Debates

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EIGHTH ASSEMBLY

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Thursday, 4 June 2015

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

Health, Ageing, Community and Social Services—Standing Committee
Reporting date

DR BOURKE (Ginninderra) (10.01), by leave: I move:

> That the resolution of the Assembly of 7 August 2014 referring the exposure draft of the Drugs of Dependence (Cannabis Use for Medical Purposes) Amendment Bill 2014 and related discussion paper to the Standing Committee on Health, Ageing, Community and Social Services for inquiry and report be amended by omitting the words "by the last sitting day in June 2015" and substituting "by the last sitting day in August 2015" and adding a new paragraph (2):
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> "(2) If the Assembly is not sitting when the report is completed the Speaker, or, in the absence of the Speaker, the Deputy Speaker, is authorised to give directions for its printing, publication and circulation.".

The committee is seeking to extend the reporting date for this inquiry. Medicinal cannabis is a complex and broad-reaching issue. As such, the committee is not considering Mr Rattenbury's exposure draft in isolation. As members are probably aware, the Senate Legal and Constitutional Affairs Legislation Committee is currently conducting an inquiry into the Regulator of Medicinal Cannabis Bill 2014, a private member's bill presented by Senator Di Natale in November last year. This committee believes the recommendations from the Senate inquiry are worth considering as part of our deliberations because the federal regulatory environment plays such a significant role in what can and cannot be done in the medicinal cannabis sphere. The Senate committee is, I understand, due to report by 15 June 2015.

Question resolved in the affirmative.

Red Tape Reduction Legislation Amendment Bill 2015

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

Title read by Clerk.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (10.03): I move:

> That this bill be agreed to in principle.

Madam Speaker, today I introduce the Red Tape Reduction Legislation Amendment Bill 2015. Regulatory reform and red tape reduction are a priority for the government. In May the government released "Confident and business ready", our strategy to ensure we create the right business environment and use our competitive strengths to accelerate innovation and investment.

Making it easier for businesses to meet regulatory requirements by streamlining processes and incrementally moving to a modern, risk-based approach to services and compliance are a key part of the government's strategy. Each year we will present at least one red tape reduction omnibus bill to the Assembly.

Today's bill complements the government's program of significant regulatory reform initiatives by removing specific provisions that have been identified as redundant or as an unnecessary administrative cost to business or to government. This bill will also support the effective operation of Access Canberra, which the government has established to facilitate a single contact point for all regulatory services in the territory. This bill is part of an ongoing effort by the government to ensure regulation remains relevant and effective over time.

This bill amends legislation, including the Workers Compensation Act 1951, the Public Unleased Land Act 2013, the Public Sector Management Act 1994 and the Legislation Act 2001. The bill will include a new definition of public notice in the Legislation Act 2001 and will amend relevant acts and regulations to provide for public notices to be issued on an ACT government website. This bill will repeal the Hawkers Act 2003 and include provisions for hawkers in the Public Unleased Land Act 2013.

This government is committed to increasing people's access to information and enhancing digital services. In the past decade, there has been a significant change in how people access information, with a dramatic shift to online and digital services. This is particularly evident in Canberra, where we have the highest use of the internet in Australia. This bill recognises this shift and includes amendments to provide the option for public notices to be published on an ACT government website. By providing greater flexibility in how the government communicates, there can be better targeting of messaging to the community.

Public notices are an important source of information for the community. The government's objective with this amendment is to enable public notices to be communicated in a way or ways that will be the most effective means of reaching the intended audience. This complements other government initiatives to increase the awareness of information such as the whole-of-government digital mail service, which enables electronic distribution of any ACT government communication, including statutory notices. The definition of public notice in this bill includes the option of advertising in a newspaper, and this will continue to be used where this is the most effective communication strategy.

Our local media are an important component of ACT community life. The government will continue to engage with the various public media channels in the

delivery of information to the community and foresees an ongoing contribution of print media in reaching out on public issues. In implementing these changes there will be a transition period where notices, such as those required under the Planning and Development Act, will use both newspaper and digital communication for public notices to ensure there is widespread awareness of how to access this information.

In December 2014 I announced the establishment of Access Canberra to provide a one-stop shop to cut red tape and improve connection to regulatory services for individuals and businesses. This bill includes amendments to the Public Sector Management Act 1994 to allow the head of Access Canberra to exercise and delegate relevant functions in undertaking this role.

In progressing the government's regulatory reforms, as well as specific legislative amendments such as these, we will continue to work closely with industry and the community. The regulatory reform panel is a key forum for feedback on those regulations that impose unnecessary burdens, costs or disadvantages on business activity within the territory. The government is committed to an ongoing program of reform and will continue to engage with stakeholders, including the panel, on opportunities to reduce red tape in the territory.

