies to food businesses that represent a lower risk of foodborne illness—for example, those that sell only pre-packaged, shelf-stable items such as plain biscuits, breakfast cereals and confectionery. Those that sell food straight after thorough cooking for immediate consumption—for example, barbecued foods—are also exempt from registration in some circumstances.

Although they are exempt from registration, these businesses and organisations are still required to notify Health of their details prior to commencing food sales. The government has assessed that the burden of this requirement is disproportionate to the public health risk posed by such food sales. The bill seeks to remove this notification requirement, which will lower the administrative burden on such businesses and allow ACT Health resources to be redirected towards the regulation of higher risk areas.

In relation to multiyear registration, a further regulatory reform measure covers the provision of multiyear registrations. Currently, food business registration is for one year, with renewals granted annually. This amendment will allow registrations to cover a period of up to three years, again reducing the administrative burden on business. Alongside this red tape reduction, the government will remove the fee that currently applies to food businesses when updating their details with ACT Health.

In relation to the food safety supervisor exemption, and this is again seeking to build greater flexibility in our food regulation system, the bill proposes a new power for the Minister for Health to exempt a food business from the requirement to appoint a food safety supervisor.

Since September 2013, registered food businesses have been required to appoint a food safety supervisor with advanced training in food-handling practices. A recent survey of food businesses undertaken by the Health Protection Service found that the vast majority of respondents agreed that having a food safety supervisor in their business had increased food-handling knowledge and improved food-handling techniques. Whilst food safety supervisors are clearly providing real benefits in many food businesses, there may be some situations in which the requirement is disproportionate to the public health risks it seeks to address. This amendment will provide the flexibility to remove this requirement on a case-by-case basis.

In terms of the changes relating specifically to community organisations, we acknowledge that community organisations make a significant contribution to the social, economic, environmental and cultural wellbeing of the ACT. These organisations deliver services for the benefit of community members, not for the purpose of generating a profit. Many community organisations raise funds through the sale of food at places such as weekend stalls and barbecues staffed by volunteers. For many such organisations, food activities are not their core business but are occasional endeavours set up to raise funds; having to devote resources towards meeting the complex requirements of food regulation that is designed for ongoing food businesses is an unnecessary distraction from their core activities.

Following the introduction of the food safety supervisor scheme last year, community concerns were raised about the burden of food regulation imposed on these organisations. Many community organisations were inadvertently caught up in these requirements. The government listened to the concerns in this area, and we responded to them. In November last year I announced the exemption for these organisations that sold low risk foods at temporary fundraising food stalls. In this bill, our response goes further.

The bill proposes to remove all requirements of the Food Act from non-profit community organisations when selling food for fundraising purposes, except at regulated events, regardless of the type of food sold.

Many healthier foods, such as salads, sandwiches and soups, require temperature control and do present higher risks of foodborne illness than foods that are barbecued immediately prior to sale. Allowing access to the exemption regardless of the type of food will make it easier to sell these healthier foods.

It is important that our public health policy settings appropriately balance the protection of food safety with the work addressing the overweight and obesity epidemic. Community sports clubs in particular have an important role in promoting healthy weight. Not only do such organisations provide opportunities for physical activity but they are particularly well placed to model and promote healthy eating. It is very important that our regulatory approach does not seek to exclude the ability to offer more nutritious foods easily.

In deregulating not-for-profit community organisations, the exemption from registration requirements will apply to food-related activities conducted by volunteer staff for the primary purpose of fundraising. Food-related activities conducted with paid staff or primarily to provide a food service rather than raise funds will continue to be captured under the Food Act. For example, school canteens will still be required to register and have a food safety supervisor.

Community organisations that sell food at regulated events will be subject to all relevant food safety requirements, as will businesses that sell foods at such events. The power to declare an event to be regulated will be used to ensure that the protections of the Food Act apply to all food vendors at large public events that pose heightened food safety risks. The government will take a risk-based approach to deciding which events to declare and will make any declarations well in advance of the event in order to allow the organisers time to respond.

The bill also takes the opportunity to attend to some housekeeping and makes several technical amendments. I will just touch on them briefly.

The bill re-frames the existing offence of interfering with a closure notice to ensure that the proprietor of the affected business maintains the correct display of any closure notice served on them. Closure notices are an important transparency measure and are primarily served in situations where closing the food business is required to prevent or mitigate a serious danger to health. It is important that closure notices remain visible to the public until the food safety issues are addressed by the business.

The second of the technical amendments also relates to a transparency measure and proposes to remove the 21-day time limit that applies to the publication of details of convictions on the register of food offences. This will mean that such publications must now be made as soon as possible. The register of offences provides the public with information about food businesses that have been convicted of serious breaches of the Food Act. It is important that the administration of this measure is not unfairly impeded by a time limit.

The bill reflects the government's commitment to good practice regulation, which safeguards public health without imposing restrictive burdens. We are confident the bill strikes the right balance between minimising regulatory burden and protecting the high standard of food safety enjoyed by the community.

In closing, I would like to acknowledge the staff from the Health Protection Service who join us here today. They have been working with me on the Food Amendment

Bill and more broadly on the issue of food safety across the ACT for many years now; I am very well advised by them and I thank them for the high level of professional support they provide to me in my role as Minister for Health.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Higher Education and Minister for Regional Development) (12.25): Pursuant to standing order 182A(c), I seek leave to move together amendments to this bill which are in response to comments made by the scrutiny committee.

Leave granted.

MS GALLAGHER: I move amendments Nos 1 to 3 circulated in my name together *[see schedule 1 at page 4274]*. I have tabled a supplementary explanatory statement on the government amendments.

These three relatively minor amendments have been drafted in response to the scrutiny report. I will talk briefly to amendments 1 and 2; amendment 3 is consequential to the first amendment.

The first amendment provides a new subsection 7A(2)(a) of the bill which would give the minister the power by disallowable instrument to bring a relevant food business back into the operation of the act should circumstances warrant it. The views of the committee about the appropriateness of this power being exercisable by the minister alone through a disallowable instrument with no criteria as to its use have been acknowledged. Accordingly, the amendment omits subsection 7A(2)(a) as included in the bill and replaces it with new subsection 7A(2)(a) containing the text "prescribed by regulation". The effect of this change is that the power will be exercisable through regulation rather than disallowable instrument made by the minister.

In relation to amendment No 2, the first amendment to be made to the bill, discussed earlier, changes paragraph 7A(2)(a) so that the power is exercised by regulation rather than disallowable instrument. This amendment will establish that any such regulation may be made in circumstances where it has been determined to be necessary for the protection of public health or where otherwise appropriate.

MR HANSON (Molonglo—Leader of the Opposition) (12.28): Madam Speaker, the opposition will be supporting the amendments. They are in response to scrutiny. It seems to be a reasonable measure, rather than have it as a disallowable instrument by the minister, to make it by regulation. And as the minister outlines, two are essentially substantive while the third amendment is consequential. We will be supporting all three.

Amendments agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 12.29 to 2.30 pm.

Questions without notice

Hospitals—visiting medical officers

MR HANSON: My question is to the Minister for Health and concerns contract doctors or visiting medical officers, VMOs, in Canberra public hospitals. Minister, in 2013-14 ACT Health spent $111 million employing doctors. Some were on staff and some were independent contractors or VMOs. In the eight years you have been the health minister there has been a steady decrease in the proportion of VMOs at Canberra public hospitals compared to salaried or staff doctors. In that time staff doctor budgets have increased 100 per cent more than the budget for VMOs. Minister, is this eight-year reduction in the proportion of VMOs a planned policy of the government?

MS GALLAGHER: I thank the Leader of the Opposition for the question. In short, I refer the Leader of the Opposition to the opinion piece that is published in the *Canberra Times* today on this exact matter, and goes to the explanation that as the health system grows the need to employ a whole range of health professionals in various roles also grows. There has been an increase in the numbers of VMOs over my time as health minister. There are 198 VMOs employed in the system now and 237 staff specialists. But essentially it is an employment mechanism.

There is not a good or bad doctor; there are staff specialists and there are VMOs. VMOs are private contractors; staff specialists are public servants. That is the difference. It is an employment mechanism. They have the same training, they are members of the same college. Everything about them is the same. Their professional capacity and skills are the same. From now and long into the future there will be a need to have a mix of both—those that work in private practice and supplement their private practice with public work, and those that dedicate their time to public work. Any health system in the country operates like that. Our traditional dependence on VMOs is changing as the system grows, but there is a healthy number of both doctors, and numbers of doctors are increasing all the time.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: The minister seems to have stumbled to an end there. Minister, before increasing the proportion of staff doctors, did the government do any modelling to show that the $111 million spent on doctors is better spent on staff doctors compared to VMOs?

MS GALLAGHER: As I say in the opinion piece, which no doubt Mr Hanson read over his Weet-Bix this morning, there is a mix of both required in the health system. In actual fact, when employment offers are made, it is quite often what arrangements suit either the unit or the health professional themselves. Those are the decisions that are taken. It is not that employing VMOs delivers a good outcome and employing staff specialists delivers a bad outcome, and vice versa. Good doctors exist under both employment categories. We need both of them. We have both of them. And numbers are increasing. Numbers overall are increasing all the time.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Chief Minister, is the increasing use of full-time staff doctors a reason for the ACT having one of the most expensive health systems in the country?

MS GALLAGHER: No. There are a number of reasons why our expenditure on health has grown. One of them is that we have been investing in it and we prioritise it. It is the number one area across government. We have been employing more doctors every single year. As I said, there are different reasons. If we need more teaching and research capacity in a unit, a staff specialist may be the option that is preferable to somebody who is largely part time and working on a sessional basis. It really is up to the operational needs of the hospital.

There is no policy decision that has been taken by the government, contrary to the belief of Dr Peter Hughes and some of his colleagues at the VMOA. I have sought to reassure him on this a number of times. But the system is changing. It is developing. It is getting bigger. The demands on it are larger. The teaching requirements are more significant. In that instance it may mean a staff specialist is preferable to a VMO, but there are just as many occasions when a VMO is preferable to a staff specialist. Those decisions need to be taken by the hospital in the interests of the Canberra community.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, what impact has increasing the proportion of staff doctors over the past eight years had on the culture at the Canberra Hospital?

MS GALLAGHER: I guess it will depend on who you want to talk to about that. There are very positive VMOs and there are very negative VMOs. There are very positive staff specialists and there are negative staff specialists. I do not think it is peculiar to the employment mechanism—because that is what we are talking about. It is about whether you are employed as a private contractor or whether you are employed as a public servant.

In relation to costs overall, the cost per hour is $181 for a staff specialist. The cost for a VMO is $238 per hour.

Mr Hanson: Does that include super?

MS GALLAGHER: Yes, it does. VMOs are more expensive per hour than staff specialists. So I do not think we need to accept the line that VMOs are cheaper. They are not.

Education—school chaplaincy program

MR DOSZPOT: My question is directed to the minister for education and relates to school chaplaincy services. Minister, independent schools have been provided with information as to how they apply for funding for 2015 for the school chaplaincy program. Have public schools been similarly notified, and how do they apply?

MS BURCH: Schools across the independent, Catholic and public school sectors have been notified of the process for applying for the chaplaincy program for next year.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, why are the application guidelines for schools that are supposed to be on the ETD website not there?

MS BURCH: It is my understanding that the guidelines and correspondence are being sent directly to government schools and through the Catholic Education Office and the AIS. If they are not on the website, I will check with ETD and make sure they are there.

MADAM SPEAKER: Supplementary question, Ms Lawder.

MS LAWDER: Minister, why is there such a short application period, and guidelines not yet widely available, when applications close on 8 December?

MS BURCH: Guidelines have been provided to each school, but the short turnaround time was because negotiations with the commonwealth demanded it. They had a take it or leave it approach. They demanded that every school had to apply, that it had to be open. Those negotiations were only just recently finalised. We got a panel together. The panel got the guidelines together. We have moved as quickly as possible for the chaplaincy program in 2015.

MADAM SPEAKER: Supplementary question, Ms Lawder.

MS LAWDER: Minister, do you support the school chaplaincy program across public, private and independent schools?

MS BURCH: Schools across all three sectors have been invited to apply for the chaplaincy funding in 2015.

Water—Point Hut pond

MS LAWDER: My question is to the Minister for the Environment and relates to filtration ponds, including the Point Hut pond. Minister, the Point Hut pond was

designed as a natural filtration system. However, I have been contacted by residents and a group known as the Carers of Point Hut Pond, who indicate that the pond is now full of silt, clogging the area, changing the environment and creating, at times, significant odour pollution due to the dried-out areas of mud. Minister, can you assure residents that the silted-up pond continues to provide filtration as intended?

MR CORBELL: I thank Ms Lawder for her question. I am looking forward to meeting with the friends of the pond that she refers to in the coming weeks. I will be looking forward to hearing their views on the issues that Ms Lawder seems to be reflecting in her question. It is the case that these types of ponds are designed to be detention ponds to allow for water to be detained and, to a degree, cleaned before the water flows downstream into the Murrumbidgee. Obviously, depending on the level of rainfall and depending on the amount of material that is flowing into the pond, it will determine how the pond performs at any particular point in time. They are regularly subject to maintenance and observation by the Territory and Municipal Services Directorate and the Environment Protection Authority when it comes to water quality matters.

I do not have any particular advice to me at this time that suggests there are particular water quality concerns with the Point Hut pond but, given that Ms Lawder has raised the question, I will seek some further advice from the Environment Protection Authority.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, are there currently any plans to remove the silt build-up from Point Hut pond and other ponds? If so, what is that program and when will residents be notified?

MR CORBELL: Maintenance of the ponds is largely the responsibility of the Territory and Municipal Services Directorate but I am not at this point in time aware of any such proposal.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Minister, what investigations has the government conducted as to whether these ponds do or do not adversely affect the environment if they remain full of silt?

MR CORBELL: If the pond was full of silt, it would not be holding any water, and I am confident that it is holding water.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, what investigations or plans has the government conducted to address the odour issues arising from these sites?

MR CORBELL: I thank Mr Wall for the supplementary. Obviously, issues around odour associated with the water are of legitimate concern to residents.

These are matters that I am looking forward to discussing with residents when I meet with them in the coming week or so. In the interim I will be seeking some further advice from the EPA on these issues.

Energy—renewable

DR BOURKE: My question is to the Minister for the Environment. Minister, last month you announced that the ACT solar auction was a finalist for a national award. Can you please give the Assembly an update on this award?

MR CORBELL: I thank Dr Bourke for the question. Yes, last month I was pleased to advise members that the government's solar auction program had been selected as a finalist in the local government and sustainability award category of the annual Banksia Foundation awards.

The Banksia Foundation is a national not-for-profit organisation which promotes environmental excellence and sustainability through its awards program and other associated initiatives. The Banksia Sustainability Awards recognise the development and application of innovations that use new approaches, technologies and/or energy systems for business and community benefit.

As I indicated to members last month, the solar auction process was selected because of its innovative approach. It was the first use of a reverse auction process in Australia. The use, in particular, of a contract for difference mechanism was a new level of innovation for Australian renewable energy policymaking.

I was therefore very pleased to see the team from the Environment and Planning Directorate announced as the winning entry in the local government and sustainability category of the award for the solar auction process. I was particularly proud to see that the solar auction then took out top honours on the day, with our solar auction winning the Banksia Gold Award as the overall winner across all categories for this year's Banksia awards. This went beyond all expectations.

The recipient of the gold award is selected from the winners of all the award categories; it is awarded to the individual or organisation which, in the judges' opinion, has made the contribution most worthy of extra recognition and acknowledgement. The Banksia Gold Award winner aims to represent the most significant issues facing the environment industry and the organisation and projects that are focusing on those issues.

My particular congratulations and thanks go to the staff of the Environment and Planning Directorate, who are responsible for the delivery of this innovative program, a program that has now received significant national recognition. It is a testament to the expertise and hard work of the team in my directorate. It is gratifying to see that these policy measures are receiving this level of acknowledgement on a national stage. They highlight the government's continued commitment to move towards a low carbon future for our city.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, why is it important for the ACT to pursue the development of renewable energy?

MR CORBELL: I thank Dr Bourke for the supplementary. There are a range of environmental and economic reasons why it is so important that our city is part of this transition to a low carbon future. First of all, we note that, to reduce our greenhouse gas emissions to help contribute towards what would otherwise be a catastrophic increase in average atmospheric temperatures by the middle of this century and beyond, we need to reduce and, indeed, decarbonise the emissions intensity of our electricity supply sector. Therefore, support for renewable energy has to be part of that transition. Indeed, it has to be the major part.

But, in addition, there are significant economic opportunities that come from embracing this shift to a low carbon future. We are seeing some of those benefits flow through in our city at the moment: our support for large-scale renewable energy projects such as the large-scale solar projects is seeing significant investment in jobs and activity during the construction stages of those projects. They are also helping to see our city become a base for investment in renewable energy projects moving forward.

We have seen, for example, the federal government, through the Australian Renewable Energy Agency, provide a significant grant to the southeast region of renewable energy excellence in industry cluster project, supported by local governments around the region and by the New South Wales and ACT governments. The fact is that they are now looking at how they can lead trade delegations to overseas economies such as India as a way of promoting the renewable energy opportunities and expertise that are present in our city and in our region. Whether it is economically or environmentally, it is very important that our city pursue the development of renewable energy into the future.

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Minister, what is next for the ACT's renewable energy initiatives?

MADAM SPEAKER: I will call the minister, but I remind him that he should not be announcing new policy.

MR CORBELL: Certainly not, Madam Speaker. I thank Ms Porter for the question. As I have already advised members, the next stage in our renewable energy initiatives is in relation to the selection of winning bidders for our 200-megawatt wind auction process, delivering enough energy, we know, to meet at least the energy needs of one in two Canberra households with renewable energy. At the same time, in supporting that transition, we are supporting the opportunity for those households to be less vulnerable to the significant price shifts that will otherwise occur because of demand and supply in non-renewable energy fuels, such as coal and gas.

We also know there are significant opportunities for further economic development in our city and our region associated with this transition to renewable energy generation.

The 200-megawatt wind auction process has recently closed. We have seen a very strong field—18 submissions received. The government is currently finalising its consideration of those bidders with an aim to select as soon as possible two or more winning bids so we can determine the best way forward for these projects into the future.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Minister, what other measures is the government undertaking to encourage the use of renewable energy and work towards a more environmentally sustainable city?

MR CORBELL: I thank Ms Berry for the supplementary. We are also continuing to support investment and opportunity in community-owned renewable energy generation. In particular, the allocation by the government of one megawatt's worth of feed-in tariff entitlement for community-owned solar energy generation projects is currently underway. This has been very well received by the community. There are many people, whether because they live in a rental property or because their property is simply unsuited for solar, or indeed because they do not have the full financial capacity to meet the up-front cost of installing solar on their own property, who can potentially buy into a community-owned solar energy generator.

That project is now well underway. We are looking forward to receiving proposals from the community sector on how everyday Canberrans, Canberrans on low incomes, Canberrans who rent, Canberrans who otherwise face challenges in making that shift to renewable energy, can become part of renewable energy generation in our city.

Transport—light rail

MR WALL: My question is to the Minister for Capital Metro. Minister, last year you said in relation to a cost-benefit analysis:

> Anything over two is considered a beneficial project in terms of return to the economy.

The business study for the light rail project says that the cost-benefit ratio for the tram is 1.2, which means that it fails to meet the benchmark for a beneficial project. Minister, at what cost-benefit ratio will you no longer support this project?

MR CORBELL: We know that, whether it is over two or whether it is over one, it is a beneficial ratio. That is the accepted economic analysis for these projects. We see that in relation to other light rail projects that have been funded and which are under development now by state Liberal administrations. The Dulwich Hill light rail line extension has a cost-benefit ratio of one, funded and developed by the Liberal state government in New South Wales. Equally, the north-west rail link in Sydney has a benefit-cost ratio of less than 1.2, which is of course the capital metro BCR. That project is under development.

What is very clear is that anything over one delivers a positive return and anything over two is obviously a very strong case. But in terms of a positive return to the economy, anything over one meets that benchmark.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Minister, will the annual payments to the operator of that project exceed $1 billion over the lifetime of the project?

MR CORBELL: As the government has previously indicated, we are not getting into the process of speculating on the availability payments regime because we will not be compromising value for money through the competitive tendering process. But if you look at the business case and if you look at the overall benefits over the full 30-year period of the business case analysis, you will see that the total benefits are over $3 billion to the ACT economy. If we are going to start speculating on those sorts of figures—which I do not want to do and which I will not be doing—I point Mr Wall and his colleagues to the fact that if you look at the full life of the project as analysed in the capital metro business case, you will see that the total benefits over the life of the project, for the purposes of the economic analysis, are over $3 billion worth of economic opportunity for our city and our community.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, why was there such a large residual component in the BCR, which contributed to the BCR of 1.2?

MR CORBELL: I am not sure what Mr Coe is referring to there. I would be happy for him to elaborate, but the important thing is to reflect on the fact that this BCR has been put together based on industry-accepted standards, based on the standards that Infrastructure Australia would use for its own assessment of these projects, and put together by a world-leading global team, through EY, with significant experience in properly developing a robust and sound business case that is consistent with industry expectations and standards. So that is what we have in front of us, and we have a project that delivers over a billion dollars worth of benefit to our economy as a result.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, why was a discount rate of seven per cent used when that is usually only applicable for a traditionally procured infrastructure project?

MR CORBELL: Again I refer Mr Coe to the questions and answers that have been provided to him through the annual reports process. What is very clear is that the analysis in relation to this project has been delivered in accordance with accepted industry standards and parameters, and that includes the discount rate.

Transport—light rail

MRS JONES: My question is to the Minister for Capital Metro. Minister, yesterday you said in this place:

> I make the point that those PPPs failed because of the patronage risk assumptions taken by the private sector in those projects and the fact that they overestimated the amount of patronage, the amount of tollway revenue they would be getting.
>
> In this project patronage risk resides with the territory.

The business case for capital metro estimates that passengers will pay $5.5 million in fares during the first full year of operation. Minister, what level of patronage risk is there for this project and what are the potential impacts on the budget?

MR CORBELL: For the purposes of determining the overall economic benefit associated with this project, you have to take into account what people will pay to use the service. That is just one of the many parameters that have to be taken into account in determining the overall cost and benefit of the project. So that is why that figure is there. As I have said previously, issues around risk are apportioned between the PPP consortium and the government. In relation to patronage, the government has determined that that risk will lie with us. But what that means as a result is that we can determine a price which is consistent with and integrated into the broader public transport network services provided by other operators such as ACTION. Further, it allows us to make sure that other issues such as ticketing can be integrated and seamless so that people can move from bus to light rail and back again in as seamless a way as possible.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, will the availability payments be made public?

MR CORBELL: I refer Mrs Jones to my previous answers in relation to that question.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, has the government used a light rail fare of $1.01 because you expect fare evasion to be high?

MR CORBELL: No.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, will the government be making incentive payments to the operator if fare revenue is greater than expected?

MR CORBELL: It is simply premature to reflect on that at this point in time. Those are matters the government will work through in the context of the delivery of a contract. I am not saying the government will be doing that. I am simply saying there will be a whole range of parameters that will be subject to discussion as we go through that detailed negotiation during the tendering period. It would simply be pre-emptive to speculate on those things at this time.

Health—election commitments

MS BERRY: My question is to the Minister for Health. Minister, as we recently passed the halfway mark for this term of the Legislative Assembly, my question relates to government election commitments in the Health portfolio. Can you please update the Assembly on progress with the election commitment of zero growth in the rates of obesity and overweight in our community?

MS GALLAGHER: I thank Ms Berry for her question and for her ongoing interest in the Health portfolio and the important role it plays in the ACT community. I am very pleased to be updating the Assembly today on progress, particularly in the area of towards zero growth, our strategy to combat the numbers of people who are overweight or obese in the ACT.

Recently I have received a report from the working groups that are working across portfolios, across directorates, about all the work underway. It is a very impressive list, and I do very much thank those officers who have been really dedicated to implementing this important strategy. Whilst I think we are the only government that have a strategy like this or have a target like this, I expect that other governments, as the increasing problem of the health-related consequences of people being overweight or obese in the community become well understood, will have to adopt similar policy lines to the ones that we are using here.

In the last quarter, there has been a new healthy living web portal established. We have also been working on the ACT public schools food and drink policy, with the consultation period for that. There has also been the completion of pilot programs to build teacher skills in the delivery of quality physical education in ACT public primary schools. There have been audits of vending machines across ACT government work sites and facilities completed. The consultation process for the ACT public sector vending machine policy has been completed. Two physical activity and lifestyle modifications for ACT government employees at risk of developing diabetes and chronic diseases have commenced. The food environment implementation group was re-formed with revised membership, and meetings have been held to look at the appropriate projects there. We have conducted a successful cooking skills program at West Belconnen Child and Family Centre. There has been the development of social inclusion group community programs. An active travel framework discussion paper by the planning department includes key network mapping and policy directions developed as part of the cycle network plan, with input from TAMS, Health, Chief Minister's, JACS and EPD.

I am very pleased to see that many other community activities and facilities over recent months have adopted the healthy living messaging in their communications, including the opening of the Gungahlin Leisure Centre, the announcement of the healthy Canberra grants, the ACT public school food and drink policy, the launch of the Canberra 100 Challenge, the opening of the Kippax bike and ride facility, and the launch of stage 3 of the Civic cycle loop.

I think what this shows, and it is the reason I am updating the Assembly today, is the commitment that has been put in place, led by ministers right across the cabinet, and also through the directorate structure, to ensure that the towards zero growth policy is implemented as a key priority of this government.

MADAM SPEAKER: A supplementary, Ms Berry.

MS BERRY: Minister, can you update the Assembly on the government's election commitment relating to cancer research?

MS GALLAGHER: Yes. I thank Ms Berry again. Last week, I think it was, the government, in conjunction with ANU, made a very important announcement to Canberra about the appointment to the Centenary Chair of Cancer Research at the John Curtin School of Medical Research. We were really pleased that Professor Ross Hannan has accepted the appointment to this position. He is a very highly regarded researcher and professional in his area, and he has come from the Peter MacCallum school in Melbourne.

It was a real coup to get him to consider moving to Canberra, and I know that the John Curtin School of Medical Research, the ANU Medical School and the Canberra Region Cancer Centre all worked hard to get him to consider this appointment. I was really pleased to have it in place and also to have the opportunity to tour the lab to see the work that they are doing there and get a commitment from everyone working at the John Curtin school to the important links between the capital region cancer centre and this new centenary chair position.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, could you update the Assembly on the government's election commitment to establish a mobile dental clinic?

MS GALLAGHER: I thank Dr Bourke for his continuing interest in all matters dental and the implementation of this important initiative. We went to the election with a promise to establish a mobile dental clinic to serve residential aged-care facilities. This was an issue that had come to my attention, particularly for those elderly Canberrans that found it very difficult to get out of their residential aged-care facility and into a private dental clinic, or even onto the public dental program.

We have provided financial support to establish the mobile dental program. This is well underway. The van is expected to be delivered to the dental health program in the near future and to be deployed—"deployed" sounds like the wrong word—or to visit the first aged-care facility in early December 2014. I am really pleased. Again, this is another initiative which shows that, when the health system get feedback from people about gaps or issues with access to services, they bend over backwards to try and find a way to deliver the care and the treatment and the service in a way that is made as easy as possible for patients—in this case those elderly Canberrans who need to maintain dental health but have trouble accessing traditional dental clinics.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, how many walk-in centres did you promise to open in an election commitment in 2008, and how many are now open six years later?

MS GALLAGHER: At the 2012 election we promised to double the funding provided to the walk-in centres, and we have done that. We have two open—

Mr Hanson: On a point of order, Madam Speaker, on relevance—

Ms Gallagher: Eleven seconds, Mr Hanson!

Mr Hanson: The minister may not have heard my question. I asked: in an election commitment in 2008 how many centres did the minister promise to open and six years later how many are open?

Mr Corbell: On the point of order, Madam Speaker—

MADAM SPEAKER: I think it is all right; I think I can handle this one, Mr Corbell, really.

Mr Corbell: Madam Speaker, I draw your attention to the clock.

MADAM SPEAKER: I think the Chief Minister had already done that, and I was going to say, without your tutoring, Mr Corbell—

Mr Corbell: Always happy to assist, Madam Speaker.

MADAM SPEAKER: Yes, knock yourself out, Mr Corbell. Although the Minister for Health did go straight to the 2012 commitment, 11 seconds in I think there is a little scope to allow her to move on to the 2008 commitment.

MS GALLAGHER: This being the last question time of the year, I do not want to speak at length on this matter, but I could go back to the beginning and talk about walk-in centres, which was an idea that this side had. The fact is that we have carefully analysed the best way to deliver that, and we believe it is best—40 seconds!

Mr Hanson: I am going to have a go again, Madam Speaker.

MADAM SPEAKER: Stop the clock, please.

Mr Hanson: On a point of order, 11 seconds may have been pre-emptive, but we have had a little bit longer now, Madam Speaker. The question is very clear: in 2008, how many did she promise and six years later how many are open? It is a very simple answer to the question. I can give her the answer if you like—it was three in 2008—

MADAM SPEAKER: Mr Hanson, sit down.

Mr Corbell: There's no point of order.

MADAM SPEAKER: There was a point of order, but Mr Hanson overstepped the mark and engaged in a debate. If Mr Hanson had referred to the standing orders about being directly relevant, he would have had a better case. The Minister for Health has one minute and 12 seconds in which to answer the question, and I am sure she will be mindful of the question about 2008 in that time.

MS GALLAGHER: I will. Madam Speaker, for the interest of members, in 2008 I think we had a commitment for opening the one at the hospital and then to move them out to the community.

Mr Hanson: That's three then?

MS GALLAGHER: That is right, and we have had three walk-in centres open—

Mr Hanson: You closed one.

MS GALLAGHER: We had one at the hospital and we have one at Belconnen and we now have one at Tuggeranong. The commitment to the people of the ACT was to double funding to the walk-in centres. We delivered on that in our first budget. The people of Canberra love them and you can't stand that, can you? They are so popular you can't stand it.

Transport—light rail

MR SMYTH: My question is to the Minister for Capital Metro. Minister, on 27 November last year, in relation to cost-benefit analyses, you said:

> It is noted that it will likely be desirable from a value for money perspective for ACT Government to adopt a risk sharing/risk adoption approach to any high risk work components not within the potential control of the delivery partner.

The business case also states, amongst other things, that there is likely to be substantial decontamination required at the Mitchell depot site, that no private consortium was willing to take on the patronage risk and that it is likely all the trees on Northbourne Avenue will have to be chopped down. Minister, how much of the utility risk is the government set to bear, and how much will this cost?

MR CORBELL: All of the costs associated with risks, including utility risk, are represented in the contingency amount that is set out in the business case.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, would the ACT government be responsible for decontaminating the Mitchell depot site, and how much would this cost?

MR CORBELL: That would depend on whether or not the extent of contamination is greater than what is already anticipated. Those are matters that will be subject to commercial contractual negotiations. Again, these matters are adequately captured in the contingency that has been set out and is on the public record.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, when will the government begin cutting down the trees on Northbourne Avenue?

MR CORBELL: Again, this will depend on the contractual negotiations with the winning bidder. In any event, it will not be the government undertaking that work. It will be the PPP consortium that is successful for the delivery of this project.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, have any ACT companies expressed interest in becoming equity partners?

MR CORBELL: It would not be appropriate for me to comment on which commercial entities may be interested in a partnership in this project, whether in the terms Mr Coe asks or otherwise. These are matters that will be disclosed in accordance with the probity framework for this project.

Transport—light rail

MR COE: My question is to the Minister for Capital Metro. Minister, what is wrong with the ACTION bus system from Gungahlin to the city?

MR CORBELL: The challenge with business as usual along Northbourne Avenue, which is the premise of Mr Coe's question, is that it fails to acknowledge the significant growth in population that is going to occur along this corridor over the next 20 to 30 years, and the fact that if we continue with business as usual, including the existing arrangements where buses use the traffic lane along with private motor vehicles, the average journey time for Gungahlin residents from Gungahlin to the city will be 50 minutes at peak time by the year 2030.

That is the projection for business as usual. The Liberals may be prepared to say to the people of Gungahlin and the north side of Canberra that that is an acceptable period to wait during peak travel, but we do not believe that is the case. That is why we are making this significant investment to provide a real alternative and to see improvements for all transport users along the corridor, including people in private motor vehicles, who will benefit as a result of a significant investment in public transport that reduces congestion, that encourages mode shift and creates a more sustainable pattern of urban development along the corridor.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, why is business as usual on Northbourne Avenue not acceptable but business as usual on Hindmarsh Drive, Athllon Drive, Belconnen Way, Gundaroo Drive, the Tuggeranong Parkway and other roads acceptable?

MR CORBELL: It is a straw man and it is not the argument the government is presenting. The facts are that along this corridor we have the most significant level of population growth of any part of the city. We have to plan for that, we have to respond to that and we have to make sure we are ahead of the curve so that people do not face unrealistic travel times and the loss in productivity that will otherwise occur.

The government continues its strategic transport planning across the city. It looks closely at all corridors and it looks at how we respond to those. But it is very important that, on this corridor, given the very significant level of population increase that is going to occur and that all the demographics are telling us is going to occur, we plan for and respond to that.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, why did the government proceed with light rail despite a report conclusively showing that investment in buses produced greater benefits?

MR CORBELL: Again, I draw Mr Wall's attention to previous answers I have given in this place on this question, in particular to the unsuitability of bus rapid transit along the Northbourne Avenue corridor. We all understand the reasons why. I know the Liberals try to duck and weave on this issue. But we have at least had Mr Coe come out and say that he does not believe that a bus way should be built down the median strip of Northbourne Avenue.

So that leaves us with the obvious conclusion that the only alternative that they are prepared to endorse is to use one of the existing traffic lanes north bound and south bound on Northbourne Avenue for buses. That makes congestion worse on Northbourne Avenue. If their public transport policy is to make congestion worse along the corridor then we look forward to them going out and explaining to the people of Canberra why it is that congestion should get worse as a result of an investment in public transport along that corridor.

This government's policy is investment in public transport that is an improvement for all transport users, including people who will continue to commute by private motor vehicle, and that will continue to be a significant number of people. That is the marked difference between the two parties. That is why the government has chosen light rail as the best mode along this corridor, amongst a range of other reasons.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Minister, could you tell us more about the benefits of light rail along the Northbourne Avenue corridor?

MR CORBELL: I thank Ms Berry for the question. Yes, as outlined in the business case, there is a comprehensive analysis of the overall benefits not just for people who live in the corridor and not just for people who commute along the corridor but for the ACT economy as a whole. We know that, based on the economic analysis, there are over a billion dollars worth of benefits across the economy. During the project over 3½ thousand jobs will be created. That is putting money into people's pockets, that is giving people jobs and giving people economic security, at a time when there is a significant slowdown, particularly in the civil and construction sector.

I have been asked by those opposite on numerous occasions what is in it for their constituents. What I can say in response is: at the very least, look at the jobs opportunity that this delivers. Look at the opportunity to support local contractors—concreters, formworkers, building workers, civil contractors, engineers, architects, landscape architects and gardening contractors. All of those people are going to be engaged in the delivery of this project.

This project puts money in their pockets. It helps them put food on the table and it helps keep them in employment at a time when Tony Abbott and all the cronies of the Liberal Party are ripping jobs out of our economy. There is another report today—500 jobs in the tax office being moved out of Canberra. So that is the marked contrast. We are supporting local jobs. We are supporting investment in better transport. We are supporting long-term solutions to address congestion along the corridor.

Mr Hanson interjecting—

MADAM SPEAKER: Order! Mr Hanson, come to order.

MR CORBELL: These are the right decisions for our city to make.

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson! Before I call Ms Porter, can I ask members of the opposition to settle a little.

Mr Hanson: But it's Christmas, Madam Speaker.

MADAM SPEAKER: I don't care. It is not Christmas; it is November.

Members interjecting—

MADAM SPEAKER: Mr Hanson, both you and Mr Barr need to be careful about reflecting on the chair.

Children and young people—death review committee

MS PORTER: My question is to the Minister for Children and Young People. Minister, this week you tabled the 2013-14 annual report of the ACT Children and Young People Death Review Committee. Can you inform the Assembly of the work of the committee and the purpose of its report?

MR GENTLEMAN: I thank Ms Porter for her question. The ACT Children and Young People Death Review Committee was established in 2011 as an independent, multi-sectoral committee under the Children and Young People Act 2008, with its first members appointed in January 2012. The committee is currently very ably chaired by Dr Penny Gregory, who is assisted by 12 other members of the committee. Committee membership includes representation from ACT government directorates, ACT Policing and non-government community agencies.

It is important that the function and work of the committee is clearly understood. The committee has a number of functions, which include establishing an ACT register of deaths of children and young people, identifying any patterns or trends in relation to the deaths of children and young people in the ACT, identifying what may be learnt from the circumstances of a child or young person's death and, lastly, determining the scope of any research that would be valuable in this area.

Having set out the function of the committee, it would be useful to highlight what the committee does not do. The committee does not, and was never intended to, have a role around apportioning blame for the death of a child or young person by identifying any particular areas of underperformance. The committee is able to make recommendations about legislation, policies, practices and services for implementation by both government and non-government bodies, with the aim of preventing or reducing the number of deaths of children and young people in the ACT and improving services. As I have previously highlighted, this has included producing informative and helpful fact sheets on matters such as unsafe sleeping practices for babies and co-sleeping. The committee has also highlighted the potential dangers posed to young children by window blind cords.

I am sure that anyone who has taken the time to read the 2013-14 annual report will agree that the committee and its secretariat have been extremely professional and diligent in presenting some complex data and commentary about a very difficult, confronting and extremely upsetting area of work. The ACT Children and Young People Death Review Committee have a very important role to play in helping the whole community to learn from the tragic events associated with the death of a child or young person, and I thank them for their work.

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Minister, why is it important to be cautious about using data presented in the report?

MR GENTLEMAN: Let me be very clear about the difficult subject matter that we are talking about here. It would be inappropriate for me to respond to that question without first wishing to acknowledge the distress that parents, friends and relatives experience following the death of any child or young person. With that distress in mind, it is particularly important that the tragedy of losing a child should not be used as an opportunity to draw incorrect conclusions that these were preventable deaths. It is insensitive and insulting for families who have lost a child.

That is why I was particularly disappointed to read Ms Lawder's media release yesterday. In her release, Ms Lawder stated that the report was particularly disturbing because the ACT is not improving in preventing the deaths of children known to authorities. Let me state here and now that Ms Lawder's claim is incorrect. If she had taken the time to read the report before offering her commentary, Ms Lawder would have noted the following. On page 15 of the report, the committee chair says:

> It is important to sound a note of caution about drawing conclusions from this data … about the quality of service delivery provided by Care and Protection …

Furthermore, the report goes on to say:

> A more detailed review into the deaths of these individual children and young people would need to occur before any conclusions could be made.

It looks to me as if Ms Lawder jumped to those conclusions, incorrect as they are, and ignored and disregarded the note of caution expressed in the annual report by the committee chair.

Not content with drawing incorrect conclusions, Ms Lawder went on to say that 30 out of 109 deaths between 2009 and 2014 were of children and young people either in the care of or known to Community Services. This was incorrect again. For the sake of clarity, let me say that 15 children and young people died—*(Time expired.)*

MADAM SPEAKER: A supplementary, Ms Berry.

MS BERRY: Minister, can you inform the Assembly of the broader work your directorate is undertaking in relation to care and protection?

MADAM SPEAKER: Could I just go back and clarify? This is a question about the child death review committee, but your question, Ms Berry, seemed to be about the operation of the care and protection system more widely, or is it in relation to child deaths?

MS BERRY: It refers to the first question, Madam Speaker.

MADAM SPEAKER: I do not think your question did. I thought it was just about the care and protection system.

MS BERRY: Mr Gentleman, I believe, referred to the work of care and protection in his answer. So my question is asking him to expand on that.

MADAM SPEAKER: To expand in relation to the child death review committee?

MS BERRY: Yes.

MADAM SPEAKER: Fine; thank you.

MR GENTLEMAN: It is important work that the committee does. I just want to come back to some of those previous comments too. For the sake of clarity, 15 children and young people who died between 2009 and 2014 had been the subject of a child protection report. In that time frame, Care and Protection Services received information about 12 children and young people who died but did not meet the requirements of a child protection report.

At the time of death, 11 children and young people were the subject of an active intervention by Care and Protection Services. This group is a subset of the 15 children subject to the child protection report and not in addition, as incorrectly asserted by Ms Lawder's media release. This means the actual number of deaths was 27, not 38 as quoted by Ms Lawder. Ms Lawder has misquoted the report of the child death review committee.

To paraphrase the words of Penny Gregory, the committee chair, this morning, the data in the report does not show a spike in deaths among children known to Care and Protection Services nor a broken system or ongoing failures on the part of public servants or their minister.

I do acknowledge that, following my request that Ms Lawder retract her media statement, she did email me and confirm that she was confused by the figures. I am pleased that I have been able to provide the opportunity to clarify this report to Ms Lawder and the Assembly. However, I remain disappointed that Ms Lawder has not retracted her disparaging and unwanted comments in that media release. I again implore Ms Lawder to withdraw her entire media statement, on the basis that the comments were incorrect and damaging.

Child protection is among the most complex work undertaken by government, and we continue to invest— *(Time expired.)*

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, what part can the broader community play to help protect children?

MADAM SPEAKER: Can you repeat the question, please, Dr Bourke?

DR BOURKE: Of course, Madam Speaker. Minister, what part can the broader community play to help protect children?

MADAM SPEAKER: It is a very broad question and seems to go well beyond the remit and intent of the original question and the answers that have come from it. However, so as not to be criticised for being a grinch and because it is the last question of the year, I will allow it, but perhaps in answering the question the minister might keep within the parameters of the general tone of the question, which is about the child death review committee.

MR GENTLEMAN: Indeed. To quote the words of the committee chair, Penny Gregory:

> It's not as simple as saying because a child dies who's known to child protection means that child protection is failing. What's failing is community, and families.

We all have a role in protecting children. All citizens, particularly friends and neighbours, play an important role in responding to child abuse. All individuals in the community can contribute to the protection of children by providing social and emotional support to fellow community members. Reporting of suspected abuse, modelling good parental behaviours and helping to educate others about issues of abuse are important aspects. We all have a role to play. Child protection is the responsibility of all of us, not just the professionals who work in the care and protection service.

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

Supplementary answer to question without notice
Education—school chaplaincy program

MS BURCH: In regard to a question on the national chaplaincy program, the guidelines and forms will be on the public website by the end of the day, under the student wellbeing section. The documents are on the Education and Training intranet for public schools, and documents were emailed, as I said, to government and non-government schools earlier this week.

Education—early childhood

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): Madam Speaker, this morning I updated the Assembly on the progress of negotiations with the commonwealth on the national partnership agreement on universal access. In the spirit of keeping the Assembly up to date, I can now state that there has been a response from the commonwealth but that, disappointingly, it does not change the position that I detailed this morning.

Single conservation agency—government response
Paper 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 paper:

> Single conservation agency—Establishment, pursuant to the resolution of the Assembly of 13 August 2014.

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

Leave granted.

MS GALLAGHER: On 1 July this year the Assembly resolved, amongst many other things that day, that I should "consider the establishment of a single conservation agency and report to the Assembly by the last day of sittings in 2014 on my deliberations".

In response to that resolution, the timing and substance of administrative changes are, of course, at the discretion of the Chief Minister of the day. The Chief Minister determines through administrative arrangements the best arrangements to ensure quality service provision to the people of the ACT and surrounding regions. I did, however, indicate when this matter was last discussed that I would update the Assembly on the last sitting day on my deliberations with respect to this matter.

As I have said previously, a single conservation agency would only be established when I am convinced that it would improve service to the community, enhance protection for the environment and demonstrate that the administrative systems in place efficiently support delivery of outcomes for the staff and for the executive and through them the community of the ACT.

I have discussed this at length with ministers currently responsible for the functions that would be included in a single conservation agency. I have also considered the views of the director-general and the Head of Service.

As part of the recent introduction of a sixth minister and the accompanying changes to administrative arrangements, I took the decision to create clusters of directorates to support the key priorities of the government and the further development of the one government model.

After much consideration and discussion, I am satisfied that TAMS and the Environment and Planning Directorate work together in a highly effective and collaborative manner. In areas where ministers and I agree there can be further improvements, steps are in place to ensure these improvements are made.

I believe a closer working relationship through the cluster arrangements will allow the government to better observe the interdependencies, different perspectives and opportunities to improve our approach to achieving sustainable conservation outcomes for the territory.

I have therefore decided that there would be no tangible benefit in making any further administrative changes at this point in time. Whilst it is ultimately my decision to make, I make this decision with the support of both responsible ministers.

Papers

Ms Gallagher presented the following papers:

> Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations, together with statements for:

ACT Magistrates Court Judicial Positions—Determination No 9 of 2014, dated November 2014.

ACT Supreme Court Judicial Positions—Determination No 8 of 2014, dated November 2014.

Director of Public Prosecutions—Determination No 10 of 2014, dated November 2014.

Part-time Public Office Holders—Determination No 11 of 2014, dated November 2014.

The Canberra Hospital—Adult Mental Health Unit—Measures being pursued by ACT Health to enhance mental health services across the ACT, dated November 2014, pursuant to the resolution of the Assembly of 17 September 2014.

Australian Health Practitioner Regulation Agency—Annual Report 2013/14—Regulating health practitioners—Managing risk to the public.

Gene Technology Act—Operations of the Gene Technology Regulator, pursuant to—

Subsection 136(2)—Annual report 2013-14, dated 19 September 2014.

Subsection 136A(3)—Quarterly report—1 April to 30 June 2014, dated 17 September 2014.

Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-2015—revised supplementary budget papers

Paper and statement by minister

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

Budget 2014-2015—Financial Management Act, pursuant to section 13—Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-2015—Supplementary Budget Papers—Revised, dated November 2014.

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

Leave granted.

MR BARR: These revised supplementary budget papers replace those presented on Tuesday and they account for one minor typographical adjustment in the Chief Minister, Treasury and Economic Development Directorate's revised operating statement.

I am advised that on page 16 of the supplementary budget papers there was a printing error against the total comprehensive income line. This has been reprinted and the appropriate figure is now reflected in the revised supplementary budget papers that I am tabling today. There are no other amendments to this document and there are no flow-on consequences for the Appropriation (Loose-fill Asbestos Insulation Eradication) Bill or the tables setting out its financial impact.

Papers

Mr Barr presented the following papers:

> Estimates 2014-2015—Select Committee—Report—*Appropriation Bill 2014-2015 and Appropriation (Office of the Legislative Assembly) Bill 2014-2015*—Government response to recommendation 123—Provide a report to the Legislative Assembly for the end of 2014 on progress on addressing issues in relation to the Parkwood Road Recycling Estate, dated November 2014.
>
> Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2013-2014—Community Services Directorate—Corrigendum.

Amendments to the Electoral Act 1992—Select Committee Report—government response

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (3.36): For the information of members I present the following paper:

> Amendments to the *Electoral Act 1992*—Select Committee—Report—*Voting Matters*—Government response.

I move:

> That the Assembly takes note of the paper.

Question resolved in the affirmative.

Papers

Mr Corbell presented the following papers:

> Electoral Act, pursuant to subsection 10A(2)—ACT Electoral Commission Report to the ACT Legislative Assembly—Proposed changes to the *Electoral Act 1992*: Response to the *Voting Matters* report and further campaign finance reform issues: 2014—Government response.
>
> Property Crime Reduction Strategy 2012-2015—*Canberra: a safer place to live*—Progress report 2013-2014.
>
> Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 15(3)—Minister's annual report 2013-14.

Aboriginal and Torres Strait Islander education—annual report

Paper and statement by minister

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): For the information of members I present the following paper:

> Aboriginal and Torres Strait Islander Education, pursuant to the resolution of the Assembly of 24 May 2000 concerning Indigenous education, as amended 16 February 2006—Annual report 2013-14.

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

Leave granted.

MS BURCH: Every child in the ACT deserves the opportunities provided through an excellent education, irrespective of where they live, their circumstances or the school they attend. We want every Aboriginal and Torres Strait Islander student to have confidence that they can achieve and that their future is one of opportunity. While there is much to celebrate, the government acknowledges there is more work to be done to close the achievement gap between Indigenous and non-Indigenous students.