This bill reduces the reporting requirement required of employers in the territory for workers compensation insurance. At present, employers in the territory are required to provide a six-monthly statement—a "wage declaration"—to their insurer describing the number of paid and unpaid workers, total wages paid and the approximate amount of time each paid and unpaid worker worked for the employer in the reporting period. The amendments I present today introduce a change to annual reporting by employers to insurers under the Workers Compensation Act 1951. It is estimated this will remove around 70,000 extra administrative transactions each year. In streamlining these reporting requirements for all employers, it is also important that we maintain the integrity of the regulatory system. The bill includes a requirement on employers to advise insurers if the employer's estimate of total wages is understated by more than $500,000 during the reporting period.

The bill will also repeal the Hawkers Act 2003. The activities of hawkers can be regulated under the Public Unleased Land Act 2013, which applies to all activities on public land. There is no public benefit in retaining a separate act to regulate one specific activity. This also makes it clearer for businesses. This bill includes transitional provisions for existing hawker licences to continue under the Public Unleased Land Act 2013.

The amendments also will increase the maximum period for permits issued under the Public Unleased Land Act 2013 from two to three years. The use of public unleased land may be for an event, such as holding a concert; an activity, such as holding a market; or placing an object on public land, such as a waste skip. A permit is required under the act to use public land that may impact on its amenity or on other people's enjoyment of the land.

The Justice and Community Safety Legislation (Red Tape Reduction Bill No.1—Licence Periods) Amendment Act 2013 amended a number of acts to extend the

maximum length of various licence periods. These amendments were in response to a recommendation from the then Red Tape Reduction Panel. The amendments I present today will provide benefits to business by reducing the administration of licence renewals, which is a cost to business. They are also consistent with earlier amendments to licence periods and reflect the ongoing engagement of government with industry.

The government will continue to create the right regulatory environment for businesses in the territory and pursue opportunities for reducing red tape and streamlining processes for business. I commend this bill to the Assembly.

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

Financial Management Amendment Bill 2015

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

Title read by Clerk.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (10.12): I move:

> That this bill be agreed to in principle.

Madam Speaker, today I table the Financial Management Amendment Bill 2015. The bill amends the Financial Management Act 1996. The objective of the FMA is to provide an efficient, effective and robust framework for the financial management of the territory. To date, amendments have been made from time to time to the FMA to address specific issues. However, the FMA has remained largely unchanged since its commencement in 1996.

Although there are no major problems with the FMA in its current form, there is certainly scope for improvement. The recent economic challenges our city has faced made it apparent that a number of existing provisions are too rigid and constrain the government's ability to quickly respond to emerging priorities. The community today have higher expectations on the responsiveness of their government compared to when the act was introduced nearly 20 years ago. It is time to modernise the legislation to provide an updated framework which meets the needs of the government today and into the future. The bill results from an FMA review being undertaken by the government and focuses mainly on areas of appropriation and budget management.

The bill contains a number of initiatives to enhance the ability of government to be more nimble and responsive to changing community needs from a funding perspective. The bill provides the government with the ability to progress initial preparatory work on new initiatives in a risk-managed way pending the passing of the first appropriation act. This will allow government priorities to be delivered in a more timely manner.

It also provides mechanisms to redirect funding in an efficient and timely manner that both supports the needs of governments and recognises the role of the Legislative Assembly by allowing the Assembly to debate significant transfers if it so chooses. In addition,, the bill provides a funding mechanism for expenditure pending the passing of a supplementary appropriation bill. This allows the government to be more responsive to emerging territory needs while providing greater visibility and scrutiny via a supplementary appropriation process where feasible.

The bill reduces red tape by streamlining provisions of the act to make it more administratively efficient and reduces ambiguity by making existing provisions simpler and clearer. For example, it streamlines appropriations associated with commonwealth grants so that instruments actioned at the end of the financial year can be actioned in a single instrument rather than requiring two instruments.

The bill recognises the need for directors-general to enter into multiyear contracts. However, the power to enter into multiyear arrangements has been provided in a prudent, risk-managed manner by creating the necessary framework within which this power can be exercised. This has been achieved by broadening the responsibilities of directors-general to include the requirement that directors-general must manage their directorates in a way that promotes the financial sustainability of their directorate and take into account the effect of those decisions on public resources generally.

The bill replaces the existing disjointed presentation of individual appropriation instruments with an administratively more integrated, coordinated and transparent process of scheduled quarterly reporting.