This report details achievements under the priorities of the directorate's Aboriginal and Torres Strait Islander education matters strategic plan and progress against the priorities identified in the strategic plan 2014-17, Education capital: leading the nation, and the 2014 action plan.

The four priority areas of the Aboriginal and Torres Strait Islander education matters strategic plan are learning and teaching, school environment, pathways and transitions, and leadership and corporate development.

The directorate has established a suite of integrated programs and strategies to support Aboriginal and Torres Strait Islander student learning. This year's report highlights a number of achievements, including an increase in the proportion of Aboriginal and Torres Strait Islander students achieving at or above the national minimum standards in years 3, 5 and 7 in reading, writing and numeracy.

It shows 39 of the 55 year 12 Aboriginal students graduated at the end of 2013 with a year 12 certificate from ACT public colleges, and seven obtained a certificate II or higher in a nationally recognised vocational course. It also highlights the strengthening of partnerships that supported curriculum initiatives. These included a community-delivered dance program, language programs, bush tucker garden projects, art projects, a didgeridoo group, an Indigenous courtyard project and excursions to significant sites and places.

During the reporting period approximately 74 per cent of ACT schools reported having personalised learning plans in place for all Indigenous students. In 2013 more than 120 Aboriginal and Torres Strait Islander students were nominated by their schools to be part of the student aspirations program. As of June this year, numbers have increased to 162 students enrolled in that program.

In the past 12 months aspiration students have attended "taster" days at the University of Canberra and the Australian National University. Other excursions included visits

to the National Zoo and Aquarium, the Australian Defence Force Academy and Questacon.

Schools are able to apply for supplementary funding to support students from kindergarten through to year 6 who are at risk of disengaging from school. Funding is used by schools for staffing additional support in the classroom.

The scholarship program for senior secondary students interested in a career in teaching commenced in 2009. Up to 10 $5,000 scholarships have been available each year. To date 30 students have received scholarships. Last year the program was extended to include students interested in pursuing a career in health.

In addition three university scholarships of $20,000 are available each year for Aboriginal and Torres Strait Islander students undertaking teacher training at the University of Canberra or the Australian Catholic University. This year three teacher education students were awarded scholarships, and 2013 NAPLAN results showed an increase in the proportion of Aboriginal and Torres Strait Islander students achieving at or above the national minimum standards.

There is still more work to do. However, we have seen improvements and the strategies we have in place are supporting these improvements. The commitment of the government to improving education outcomes for Aboriginal and Torres Strait Islander students remains strong and focused. I am pleased to table the report.

ACT Gambling and Racing Commission—report
Paper and statement by minister

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): For the information of members I present the following paper:

> Gaming Machine Act, pursuant to section 168—Community contributions made by Gaming Machine Licensees—Report by the ACT Gambling and Racing Commission—1 July 2013 to 30 June 2014, dated 21 October 2014.

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

Leave granted.

MS BURCH: The report is a requirement of the Gaming Machine Act 2004 and is prepared by the ACT Gambling and Racing Commission. The act requires club licensees to make a minimum community contribution of eight per cent of the net gaming machine revenue each financial year. Hotel and tavern gaming machine licensees are not required by the act to make community contributions. However, it is compulsory for them to submit a record of their contributions, along with a financial report, to the commission.

The commission report outlines that the total value of community contributions from clubs in 2013-14 was $12.7 million. This is a slight decrease from the previous $12.8 million. In 2013-14 the club industry had a net gaming machine revenue totalling $95.8 million. It had decreased by 3.7 per cent. Community contribution as a proportion of the net gaming machine revenue was 13.3 per cent in 2013-14, higher than the 12.9 per cent provided in 2012-13. And again we see well above the eight per cent minimum contribution level required.

As in previous years, the level of contributions to the sport and recreation category consistently and significantly outweighs the level of contributions in other categories, and in 2013-14 sport and recreation received in excess of $8.2 million, over 64 per cent of the contributions. Overall, given the decrease in net gaming revenue, the fact that clubs on average have broadly maintained their level of contributions to the community should be applauded.

I table for the information of members the 2013 report on community contributions by gaming machine licensees as prepared by the ACT Gambling and Racing Commission.

Unparliamentary language
Statement by Assistant Speaker

MR ASSISTANT SPEAKER (Dr Bourke): Before we proceed to the MPI, members, I wish to make a ruling concerning comments made by Mr Corbell yesterday. During a ruling I was giving about comments made by Mr Smyth yesterday, which I considered to be a reflection on the chair, Mr Corbell made the following comment:

> I would say that Mr Smyth is playing games here, Mr Assistant Speaker, and is deliberately and wilfully ignoring the authority of the chair.

Mrs Dunne then took a point of order, claiming that Mr Corbell reflected upon the character of Mr Smyth by saying that he was tricky, although Mrs Dunne could not recall the exact words.

I have reviewed the *Hansard* proof transcript and, having considered the matter, I do not consider that the words used were offensive or disorderly.

Infrastructure
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, Mrs Jones, Ms Porter and Mr Smyth 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 Ms Porter be submitted to the Assembly, namely:

> The importance of having a strong infrastructure program in the ACT.

MS PORTER (Ginninderra) (3.46): The ACT government is investing in Canberra at a time when it is needed the most. A major part of this investment is our infrastructure program, amounting to a record $2.5 billion over the next four years. This is more than any other previous ACT government has committed. In addition we are investing in other initiatives dedicated to stimulating business worth close to $70 million. This record capital works spend by an ACT government reflects our commitment to growing our economy and delivering high quality and transformative infrastructure for the community.

As we all know, transforming Canberra through major infrastructure projects will generate jobs for Canberrans, stimulate the ACT economy and help lessen the impact of the commonwealth budget cuts announced in May this year. Of course, we daily hear of more blows to our economy and to our growth, and just recently it has been mentioned that a number of commonwealth departments may be moving from this place to another state.

Investing in infrastructure will also continue to revitalise the city as we move into our second century and ensure we are prepared to meet the economic, social and environmental challenges of the future. Infrastructure investment and delivery remain a key government priority to ensure our community is well prepared to meet the economic, social and environmental challenges of Canberra's second century.

Within the 2014-15 infrastructure investment program announced as part of the 2014-15 budget, the government made allowance for a record level of capital investment across the next four years of $2.5 billion, as I said. This investment in major infrastructure is setting the foundation for improving productivity and addressing the shifting needs of our community as we look to diversify our economic base, attract investment, boost growth and create employment for the region. These projects will help progress the government's four priority areas, being making Canberra healthy and smart, growing the economy, enhancing livability and opportunity, and investing in urban renewal.

The demographic profile of the ACT continues to change, as we would expect. The ACT's population is projected to reach approximately 680,000 people by 2062. It presently stands at 386,000. During the 12 months to 31 March 2014, the population grew by an additional 5,461 people at a growth rate of 1.4 per cent. This growth in population, which will require the city to continue to expand and increase in density, has a number of infrastructure planning implications. The expansion of the city into greenfield areas requires additional infrastructure to service the needs of new residents. Education and healthcare facilities, community and recreation facilities, public transport provision as well as new group and local centres to provide urban amenity are all needed.

At the same time Canberra has an ageing population, particularly in the established suburbs. This requires infrastructure to adapt to suit the needs of older residents, while also providing opportunities and facilities for younger residents. It was not too long ago, I reflect, that we used to call Tuggeranong nappy valley. Now of course the

demographics of Tuggeranong have changed. It was not so long ago that once you reached a certain age you retired to the coast or to some other location.

Now people are actually moving back here as they get older. They have left and come back, perhaps to raise their families, and they bring their older relatives back to this city with them. Certainly all of these things are having an impact on the demographic profile of this city. We have, as I said, an ageing population in established suburbs but we do need to keep on not only adapting to suit the needs of older residents but also providing opportunity for younger residents.

Some established areas, particularly inner north and south, are experiencing urban renewal as additional households move into newly released and redeveloped housing stock as the city experiences urban infill and increased density. This can place additional demand on older utility infrastructure.

As the demographics of the ACT continue to change over time, provision will need to be made to allow for infrastructure to be flexible, providing for people at different stages of their life. Some of the major projects funded in the 2014-15 ACT budget that will boost our infrastructure program over the next four years include progressing the first stage of the capital metro light rail network, providing opportunities to renew and transform the Northbourne Avenue corridor—and I will talk a little more about that shortly—revitalising the city to Gungahlin corridor to ready the corridor for light rail, and progressing works associated with the city to the lake project to help realise the connection between the city centre and Lake Burley Griffin to create a vibrant, urban waterfront at West Basin.

The University of Canberra public hospital, when it is operational, will provide health services for our growing population and provide local training and research opportunities in health care. In education, a new school in the suburb of Coombs, the first school in the Molonglo valley region, will accommodate around 700 students from preschool to year 6. Of course numerous road infrastructure projects continue, including the construction of the Majura parkway and a link between the Majura parkway and Majura Road to serve the new developments, including IKEA.

In August 2014 the government launched a stimulus package which had these components: releasing at least four civil contracts for around $150 million worth of estate works in Moncrieff, changes to lease variation charges, and a reduction in the fees for extensions of time to commence and complete developments. These stimulus measures demonstrate that the government is listening to the local construction industry and developing reforms that will keep construction of new projects turning over while providing a buffer to the local economy through construction activity. While delivering the current program will be challenging, we are confident of success, based on our achievements to date.

Since 2010 the government has completed over 700 infrastructure projects through a whole-of-government capital works program. Combined, these projects were worth $1.6 billion. In addition, government-owned enterprises—Housing ACT, ACTEW Corporation, the Land Development Agency and the ACT Public Cemeteries Authority—have delivered infrastructure worth $1.1 billion over the same period.

Today I have spoken about the scope, economic benefits and stimulatory nature of the capital program. Clearly this is not the only reason we deliver infrastructure. The reason we have the program is to ensure that all people in Canberra receive the best possible government services. Investing in infrastructure to provide better health and wellbeing outcomes and provide facilities to enable educational achievements are some of the most important and effective measures that can be taken in improving the community's overall quality of life and productivity.

The government is actively building on previous work to transform and modernise our health and educational systems. Working hand in hand with this investment is the government's continued focus on the importance of preventive measures. These include a range of sport and recreational infrastructure that will help to promote active lives and social participation.

The health infrastructure program is the single largest capital works project undertaken in the history of the territory since self-government and involves the overhaul and expansion of all aspects of the ACT health system. It addresses some immediate demands on the health sector in the ACT and others which will emerge in the future. New 2014-15 construction activities within the health infrastructure program include the secure mental health unit at Symonston, the University of Canberra public hospital that I was talking about before, the Calvary car park and the Canberra Hospital redevelopment projects. As I said previously, the government is also making significant investment in transformative infrastructure that will shape Canberra, provide vital services and provide valuable economic stimulus and jobs.

As everyone here knows, in both the 2013-14 and 2014-15 budgets, the government committed funds to progress the development of capital metro and, to be clear, this includes preliminary design studies and funding to develop a business case to investment-ready stage. Recently, in September 2014, the government approved the business case for the first stage of the Canberra light rail network, which will be delivered as a public-private partnership. Expressions of interest documentation was released on Friday, 31 October 2014 as the first step in the procurement process. Construction is expected to commence in 2016 and the light rail to operate by 2020. It will transform the city by revitalising the Northbourne Avenue corridor, stimulate sustainable urban renewal, help develop a more diversified economy and increase the mode share of public transport by offering alternative and convenient means of public transport.

As we heard from Mr Corbell in answers to questions this week, the project is estimated to support more than 3,500 jobs during construction and, when completed, will reduce congestion along Canberra's busiest corridor and encourage sustainable urban development along this corridor. Obviously this kills two birds with one stone, as it were.

I reiterate that the government made allowance for a record level of capital investment across the next four years of $2.5 billion. This is a very important figure that we should not forget. This investment in major infrastructure is setting the foundation for improving productivity and addressing the shifting needs of our community, as I said,

as we look to diversify our economic base, attract investment, provide services for a growing population, boost economic growth and create employment, importantly, for this region. It is for these reasons that we have embarked on a strong infrastructure program.

MR COE (Ginninderra) (3.58): The opposition welcomes this opportunity to talk about infrastructure delivery in the ACT. It is interesting that, whenever I get up to talk about light rail, the ACT government says that I keep repeating myself, yet here we are with the government voluntarily bringing up this matter of public importance, one that I will happily discuss.

This government has a poor track record when it comes to delivering infrastructure. The key pillar in this argument is the Gungahlin Drive extension, a project that the government came to kicking and screaming. Reluctantly they committed to it. Instead of doing it all in one go at the start for $52 million, they did it in stage 1. Only after the Liberals committed to duplicating it did they commit to duplicating it. And we know that it came to a $200 million bill rather than the original $52 million bill which was projected.

We believe that infrastructure is about the future and about productivity. It is for that reason that we have to get it right. All infrastructure has a lasting legacy; therefore the evidence behind the decisions we make is just so important.

This government has committed to the biggest infrastructure project in the ACT's history: the capital metro light rail project. To put it in comparison, the Cotter Dam ended up costing about $410 million, the GDE was about $200 million and the Majura parkway is about $288 million. The project that we are discussing so much in this place, a project that we want to discuss in this place, is in the vicinity of $800 million, and that is before we even factor in the interest bill.

I find it interesting that, despite the community outrage, despite the letters to the editor every single day on light rail, despite all the emails that members of this place will be getting from constituents who are expressing concern about light rail, despite the very considered opinion pieces written for the *Canberra Times* and other newspapers, and despite the commentary of Infrastructure Australia, the Centre for International Economics, the Productivity Commission and others, nobody opposite seems to be asking the obvious questions. Is there no single MLA opposite who is concerned about the cost of capital metro? Is there a single MLA opposite who is concerned about the poor patronage projections? Is there a single MLA opposite who is concerned about the operating cost, the interest liability and the risk that we will be taking on?

Further to that, are there public servants who are asking: "How much will it cost? What are the benefits? Why is the BCR so low?" I expect there are public servants who are asking these questions. I hope the ACT government has a culture whereby people can freely ask these questions within the public service. I said yesterday that I very much respect the role of public servants in the ACT, and I respect the role of the public servants in the Capital Metro Agency. I respect what they are doing for cabinet,

because it is cabinet who has tasked them with the responsibility of delivering light rail from Gungahlin to the city.

We in the opposition are doing our job. They need us to criticise the government, to hold the government to account, to challenge the government and to suggest alternatives. We will continue to do so. Our issue, our objection, is not with the Capital Metro staff and not with public servants; they are simply doing their job. The issue that we take is with the government and its decision-making process.

In contrast, the opposition, the Canberra Liberals, beyond the 2016 election, if we are successful, will do the opposite to this government. Rather than simply task them with a decision that a few MLAs took following the 2012 election to build Gungahlin to the city, we would actually pose questions. We would say: "What is the need for infrastructure? What is the best mode of delivery for infrastructure? What is the best format of that infrastructure or the best route by way of transport?"

It should not be done just by a handful of MLAs following the 2012 election. It should not have been done after the Chief Minister realised she did not have nine votes in the Assembly and needed to woo Mr Rattenbury into cabinet. That is not the way you make infrastructure decisions. That is not the way you spend $1 billion of taxpayers' money. That is not wise. In fact it is the opposite: it is foolish.

The opposition wants to take objective advice from public servants. We do not want to ask them to reverse-engineer a business case to suit a partisan decision.

It is interesting that the government said that they had not made a decision on light rail until just a month or two ago, until the business case was presented. It is quite questionable given that the government had the metro staff on five-year contracts; the government had already commissioned videos to be made, at a huge expense, spruiking light rail; and, of course, the government were going all over town, and indeed, I imagine, all over the world, to spruik the benefits of capital metro—all this, supposedly, before it had actually taken the decision to go ahead with it.

We all know that the business case was reverse-engineered to suit a partisan decision, to suit a decision taken by Ms Gallagher and Mr Rattenbury after the 2012 election result. I am absolutely amazed at the lack of objectivity by the MLAs opposite. Is not one of them questioning this project? Is not one of them willing to say, "I think we need a project with a better BCR"?

It is not good enough to spend $1 billion based on feel-good factors. It is not good enough to say: "The patronage is not that important. The economics are not that important. It will transform the city. It will be vibrant. It will be great. It looks great in the artist's impressions. That is worth $1 billion, isn't it?" We have to be reasonable about this. We have to be rational about this.

We heard today that the government had supposedly used best practice by way of preparation for the BCR. But the BCR has a discount rate of seven per cent. That may well be the conventional practice for traditionally procured projects for which you are

trying to generate a BCR; but from what I understand, the discount rate for a PPP should be higher, should be in the vicinity of 10, 11 or 12 per cent.

If you put the availability payment at 12 per cent, the payment is around $100 million every year for light rail. We are not spending $1 billion up front; we are going to be paying for it over 20 or 30 years. When you include the interest, the finance costs, for light rail, that comes to $100 million per year—$100 million per year, every year. That is a phenomenal amount of money. I think it is absolutely scandalous that you could have a government committed to a liability of $100 million every year for decades on the back of a flippant decision taken by a few MLAs following the 2012 election.

Today the government are compounding the folly through its legislation. Today they tabled legislation which is going to take away ACAT appeals, take away AD(JR) appeals and reduce common law appeals. Further to this, they are seeking to reduce the documentation for the most complex project in the history of the ACT. They are not reducing the documentation for development applications for a pergola, a deck or a house. That is going in the other direction; they are becoming more complex. Yet when it comes to light rail, they are actually reducing documentation. So you are going to have more documentation for a development application for a pergola than you are going to have for light rail infrastructure.

Further to this, they are seeking to ignore the planning committee and to ignore advice from statutory office holders. Does nobody in the government have a problem with this? Does no MLA opposite have a problem with any of this? If not, it is a worry. It is a real worry that there is such a culture opposite that they will stifle and suppress anybody who seeks to raise questions about this scandalous project and this scandalous expenditure of $1 billion.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Housing and Minister for Tourism and Events) (4.08): I thank Ms Porter for raising this MPI today; I am always pleased to have the opportunity to talk about the government's infrastructure program.

This package of infrastructure works is vitally important for two reasons. It helps shield the territory economy against the decisions of the Liberal Party, the friends and ideological soul mates of those opposite; and it helps ensure that we are taking the steps now to deliver the infrastructure that our city will need as it grows over the next decade and beyond.

Those opposite are not always the quickest at adapting to new ideas, or indeed to undertake any original thought, but even they must have noticed by now, surely, that the relentless pursuit of cuts by their idols on the other side of the lake is having a significant impact upon the territory economy. I am an optimist, so I still hope there will be a time in the future when those opposite realise that putting a cruel and impersonal ideology ahead of a community actually does real damage to real people. They have not got there yet; of course, we can still live in hope.

This government have recognised the importance of a strong infrastructure program to support the confidence of our economy. It is one of the reasons that we have committed to investing a record $2½ billion into our city's infrastructure over the next four years. As well as supporting economic activity, this investment will drive productivity across the city, upgrade our local centres and make Canberra a better place to live.

We are building a range of infrastructure to meet community needs, like a new school in Coombs and a purpose-built facility for respite care for children with a disability. We are building infrastructure to help keep the community safe, like new emergency services facilities in Charnwood, Aranda and south Tuggeranong. We are building infrastructure to keep the community healthy, like the secure mental health unit; redeveloping Canberra Hospital; and, of course, building the new subacute public hospital at the University of Canberra. We are building infrastructure to keep our city moving, like the new bus station at Erindale and the upgrade of Majura parkway. We are building the infrastructure to support our city's digital economy. The CBR free wi-fi network will be the largest public wi-fi network in Australia. And the government is investing in the iconic and transformational infrastructure that our city needs to grow to more than half a million people—new courts, a new light rail system, and the first stages of the city to the lake project.

The light rail project is one of the most significant infrastructure projects our city has seen. It will reduce congestion along one of the busiest transport routes—if not the busiest route—in the city. It will be a catalyst for major urban renewal and sustainable development along the entire project corridor, and will support more than 3,500 jobs during the construction phase.

This focus on jobs is one of the most important things that set this side of politics apart from the Liberal Party. We are proud when our policies deliver real outcomes and support jobs at the same time. Those opposite seem to get most excited about policies that cut jobs.

We are proud to work closely with, and to support, Canberra's private sector. The new courts and the capital metro project will be delivered as public-private partnerships. We have stepped in at this important time to help our construction industry by releasing multiple civil contracts, worth around $150 million, for estate works in the new suburb of Moncrieff. We have put in place a range of incentives, particularly for developers seeking extra time to commence and complete developments.

Policy is about choices. Those of us on this side of the chamber will always choose building the health infrastructure our territory needs to keep delivering world-class health outcomes over cuts. Those of us on this side of the chamber will always choose to build the education infrastructure our territory needs to deliver world-class education outcomes over cuts. Those of us on this side of the chamber will always choose to support our community and the long-term growth of Canberra over cuts. That is the clear difference between this side of politics and those opposite.

Discussion concluded.

Crimes (Sentencing) Amendment Bill 2014

Debate resumed from 30 October 2014, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR WALL (Brindabella) (4.14): The Crimes (Sentencing) Amendment Bill 2014 seeks to set the closure date of periodic detention in the ACT. It does that with amendments to the Crimes (Sentencing) Act 2005 as well as through consequential amendments to the Crimes (Child Sex Offenders) Act 2005, the Crimes (Sentence Administration) Act 2005, the Electoral Act 1992 and the Spent Convictions Act 2000.

This bill places restrictions on the judiciary when considering sentencing options. A sentence of periodic detention that would continue beyond 30 June 2016 will no longer be allowed, nor would a combination sentence of full-time imprisonment and periodic detention.

These changes are set to be applied retrospectively, meaning that any individual sentenced or resentenced after the commencement of this bill will be captured by these changes. This issue in respect of the Human Rights Act 2004 is explored in both the explanatory statement and the report from the scrutiny committee. The explanatory statement accompanying the bill states:

> The Bill may engage the right at section 25(2) of the *Human Rights Act 2004*, which provides that '[a] penalty may not be imposed on anyone for a criminal offence that is heavier than the penalty that applied to the offence when it was committed. If the penalty for the offence is reduced after anyone commits the offence, he or she benefits from the reduced penalty.'

In this instance the question is whether or not the changes this bill seeks to make will increase or decrease the severity of a penalty. Whilst there is no change to minimum penalties relating directly to offences, the bill seeks to change how a judicial officer can apply the penalties.

As an example, currently the courts may sentence an individual to a sentence of full-time custody followed by a term of periodic detention. Under these changes the courts will only be able to apply a sentence of periodic detention or full-time custody. The result of this will be that in situations where a judge previously would have considered a combination sentence as appropriate, a decision will need to be made for one option or the other. A sentence of periodic detention most likely would be considered a reduced penalty. However, if a full-time custodial sentence is handed down I imagine that the penalty will be compared to those made in the past, prior to the enacting of this legislation, to determine whether or not a breach of the Human Rights Act has in fact occurred.

The Attorney-General himself identified in the presentation speech that this bill is being introduced without an alternative sentencing option. Ultimately, what this bill will do is remove what is an acceptable sentencing option from the suite of options

available without offering an alternative. Removing a sentencing option without providing an alternative simply limits the amount of discretion available to the ACT judiciary when considering sentencing options.

The ACT Bar Association raised a number of concerns with me relating to this bill. They said:

> It ought to firstly be noted that the decision to repeal periodic detention was made without any consultation with the ACT Bar Association, or, as far as I am aware, with the broader community.

They go on to say:

> Periodic detention, as a sentencing option, can only be imposed where a person is sentenced to imprisonment. It has acted as a sensible means of rendering full time custody as the option of last resort. In a time where the prison population in the Territory has rapidly increased—

and they note the submission they made to the Standing Committee on Justice and Community Safety—

> … without a corresponding increase in the crime rate to justify such an outcome, and without any legislative change to the sentencing regime, it is troubling that an option that has been used to minimise incarceration has been removed in this manner.

The issues that the Bar Association raises are valid. Firstly, one would imagine that the legal community would have been consulted about significant changes to sentencing laws in the ACT. Secondly, removing periodic detention without an alternative will be likely to place additional pressure on an already struggling prison system.

The third point which the Bar Association touches on is the fact that the ACT Assembly is currently conducting an inquiry into sentencing in the ACT. As we have seen already in this term of the Assembly, the government is happy to pre-empt the findings of a standing committee by introducing legislation wholly relevant to the area of inquiry before the committee is given the opportunity to publish its findings. This practice significantly undermines the committee structure in the Assembly and potentially renders irrelevant some of the research and evidence that the committee has gathered.

I will shortly move that this bill be referred to the standing committee and be incorporated into their inquiry into sentencing. But before I do so, I would like to make a few further points about the missing alternative sentencing option.

As directory officials reinforced with me yesterday during a briefing on this bill, the fact that the ACT is a small jurisdiction means we have "less capacity to get it wrong". I question the order of how these changes are being made and introduced. If we have little capacity to get the mix of sentencing wrong, surely the conservative approach would be to introduce an alternative sentencing option in parallel to the existing range

of options already available. This would give the judiciary the ability to select from an expanded range of sentencing options. The effectiveness of the new options would be allowed to be tested and then, once proven successful, a planned phase-out of periodic detention could occur if appropriate.

To apply an analogy that better illustrates what this bill seeks to do, I will use a health example. If, for instance, you are diagnosed with a disease such as cancer, your doctor has quite a suite of treatment options available to them, such as surgery, radio treatment, chemo, hormone therapy or alternative medicines. Often a doctor can choose to apply a range of treatments in seeking to treat the cause of sickness. But with the changes this bill brings about, and continuing to use the same example, your doctor would now be prevented from using a proven treatment method on the promise of a new, untested option being available at some point in the future, and would also be prevented from using an effective mix to treat the underlying cause. Simply put, this bill ties the hands of the judiciary when considering sentencing options and provides no new alternatives.

It is also likely that this decision will continue to place unmanageable pressure on the territory's prison, as the only custodial sentencing option will be a full-time stint at the Alexander Maconochie Centre. The ongoing capacity issues at the prison are not new and seemingly have been accepted as being par for the course given the expenditure of an additional $100 million to address capacity and segregation issues that have plagued the AMC since its inception. I propose to move: That the Crimes (Sentencing) Amendment Bill 2014 be referred to the Standing Committee on Justice and Community Safety to be incorporated into their inquiry into Sentencing in the ACT.

Mr Rattenbury: Mr Assistant Speaker, I might seek your procedural advice. Do we continue to debate the bill or will we debate the motion?

MR ASSISTANT SPEAKER (Dr Bourke): Thank you, Mr Rattenbury, for your suggestion. We will have the debate about moving the bill to the committee after we have finished the in-principle stage. So we are still debating the in-principle stage.

MR WALL: I seek some clarification on that. I believe standing order 174 says that the motion can be moved at any time after the presentation of a bill to the Assembly, including immediately after a bill has been agreed to in principle.

MR ASSISTANT SPEAKER: We have not agreed to it in principle.

MR WALL: Noting that once the in-principle stage has been completed we will move to refer it to the committee, I will await the resolution of that and I will speak again at that point in the debate.

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrective Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Sport and Recreation) (4.23): I will be supporting the bill that is before us, as it relates to the ending of periodic detention as a sentencing option. I

thank the Attorney-General for both his support of this initiative and presenting the associated bills.

I believe that the ACT justice system is in a very positive and active phase of progressing towards a more holistic approach to criminal behaviour and judicial responses. The bill that is before us is just part of this work and is an important part of the much broader justice reform strategy that the ACT government has recently commenced.

I, in my role as minister for corrections, in collaboration with my colleague Minister Corbell, have committed to undertaking the research, community engagement and reviews needed to enhance the ACT justice system, and to further build the required evidence base for a range of reforms.

It is my belief that periodic detention is an outdated sentencing option, that it lacks the therapeutic and rehabilitative focus of a modern justice system and that it has not been shown to fully deliver on community expectations of either consequences of breaking the law or addressing criminal behaviour.

I appreciate that there has been some discussion in the legal fraternity and by other interested parties regarding the cessation of the PDC. I would like to acknowledge the genuine interest that has been expressed in these reforms. On 9 May this year I wrote to 18 non-government and government stakeholders such as ACTCOSS, the Human Rights Commission and the ACT Law Society, amongst others, in relation to my announcement that the ACT government will phase out periodic detention as a sentencing option.

In that letter I outlined that, in tandem with ceasing periodic detention from 2016-17, the government will examine alternative sentencing options that will more effectively deliver on our goals of rehabilitation and reducing rates of incarceration. This time frame is needed to ensure that key stakeholders were and are consulted and engaged and have the opportunity to contribute to the development of alternative options.

The government will also, of course, take account of any applicable recommendations of the Legislative Assembly Standing Committee on Justice and Community Safety in its report on sentencing. The committee is expected to report in April 2015, which, while later than originally intended, will allow due consideration of the proposed second phase of the required legislative change.

The Attorney-General and I will be carefully considering alternative sentencing options and the necessary legislative reform in coming months. As part of the larger justice reform strategy, the Justice and Community Safety Directorate has also formed an advisory group who will look at this issue, among others, in great depth.

I would also like to note that the ACT is the last jurisdiction in Australia to have periodic detention, as New South Wales ceased the option in 2010. As the New South Wales Law Reform Commission wrote in 2012, the scheme in New South Wales attracted public criticism for high rates of absenteeism and considered that the

sentencing option made no attempt to rehabilitate offenders or address their offending behaviour.

New South Wales then moved to intensive supervision orders. The New South Wales Law Society wrote that these community orders:

> … share many of the advantages of periodic detention as a sentencing option in that they enable the offender to maintain contact with family, friends and employment; avoid the contaminating effects of imprisonment; are cheaper than full-time imprisonment; and benefit the community by the performance of community work while retaining a strong element of punishment. Intensive case management with a rehabilitative focus would be beneficial for many offenders.

It is true that the society went on to discuss the need for more holistic assessments to be wrapped around eligible offenders, and I trust that the lessons learned in that regard will be considered in the drafting of any replacement sentencing regime, which may include intensive community orders or variations here in the ACT.

I have also heard from some a suggestion that the removal of periodic detention as a sentencing option leads to increases in full-time custody, but I have yet to see that referenced or backed up in any longitudinal study. Indeed, in its review of sentencing in New South Wales, the Law Reform Commission again reiterated that it believed that the reasons for ending periodic detention were persuasive, that resources would be better directed to the needs of the offender rather than maintaining the periodic detention facility, and it did not recommend reinstating periodic detention.

This is the first of the legislative changes required to move away from periodic detention as a sentencing option, but it is not being done in isolation from the full range of reforms underway. We are further developing restorative justice approaches, undertaking serious research in the area of justice reinvestment and invigorating detainee employment and industries.

Just this month I visited Long Bay jail in Sydney to see what we can learn from their very impressive employment programs and explore what options may be available for the AMC. I was greatly impressed by the quality outcomes for both the community and the detainees involved and heartened to hear of the positive impact that gaining skills and having better employment opportunities have in tackling recidivism.

In closing, I would again like to note my appreciation to the attorney for his presentation and carriage of this bill, and also acknowledge the ongoing interest in these matters by Mr Wall and the broader community. But I do need to be very clear that we need to try and have this debate on a substantive basis.

I know Mr Wall was briefed in detail on this legislation. I was surprised, if I understood his speech correctly, to hear him come in here and talk about the fact that there are no alternatives. It has been made very clear, in my public comments, in the attorney's public comments, and, I have no doubt, in the briefing that was given to Mr Wall, as well as my contact with community organisations, that the government does intend to bring forward alternative sentencing options. We cannot leave it in

place. We have been very clear that we will be introducing a scheme of intensive community correction orders.

What needs to happen, though, is that a cap needs to be put on periodic detention. We cannot just leave it open-ended. That needs to be constrained so that we are not pouring resources into a scheme that is perhaps only necessary for one, two or three people on a weekend somewhere in the future as we move to an alternative sentencing approach.

It is disingenuous to come in here and say that there are no alternatives when members know full well that an alternative scheme will be legislated. A series of bills will create the mechanisms for those schemes. Members know that. So to come in here and say there are no alternatives is disingenuous at best.

I believe that we are moving to a better justice system that will meet community expectations of safe, secure and rehabilitative focused outcomes for people who have spent their time in jail, and I am pleased to support this bill today.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (4.30), in reply: The purpose of this bill is to amend the Crimes (Sentencing) Act 2005 by restricting the ability of courts to impose a sentence in a criminal case which involves periodic detention as a way of serving a sentence of imprisonment. It is the first step—and I stress that: the first step—towards the abolition of periodic detention as a sentencing option in the territory.

Periodic detention was introduced into the territory's sentencing framework nearly 20 years ago by a stand-alone piece of legislation, the Periodic Detention Act 1995. That act was just one outcome of the report *Paying the price* which followed a review of adult and juvenile justice services by the ACT Corrections Review Committee.

Periodic detention was seen at that time as a useful addition to the sentencing arsenal. It could only be imposed if, but for the option of making a periodic detention order, a person would have been sentenced to imprisonment of not less than three months but not more than 24.

It is clear from *Hansard* that the bill had cross-party support at that time, and it was intended as an appropriate penalty for relatively minor offenders who could serve their sentence without being taken out of the community. At that time, offenders in the ACT who were sentenced to imprisonment had to serve their sentence in New South Wales; this had a consequential impact on the family and their support networks.

At the time of its introduction, periodic detention was an innovation, but it followed in the footsteps of other jurisdictions. In 2002, the government commenced a major review of sentencing law which resulted in the introduction of the Crimes (Sentencing) Act 2005 and the Crimes (Sentence Administration) Act 2005. The sentencing act modernised sentencing law and provided a flexible sentencing framework for the courts. The sentence administration act provided a standard model

for the administration of each sentencing option under that act and set out the consequences for offenders who failed to meet their obligations. Both acts have served the territory well, and continue to do so.

Periodic detention remained a sentencing option under the new framework, but its role changed. Rather than being a stand-alone, alternative way of serving a sentence of imprisonment, the sentencing act allowed the courts to combine periodic detention with other sentences. This approach allowed courts to tailor sentences to a particular offence and offender, and meant that periodic detention could be used not only as a stand-alone way of serving a sentence of imprisonment but also as something of a "half-way house" to transition an offender from full-time detention to, in effect, part-time detention.

While periodic detention has been a useful sentencing option, the government are now of the view that periodic detention is no longer the best that we can do. It does have its limitations in terms of both supervision and rehabilitation. Offenders are only under the supervision of Corrective Services for the two days of the week they are in periodic detention, and the number and type of programs that can be offered during this time are necessarily limited. So there are fewer opportunities to provide effective rehabilitation.

When New South Wales abolished periodic detention in 2010, the ACT was left alone in Australia in having periodic detention as a sentencing option.

We live in an ever-changing world. Academic research produces new ideas and evidence, and innovations in other jurisdictions provide the impetus for reflection on whether we can do better. In that context, I have announced the two-year justice reform strategy, which will examine sentencing law and practice in the territory, and consider how they could be improved.

The government is satisfied that periodic detention no longer represents the best option for the community, victims or offenders. Having made that decision, the question then becomes how to best achieve that goal. Simply repealing periodic detention as a sentencing option is not viable, as we will need to craft a replacement sentencing option before periodic detention stops being an option.

This bill is a transition—a transition away from periodic detention in a way that balances the need to keep it as an option while we prepare for its abolition. The bill does this in three ways. Firstly, it prohibits combination sentencing involving full-time detention and periodic detention. Secondly, it only allows courts to impose sentences involving periodic detention that end before 1 July 2016. Thirdly, it applies these changes to offences sentenced or re-sentenced on or after the commencement of the bill.

It is the third aspect of the bill—applying the changes to offences sentenced or re-sentenced on or after the commencement date—which is perhaps the most unusual. This is because usually, when new legislation is introduced, it only applies to offences committed on or after the legislation comes into force. The general prohibition on retrospective criminal laws is enshrined in ACT law in our Human Rights Act.

Section 25 deals with the issue of retrospectivity in two subsections. Section 25(1) is not relevant to what this bill is seeking to do because the subsection relates to new criminal offences, and the bill does not create new criminal offences. Section 25(2) of the Human Rights Act states:

> A penalty may not be imposed on anyone for a criminal offence that is heavier than the penalty that applied to the offence when it was committed. If the penalty for an offence is reduced after anyone commits the offence, he or she benefits from the reduced penalty.

The explanatory statement to the bill addresses this issue in some detail today, and I will not repeat that at length now. However, I will say that this right is not engaged by the bill.

Part 3.2 of the sentencing act provides that a sentence of imprisonment can be served in three ways: in full-time detention, as a suspended sentence or as periodic detention. For all three, the sentencing court must conclude that imprisonment is the only appropriate sentence, and the act does not further differentiate between these three ways of serving that sentence. This bill does not increase the maximum penalty available for an offence, nor does it change the essential quality or character of an available sentence. All the bill does is change the way a sentence of imprisonment may be served.

As the bill applies to re-sentencing an offender in the same way it applies to sentencing, the issue of possible retrospectivity in those circumstances also deserves some consideration. In addition to the point I have just made about the penalty not being harsher, it should be remembered that when an offender is returned to court for re-sentencing it is because the Sentence Administration Board has concluded that they are unlikely to be able to serve the remainder of their periodic detention order. This means they are unlikely to be considered suitable for a further order of periodic detention in any event.

When the decision to abolish periodic detention was announced earlier this year, the legal profession did express some disappointment that an option was being removed without an alternative being in place. I understand this concern. However, as Mr Rattenbury has said, a replacement sentencing option is a primary focus of the justice reform strategy, and I intend to advance proposals in 2015 which will propose an alternative sentencing option. This is, of course, before periodic detention is removed as a sentencing option, so it is wrong to say that periodic detention will be removed without a replacement being in place.

The government are clear that the work of the justice reform strategy, which will be underpinned by evidence gathering and consultation, will deliver us the capacity to present to this place alternative sentencing options before periodic detention is removed from the statute book.

Mr Assistant Speaker, I will conclude my remarks at that point. I thank members overall for their comments in relation to this bill and I commend it to the Assembly.

MR WALL (Brindabella) (4.39): I move:

> That the Crimes (Sentencing) Amendment Bill 2014 be referred to the Standing Committee on Justice and Community Safety to be incorporated into their inquiry into Sentencing in the ACT.

As I outlined in my speech previously, I think it is appropriate that this bill is incorporated into the already existing inquiry that the JACS committee is conducting into sentencing in the ACT. This is not the first time that we have seen the government in this term of the Assembly, just in my time here, introduce a bill that is directly relevant to an existing inquiry. I think it is undermining the committee process in the Assembly for this practice to continue. It is appropriate that this bill be sent to the JACS committee and incorporated into their inquiry, given that the inquiry is directly relevant to this bill. I will keep it short and I will leave it there.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (4.40): The government will not be supporting the motion to refer, for the reasons I outlined in my earlier comments. We are not removing periodic detention without a replacement being put before this place and implemented prior to the conclusion of periodic detention in 2016. It is wrong to characterise that as the rationale for the referral to committee that Mr Wall puts forward. The government will not be supporting the referral.

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrective Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Sport and Recreation) (4.41): I will not be supporting Mr Wall's motion to move this to committee either. Both the attorney and I have outlined some clear reasons today as to why that is not necessary, and outlined the fact that there is a clear strategy in place moving through this legislation.

I also think that there have been a number of things now where this committee has been brought up, with people saying we should not do something until this committee reports. I do note that this committee started on 7 May 2013. At this stage, my best advice is that it is going to report some time in 2015. That means that it is probably at least a two-year inquiry, if it finishes then. The question is: how long is it necessary to wait for this committee to keep going? I cannot now remember its original length, but it has certainly been extended on at least one occasion. It is not really appropriate to say that we should keep referring things to a committee that does not seem to be able to finish the work it is doing in a timely way. On that basis, I will not be supporting the motion today.

MR WALL (Brindabella) (4.42), in reply: It is disappointing that the government places so little faith in the scrutiny processes and the ability of the committees of the Assembly to look at bills, particularly when a bill is being introduced that is directly relevant to an ongoing inquiry.

Members opposite have said that the claim that this should be sent to committee is made because there is no sentencing alternative. That is correct. We are being asked today to pass a bill on the promise that there will be an alternative some time before the middle of 2016. It is on a promise. The detail of what is being considered or is likely to be introduced has not been brought before the Assembly. The options being considered are not available to members of the Assembly. It is a bit presumptuous to bring in a bill that ends what has been an effective sentencing option in the ACT, claiming that we should do it because every other jurisdiction in the country has now done it and we should follow suit.

The justice system in the ACT is vastly different from that of other states. New South Wales was cited as an example. We have got the proximity of distance here. We have got economies of distance. A periodic detention sentence in New South Wales from a rural or remote city would put extreme difficulties and complexities in place for an individual to complete that order. We do not have those sorts of geographical complexities here in the ACT.

Again, it is an instance where we are putting the cart before the horse. We are being asked to sign on to the closure of one of the ACT's correctional facilities on the promise that at some point in the future we will see an alternative. That is disappointing. On those grounds, the opposition will not be supporting the passage of this bill today.

Question put:

> That the motion be agreed to.

The Assembly voted—

Ayes 8		Noes 9	
Mr Coe	Ms Lawder	Mr Barr	Ms Gallagher
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Ms Porter
Mr Hanson		Ms Burch	Mr Rattenbury
Mrs Jones		Mr Corbell	

Question so resolved in the negative.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 9		Noes 8	
Mr Barr	Ms Gallagher	Mr Coe	Ms Lawder
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Nature Conservation Bill 2014

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

> That this bill be agreed to in principle.

MS LAWDER (Brindabella) (4.49): It gives me great pleasure to rise today to speak for what I presume will be last time this year and possibly for some time on the Nature Conservation Bill. It has been under review for quite some time and, long before I was a member, the review of the bill was already underway. Since I became the shadow minister for the environment, it has been a constant part of the work of my office. I would be surprised if there is another piece of legislation that falls within my portfolio that is as big and detailed as this. It is an important bill for the future of our territory and for our natural environment. It is long overdue and it is a bill I am pleased to be able to have had input into.

It was an election policy of the Canberra Liberals in 2012 to undertake a review of the Nature Conservation Act, something that everyone knew needed to be completed. Mrs Dunne, the then shadow minister for nature conservation, announced on 13 October 2012 that, if elected, the Canberra Liberals would review the Nature Conservation Act 1980 and bring all nature conservation functions into one directorate. I am pleased today that, once we get through the range of amendments, part of this promise will have been completed. I of course would be even happier, though, if we were standing here with a single nature conservation agency. But, as we heard again today, this is something that the government is making slow progress on, if any progress.

The Nature Conservation Act 1980 has been the primary ACT legislation for over 30 years and covers an extensive area of nature conservation policy as well as having flow-on effects to other legislation. It is important to get its replacement right. I stood here in February and argued that we needed to ensure proper scrutiny of the bill from all stakeholders in order to guarantee that a new act would place our nature conservation activities in a better position than before. The government did spend an extended period putting this bill together and initially only gave interested stakeholders a mere six weeks to submit feedback on such a complex, intricate and important piece of legislation. Yet stakeholders only had from 31 October to 13 December to provide their feedback. It was not until the minister was contacted on numerous occasions towards the end of the consultation process that he extended this time frame over the Christmas period last year.

Then in February I came in here and argued for the bill to be sent to committee. I argued that we needed proper consultation and we needed to take the time to get it right. Unfortunately, that motion was defeated, but Mr Rattenbury suggested the bill go to a roundtable process instead. I was pleased with that roundtable process. Many stakeholders were involved and the review was taken very seriously. We have seen many changes which have occurred as a result of that roundtable process. After years of review, 12 months after the consultation draft and countless reviews and amendments in between, we are still here talking about amendments.

We have many amendments that will be moved today but it is important to make these improvements so that we have a better piece of legislation than we currently have. Once this bit has been completed, I encourage the government to fulfil their other commitment in the Labor-Greens agreement to a single nature conservation agency.

I would like to thank everyone who has been involved in putting this bill together. I know everyone is trying to ensure a comprehensive, simple, yet effective Nature Conservation Act, and I truly hope that is what we will achieve here today. Thank you to all the stakeholders, including, but not limited to, the Conservation Council of the ACT, who have been very actively involved throughout the process, and all of their member organisations. I would also like to extend my sincere appreciation to Mr Corbell and Mr Rattenbury and their staff for their genuine consultation during the process of drafting the amendments and coming to agreement on them. I look forward to the detail stage of this bill today.

MR RATTENBURY (Molonglo) (4.54): The Greens are pleased to finally see this bill at the stage where we can vote on it and progress it into legislation. The Nature Conservation Act 1980 is the keystone of biodiversity protection in the territory and thus an important bill to get right for our future. I think that most people agree that this bill is a vast improvement on the old one. Certainly tripartisan coordination and a thorough consultation process with key stakeholders and the public have brought about a solid step forward in updating the legislation that underpins the principles, people, plans and penalties for biodiversity protection and management.

I would like to thank all the people who have contributed to the development of this bill, in government, in the Assembly, in the environment commissioner's office, a volunteer intern in my office, Claire Reynolds, and, of course, the many environment groups and park users who have contributed their considerable personal and organisational expertise to this process.

As Ms Lawder noted, it has been a long journey to get the bill to this stage, with many trials and tribulations. It is a complex and important piece of legislation that has evolved considerably since its inception as federal legislation enacted in 1980 by the commonwealth. It has had many new powers and clauses added over the decades reflecting the growth and changes in the ACT as well as many changes in best practice protection and management of biodiversity.

This bill before us today is now the first major review of the act since self-government. As well as generally modernising, we can now be more satisfied that it has been fully

reviewed to bring about a piece of legislation that will take us through the next few decades with more certainty that nature conservation matters are being better addressed.

The review of the Nature Conservation Act was a Labor Party election promise in 2004 as a prelude to considering strengthening the role of the Conservator of Flora and Fauna. The review did not actually commence until midway through the last Assembly. In fact, it has taken so long that there have been four iterations of the environment department in the interim, and three of these have dealt with the review of this bill. Between Environment ACT, DECCEW, ESDD and EPD, we finally find ourselves here today.

The government released a discussion paper calling for submissions in December 2010 and the community forum was held in that period for stakeholders to discuss issues with the government. It was not until October 2013 that the first exposure draft was made publicly available, which enabled the community to see whether their comments were considered or reflected in the bill. Given that the community had been waiting to see this legislation for 10 years and knew that there was considerable interest in it and there was no legal deadline for new legislation to commence, an exposure draft offered a clear and easy way for the government to seek feedback.

When this draft bill was tabled as an exposure draft, there was strong feedback from many in the community that it did not reflect their community submissions, and major concerns were raised. I believe that a lot of the stress that this bill caused over the past year or two could have been avoided by releasing the exposure draft a bit earlier. But I do really appreciate that, after discussion with Minister Corbell, he did release the PricewaterhouseCoopers review of the role and functions of the conservator to accompany the exposure draft bill, and I think that added to the depth of the discussion.

The Assembly passed a motion in February this year to establish a roundtable to discuss the draft bill, chaired by the Commissioner for Sustainability and the Environment, to ensure that the community, along with the government and key stakeholders, were able to discuss and explore the issues in the draft bill in a forum where key government staff could explain their rationale for various clauses.

I was pleased that the government revised the draft bill between the exposure draft comments period closing and the roundtable, and many improvements were made that captured much of the community feedback from that process. I believe the roundtable was very successful in eliciting the major issues as well as identifying many simple amendments that will improve the legislation in terms of environmental outcomes, application and enforcement.

The consultation report pulled together by the commissioner's office was a very useful summary of the roundtable, and I would like to thank the commissioner's office for the report and the stakeholders who made input into the process and attended on the day.

A noteworthy improvement to this legislation is that it is comprehensive and looks to protect nature more broadly as a concept rather than the original 1980 act, which had a more reductionist focus on plants, animals and reserved areas. There has also been substantial work done to modernise the act to bring it line with this century's legislative drafting style as well as that of other jurisdictions.