The additional flexibility provided in the bill is not at the expense of transparency or accountability by the government. In fact, this bill improves transparency and accountability. The bill legislates a number of reporting items that the government currently provides on a voluntary basis, thus removing the government's existing discretion in providing this information. These include the government's spending intentions in the budget papers and periodic capital works reporting.

The bill has staggered commencement provisions, as some provisions can commence on the first day of the next quarter after notification while others must align with the 2016-17 budget and the commencement of the next financial year on 1 July 2016.

Responsible financial management is a critical role of the government and needs to be supported by an effective legislative framework. The amendments will make the FMA progressive, simpler and more efficient, to provide the government with the necessary framework and funding flexibility to quickly respond to emerging priorities and community expectations in this challenging period and into the future.

The government considers that the bill strikes the right balance between allowing the necessary flexibility to government, respecting the role of the Assembly in passing appropriation bills and providing transparency and accountability to both the Assembly and the community. I commend this bill to the Assembly.

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

First Home Owner Grant Amendment Bill 2015

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

Title read by Clerk.

MR BARR, (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (10.18): I move:

> That this bill be agreed to in principle.

The First Home Owner Grant Amendment Bill 2015 makes amendments to the first home owner grant legislation. The first home owner grant was initially introduced from 1 July 2000 and provided a $7,000 grant to help support eligible first homebuyers to purchase their first home and to offset the introduction of the GST. Since that time, the economic environment has changed and the first home owner grant has been retargeted in order to best support the economy and first homebuyers.

For example, in most Australian jurisdictions the first home owner grant now only applies to new or substantially renovated properties, thus stimulating construction and, importantly, increasing the supply of housing. The ACT, in 2013, retargeted its first home owner grant to new and substantially renovated properties and the grant amount was increased as a stimulus measure from $7,000 to $12,500.

Economic stimulus measures such as these were important and necessary to support the ACT economy at a time when the commonwealth was contracting and drastic cuts to commonwealth jobs in the territory were expected and delivered, but which significantly harmed confidence in our economy. The increased grant, in conjunction with conveyance duty concessions, provided an economic stimulus for first homebuyers in the territory to buy their first home and help sustain our building sector.

As the scale of these sweeping job cuts appears to be on the ease, it is important that the government review the objectives of our stimulus measures and continue to recalibrate the first home owner grant, balancing fiscal restraint with the willingness to support first homebuyers, especially in this period of record low interest rates.

As part of the 2015-16 budget, the first home owner grant amount for each eligible transaction will be gradually reduced over the coming years, to $10,000 from 1 January 2016 and back to the original $7,000 from 1 January 2017. This is a gradual withdrawal over 18 months of a stimulus introduced in 2013.

These changes will ensure the ongoing sustainability of the scheme, which is experiencing record costs, around $7 million higher than forecast in the 2014-15 budget. This return to the previous level of $7,000 reflects the end of the stimulus period from 1 January 2017. The grant amount is currently specified within the First Home Owner Grant Act. The First Home Owner Grant Amendment Bill 2015 will remove the grant amount from legislation and allow the minister to determine the grant value in a disallowable instrument.

These changes will allow the government to amend the grant amount without requiring a legislative amendment on each occasion. This amendment will allow the scheme to be administered more efficiently. The grant amount can be appropriately amended to reflect the changing economic requirements of the territory.

By maintaining the first home owner grant, both first home owners and the building sector will continue to be supported. These amended grant values also reflect the prudent choices required to manage the ACT's budget in the long term. I commend the First Home Owner Grant Amendment Bill to the Assembly.

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

Liquor Amendment Bill 2015

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—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (10.22): I move:

> That this bill be agreed to in principle.

I am pleased to introduce the Liquor Amendment Bill today. The changes made by this bill to the Liquor Act 2010 are an immediate package of reforms in response to the review of the impact of the recent round of reforms of the liquor legislation. Members may remember that the government committed to review the effectiveness of the operation of the Liquor Act two years after the new laws were introduced in December 2010.

The Liquor Act 2010 was the product of a measured and comprehensive approach involving extensive research and broad community, industry and government consultation. The process included the release of a discussion paper in 2008, a final report to the government in 2009 and an exposure draft bill released for public consultation in early 2010.

The Liquor Act 2010 responded to growing concerns within our community and the liquor industry about the antisocial and violent behaviour associated with abuse of alcohol and ongoing concerns about the impact of alcohol consumption on the health and well-being of the Canberra community. A new focus in the act when it was enacted in 2010 was on harm minimisation and community safety, which changes the landscape for decision-making under the act.