Considerable work was done to create objects of this act. The previous iteration does not have objects at all. The bill has two pages outlining its objects and introduces new concepts such as restoring habitat, community species and genetic biological diversity, ecological connectivity to ecosystem processes, and recognition of the role of Aboriginal and Torres Strait Islander people in conservation and ecologically sustainable use of biodiversity, amongst other things. Importantly, the minister must have regard to the objects of the act as well as the Conservator of Flora and Fauna.

The bill also incorporates better processes to allow for consideration of the impacts and challenges of climate change and integrates productive management principles into various plan review processes. Through the various consultation and negotiation discussions, we have tried to ensure that all decision-makers—the minister, the Conservator of Flora and Fauna, the Parks and Conservation Service and the scientific committee—should have to give effect to the objects of the act.

We have also looked into requiring decision-makers to act consistently with any conservator guidelines, the nature conservation strategy and all relevant plans, lists or agreements, and have regard to the findings of monitoring programs. I believe that this bill does these things fairly well, but we will monitor this of course over future years as it practically rolls out.

It is fitting that it in this year, while we also celebrate 30 years of the Parks and Conservation Service, we give the ACT's conservation management system a new broom. At the same time there are still many pressures to come that are not adequately dealt with in this bill, and we hope that we have established enough mechanisms to allow for timely revisions of the consequential plans and strategies.

I would like to focus on some of the details of the bill, because there is a huge list of issues that have been improved in this bill before us today, far too many to fully itemise. Some examples include the introduction of the concept of biodiversity as key to nature conservation and new requirements for biodiversity research and monitoring programs. Also the role of the Conservator of Flora and Fauna under current legislation has very few legal requirements, meaning that it only needs to be a public servant appointed by the director-general. The new bill better clarifies the role and outlines a broader role and range of requirements, including providing information to the environment commissioner for the state of the environment report. This includes the need for suitable qualifications and experience.

The conservator must monitor the state of nature conservation generally in the ACT and the effective management of nature conservation in the territory. In exercising those functions the conservator must have regard to the objects of the act, any conservator guidelines and the nature conservation strategy for the ACT. This is one

area that was strengthened considerably through the consultative drafting process over the past year.

Some of the conservator's roles include preparing a biodiversity research and monitoring program every two years, and importantly this is done in consultation with the scientific committee and can include the work of the hardworking citizen science groups such as the Canberra ornithologists group, who maintain the most up-to-date bird count data in the territory, and Frogwatch and like organisations. The conservator also decides licensing applications, prepares and implements action plans, native species conservation plans, controlled native species management plans and Ramsar wetland management plans.

The Flora and Fauna Committee has been renamed the Scientific Committee. This has been seen to be watering it down by some, removing the focus on flora and fauna. However, the committee is still clearly there to provide advice on nature conservation, not only to the minister. The Scientific Committee's role has been expanded to also provide advice to the conservator. The committee used to only require two out of seven members to not be public servants, whereas the new committee will need to be a majority of non public servants. The bill also allows the minister to establish other advisory committees as necessary.

The bill establishes the ACT Parks and Conservation Service. I know it will be pleased that this bill officially introduces it as the custodian of unleased or public land that is a reserve, which is completely missing from the legislation at the moment.

It should be noted that the nature conservation strategy must include native indigenous species, significant ecosystems and strategies to address actual and potential impacts of climate change. Our current legislation only allows for threatened and endangered species, endangered ecological communities and threatening processes. This bill creates more categories for threatened native species. There are seven, and there are now four categories of threatened ecological communities as well as threatening processes. This bill clearly steps through the various categories of species, communities and rules for eligibility, nominations, listings and amendments.

A new category for provisional listings for threatened native species has been introduced, which means that after 18 months the minister, conservator and scientific committee must review the species listing. If a species or community is placed on one of these abovementioned lists then an action plan must be created for that item. This bill significantly improves the requirements for an action plan and its drafting and consultation processes. Importantly, the conservator must take reasonable steps to implement the plan and must monitor and review its effectiveness and make the findings public. The conservator must review each action plan every five years, and the Scientific Committee must review it at least every 10 years.

This bill creates additional categories for certain species: special protection status and protected native species. Special protection status is created automatically and includes species listed as threatened native species under the bill, and listed threatened species and listed migratory species under the EPBC act. Thus any species that come under national listings are also automatically on the ACT lists too.

It also creates the ability for new native species conservation plans. A new category of species of "conservation dependent" has been created specifically for species such as the native perch introduced in our lakes and Cotter Dam, and species that are being reintroduced in Mulligans Flat woodland sanctuary, such as bettongs and bush-stone curlews.

Provisions around offences against native plants and animals have been improved and clarified, including creating specific offences for interfering with the nest of an endangered species, injuring or endangering native animals and differentiating between taking and selling for the various categories of native plants.

Chapter 7 gives the conservator the power to create controlled native species management plans. The minister may declare a native species to be a controlled native species if satisfied that the species is having an unacceptable impact on an environmental, social or economic asset.

Chapter 8 describes management planning for reserves and Ramsar wetlands. A custodian of a reserve must prepare a reserve management plan for the reserve. If the conservator assigns a reserve to an IUCN category and there is no reserve management plan in force for that reserve, the custodian of the reserve must manage the zone in accordance with the IUCN reserve management objectives. The bill updates processes and laws surrounding access and use of biological resources from a reserve, and requires a licence, unless acting for government or a native title holder. It also deals with benefit-sharing agreements.

Chapter 9 creates a range of offences to do with reserves, wilderness areas, clearing vegetation and damaging land. In addition to penalty units for each offence, the conservator may direct someone who causes damage to repair the damage. If they do not comply with the direction or order, the territory may carry out the repair or restoration and recover the costs from the person. It is worth noting that considerable work has been done to align this bill with the Public Unleased Land Act 2013 in relation to these provisions. There has also been division of the offences, creating in effect a sliding scale of penalties, depending on the level of effect of the offence in terms of impacts on significant biodiversity assets.

Chapter 12 describes the process for entering into management agreements on public or unleased land. Management agreements are used to ensure that the objective of conserving the qualities of the natural environment on and near the land to which the agreement relates is upheld, and can be entered into between the conservator and an agency. An agency includes a supplier of gas, electricity, water or sewerage services, an entity that is responsible for the construction, repair and maintenance of navigation serving beacons and telecommunications facilities, or is responsible for a development of land, and can include the territory. The matters a management agreement may cover have been greatly increased.

I would like to turn to some issues now around the conservator in particular. There are a few issues of contention that cannot be resolved at this point which the Greens believe will need to be revisited through the Planning and Development Act, most significantly offsets and conservator concurrence for planning decisions.

There are certainly quite a few matters that relate to the conservator's role, or lack thereof, in various processes within the Planning and Development Act. Today in this place is probably not the place to discuss them in great detail, but, suffice to say, the conservator should have a stronger role in planning processes and decisions. We will come back to that at another time.

The role of the Conservator of Flora and Fauna is important, as this role delivers key advice on biodiversity to various government agencies under many pieces of legislation, including the Planning and Development Act. We know that the government agrees that the role of the conservator is very important, as it commissioned PricewaterhouseCoopers to look into the functions of the role in 2011.

The subsequent report on their review of the role and functions of the conservator delivered a range of findings and 10 recommendations. One of the findings was that there was considerable community concern that the conservator's power in relation to planning and development was too narrow and lacked sufficient teeth and that ACTPLA could essentially ignore the conservator's advice.

One of the more frustrating aspects of the legislation before us today is that the government has not taken on many of the recommendations of this PwC report in relation to conservator concurrence or conservator role in planning decisions. That is, there should be greater transparency for decision-makers to show how they have taken on the advice of the conservator and, if not, what the reasons for this are. In particular, the recommendation that the government consider how to strengthen the role of the conservator is one that does need to be further addressed. ACTPLA should have to accept the advice of the conservator and not have the power to override it as reflected in the current legislation and, unfortunately, quite often in practice.

This will be even more important as this bill removed the existing overlap of a developer potentially needing to apply for both a nature conservation licence under this legislation as well as a development application through the planning act. Instead, the proponent will only need to apply for a DA and any conservator advice will be through that channel.

This bill creates a shared ACT government agenda for nature conservation that applies to all agencies that manage nature conservation issues, currently within both TAMS and EPD. Over time these agencies will no doubt change names and structures, but this legislation clearly underpins the objects, roles, functions and relationships between the conservator and the Parks and Conservation Service. This bill lends itself to EPD and TAMS functioning as an integrated conservation agency.

Although the Greens do not think this is necessarily the perfect bill, we do believe it is a good basis for biodiversity policy management and protection and welcome the significant advances that have been made in this legislation. It is much improved biodiversity protection legislation. Aside from those two issues I have mentioned around offsets and conservator concurrence, we can be confident that we are well placed to face the challenges and impacts of climate change, increased pest species and decreased habitat on our precious places, species and ecosystems. This legislation

is much clearer and provides more teeth for relevant agencies to use in nature conservation.

The Greens believe that to get good environmental outcomes we need both high quality legislation and adequate resourcing. I understand that this bill will not commence until autumn next year, to give some time for the transitionary paperwork to be completed. The changes are considerable, so I imagine there is plenty of work in revising the listings, the plans, the licences and so on in time for this commencement. It will also be useful to see how well resourced the relevant agencies are in terms of meeting the new legislative requirements for nature conservation.

In conclusion, I am pleased that on the last sitting day of 2014 we can welcome a new nature conservation act into existence. The Greens and the conservation community in the ACT have been waiting for this moment and it is a pleasure to be part of passing the bill today.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.12), in reply: I thank members for their support of this bill today. The bill will strengthen the ACT's existing nature conservation management framework. The bill addresses a range of issues that have arisen from a review of the Nature Conservation Act and subsequent policy development. It has also been informed by an exposure draft consultation process which ran from 31 October last year, with submissions accepted until 8 January this year, and a subsequent roundtable, as members have outlined, on 24 April this year.

The Nature Conservation Act has been the primary ACT law for the protection and handling of native plants and animals, the identification and protection of threatened species and ecological communities, the management of national parks and nature reserves and the conservation of the ACT's natural resources. This bill replaces the 1980 act, and it is the first significant update to nature conservation processes and procedures since self-government. It will make processes more accountable and transparent. The new act aims to rationalise regulatory approaches while maintaining appropriate and efficient environmental standards.

Major components of the 1980 act have been retained. The previous act has served us well and all but a few provisions have been retained. Those provisions that were not kept related to provisions which are dealt with in other laws. For example, the littering provisions were not needed because of the Litter Act. Provisions relating to plant and animal diseases are covered in the Plant Diseases Act and the Animal Diseases Act respectively. The act has been restructured significantly and much of the language has been modernised. Provisions have also been aligned with other more recent statutes and a range of provisions, particularly relating to licensing, have been brought into the act rather than left in regulation or in disallowable instruments.

Consequential changes to the Planning and Development Act are also covered in this bill. These primarily relate to minor changes in processes for management plans as a consequence of bringing management planning for conservation reserves under the

Nature Conservation Act and updating definitions resulting from changes in categories for threatened species and ecological categories.

As members have outlined, the bill deals with the functions of the Conservator of Flora and Fauna, roles in relation to biodiversity research and monitoring, the functions of the ACT Parks and Conservation Service and conservation officers, the role of the newly named Scientific Committee, a very important role in providing advice to the minister and to the broader community on issues in relation to advice on protected species, processes for threatened species and ecological community listings, processes for protected species, processes to provide for strategies and plans and ultimately for reserve management. There are also the usual provisions in relation to licensing offences and penalties.

The bill strengthens our overall nature conservation framework and complements the nature conservation strategy which was finalised in 2013. Key aspects of this bill enhance the role of the Conservator of Flora and Fauna, increase alignment between the ACT law and the commonwealth Environment Protection and Biodiversity Conservation Act and provide for greater flexibility and innovative approaches to management such as resource protection areas to enhance rehabilitation efforts.

In closing, I would like to reiterate that the protection and management of biodiversity is fundamental to the achievement of a sustainable future. It is therefore timely to ensure that this bill reflects the range of contemporary methods available for managing biodiversity while still maintaining traditional protections for species and ecosystems.

I would like to thank my fellow members—Ms Lawder, Mr Rattenbury and their respective staff—along with the staff of my office and the staff of the Environment and Planning Directorate who have worked long and hard to reach this point today. I am pleased that we are in a position to debate this bill on this the last sitting day of 2014. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.17): Pursuant to standing order 182A(b) and (c), I seek leave to move amendments to this bill that are both in response to comments made by the scrutiny committee and minor and technical in nature together.

Leave granted.

Clause 1 agreed to.

Clause 2.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.18): I move amendment No 1 circulated in my name *[see schedule 2 at page 4274]*. I will shortly table a supplementary explanatory statement to the amendments

Madam Speaker, this amendment amends the commencement date to allow for parts of the Nature Conservation Act 2014 that arise from the passage of the Planning and Development (Bilateral Amendment) Act 2014 to be commenced consistent with that bill's commencement provisions rather than provisions outlined in the Nature Conservation Bill 2014. The new arrangements allow for changes made to the Nature Conservation Act as a result of the bilateral amendment act to commence separately to the other provisions of the Nature Conservation Bill.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 5, by leave, taken together and agreed to.

Clause 6.

MR RATTENBURY (Molonglo) (5.20): I move amendment No 1 circulated in my name *[see schedule 3 at page 4282]*. This clause expands the objects of the act to ensure that members of the public not only have access to information in appropriate forms and opportunities to participate in policy development and nature conservation planning but also have opportunities to participate in conservation work. This picks up the fact that we have around 35 park care groups in the territory. These are people who work hard on their patch of local bush and I think it is important that we legislate for this opportunity as we give people access to research information.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clauses 7 to 25, by leave, taken together and agreed to.

Clause 26.

MS LAWDER (Brindabella) (5.21): I move amendment No 1 circulated in my name *[see schedule 4 at page 4284]*. This amendment adds a time frame for reporting against the biodiversity research and monitoring program. It ensures that a report prepared by the conservator is made publicly accessible within three months so that it provides certainty to stakeholders.

Amendment agreed to.

Clause 26, as amended, agreed to.

Clauses 27 and 28, by leave, taken together and agreed to.

Clause 29.

MS LAWDER (Brindabella) (5.22): I move amendment No 2 circulated in my name *[see schedule 4 at page 4285]*. This amendment removes strict liability from an offence of failing to return a conservation officer's identity card. We felt this was an unnecessary strict liability offence.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.23): The government will be supporting Ms Lawder's amendment No 2. This is the first of a series of amendments that propose to remove strict liability offence provisions from a number of offences outlined in the bill. Whilst the government do not agree with the removal of strict liability in all circumstances, in a number of circumstances we do, including this one. I am pleased to lend our support to the amendment.

Amendment agreed to.

Clause 29, as amended, agreed to.

Clauses 30 to 32, by leave, taken together and agreed to.

Proposed new clause 32A.

MR RATTENBURY (Molonglo) (5.24): I move amendment No 2 circulated in my name *[see schedule 3 at page 4282]*. I propose to insert a new clause 32A. This proposal inserts a requirement for the scientific committee to give the minister an annual report about its activities and that the committee must make its report public after 30 days of giving it to the minister.

Proposed new clause 32A agreed to.

Clauses 33 to 57, by leave, taken together and agreed to.

Clause 58.

MR RATTENBURY (Molonglo) (5.25): I move amendment No 3 circulated in my name *[see schedule 3 at page 4282]*.

This amendment, and my subsequent amendments 5 and 6, relate to outlining a process for the 10-year review of the nature conservation strategy. This process includes the conservator's consideration of issues under section 48(2); consultation with entities under section 49; and public consultation with similar provisions to sections 50(1) to (5).

The amendment covers submissions being made public and recommendations from the conservator to the minister using the public and entities submissions, and the

minister's response to recommendations, being made public, including what changes will be made to the strategy. There is a series of amendments coming up that seek to create that process. It seemed easier to speak to the group of them at this point and then we can just move through the rest.

Amendment agreed to.

MS LAWDER (Brindabella) (5.26): I move amendment No 3 circulated in my name *[see schedule 4 at page 4285]*. This amendment is to make the report publicly accessible no later than three months after the end of the program. It is in keeping with our desire to ensure public consultation takes place throughout all the processes of this act.

Amendment agreed to.

MR RATTENBURY (Molonglo) (5.27): I move amendment No 4 circulated in my name *[see schedule 3 at page 4283]*. This clause requires the minister to take any action considered appropriate, which may include changes to action plans to the legislation or the strategy.

Amendment agreed to.

MR RATTENBURY (Molonglo) (5.28): I move amendment No 5 circulated in my name *[see schedule 3 at page 4283]*.

Amendment agreed to.

Clause 58, as amended, agreed to.

New clause 58A.

MR RATTENBURY (Molonglo) (5.28): I move amendment No 6 circulated in my name *[see schedule 3 at page 4283]*. It inserts a new clause 58A.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.28): Briefly, this amendment provides for public consultation on the review of a nature conservation strategy. This provides some additional flexibility in that the review of the strategy does not need to be accompanied by a new strategy. It means that consultation would occur during the review of the strategy and on a new strategy if one was needed. This is a sensible change. I note that it has been taken account of following discussions between me and Mr Rattenbury.

Proposed new clause 58A agreed to.

Clauses 59 to 105, by leave, taken together and agreed to.

Clause 106.

MR RATTENBURY (Molonglo) (5.29): I move amendment No 7 circulated in my name *[see schedule 3 at page 4284]*. This clause requires the five-yearly conservator's report to the minister about an action plan be made public after 30 days of being given to the minister.

Amendment agreed to.

Clause 106, as amended, agreed to.

Clauses 107 to 125, by leave, taken together and agreed to.

Clause 126.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.30): I move amendment No 2 circulated in my name *[see schedule 2 at page 4275]*.

This amendment relates to the offence of interfering with the nest of a native animal. This amendment removes strict liability from this offence in response to the scrutiny of bills committee report. Issues raised by the committee include that people may inadvertently disturb a nest and that therefore it is not appropriate to have a strict liability. The government agrees. Measures to reduce or remove inadvertent non-compliance are difficult for this offence. This amendment therefore removes strict liabilities from both offences in this clause.

Amendment agreed to.

Clause 126, as amended, agreed to.

Clauses 127 and 128, by leave, taken together and agreed to.

Clause 129.

MS LAWDER (Brindabella) (5.32): I move amendment No 6 circulated in my name *[see schedule 4 at page 4285]*. This amendment also removes strict liability from the offence of injuring or endangering a native animal as measures to further reduce or remove inadvertent noncompliance are difficult for this offence.

Amendment agreed to.

MR RATTENBURY (Molonglo) (5.32): I move amendment No 8 circulated in my name *[see schedule 3 at page 4284]*. This clause extends the provision to allow for accidents with animals by non-motorised transport, such as a bicycle.

Amendment agreed to.

Clause 129, as amended, agreed to.

Clauses 130 to 135, by leave, taken together and agreed to.

Clause 136.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.33): I move amendment No 4 circulated in my name *[see schedule 2 at page 4275]*.

This amendment relates to the offence of releasing an animal from captivity. This amendment adds an additional defence to this offence in response to the scrutiny of bills committee report. A due diligence defence subclause has been added to address the concerns raised by the committee about inadvertent noncompliance. The offence, though, will remain a strict liability offence.

Amendment agreed to.

Clause 136, as amended, agreed to.

Clause 137 agreed to.

Clause 138.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.34): I move amendment No 5 circulated in my name *[see schedule 2 at page 4275]*.

This amendment relates to the offence of taking a native plant from unleased land. This amendment removes strict liability from this offence in response to the scrutiny of bills committee report. Issues raised by the committee include that people may inadvertently take a plant from public land and therefore it is not appropriate to have it as a strict liability offence. Measures to further reduce or remove inadvertent noncompliance are difficult for this offence. This amendment removes strict liability.

Amendment agreed to.

Clause 138, as amended, agreed to.

Clause 139 agreed to.

Clause 140.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.35): I move amendment No 6 circulated in my name *[see schedule 2 at page 4275]*. As with previous government amendment No 5, this amendment relates to the offence of taking a native plant which is a protected native species and removes the strict liability component of the offence.

Amendment agreed to.

Clause 140, as amended, agreed to.

Clauses 141 to 143, by leave, taken together and agreed to.

Clause 144.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.36): I move amendment No 7 circulated in my name *[see schedule 2 at page 4275]*.

This provision relates to an offence for the taking of fallen native timber from unleased land. The amendment again removes strict liability provisions in the offence in response to the scrutiny of bills committee report.

Amendment agreed to.

Clause 144, as amended, agreed to.

Clauses 145 to 186, by leave, taken together and agreed to.

Clause 187.

MS LAWDER (Brindabella) (5.37): I move amendment No 7 circulated in my name *[see schedule 4 at page 4285]*. Again, this is an amendment, a new section 5, which encourages or requires public consultation to occur.

Amendment agreed to.

Clause 187, as amended, agreed to.

Clauses 188 to 227, by leave, taken together and agreed to.

Clause 228.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.39): I move amendment No 8 circulated in my name *[see schedule 2 at page 4275]*. This amendment relates to the offence of failing to comply with a repair damage direction. In response to the scrutiny of bills committee report, this amendment adds an additional defence, at clause 228(3), to this offence. The scrutiny of bills committee report advised that although the offence in clause 228(1) was similar to offences in clause 225(1) it did not include similar defences. This amendment corrects that omission.

Amendment agreed to.

Clause 228, as amended, agreed to.

Clauses 229 to 235, by leave, taken together and agreed to.

Clause 236.

MS LAWDER (Brindabella) (5.40): I move amendment No 8 circulated in my name *[see schedule 4 at page 4285]*. This amendment omits the penalty and it reflects the penalty quantum in the guide to framing offences.

Amendment agreed to.

Clause 236, as amended, agreed to.

Clauses 237 to 244, by leave, taken together and agreed to.

Clause 245.

MS LAWDER (Brindabella) (5.41): I move amendment 9 circulated in my name *[see schedule 4 at page 4285]*. Again, this amendment reflects the penalty quantum in the guide to framing offences.

Amendment agreed to.

Clause 245, as amended, agreed to.

Clauses 246 to 258, by leave, taken together and agreed to.

Clause 259.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.43): I move amendment No 9 circulated in my name *[see schedule 2 at page 4276]*. This amendment relates to the part 10.2 exceptions. The exceptions should have related to the part rather than to the sections. This was an error, as was noted in the scrutiny of bills committee report. This amendment corrects that error.

Amendment agreed to.

Clause 259, as amended, agreed to.

Clauses 260 to 312, by leave, taken together and agreed to.

Proposed new chapter 12A including proposed new clauses 312A to 312D.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.44): I move amendment No 10 circulated in my name which inserts a new chapter 12A including

new clauses 312A to 312D *[see schedule 2 at page 4276]*. These provisions are required as a consequence of the Planning and Development (Bilateral Agreement) Amendment Act 2014 having been adopted by this Assembly. The bilateral agreement amendment act provides a new part 8A to the Nature Conservation Act 1980. The provisions at clause 10 will transfer those provisions from chapter 8A to a new chapter 12A of the Nature Conservation Act 2014. The purpose of the new chapter was to clarify through notes the conservator's role in the Planning and Development Act 2007 as a result of the amendments.

The amendments state the requirements for the conservator's advice, including what should be included and what information should be considered. The conservator's advice must be based on relevant policy, plan or guideline documents that relate to protected matters or matters of national environmental significance. Conservator advice in this context is advisory in nature, not regulatory. This amendment aims to establish a statutory basis for that advisory role within the primary legislation that creates the position of the conservator.

Amendment agreed to.

Proposed new chapter 12A including proposed new clauses 312A to 312D agreed to.

Clause 313.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.45): I move amendment No 11 circulated in my name *[see schedule 2 at page 4278]*. Clause 313 responds to the scrutiny of bills committee's concerns about the strict liability offence at clause 314 which relates to an offence if someone does not provide a name and address. Conservation officers need to establish the identity of a person to be able to enforce the act.

However, to reduce or remove the chance of inadvertent non-compliance, this clause proposes to insert a requirement that the direction to provide a name and address needs to be provided in a way that a person is able to understand. This aims to address the scrutiny of bills committee's concerns about the strict liability offence at clause 314 while still allowing conservation officers to be able to seek names and addresses.

Amendment agreed to.

Clause 313, as amended, agreed to.

Clauses 314 to 325, by leave, taken together and agreed to.

Clause 326.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.47): I move amendment No 12 circulated in my name *[see schedule 2 at page 4278]*. This amendment relates to the offence of failing to comply with the conservator's

directions. This amendment removes strict liability from this offence, in response to the scrutiny of bills committee's report. Strict liability has been removed from this offence because the directions may include a direction to perform an action as well as to cease and desist performing an action.

Amendment agreed to.

Clause 326, as amended, agreed to.

Clause 327 agreed to.

Clause 328.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.48): I move amendment No 13 circulated in my name *[see schedule 2 at page 4278]*. This amendment relates to the offence of failing to comply with a treatment direction. This amendment removes strict liability from this offence, in response to the scrutiny of bills committee.

Amendment agreed to.

Clause 328, as amended, agreed to.

Clauses 329 to 364, by leave, taken together and agreed to.

Proposed new clause 364A.

MR RATTENBURY (Molonglo) (5.49): I move amendment No 9 circulated in my name *[see schedule 3 at page 4284]*. This provision requires the minister to review this legislation after 10 years, as it is important to ensure that our legislation is able to help the ACT face any challenges to nature conservation that may evolve beyond the capability of the act, for issues that do arise over time or where an issue has perhaps changed in nature. The current legislation needs updating to address that.

Amendment agreed to.

Proposed new clause 364A agreed to.

Clauses 365 to 400, by leave, taken together and agreed to.

Clause 401.

MR RATTENBURY (Molonglo) (5.51): I move amendment No 10 circulated in my name *[see schedule 3 at page 4284]*.

Amendment agreed to.

Clause 401, as amended, agreed to.

Clauses 402 to 415, by leave, taken together and agreed to.

Schedule 1 agreed to.

Schedule 2.

Amendments 2.1 to 2.7, by leave, taken together and agreed to.

Proposed schedule 2 new amendment 2.7A.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (5.52): I move amendment No 14 circulated in my name *[see schedule 2 at page 4278]*. This is a consequential amendment arising from the amendments included in the Emergency Amendment Bill 2014, which was presented to this place on 25 September 2014. This consequential amendment updates references to land management plans in that bill in line with the Nature Conservation Bill and consequential amendments to the Planning and Development Act.

Proposed schedule 2 new amendment 2.7A 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) (5.55), by leave: I move amendments Nos 15 to 24 circulated in my name together *[see schedule 2 at page 4278]*. These amendments are consequential on a range of matters that have been identified in the scrutiny of bills committee report and a range of other matters as outlined in the supplementary explanatory statement, which I now table formally for the information of members, and I commend the amendments to the Assembly.

Amendments agreed to.

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

Bill, as amended, agreed to.

Utilities (Technical Regulation) Bill 2014

Debate resumed from 5 June 2014, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR COE (Ginninderra) (5.56): The opposition will be supporting the Utilities (Technical Regulation) Bill 2014, with only one simple set of amendments, I believe. I understand the government will be moving amendments, and the opposition will be supporting these amendments. I will speak about the bill and the amendments together.

The bill applies to the provision of water, sewerage, electricity and gas. The community expects that these networks will be reliable and safe. Unreliable or contaminated utilities can cause significant harm to the community. It is for this reason that it is very important that these networks are well regulated and managed.

Under the current regulations, technical regulation is included in the Utilities Act 2000. This bill will make a separate piece of legislation to license and regulate larger utilities in the Utilities (Technical Regulation) Act.

Traditional utility networks involved a provider and customers. Changes in the way utilities are generated and distributed mean that networks are now much more complicated, with traditional customers involved in the generation of electricity too. This means that the legislation governing the networks must be expanded to cope with the more complex set-up.

The bill expands the definition of a regulated utility from the Utilities Act to include electricity generation, electricity transmission and district energy services.

The bill also regulates the ACT's dams and includes updates to dam safety requirements. This ensures that the ACT requirements are consistent with other jurisdictions around Australia.

The bill also creates the position of a technical regulator, a statutory office holder whose job is to administer this act. The director-general of the directorate will hold the position of the technical regulator. The technical regulator will have the power to appoint technical inspectors as well as exercise auditing and investigation functions. The regulator and inspectors will be able to use formal warning notices and directions, conditions on licences and conditions on and revocation of certificates as tools to enforce the necessary standards.

Much of the regulatory power for utilities is held by the national regulator. This power was transferred to the commonwealth agencies—the Australian Energy Regulator and the Australian Energy Market Commission—by the states and territories back in 2012. The transfer of power led to changes in ACT energy legislation. However, the technical regulation of the network remains the responsibility of states and territories.

Keeping this brief, in conclusion, the opposition are pleased to support this legislation, which more accurately reflects the changing nature of energy networks in the ACT.

MR RATTENBURY (Molonglo) (5.59): The Greens will be supporting this bill today. The Utilities (Technical Regulation) Bill 2014 essentially establishes a stand-alone piece of legislation for the functions of technical regulator and extends the role of the technical regulator to include the regulation of a range of utilities services.

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR RATTENBURY: In times gone by, people got their electricity and other services in a one-way system—from the large-scale producers such as coal-fired power stations or gas-fired power stations to the consumer. As we have come face to face with the challenges of climate change, most people have looked for more sustainable ways of producing energy and managing water. It has become obvious that the one-way system does not serve all our needs in terms of utilities and distribution.

Specifically, with regard to energy, this bill comes from recognition that in the ACT we are moving into a space where we have a range of different sizes and types of generators feeding electricity into our grid. It is no longer appropriate to assume that our electricity grid is a one-way system. We have seen in recent times the advent of some significant-sized generators feeding electricity into our grid—the 20-megawatt solar farm at Royalla and the Zhenfa solar farm at Mugga Lane being two high profile examples.

It is no longer safe to assume that energy and water are managed and consumed at a single site. We are seeing more and more opportunities for district energy systems and water services as people seek to manage their resources in a sustainable way. Local generation, through perhaps solar systems or trigeneration systems, can form the basis of district energy services, and local areas or developments with multiple residences can work together to reduce and manage local water or use hot or cold water for heating and cooling.

The function of the technical regulator comes from a place of ensuring reliability of supply for consumers, safety for the public and for those working on utilities, and the long-term serviceability of regulated networks. Reliability of supply has traditionally been at the core of preserving the status quo around utility regulation. Advocates in support of big generators often make mention of the concerns of smaller generators not being capable of delivering secure electricity supply. But we cannot continue into the new era of energy management if we take that approach. We need to consider the positive role that smaller and medium-scale generators can play as we start to operate within a more distributed energy system.

I hope that the intention of the government as outlined in the tabling speech and in the explanatory statement ends up facilitating that improved regulation and support of smaller and medium generators by offering a more flexible regulatory approach that is tailored to addressing the needs of a range of different generators. However, the regulatory system also needs to ensure that these smaller players operate in a safe way that does not put the public at risk, so we need to ensure that they are captured by the regulatory framework.

Medium-scale generators who have come to the ACT in recent times have had some obstacles as they have engaged in discussion with the distributor about how, where and at what cost they can connect to the grid in order to feed in electricity. It became clear that the technical regulator needed to take a more active role in facilitating and managing these processes, as it was not necessarily appropriate for the distributor to be making these decisions based on their interpretation of the rules or, for that matter, to necessarily determine the cost or locations of connection. This bill seeks to put the

regulation of medium-scale generators—those above 30 kilowatts but below 30 megawatts—in the hands of the technical regulator.

With regard to energy, two levels of regulation will exist under the bill: licences for those utilities over 30 megawatts and operating certificates for those utilities under 30 megawatts—small to medium-scale generators. The intent is that the operating certificate approach will be tailored to the nature and scale of the generators, a bespoke licensing system that acknowledges that medium-scale generators can function very differently depending on the technology and other aspects. I note that in the original bill this threshold was above five megawatts, but the amendments circulated by the minister indicate that the threshold has been raised to 30 megawatts. Given that 30 megawatts is also the trigger for engagement by the national regulator, this seems appropriate and far more flexible for medium generators. Officials from the directorate also indicated that, at this size of generation capacity, any failure of generation or supply is not likely to pose a potential risk to the stability of the network or supply.

Let me give an example of how the role of the regulator could make things easier for medium-scale generators. In the past, sometimes the distributor would ask for a network study, which could cost generators a significant amount of money. That network study is designed to ascertain whether the energy into the grid might cause a stability problem. While the distributor has a legal right to ask for this, in the eyes of the generators, it was often not required, and the cost of it could be an unnecessary burden on small to medium generators. The technical regulator can now play an active role in these decisions and perhaps provide a more objective assessment of what is required to ensure grid stability.

This bill also updates provisions for dam safety, to be consistent with other states and territories, and addresses safety management for dams.

This is a very technical bill. Given the stage of the day, I will not go into details. However, I will run over the nature of some of the provisions.

The bill establishes the capacity to make technical codes and then a range of enforcement mechanisms and offences. It also has provisions determining notifiable incidents with regard to dangerous incidents such as gas leaks, explosions, electric shocks or collapse of infrastructure. A number of provisions deal with the protection of regulated networks and offences around interference of networks and, with regard to water, prohibited substances and unauthorised abstraction. It outlines the mechanism for operating certificates, how they apply and are revoked et cetera. There are other points that I will not go into, given the hour.

I will speak briefly to the amendments.

While this bill is technical in nature, my office consulted with both the renewable energy sector and the ICRC to determine whether they had any substantive concerns. I am pleased to say that, in preparing amendments for today's debate, both of those stakeholder groups reported that their major concerns had been addressed.

One set of provisions to note that has changed since the original bill was tabled is the role of the technical regulator in imposing conditions on licences for utilities and also in setting the cost of the technical regulation for the utility. This is a function that has occurred to date through the ICRC; I note that the minister circulated amendments retaining the current situation. It leaves the technical regulator with the role of recommending changes to the licence after consultation with the utility and making that recommendation to the ICRC. It is then within the purview of the ICRC to change the terms of the licence through the processes outlined in the utilities bill.

In summary, the Greens are pleased to be able to support the passing of this bill, and we look forward to seeing it assist with innovative energy and water management in the territory.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (6.07), in reply: I thank members for their support of this bill. I will be brief. I will simply acknowledge the work of the Environment and Planning Directorate, officials of my directorate, who have worked closely with the renewable energy generators, the ICRC and other utilities in the territory to reach an agreed position in relation to this legislation. For the information of members, I table a revised explanatory statement to the bill.

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) (6.08): pursuant to standing order 182A(b), I seek leave to move together amendments to this bill that are minor and technical in nature.

Leave granted.

MR CORBELL: I move amendments Nos 1 to 22 circulated in my name together *[see schedule 5 at page 4286]*. I table a supplementary explanatory statement.

MR COE (Ginninderra) (6.09): Inspired by Minister Corbell's brevity, I would like to say that the opposition supports the amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

Mr Ray Blundell—retirement
Statement by Speaker

MADAM SPEAKER: I would like to make a statement in relation to the retirement of Mr Ray Blundell. Mr Blundell—Ray—has had a long and distinguished service in the Assembly and will soon be retiring as our technical officer. On behalf of the Assembly, I want to acknowledge and express our gratitude to Ray for his service. After 20 years of dedicated service to this place, Ray has decided to hang up his soldering iron and patch cables and pick up his fishing rod and esky.

Like the golden columns that surround this building, Ray is something of a fixture of the Assembly, a pervasive presence—although there is no mood for heritage listing of Ray currently. Ray has played a key part in ensuring that this place runs smoothly. He is a man of many talents and truly a jack-of-all-trades—in fact, a master of many as well. Whether it is a problem with TV reception, adjusting the microphones in committee hearings, repairing a radio circuit board or providing ever so delicate advice and voice coaching to members to be sure that their voice can be heard in the Hansard recording, Ray has always been there. In fact, even when he is on leave pursuing his great passion—fishing—he has been known to give instructions to his Hansard colleagues down the phone from some remote outback location. I have been told that it is never too far from a local watering hole of some kind or another—"water hole" or "watering hole"; I am not quite sure what my advice was on that.

Ray has seen the Assembly through a period of major technical change in the last 20 years. When he arrived here, the work of the Hansard area was done when all the proceedings were recorded on analogue magnetic tape. That was in a previous millennium. Of course, he now has a range of digital systems at his disposal, and if he cared to hang around a bit longer, he would have even better ones, thanks to the recent appropriation. Ray has been here throughout, adapting to these changes with the grace of a quiet achiever who is the master of his domain.

On a sitting day you will find Ray back there in the Hansard booth—and I hope he is there at the moment—cool as a cucumber—although he is probably not at the moment—operating the microphones, switching the cameras to show members on their feet, mixing the audio feed, checking the webstream, troubleshooting the reticulation issues and keeping a close eye on transcription recordings. And he does all this all the while holding forth with considerable vigour on the issue of the day.

My concern about Ray is that the succession planning for Ray probably means that we will need to have many more people doing the job that Ray has done. I am not entirely sure that we have managed the complete brain transplant that is necessary before Ray leaves.

During his tenure in this place, Ray has seen the coming and going of five Speakers—of course, I am the best—two Clerks, five managers of the Hansard area and countless members—of which I am the best. He has a reputation as an amateur psephologist, and I understand that he has a better record of accuracy in predicting election results than some of the professionals out there—which would not be hard sometimes.

Can I just say this on behalf of the Assembly: Ray, we will miss you. On behalf of all in this place, all its members and all the staff of the Office of the Legislative Assembly, I extend thanks to Ray Blundell for his services. We wish him well and all the best in his retirement. I understand that there is a morning tea coming up; Ray has been metaphorically put in a full nelson and will be frogmarched to a morning tea. I hope that members will join there to more informally wish Ray well—a long-serving member of this Assembly. I wish you well.

Valedictory

MADAM SPEAKER: Before I call the minister, I will kick off the festive greetings, although I have been accused of being a grinch. I tend to be a little uncomfortable about festive greetings and putting up Christmas decorations before the first Sunday of Advent, which is next week, because, remember, Christmas lasts well into January and we do not want to have Christmas fatigue too early.

Christmas is a fantastic season for getting together, giving thanks for the year and joining with families. I wish all members of this place well, and their friends and families, and all the staff. I thank the staff in particular for their professionalism. I thank members, who, for the most part, have been compliant. Perhaps Mr Hanson is not quite so compliant; I have to do the mother stare a fair bit. Perhaps he will get better. Perhaps he will get a Christmas present of more compliance.

Mr Coe: On a point of order, Madam Speaker, is that a reflection on Mr Hanson's character?

MADAM SPEAKER: No, it is not a reflection on Mr Hanson's character; it is a reflection on my need to give him the mother stare.

To all members, I thank you for your cooperation and your professionalism. I hope that you take the opportunity that comes from this extended period to take leave, to regroup, re-energise and have a great time. I hope that we will be back regrouped and re-energised in 2015.

Adjournment

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

> That the Assembly do now adjourn.

Valedictory

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Higher Education and Minister for Regional Development) (6.15): I will make a few comments at this final full sitting of the Assembly to pass on my thanks to the Assembly staff, and in particular to Ray. I was a little worried when I heard about Ray Blundell's retirement. With his soldering iron, the spare parts that he has been fixing in this place over the last few years and his compendium of technical skills for repair

work, I hope that everything is in good order for the replacement. If not, I fear that the high quality debate that exists in this chamber and in committees might not be heard. That would be a terrible thing. It has it upsides, I am sure. Certainly, Ray, it will not be the same without you. I wish you all the best in your retirement. I know you deserve it and there will be lots of fishing to be done.

In terms of my own colleagues here on this side, thank you very much for your support. I had a meeting this year with somebody who was putting an idea to me. I said, "There is no 'I' in 'team'." He said, "No, but there is three in individual brilliance." But in terms of the—

Members interjecting—

MS GALLAGHER: It was not about me. It is a team effort in this place. I think we all recognise that. I could not do my job without the support that I have from my colleagues on this side of the chamber. They are an incredible bunch. They are talented, very committed and dedicated to the job they do. I thank them very much for it.

I also think it is probably time that we reflected on how lucky we are to live in a city like Canberra: 2014 has been a very difficult year for many communities around the world. I think that when we see some of the news footage and hear some of the stories we should reflect on how lucky we are to live in a place like this, with a robust democracy like this.

Mr Hanson: Such a good opposition.

MS GALLAGHER: I am not sure I would rank—you would not come in my top one. But we are living in the world's most liveable city. I think we can probably all agree on that. At times like this I think it is incumbent upon us to reflect on that and think about how we can do things for others who perhaps are not as lucky as us.

I am going to keep it short. I thank everybody and I do wish everybody a fine festive season with their family and friends. Take time to rejuvenate. I am sure Mr Coe will be reading the capital metro business case on Christmas Eve with a candle burning. But we look forward to coming back and continuing the debate in this chamber in 2015.

Valedictory

MR HANSON (Molonglo—Leader of the Opposition) (6.19): Madam Deputy Speaker—

Mr Smyth: And the motion is.

MR HANSON: It appears that you have knocked off already. You are right into the festive spirit.

MADAM DEPUTY SPEAKER: No, I have not nodded off.

MR HANSON: If you are writing your speech, it will be nice, I know.

MADAM DEPUTY SPEAKER: I know I do from time to time, Mr Hanson.

MR HANSON: I do not want to cop it from Madam Deputy Speaker, as I did from Madam Speaker.

MADAM DEPUTY SPEAKER: Please continue, Mr Hanson.

MR HANSON: Thank you, Madam Deputy Speaker. It has been a good year. I think that we have had the normal cut and thrust of debate in this place, light rail amongst it. But I would reflect that we have had opportunities in this place where we have actually achieved some things together. I would not quite say that we have extended the hand of friendship, but certainly we have extended civility across the chamber. I think that on issues such as Mr Fluffy which are important to this community the fact is that this Assembly have by and large worked together. It is important and I think that has reflected well.

Ms Gallagher: May it continue.

MR HANSON: Whether it will continue, we will see what Mr Smyth comes up with in his committee, I suppose. We have also worked together, I think, on important issues like the size of the Assembly and electoral reform. It is good to see that, when there is an important interest for the community, we can work together.

I would like to thank my team particularly for the great work that they have been doing. I think it is reflective of the teamwork that we put in here and the calibre of the individuals. I think we have worked out that there are four "Is" in "individual brilliance," not three. So again—

Members interjecting—

Mr Coe: Five, I think.

MR HANSON: Five, is it? Again, we see errors from the government. They cannot get anything right. Again, they have to be corrected by the opposition.

I thank my team, and particularly the staff, a number of whom have come down to listen to this great speech of mine. I particularly thank Ian Hagan, who I know loves his name being read into *Hansard*; Neil Hermes; the jack-of-all-trades, Joe Prevedello; the booming media adviser, Jodie Bingley, who is doing the digital work for us; Chris Inglis, who is doing all my constituent work; Jess; and also Tim John, who has been doing some volunteer work in my office. Thanks very much.

To your Labor team, I particularly thank Kate Lundy for giving us an early gift for Christmas. We can watch the Labor Party now start eating their young as they compete for the Senate spot. We can sit back and enjoy the spectacle. We do remember some of the jibes they sent our way and we look forward to returning them with interest.

I take this opportunity to again remember Kurt Steel. It was a very sad day for all of us when he passed.

To the Greens—I believe that some of them still celebrate Christmas—we wish you all the best as well.

To the Assembly staff, and particularly Ray as he departs this place, thank you very much again. I thank Tom and all his staff for the great support that you have provided and, of course, I thank everybody out there in the ACT public service for doing such a great job, as they do.

Valedictory

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) (6.22): I rise this afternoon to look back and reflect on what has been a really busy and personally enjoyable 12 months for me. As all of you would be aware, this is the first time I am delivering this speech as a minister. I would like to take the opportunity to thank all of those who have assisted in my transition to the second floor, particularly those in the initial weeks of briefings, meetings, planning sessions and the non-stop flow of briefs across my portfolios.

To my caucus colleagues, who I feel incredibly proud of, thank you for your strong support over this last year in particular. It is a fantastic team.

I want to thank my senior executives—Dorte Ekelund, Natalie Howson, David Nicol, Michael Young, Mark McCabe, Sue Chapman and Ben Ponton. I understand how stretching this time would have been, with a new minister, and I thank them for their strong support, guidance and professionalism.

I would also like to thank the ACT public servants that have helped out, especially for their dedication and commitment to serving the people of this city so well across my portfolio areas. I would like to especially thank the DLOs and public servants who assisted me through the transition—Vic Smorhun, Tania Carter, Alex Magee, Justin McEvoy, Georgia Harvey, Ashley King, Brad Burch and Kate Boljkovac.

I will take a moment to thank my office staff, who continue to work tirelessly to ensure that my speeches, briefs, letters and other things get done. To my chief of staff, Adina Cirson, to my advisers, Neil Finch and Jason Clarke, to my media adviser, Ellie Yates, and to office manager, Natasha Apostoloski, thank you for all your hard work, the can-do attitude that you bring and the sense of fun that you bring to the office. It is actually a pleasure to come into work every day.

To the Assembly staff and attendants, thank you very much for your help this year. To Ray, tight lines, and don't go, Ray, until you have fixed that clock. I noticed that, for the first time, the clock is on a bit of an angle, so don't head off yet!

With 2015 shaping up to be an even bigger year than 2014, I wish everybody on both sides of the chamber all the very best for the festive season and I look forward to working with you next year.

Women—prostitution and human trafficking
Valedictory

MRS JONES (Molonglo) (6.25): I look forward to making a couple of comments about Christmas, if I get time, and if I read my adjournment speech fast enough.

Today I would like to describe conclusions drawn from my study trip to Sweden and South Korea in April this year, which was to investigate the implementation of laws and exit programs to minimise the harms to women and to ensure they are free to exercise their choice over their lives, aspirations and circumstances.

Women working in prostitution are subject to violence as a standard part of their job. One woman who survived 10 years in the sex industry told me that about 25 per cent of those who paid her for sex were extremely violent and, in her own words, "They wanted to make me bleed." Other women have told me clients would pay for one type of sex and then decide halfway through that they would take another by force, which is actually rape. This is a norm in prostitution.

A brothel owner in Canberra told me: "It's tough work; most girls come to work for a few weeks, and then disappear for a few weeks. You never know when they will come." I thought to myself, "This is a sure sign of post-traumatic stress disorder." She also described them as having "a screw loose", which is rather concerning coming from someone making their money from women using themselves in this way.

I visited two countries as part of my trip—Sweden and South Korea. In Sweden all government agencies work strongly in concert to prevent violence against women. We met with the Swedish Institute, the ministry of education, the national police board, the public prosecution office, the chancellor of justice, social services, the justice committee, the ambassador-at-large, the ministry of foreign affairs, the county board, and the national coordinator against prostitution.

The Swedish women's movement are a formidable, strong and powerful organisation that are focused on true equality for women. They are not afraid, nor too posh, to look honestly at the sex industry, what is involved for women and how often women suffer from PTSD from the acts they are required to perform.

We also met with various key women in the Swedish women's movement. They were willing to state that sex is not a human right, that if it is allowed to be demanded then it degrades women's ability to say no and it means someone is forced to provide it. In Sweden there is a great deal of support for exit programs and they are very well funded by the government. They have a strong relationship with municipal services. They provide individualised care planning based on trauma recovery. They make medical and psychological care available, as well as education options for survivors to

train in work areas of their choice. The average recovery time, I was struck to realise, is two to four years.

South Korea is not as advanced a nation in women's affairs as Sweden. However, it has introduced part of the Swedish model of legislation. The women's movement of South Korea really rose up and protested after 20 prostitutes died in brothel fires in the brothel districts. They pushed for legislative change.

In South Korea we met with the Minister of Gender Equality and Family, as well as a range of exit and support programs. There is quite a network of government funded exit programs for prostitutes and trafficked women across the country. Concerns were expressed to our delegation by government officials that South Korean women are being lured to Australia on working holiday visas and then work in legal brothels, yet are still trafficked as power is asserted over them to keep them under control. Passports are taken, debt bondage is asserted and there is no access to language learning et cetera. I commend the work of the women's movement in South Korea for forcing a male-dominated culture to take some action, and they have done so with courage.

Key lessons from this study trip are that it has been predominantly women who have fought for the change to legislation to protect women from the very nature of the sex industry. These women sit across the political divide. Support and exit programs for women wanting to leave prostitution are essential in supporting genuine choice, and the time frame for recovery is between two and four years.

The women's movement's courage in stating that sex is not a human right was profound. The part-time purchase of a woman's genitalia is no different from the part-time purchase of that woman, they believe, and as such leaves some people in our society able to be bought and used as people see fit. The nature of the recovery process is similar to that of domestic violence recovery programs because the nature of sexual work means that women are being raped, cut and bruised on a regular basis, and, as a common outcome, experience PTSD.

I was inspired by the study trip to work towards exit programs in our own city and in our nation so that one day we will be able to put our hands on our hearts and say that no woman is working in prostitution against her free choice or preference and that there is a genuine way out.

In my 20 seconds of Christmas remarks, I would like to say that we are in the era of Liberal babies in 2014 and 2015. Mr Wall commented that if we are going from youngest to eldest, with he and Mr Coe having produced babies this year, and me going in for one next year, Mr Hanson would be the next off the line.

In my office I would like to thank Danielle, a giant of small stature who keeps everything running and keeps me to task and is also great with advice. I would like to thank Peter Hosking, who I call the strong and fit, who keeps my letterboxing going and keeps my correspondence with constituents strong; and Marianne, the master of the detail. I am so grateful to the three of you; I would not be able to do it without you. I thank Joe and all in the leader's office, and the other staff up and down the corridor

who keep us buoyed up. Thank you, Alistair, Jeremy, Vicki, Nicole, Steve, Brendan and Andrew, and those across the chamber who are also very kind from time to time. Thank you very much.

Valedictory

MR RATTENBURY (Molonglo) (6.31): It has been an interesting two years since the last ACT election, straddling the crossbench and the frontbench of the government in this, the Eighth Assembly. In my endeavours over the past year there have been many who have worked very hard to support both my ministerial and my crossbench work, and I would like to take this opportunity to thank them.

Firstly, the staff of the directorates: thank you for all the work you have done working for the people of this city over the past 12 months. I am proud of what we have achieved. Your efforts are appreciated, not just in this place but right across the city. The feedback that we get from members of the public on all sorts of things, whether it is a large fix or a small problem resolved—right across the public service—is that that hard work is really appreciated by our community.

To the three directors-general that I work with—Natalie Howson, David Dawes and Gary Byles—thank you for juggling all of your responsibilities and multiple ministers' meetings, particularly since the administrative changes.

I would also like to make special mention of the hardworking directorate liaison officers representing my directorates over the year—Anneliese, Chris, Ian, Karen, Kate, Megan, Erin and the ever-patient Sarah. I know you all do an extraordinary job keeping my staff in check. To the other senior staff with whom I meet regularly and who offer their counsel to me, I thank you as well.

I would also of course like to take the annual opportunity to thank the Clerk, Tom Duncan, and the staff of the Assembly. Having fulfilled the role of Speaker last term, I am well aware of how hard they work and what a job it is to keep this place running. I know they will have their work cut out over the coming 12 months planning for the increase in the size of the Assembly. I wish them well in that task as they seek to deal with the various preferences that no doubt some members will put forward during that planning process.

The Greens are a vibrant political force in the community, and I take very seriously the role of representing the party in this place. Advancing the cause of sustainability, social justice and grassroots democracy is something that I am privileged to do in my day-to-day life. While sometimes the work here can seem far removed from those causes, I and the Greens try to put each and every issue through that lens to get the best outcomes for our community. Thanks to everyone in the ACT Greens for their work this year. The party are strong and full of energy and I look forward to continuing to work with them in 2015.

Finally, to the team who have worked in my office this year—Jarrah, Ali, Helen, Indra, Larry, Logan, Matt, Laura, Michael, Rob and Sophie—I cannot thank you enough for your energy and your enthusiasm. You are professional, focused,

dedicated to advancing Greens' policies and ideas and, above all, are just a fun bunch to work with. I enjoy working with all of them and I appreciate the efforts that they have put in this year; my thanks very sincerely to each of them. I wish them all a restful break because they are going to be very busy in 2015.

I am certainly looking forward to 2015 and what it will bring. No doubt it will be an entertaining year. I have certainly got plenty of energy for the year. I have a few bets that I am already starting to run in my office. The ALP preselection will be no doubt an interesting one. With 13 sitting weeks next year we are running a tab on whether Mr Coe can actually run 13 light rail motions in those 13 sitting weeks. I suspect—

Mr Coe interjecting—

MR RATTENBURY: I am quite confident he can and I feel sorry for him already.

Finally, I would like to wish all those in this place a safe holiday season. I hope you get to spend some time with your family and do the things that you like to do in your spare time and really enjoy your summer break. Merry Christmas, everybody.

Valedictory

MS LAWDER (Brindabella) (6.25): Today during my adjournment speech I am going to refer to a number of Christmas carols by alternative titles. So try to keep up and listen, aerial spirits harmonising.

Over the past year I have welcomed two new granddaughters, had a car accident, been overseas three times, none of which were to a miniscule hamlet in the Far East, and learnt more about the Assembly and the members here, some of whom I would probably be better off not knowing, as not everyone shares my exuberance directed to the planet or is as jolly as Frosty, the man of crystallised frozen vapour.

As the dozen 24-hour yule periods approach, I would like to say thank you to all those who deserve thanks. To those who do not deserve my thanks, you probably know who you are and thanks for nothing. I hope you get scarred for life seeing your material parent osculating a fat bearded man in a red suit.

While I am not going to mention people by name, mostly for fear of leaving someone out, it would be remiss of me not to especially mention my gratitude to my former adviser, Angela McGuinness, who has recently left to take up a position in the big house on the hill. I might never speak to Senator Seselja again for poaching my staff, but thank you to Angela. I hope you feel about your new job akin to perambulating through a cold season solstice fantasy.

To my other staff, my colleagues, staff of the Assembly, members of my branch and indeed my friends and supporters throughout the electorate, and mostly to my family, a big thank you as the Christmas season approaches. We will all be adorning the vestibule and indulging in sleep time fantasies of a colourless December 25th. We will sing about the quadruped with crimson proboscis and follow up with a rendition of 6 pm to 6 am without noise, which should be especially relevant to Mr Corbell.

While I am past the point in my life where all I merely desire is a pair of incisors for Christmas, I do wish you all a hallowed post-meridian and a safe quick trip through the frozen water flakes if you are travelling to colder climes. I hope for you all a jolly yuletide and all the very best for 2015.

Valedictory

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) (6.37): I will be very brief. I want to wish everyone in this place well and I hope all have a very safe and happy holiday. The years often throw up challenges for different individuals and families. I hope that 2015 for many families that have faced challenges is better than 2014 and say to others just to enjoy those that are close to them.

I want to thank the public service across Education and Training, Teacher Quality Institute, CIT, the BSSS, Community Services Directorate, Arts, Gambling and Racing Commission, the Cultural Facilities Corporation. I know that now I have started to name them I have probably missed one or two, and I do apologise for that. To the team that have supported me in my office over this year—and please forgive me because this is code and a bit of a personal challenge—the message is: well job and enjoy the gurgling over the holidays.

Valedictory

MR COE (Ginninderra) (6.38): I too want to join the chorus of people thanking their staff who do so much for us all to make our quality of life better but who also contribute to democracy and the wellbeing of all Canberrans. I would like to particularly thank Ruth, Ben and Danielle in my office, also the staff right down the opposition corridor, in particular Ian and Joe with whom I deal on a regular basis.

I would also like to thank my colleagues. It has been a real pleasure this year. I think life in opposition is tough, life in opposition is a real slog, but I think we are doing a good job and, what is more, we are enjoying it along the way as well.

I would of course like to thank my family, in particular my wife Yasmin and my six-month-old Angus. They have both have been just wonderful this year and have really brought a tremendous amount of joy to my life.

To the Assembly staff, of course to Ray, thank you very much for all the work that you have done in this building and the many things that you have helped out with in my office. I need to give particular thanks to the Hansard staff who are somewhat used to me standing up at about this time of the day and perhaps speaking at a slightly faster rate than I am now. They do a great job, and I know from the feedback that I get from my speeches that being in the Hansard staff of this place is really valued. I do thank the work of Hansard.

I would also like to thank the work of the library as well. They do a superb job. Because we do not see them every day it can be easy to forget the very important contribution they make to this place.

On a sad note, I would like to note the passing of Phil Hughes today. It really was a tragic event and I feel sorry for his friends and family, but I also feel very sorry for the bowler, Sean Abbott, and the very traumatic thoughts that must be going through his head right now. It really was a freakish event, and I think anybody who has some understanding or some knowledge of cricket will know the role of the bouncer in cricket and how many millions have been bowled over the course of the last 150 years and just how freakish this week's event was. I really do feel sorry, of course, for Phil Hughes's family but also for Sean Abbott and his family as they go through this very trying period. I really hope that all cricket administrators and everybody involved in the game have real wisdom at this time in dealing with a very complex issue.

With that said, merry Christmas to everyone, and I look forward to seeing everyone, of course, next week but again in February.

Valedictory

DR BOURKE (Ginninderra) (6.42): 2014 has been an important year for Canberra, taking stock of and facing up to the challenges after the high of the centennial year and the low of the election of a federal government with an anti-Canberra bent. Canberrans' appreciation of this city and the community we have built continues to increase even after the centennial celebrations. We can now proudly point to others recognising this unique city. The Organisation for Economic Cooperation and Development's original wellbeing report ranked Canberra No 1 above all other regions in the world's most affluent countries. Canberra was judged Australia's most livable city in the Property Council's 2014 survey. Earlier in the year, the *New York Times* profiled Canberra as a "funky hipster city", and the recent ABC drama *The Code* used Canberra as a beautiful backdrop to a gritty story of power and politics.

We face challenges such as the federal government's attitude to the city. However, I am proud that we are facing up to those challenges, including addressing once and for all the loose-fill asbestos legacy. For many of the affected home owners, this will be a difficult Christmas, while some will feel liberated by now having got out from houses that threaten their health. This time last year we had recently launched the CBR logo. We spoke of Canberrans being confident, bold and ready. We have embraced that description and we are living it.

I have enjoyed the year, working for my constituents in Belconnen and west Gungahlin and meeting people at street stalls, events and in the normal course of being out and about in the electorate. Many have taken the time to write to me and meet with me about their issues or concerns. Their observations and insights keep us grounded and keep us working to make Canberra the best it can be for all of them. It is a privilege to play a part in improving the lives of the residents in my electorate of Ginninderra and Canberra generally.

I am also a proud member of Canberra's Aboriginal and Torres Strait Islander community. I especially appreciated the contributions of Aboriginal and Torres Strait Islander members of the ACT public service who took part in the Assembly inquiry I chaired into the ACT public service Indigenous employment strategy. I thank my fellow committee members for their work on that inquiry as well. Their commitment to achieving a useful outcome with meaningful recommendations showed our committee system working at its best. I look forward to the opportunity to review the ACT public service's progress on our recommendations.

I am grateful for the professional support my office has received over the year from the Clerk and chamber support, the committee office and the secretaries of committees, the Speaker's office, the Office of the Legislative Assembly, Hansard, Technology and Library staff, the helpful and diligent attendants and facilities staff and the education office for encouraging the public to the Assembly, and thank you to all involved in our magnificent display of artworks.

I thank my Labor colleagues for their support, friendship and good humour, and our colleague Shane Rattenbury and all of the executive staff who have assisted with my representations. I also thank our sparring partners across the chamber for keeping us on our toes, providing occasional amusement.

I thank my wife for her encouragement, her help and her forbearance. I thank my staff and my volunteers for their hard work as well.

Valedictory

MR DOSZPOT (Molonglo) (6.45): Once again we have reached the end of an eventful year, a year that has seen some major events globally and locally. On the international front, I would like to remember the 298 people, including 38 Australians, who lost their lives in the tragic Malaysian Airlines flight MH17 that was shot down over Ukraine near the Russian border. I pay tribute to Prime Minister Abbott for having the courage to confront the Russian president on this tragic event.

On the local front I would like to remember Kurt Steel, a young Canberra man who was taken far too early in life from his loving family.

There are many people I want to thank for their support during 2014, starting with my own staff: senior adviser, Sue White, who has been, as usual, a most valuable contributor to my office as well as to the staff members on our side of the Assembly who occasionally need supportive advice or a shoulder—Sue, a sincere thank you for your valuable ongoing contribution; Paula Nash, who has done such a great job with the ever-increasing constituent issues that our office handles; and newcomer to our office, Harry Hughes, who has made a good contribution in a very short time.

To all my Liberal colleagues—Jeremy, Vicki, Alistair, Brendan, Andrew, Giulia and Nicole—thank you for your continued friendship and support during the year, especially for your great support at our annual charity fundraiser, which this year was for the Cerebral Palsy Alliance.

I thank colleagues' staff members—Ian Hagan, Neil, Joe, Jodie, Jess, Chris, Merlin, Emma, Kate, Katie, Harry, Clinton, Maria, Keith, Ben, Ruth, Danielle, Angela, Erin, Danielle, Peter and Marianne.

As chair of the Standing Committee on Justice and Community Safety and the JACS scrutiny committee, and deputy chair of the education committee, I thank all colleague MLA members on these committees for their contribution, as well as the secretary of JACS, Dr Brian Lloyd, and the secretariat of the JACS scrutiny committee—Mr Max Kiermaier, secretary; Anne Shannon, assistant secretary, who is ever smiling and always so enthusiastic about scrutiny of bills business; Mr Peter Bayne, legal adviser of bills; Mr Stephen Argument, legal adviser, subordinate legislation—and also Andrew Snedden, secretary of the education committee.

Thanks also to the chamber staff: Clerk Tom Duncan and deputy Max Kiermaier, Janice Rafferty, who always makes sure we MLAs know what to say and when to say it—we have a long-standing joke in our office that you can set your watch by Janice on sitting days; her timing is always spot-on with delivery of papers—Celeste Italiano, and Joanne Cullen, who seems to pop up in a variety of roles. I thank the attendants—Rod Campbell, Michael, Paul, Panduka, Brian, Dennis, David, Oscar, Andy and Sonia—and best wishes to Peter Edwards as he recuperates from surgery.

My thanks go to those in Hansard under the direction of Val Barrett—Gael Hardgrave, Roger Malot and all the editors who always try to make sense of much nonsense in this place—to those in IT under Val Szychowska—Ben Sledge and John Norton; to the library team, led by Jan Bordoni; to Ian Duckworth and his team—Emma, Chris, Rachel—and to David, Joanne and Neal Baudinette, who prods and urges us all to take more interest in art and the very important education programs he conducts for ACT schools.

My thanks also go to Rick Hart, who manages to find another desk, another lead or another light bulb at a minute's notice. And last but not least, to Ray Blundell, who earlier this year received his 20 years service award and is now pulling up stumps and will be enjoying a no doubt well-earned retirement with plenty of fishing.

To all our parliamentary colleagues in government and on the crossbench, I wish you all a very happy and safe Christmas and a fulfilling time spent with your families. I have enjoyed working with all of you and look forward to a very interesting year ahead for all of us in 2015.

Finally, to my family—Maureen, Adam, Amy, Nettie, Ed, Isabella, Noah, Kasia, Andrew and Harry—thank you for your unconditional support, love and understanding.

Valedictory

MS BERRY (Ginninderra) (6.49): I would like to say to all of the people who enjoy living in my electorate of Ginninderra and to all across Canberra that it has been a privilege to meet with you and work together to make our community even better. I

look forward to working with you over the next couple of years to achieve even more.

To Lisa in my office, thanks for sticking with me and for providing counsel on the education of my children. I do appreciate your kind support and your knowledge in this area. To Scott, welcome back to the Assembly and, importantly, to my office. We never knew there was a freezer in our fridge, but thanks for bringing the order that you have brought with you.

To my union comrades, thank you for your continued support. I will always continue to fight for and support organised labour in this town and across the country. To Matt, thank you so much for working with me, and congratulations on your new appointment. You will make an awesome ACT Labor branch secretary.

To all my Labor colleagues and the Greens and their staff, thank you, I have enjoyed working with you all and look forward to the next two years and continuing to ensure that our city remains the most livable city for everyone—and we will strive for the most livable city in the universe.

I also want to thank my friends, my family, my dog, Cassie Cupcake, and my "single ladies" chickens, Orange, Wendy and Rosy. Thank you all for being my mates and for all your honesty.

To the people who work in this building, to all of the committee secretaries, all of the support staff, the attendants and, most importantly, the cleaners—all of you have helped me out in some way and I appreciate everything you do to keep this Assembly working. To Ray, thank you for your tips. I promise to take them into account.

I wish everyone and all of your families a very safe and happy end of year special celebration, especially to all of the workers and volunteers who will spend time away from their families over this festive season. I hope you are all properly compensated and get to enjoy some time to celebrate as well.

Just one more thing: a reminder that there are people in our community who will be doing it tough, so please donate to the UnitingCare Christmas Let's Give charity, either by giving gifts and dropping them into my office or purchasing a bag of groceries. I will bring a shopping list and bags around to your offices this week.

Valedictory

MR WALL (Brindabella) (6.52): I guess it is fitting at the end of the second year as an MLA to reflect on a halfway report. On reflection, this year my office certainly hit its stride. I think that goes purely to the heart of those that work in it, particularly Kate Davis who, in the role of senior adviser, has been a stable influence and a stable set of hands, for matters not just relating to the Assembly but, broader, to the electorate and the party as well. Katie, for the young enthusiasm that she brings to the office and eagerness to always get projects done, has been a great asset through the year. A late addition in the latter end of this year, Harry Hughes, who most certainly can only be described as a unique individual, along with his unique fashion style, brings a unique view to politics and a great hunger for the cut and thrust of daily debate.

Extended thanks go to the support staff that work here in the Assembly to keep things functioning, particularly the staff in the Chamber Support Office and the Clerk's office. I would like to make special mention of Janice Rafferty for her help and assistance when accompanying you, Madam Deputy Speaker, and me to Kiribati this year. It was a most enlightening and eye-opening trip to see how our twin parliament functions and also the challenges that they face as an emerging economy.

To the attendants, Hansard, library and the committee staff, again thank you for your support and assistance through the year, and a special mention to Ray Blundell as you finish up here in the Assembly.

All of this, though, would not be possible without the support of my loving wife, Christine, through the year, particularly as she has spent the vast bulk of the year at home as our beautiful daughter, Sophia, has had her first year. I think that her continuing support and encouragement for me to do what is often a demanding and challenging job, particularly on family, is something that needs to be reflected on. I think all our partners and spouses go over and above to allow us to do what is often a difficult public job.

I also would like to note what was a very difficult time for my family this year. After 19 years my family took a sad decision to close our family business. I know that we are not alone and there are many others in our community that have made tough decisions as the economy locally has become tougher to operate in and has seen a number of people retrenched or lose their jobs, not just from government employment but also from the private sector. I think for those that have either lost their jobs or lost their businesses, this is an appropriate juncture for us to note the contribution that they have made to our city and also pay tribute to them into the future and hope that they do have a happy and festive Christmas and that 2015 brings great success and opportunity.

Valedictory

MS PORTER (Ginninderra) (6.55): It is a tradition at this time of year that we all have a chance to say a few words, as we have been, to mark the end of a sitting year, to acknowledge the hard work that takes place here and to wish everyone well for the festive season. I am happy to take this opportunity. However, I must say that I do so without the usual feel of light-heartedness. This year I think has been a tough one for many of us in this place. Of course, each one of us has had our own private and not-so-private ups and downs in our lives, both professional and family. But this year many of us shared deep grief with the death of Kurt in particular.

Many would know that Charles in my office suffered a death in his close family just recently—that of his brother. He is still in Africa supporting family. We saw Joy's sons join us briefly here today in the chamber. I acknowledge how difficult it has been for her to fulfil her role as a busy minister and at the same time provide much needed support to her family members. But I know she has done so with all good humour.

Amongst my family and friends, I have had the usual ups and downs and good and bad news in relation to extended family members' health and shared their anxiety and sometimes their relief when the health news was not so serious. As I said, all of us have had periods of happiness and sadness this year. Some of us have been sharing some of that. Just now Mr Wall shared with us the sadness of the closing of his family business, which has obviously been a tough decision. We also, of course, have the joy of Mrs Jones having her next child. We hope that will go well.

We do have our ups and downs, but I guess the thing for me that really reinforced my general feeling of sadness was Mr Fluffy. For many of those families who are experiencing this firsthand, the festive season promises not to be so very festive. As Mr Wall has pointed out, it will not be so festive for people who have lost their jobs or who have had other downturns because of what is happening in this city. I mention also volunteers who will be helping out those who are very vulnerable in our community. I thank you for acknowledging that, Ms Berry. As the Chief Minister said, we can reflect that we do live in a wonderful city that has many benefits. There are myriad troubled communities around the world and we are very fortunate indeed.

I do extend my thanks and good wishes to Ray. I will miss him. I hope that the whole place does not fall apart; there are concerns that it might. My heartfelt thanks to all those who keep this place ticking on a daily basis and who look after us in so many ways. Thanks to all those who prompt me in the chair, the long-suffering clerks, and also to my colleagues who take the chair—Madam Speaker and the two assistant speakers. I thank also my committee secretary, all those others who support me in my committee roles and, of course, the attendants, who look after us so well.

Special thanks go to Ben for his long-suffering attempts to help me in relation to my IT skills. Thanks also to the education office and to Rick, and to Ian Duckworth for his recent advice today on my footwear. That is an in-joke, by the way.

I thank all my colleagues on this side of the chamber—the Labor Party and the Greens—and those opposite. I want to specially thank each of my staff for their hard work and untiring support—Charles, Dave, Zara and Bree. I also thank Kate, currently undertaking an internship with me, and Onyii, who previously undertook a large body of research this year for me. I am fortunate to have such a wonderful staff.

Lastly, I thank my children, my grandchildren, my great-grandchild and, of course, my very supportive husband for being there for me, for understanding when I do not seem to be very much there for them. All the best to everyone, and I guess we will all be back to fight the good fight in 2015.

Valedictory

MRS DUNNE (Ginninderra) (7.00): Madam Assistant Speaker, I will take an opportunity as the member for Ginninderra, rather than the Speaker, to make some comments in relation to the festive season. I will start, however, by paying tribute to the staff of the Legislative Assembly: the office of the Clerk, chamber support, the

committee office and all the attendants who bring me water, shift my glasses around, supply me with lollies, deliver our papers and provide us with security. The library, Hansard, and Neal and his staff in the education office do an extraordinary job. I thank the people in governance, finance, the scrutiny committee, Rick and Ray, our technical people who make this place run. Ray, really, I wish you well and I will get you back if things all turn to putty.

Mr Wall: Mainly because he put it there.

MRS DUNNE: We will have to scrape it off with some assistance. I also want to pay tribute to the art committee, which is something that I have discovered in the last two years. It is a great joy to me. I would like to thank the advisers to the art committee—Merryn, Mark, Barb and Helen—and my Assembly colleagues, Dr Bourke and Mrs Jones. We do not always agree, but it is a great opportunity, and I am very proud of the work that we have done in the art community over the last little while.

I thank my own personal staff, Clinton, Keith and Maria, who make me look good. It is sometimes a pretty hard job. I pay tribute to their extraordinary professionalism, dedication and loyalty. I thank the other Liberal staff. I will not name you all, but a few have to be named: Ian, Joe, Jodie and Chris, who keep the communication going. I thank the extraordinary bevy of bakers that we have and the producers of fresh produce, headed by Sue White—and she did not write this speech. I mention one person, in particular, Neil "Creampuff" Hermes, for the great work that he does amongst the extraordinary bevy of bakers.

My colleagues are a great bunch. They are fantastic. Jeremy, I do not always give you the mother glance. He is very sensitive, Madam Assistant Speaker. He sort of chips me from time to time outside the chamber. I thank Alistair, Guilia, the force of nature, and Nicole—fantastic. She just speaks with such aplomb and such confidence. I thank Andrew, Brendan and Dozzie—I know he hates me calling him "Dozzie" but I cannot think of him as anything else; so it is Dozzie.

I also want to pay tribute to my family, to Lyle, Olivia and Simon, Tom, Julia, Bella and Conor, and even Ellie the wonder dog. We have planned a holiday by the sea in January. It was a hard task to choose the right place. We had to cater for the fact that my 92-year-old dad will be with us. We found the perfect place where you can fish from the verandah. I am not telling you where it is or we will have people lining up. It was a great find and we are looking forward to fishing from the verandah.

To all who support us here in the Assembly, I thank you. I thank my constituents for the work that you do in keeping us here and keeping us informed. To the myriad community groups who work so hard for the benefit and advancement of the people of the ACT, I hope that this Christmas season is one as much as possible of peace and joy and quiet times with friends and family.

To echo the sentiments of Ms Berry, please donate to the charity of your choice, because we are privileged. One of the things that is so highlighted to me as the Speaker, and as someone who has had to travel on behalf of the Assembly quite a bit over the last couple of years, is that you always come home thankful for where we

live, how we live and how our democracy works when so many others struggle to make their democracy work. The circumstances in which they do this are much more disadvantageous than ours. We should be grateful.

Even for those who are struggling here in the ACT, while their struggles are difficult sometimes, they would pale in comparison with those who are struggling elsewhere in the developing world. I think we need to keep in mind as we approach the Christmas season that we are privileged. Even the least privileged of us are extraordinarily privileged in this city and in this privileged country.

Madam Assistant Speaker, I wish you all the greetings of the season, peace, joy and prayerfulness.

Valedictory

MR SMYTH (Brindabella) (7.05): To all those who put me here—the voters, the Liberal Party, those I represent in Brindabella—I say merry Christmas. To all those who work with us here—all the LA staff, the media, the public servants—merry Christmas. To all the members and their staff all around the chamber, merry Christmas.

To those who find themselves alone this Christmas, who are unemployed, troubled or unwell, I wish you a merry Christmas and hopefully a better year for next year. To those who will work over Christmas, particularly the nurses and the doctors, the police, the emergency services staff, the RFS, given the season that we face, those in hospitality and, in particular, our Defence Force personnel, all of them and particularly those who may find themselves in harm's way over the festive season—that cannot be very pleasant—thank you for what you do and merry Christmas. May you be home safely next year for Christmas.

To my staff, Emma and Merlin, thanks for all you do. Merry Christmas. To my own Amy, Lorena, David and Robyn, merry Christmas and thank you all. Merry Christmas; goodnight.

Motion agreed to.

The Assembly adjourned at 7.07 pm until Thursday, 4 December 2014, at 9 am.

Schedules of amendments

Schedule 1

Food Amendment Bill 2014

Amendments moved by the Minister for Health

1
Clause 6
Proposed new section 7A (2) (a)
Page 4, line 5—

omit proposed new section 7A (2) (a), substitute

(a) prescribed by regulation; or

2
Clause 6
Proposed new section 7A (2A)
Page 4, line 8—

insert

(2A) The Executive may make a regulation for subsection (2) (a) if the Executive considers it necessary for the protection of public health or otherwise appropriate.

3
Clause 6
Proposed new section 7A (4) and note
Page 4, line 21—

omit proposed new section 7A (4) and note, substitute

(4) A declaration under subsection (3), definition of ***community organisation***, paragraph (b) (ii) is a disallowable instrument.

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

Schedule 2

Nature Conservation Bill 2014

Amendments moved by the Minister for the Environment

1
Clause 2
Page 2, line 5—

omit clause 2, substitute

2 Commencement

(1) This Act (other than the following provisions) commences on a day fixed by the Minister by written notice:

(a) chapter 12A (Land development applications);

(b) schedule 2, amendments 2.31A, 2.32A, 2.32B, 2.33A, 2.33B, 2.53A and 2.74A;

(c) dictionary, definition of ***development***.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

(2) The provisions mentioned in subsection (1) (a) to (c) commence on the later of—

(a) the commencement of the *Planning and Development (Bilateral Agreement) Amendment Act 2014*, section 3; and

(b) the commencement of this Act, section 3.

2
Clause 126 (3)
Page 84, line 1—

omit

4
Proposed new clause 136 (3A)
Page 94, line 20—

insert

(3A) It is a defence to a prosecution for an offence against this section if the defendant proves that the defendant took all reasonable precautions and exercised all appropriate diligence to prevent the commission of the offence.

5
Clause 138 (2)
Page 96, line 19—

omit

6
Clause 140 (2)
Page 98, line 8—

omit

7

Clause 144 (3)

Page 102, line 22—

omit

8
Proposed new clause 228 (3)
Page 159, line 6—

insert

(3) This section does not apply to a person if the person takes reasonable steps to repair the damage.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see Criminal Code, s 58).

9
Clause 259 (3)
Page 187, line 1—

omit

section

substitute

part

10
Proposed new chapter 12A
Page 229, line 15—

insert

Chapter 12A Land development applications

312A Meaning of *development*—ch 12A

(1) In this chapter:

development means a proposed development to which a development application applies.

(2) In this section:

development application—see the *Planning and Development Act 2007*, dictionary.

312B Simplified outline

The following notes provide a simplified outline of this chapter and the *Planning and Development Act 2007*, chapter 7 (Development approvals):

Note 1 *Conservator to be given copy of certain development applications*

The planning and land authority is required to give the conservator a copy of each development application that is likely to have a significant adverse environmental impact on a protected matter (see *Planning and Development Act 2007*, s 147A). The planning and land authority may also be required to give the conservator a copy of each development application in the merit track or impact track (see *Planning and Development Act 2007*, s 148). This requirement does not apply to a development application for a development proposal in the code track (see *Planning and Development Act 2007*, s 117 (c)).

Note 2 *Conservator to give advice about development application*

The conservator gives advice to the planning and land authority about adverse environmental impacts of the proposed development (see s 312C and s 312D) (see also *Planning and Development Act 2007*, s 149, s 150 and s 151).

Note 3 *Conservator's advice to be considered*

The conservator's advice must be considered by the planning and land authority (or the Minister) in approving or refusing to approve a development application (see *Planning and Development Act 2007*, s 119 (2), s 120 (d) and s 129 (e)).

Note 4 *Development approval by authority to be consistent with conservator's advice*

If the authority is to decide the development application, development approval must not be given unless the development proposal is consistent with the conservator's advice (see *Planning and Development Act 2007*, s 128 (1) (b) (vi)).

Note 5 *Development approval by Minister may be inconsistent with conservator's advice*

If the Minister is to decide the development application (using the Minister's call-in power (see *Planning and Development Act 2007*, div 7.3.5)), the development approval may be inconsistent with the conservator's advice if the Minister is satisfied that the approval is consistent with the offsets policy (see *Planning and Development Act 2007*, s 128 (1A)).

312C Advice about adverse environmental impacts

(1) This section applies if the conservator is satisfied on reasonable grounds that a proposed development is likely to have an adverse environmental impact.

(2) The conservator may give the planning and land authority written advice in accordance with section 312D about the development.

Note If the planning and land authority refers a development application to the conservator under the Planning *and Development Act 2007*, s 147A or s 148, the conservator must, not later than 15 working days after being given the application, give the planning and land authority its advice (see *Planning and Development Act 2007*, s 149).

312D Requirements for conservator's advice

(1) This section applies if the conservator gives advice—

(a) under section 312C about a development; or

(b) under the *Planning and Development Act 2007*, section 149 (Requirement to give advice in relation to development applications) about a development application.

(2) The conservator's advice must include—

(a) an outline of the environmental impact of the proposed development; and

(b) advice about ways to avoid or minimise the environmental impact of the proposed development; and

(c) an assessment of whether the proposed development is likely to have a significant adverse environmental impact on a protected matter; and

(d) if the proposed development is likely to have a significant adverse environmental impact on a protected matter—advice about suitable offsets for the proposed development.

Note 1 If the proposed development is likely to have a significant adverse environmental impact, the development application may be declared to be in the impact track (see *Planning and Development Act 2007*, s 124), and may require an offset (see *Planning and Development Act 2007*, s 111C, def ***offse***t).

Note 2 ***Significant*** adverse environmental impact—see the *Planning and Development Act 2007*, s 124A.

(3) In preparing the advice, the conservator—

(a) must consider—

(i) the policy statement 'Significant Impact Guidelines—Matters of National Environmental Significance' published by the Commonwealth, as in force from time to time; and

Note The policy statement is available at www.environment.gov.au.

(ii) the offsets policy; and

(b) may consider any other guideline, plan or policy published by the Territory or the Commonwealth about—

(i) protected matters; or

(ii) matters of national environmental significance.

(4) In this section:

offset, for a development—see the *Planning and Development Act 2007*, section 111C.

offsets policy—see the *Planning and Development Act 2007*, section 111E.

protected matter—see the *Planning and Development Act 2007*, section 111A.

significant adverse environmental impact—see the *Planning and Development Act 2007*, section 124A.

11
Proposed new clause 313 (5)
Page 231, line 3—

insert

(5) If a conservation officer gives a direction to a person, the officer must give the direction in a language, or way of communicating, that the person is likely to understand.

12
Clause 326 (3)
Page 242, line 13—

omit

13
Clause 328 (2)
Page 243, line 23—

omit

14
Schedule 2, part 2.3
Proposed new amendment 2.7A
Page 289, line 1—

insert

[2.7A] Section 72 (2) (c) (iii)

substitute

(iii) public land management plan under the *Planning and Development Act 2007*, section 318 (What is a *public land management plan* for an area of public land?).

15
Schedule 2, part 2.3
Amendment 2.8
Page 289, line 2—

omit

16
Schedule 2, part 2.3
Proposed new amendment 2.8A
Page 289, line 9—

insert

[2.8A] Section 77A

substitute

77A Inconsistency between strategic bushfire management plan and public land management plan

(1) This section applies if the strategic bushfire management plan is inconsistent with a public land management plan in force for an area of unleased territory land or land occupied by the Territory.

(2) The public land management plan has no effect to the extent of the inconsistency.

(3) In this section:

public land management plan—see the *Planning and Development Act 2007*, section 318 (What is *a public land management plan* for an area of public land?).

17
Schedule 2, part 2.8
Proposed new amendments 2.27A to 2.27D
Page 295, line 1—

insert

[2.27A] Section 19A

omit

Flora and Fauna Committee

substitute

scientific committee

[2.27B] Section 31A

omit

Flora and Fauna Committee

substitute

scientific committee

[2.27C] Division 6.3

substitute

Division 6.3 Registration of place or object protected under Nature Conservation Act 2014

42A **Registration of place or object under this Act limited if place or object already** protected under Nature Conservation Act 2014

(1) This section applies if a place or object includes or is likely to include—

(a) the habitat of—

(i) a threatened native species; or

(ii) a threatened ecological community; or

(b) a key threatening process.

(2) The council may register the place or object 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 2014*.

Example

The council registers a homestead and its surrounding property that includes a threatened ecological community 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 2014* 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).

(3) In this section:

habitat—see the *Nature Conservation Act 2014*, dictionary.

key threatening process—see the *Nature Conservation Act 2014*, section 72.

threatened ecological community—see *the Nature Conservation Act 2014*, section 65.

threatened native species—see *the Nature Conservation Act 2014*, section 59.

[2.27D] Section 45A

omit

Flora and Fauna Committee

substitute

scientific committee

18
Schedule 2, part 2.8
Proposed new amendments 2.28A and 2.28B
Page 295, line 5—

insert

[2.28A] Dictionary, definition of *Flora and Fauna Committee*

omit

[2.28B] Dictionary, new definition *of scientific committee*

insert

scientific committee—see the *Nature Conservation Act 2014*, dictionary.

19
Schedule 2, part 2.11
Proposed new amendment 2.31A
Page 296, line 7—

insert

[2.31A] Section 111D

omit

Nature Conservation Act 1980

substitute

Nature Conservation Act 2014

20
Schedule 2, part 2.11
Proposed new amendments 2.32A and 2.32B
Page 296, line 12—

insert

[2.32A] Section 128 (1) (b), note 5

omit

Nature Conservation Act 1980, pt 8A

substitute

Nature Conservation Act 2014, ch 12A

[2.32B] Section 128 (1A), note 3

omit

Nature Conservation Act 1980, pt 8A

substitute

Nature Conservation Act 2014, ch 12A

21
Schedule 2, part 2.11
Proposed new amendments 2.33A and 2.33B
Page 296, line 17—

insert

[2.33A] Section 147A, note 1

omit

Nature Conservation Act 1980, pt 8A, particularly s 91D

substitute

Nature Conservation Act 2014, ch 12A, particularly s 312D

[2.33B] Section 165B (3) (b) and note

substitute

(b) if the offset is to be on public land—

(i) a new public land management plan for the land be prepared, including stated matters; or

(ii) an existing public land management plan for the land be varied in a stated way; and

Note ***Public land management plan, for an area of public land***—see s 318.

22
Schedule 2, part 2.11
Proposed new amendment 2.53A
Page 315, line 2—

insert

[2.53A] Schedule 4, part 4.3, item 1, column 2, new paragraph (j)

insert

(j) any other protected matter

23
Schedule 2, part 2.12
Proposed new amendment 2.74A
Page 321, line 2—

insert

[2.74A] Section 26 (1) (c), note

omit

Nature Conservation Act 1980, pt 8A, particularly s 91D

substitute

Nature Conservation Act 2014, ch 12A, particularly s 312D

24
Dictionary
Proposed new definition of development
Page 329, line 17—

insert

development, for chapter 12A (Land development applications)—see section 312A.

Schedule 3

Nature Conservation Bill 2014

Amendments moved by Mr Rattenbury

1
Clause 6 (2) (g) (ii)
Page 5, line 5—

omit clause 6 (2) (g) (ii), substitute

(ii) opportunities to participate in policy development, nature conservation planning and conservation work; and

Example

ACT ParkCare

2
Proposed new clause 32A
Page 23, line 12—

insert

32A Scientific committee—annual report

(1) The scientific committee must, each financial year, give the Minister a report (an ***annual report***) about the activities of the committee during the year.

(2) The scientific committee must make the annual report publicly accessible not later than 30 days after the day the scientific committee gives the report to the Minister.

Example—publicly accessible

published on the directorate website

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).

3
Clause 58 heading
Page 36, line 8—

omit the heading, substitute

58 Nature conservation strategy—monitoring

4
Proposed new clause 58 (2A)
Page 36, line 12—

insert

(2A) The Minister must consider the report and may take any action the Minister considers appropriate.

5
Clause 58 (3) to (5)
Page 36, line 13—

omit

6
Proposed new clause 58A
Page 36, line 22—

insert

58A Nature conservation strategy—review

(1) The conservator must review the nature conservation strategy every 10 years after the plan commences.

(2) However, the Minister may extend the time for conducting the review.

(3) In conducting the review, the conservator must—

(a) consider each matter mentioned in section 48 (2) (Draft nature conservation strategy—conservator to prepare) in relation to the nature conservation strategy under review; and

(b) consult the entities mentioned in section 49; and

(c) carry out public consultation in accordance with section 50 (Draft nature conservation strategy—public consultation) as if a reference to a draft nature conservation strategy were a reference to the nature conservation strategy under review.

(4) If the public consultation period for the review has ended, the conservator must—

(a) consider each submission received during the public consultation period; and

(b) if the person who makes a submission during the public consultation period agrees to the conservator making the submission publicly accessible—make the submission publicly accessible; and

Example—publicly accessible

published on the directorate website

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).

(c) make any recommendation to the Minister about the strategy under review that the conservator considers appropriate.

(5) The recommendation must be accompanied by a report setting out the issues raised in any submissions given to the conservator during the public consultation period for the strategy under review.

(6) If the conservator makes a recommendation to the Minister, the Minister must respond to the conservator about the recommendation.

(7) If the conservator receives a response from the Minister, the conservator must make the following publicly accessible:

(a) the Minister's response;

(b) details of any proposed amendments to the strategy as a result of the review.

Note The power to prepare a nature conservation strategy includes the power to amend the strategy. The power to amend the strategy is exercisable in the same way, and subject to the same conditions, as the power to make the strategy (see Legislation Act, s 46).

7
Proposed new clause 106 (3A)
Page 70, line 13—

insert

(3A) The Minister must make the report publicly accessible not later than 30 days after the day the conservator gives the report to the Minister.

8
Clause 129 (4) (b)
Page 88, line 17—

omit

with a motor vehicle

9
Proposed new clause 364A
Page 275, line 6—

insert

364A Review of Act

The Minister must review the operation of this Act and present a report of the review to the Legislative Assembly as soon as practicable after the end of this Act's 10th year of operation.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

10
Clause 401 (3)
Page 277, line 15—

omit

monitoring and review

substitute

monitoring

Schedule 4

Nature Conservation Bill 2014

Amendments moved by Ms Lawder

1
Clause 26 (2) (b)
Page 19, line 15—

omit clause 26 (2) (b), substitute

(b) make the report publicly accessible as soon as possible, but not later than 3 months, after the end of the program.

2
Clause 29 (5)
Page 22, line 7—

omit

3
Proposed new clause 58 (2A)
Page 36, line 12—

insert

(2A) The Minister must make the report publicly accessible not later than 30 days after the day the conservator gives the report to the Minister.

Example—publicly accessible

published on the directorate website

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).

6
Clause 129 (2)
Page 88, line 7—

omit

7
Clause 187 (5)
Page 134, line 14—

omit clause 187 (5), substitute

(5) In carrying out a review, the custodian of the reserve must—

(a) undertake public consultation in accordance with section 177 (Draft reserve management plan—public consultation) as if a reference to a draft reserve management plan were a reference to the reserve management plan under review; and

(b) consider any submissions received during the public consultation period.

8
Clause 236 (1), penalty
Page 165, line 20—

omit the penalty, substitute

Maximum penalty: 50 penalty units.

9
Clause 245 (1), penalty
Page 173, line 14—

omit the penalty, substitute

Maximum penalty: 50 penalty units.

Schedule 5

Utilities (Technical Regulation) Bill 2014

Amendments moved by the Minister for the Environment

1
Clause 6 (c)
Page 3, line 23—

omit

compliant, high performing and responsive

substitute

integrity and functionality of

2
Clause 9 (1) (c)
Page 6, line 12—

omit

small

substitute

small or medium

3

Clause 9 (2), definition of *small scale electrical generation*

Page 7, line 25—

substitute

small or medium scale generation means the capacity to generate 30kW or more but less than 30MW of power that is connected to an electricity network.

4
Clause 11 (1) (g)
Page 9, line 25—

omit

service

5
Clause 32 (2), proposed new note
Page 24, line 9—

insert

Note Utilities may also maintain network facilities under the *Utilities Act 2000*, s 106 (Maintenance of network facilities).

6
Clause 45 (c)
Page 31, line 12—

omit

costs and

7
Proposed new clause 48 (1) (d)
Page 33, line 11—

insert

(d) the fees that apply in relation to auditing, compliance and technical codes.

8
Clause 57, definition of dam
Page 43, line 5—

substitute

dam—

(a) means an artificial barrier, and incidental or related works, constructed for the storage or control of water, other liquids, or other material within a liquid; but

(b) does not include a concrete and steel ring tank that is reliant on hoop stress for structural stability.

9
Clause 79
Page 55, line 20—

omit clause 79, substitute

79 Technical regulator may recommend conditions on licence

(1) The technical regulator may recommend that the ICRC vary the licence of a utility service licensed under the *Utilities Act 2000* to include a condition (a ***recommended condition***) if satisfied on reasonable grounds that—

(a) the utility service has contravened this Act; or

(b) the recommended condition is necessary to protect public safety or the environment.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation or technical code (see Legislation Act, s 104).

(2) A recommended condition may include, but is not limited to—

(a) the giving of a bond; or

(b) making good or rectifying damage to land or property.

Example

a condition to comply with a plan to rectify damage to premises caused by the contravention of a technical code

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).

(3) Before recommending a condition, the technical regulator must give the utility a written notice (a ***show cause notice***) stating—

(a) that the technical regulator proposes to recommend a condition under this section; and

(b) the details of the proposed recommended condition; and

(c) that the utility may, not later than 20 days after the day the regulated utility is given the show cause notice, give the technical regulator a written submission about the proposed recommended condition.

Note For how documents may be given, see the Legislation Act, pt 19.5.

(4) After considering any submission given under subsection (3) (c) the technical regulator may give the ICRC written notice recommending that the ICRC vary the utility's licence under the *Utilities Act 2000*, section 38 to include—

(a) the recommended condition; or

(b) a condition that is not more burdensome than the recommended condition.

(5) Notice under subsection (4) must include a copy of—

(a) the show cause notice given under subsection (3); and

(b) any written submission given by the utility under subsection (3); and

(c) any other material that the technical regulator is satisfied on reasonable grounds is relevant to the recommendation.

(6) The technical regulator's compliance report must include details about any recommendation under subsection (4) in a financial year and the reasons for the recommendation.

10
Proposed new clause 80 (2) (e)
Page 57, line 12—

insert

(e) details required under section 79 (6) (Technical regulator may recommend conditions on licence).

11
Schedule 1, item 7
Page 81—

omit

12
Schedule 2, part 2.4
Amendment 2.8
Page 84, line 3—

omit

5MW or more of energy

substitute

30MW or more of power

13
Schedule 2, part 2.4
Amendment 2.11
Page 84, line 13—

omit

14
Schedule 2, part 2.4
Proposed new amendments 2.11A and 2.11B
Page 84, line 17—

insert

2.11A New section 38 (1) (c)

before the notes, insert

(c) to include a condition on the recommendation of the technical regulator.

2.11B New section 38 (3A)

insert

(3A) The ICRC may vary a utility's licence on the recommendation of the technical regulator only if the ICRC—

(a) receives written notice from the technical regulator recommending the variation under the *Utilities (Technical Regulation) Act 2014*, section 79; and

(b) is satisfied on reasonable grounds that the variation is appropriate.

15
Schedule 2, part 2.4
Amendments 2.12 to 2.14
Page 84, line 18—

omit

16
Schedule 2, part 2.4
Amendments 2.2 and 2.3
Page 86, line 6—

omit

17
Schedule 2, part 2.4
Proposed new amendment 2.8A
Page 88, line 3—

insert

[2.8A] Section 106 (2) (d), new note

insert

Note For par (d)—see the *Utilities (Technical Regulation) Act 2014*, s 32 (Network protection notices).

18
Schedule 2, part 2.4
Proposed new amendments 2.13A and 2.13B
Page 88, line 13—

insert

[2.13A] Table 172, items 5 and 6

substitute

5	person affected by contravention	contravention by a utility or a regulated utility of an obligation in relation to its network operations under this Act or the *Utilities (Technical Regulation) Act 2014*
6	person affected by act or omission	act or omission of an authorised person for a utility or regulated utility in relation to its network operations under this Act or the *Utilities (Technical Regulation) Act 2014*

[2.13B] New part 19

insert

Part 19 Transitional—Utilities (Technical Regulation) Act 2014

408 Meaning of commencement day—pt 19

In this part:

commencement day means the day the *Utilities (Technical Regulation) Act 2014*, section 9 (Meaning of regulated utility service) commences.

409 Person currently providing electricity generation or transmission services

(1) This section applies in relation to a person if—

(a) immediately before the commencement day the person is providing an electricity generation or transmission service that is not a utility service; and

(b) immediately after the commencement day the person is a utility service and continues to provide the electricity generation or transmission service.

(2) Section 21 (Requirement for licence) does not apply in relation to the person until 6 months after the commencement day.

(3) In this section:

utility service—see section 6 (Electricity services) and the dictionary.

410 Expiry—pt 19

This part expires 2 years after the day it commences.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see Legislation Act, s 88).

19
Schedule 2, part 2.4
Amendment 2.17
Page 89, line 3—

substitute

[2.17] Dictionary, definition of *network protection notice*

substitute

network protection notice means a notice under the *Utilities (Technical Regulation) Act 2014*, section 32.

20
Schedule 2, part 2.4
Proposed new amendment 2.17A
Page 89, line 4—

insert

[2.17A] Dictionary, new definition of *regulated utility*

insert

regulated utility—see the *Utilities (Technical Regulation) Act 2014*, section 8.

21
Dictionary
Proposed new definition of *network protection notice*
Page 92, line 14—

insert

network protection notice means a notice under section 32 (Network protection notices).

22
Dictionary
Definition of show cause *notice, paragraph* (e)
Page 93, line 25—

substitute

(e) for section 79 (Technical regulator may recommend conditions on licence)—see section 79 (3).