It includes clear guidance to the regulator, licensees and the community about the purposes and objectives of the act, which are to reduce the overall level of harm caused by the use of alcohol. The two-year review of the act was conducted by an independent consultant from late 2013 to early 2014. The review was informed by empirical literature; consultations with a wide range of key industry, community and government stakeholders; and from a search of data held by agencies.

The report of the review was publicly released in May last year. The report of the review notes that the majority of stakeholders consider the act to have made a positive contribution to community safety, and that the adoption of a risk-based approach to licensing is also seen as having been a positive step. The data analysis in the report showed that alcohol-related assaults reduced by 11 per cent from the time the new laws came into force in late 2010 to mid-2013. Alcohol-related non-driving offences were also down 21 per cent for the same period, as were drink-driving offences, down by seven per cent.

In addition, the ACT's top ranking for alcohol policies in the National Alliance for Action on Alcohol report card for the last two years provided confidence that the ACT alcohol policy was on the right track. However, the report identified a number of outstanding issues, including growth in the number of alcohol-related assaults in Civic, contrasting with the reduction in such assaults across the ACT as a whole. It also identified concerns about the persistent level of alcohol-related violence, the extent of pre-loading and the number of young people needing treatment for alcohol-related problems.

The report identified a number of opportunities to further reform the ACT's licensing regime in the pursuit of a safer community and a more efficient hospitality sector. Potential changes identified in the report vary in their complexity and their potential impact on a range of stakeholders. To facilitate an in-depth consideration of the broad range of measures identified in the review report, the government is now proceeding in a staged approach. This bill represents the first stage. Over the course of this year, there will be formal consultation to provide an opportunity for the key stakeholders and broader community to have their say on a range of other significant issues raised in the review.

The bill includes amendments to the Liquor Act to expand the role and membership of the Liquor Advisory Board. Currently, the function of the board is to advise me about matters associated with the operation of the act. The board's current membership consists of the Commissioner for Fair Trading, representatives from the Australian Federal Police, liquor consumers, small businesses, ClubsACT, the Australian Hotels Association, and Aboriginal and Torres Strait Islander people.

The breadth of alcohol-related issues that are relevant to achieving the act's harm minimisation objectives is discussed in the review report. The amendments in the bill will extend the function of the board to advising me on the operation and effectiveness of the act and measures that would support the act's harm minimisation objectives.

The membership of the board will therefore be expanded to include representatives of a wider range of interests relevant to the regulation of liquor, including the Victims of Crime Commissioner, a person with knowledge or expertise in the area of health and the effects of alcohol, a representative of young people and a representative of off-licensees.

These changes recognise the significant implications of alcohol use for the health sector, which were identified in the review report; the need to address particular issues related to alcohol regulation and consumption for young people; and the need to ensure the off-licence sector is represented, particularly given that a number of the review report proposals could impact on this sector.

The bill will also introduce secondary supply offences to bring the ACT into line with most other Australian jurisdictions in relation to the supply of liquor to minors on private premises. Currently, the Liquor Act prohibits the supply of liquor to children and young people on licensed or permitted premises, or in public places, but not the supply of liquor on private premises.

This gap was identified in the review report. Consumption of alcohol by children and young people is a cause for community concern due to the range of health and social harms that arise, both in the short term and long term. In particular, research has shown that alcohol may adversely affect brain development and lead to alcohol-related problems in later life.

To assist in strengthening the role of parents in making decisions in relation to their children and managing their alcohol consumption, the amendments will make it an offence for another person to supply liquor to a child or young person at a private place, unless they have permission to do so from a parent or guardian.

To assist in preventing harm associated with the misuse and abuse of alcohol, the amendments also make it an offence if the supply of liquor by a parent or guardian, or someone acting with permission, is not consistent with responsible supervision of the child or young person. The amendments provide some guidance on the range of matters which would be relevant in determining whether the supply is consistent with the responsible supervision of the child or young person.

I am also taking the opportunity in this bill to include amendments that strengthen the provisions which require holders of liquor licences and permits to be suitable people. There are two separate types of amendments designed to give effect to this. Firstly, amendments will enable the commissioner to rely on criminal intelligence information from ACT Policing. These amendments will provide ACT Policing with the relevant protections in relation to the disclosure of that information. These provisions mirror those already existing for the regulation of the private security industry.

Secondly, amendments will provide the commissioner with the power to require an applicant to give a current police certificate or other stated information about anyone the commissioner suspects on reasonable grounds is in a position to exercise significant influence over the conduct of the applicant.

Elements of the liquor industry, like a number of other industries such as the security industry, have been susceptible to providing an opportunity to conduct illegal activity such as drug dealing and money laundering. Where this occurs, there are significant risks to the community. In combination, these amendments will help to prevent criminal infiltration of the liquor industry and consequently ensure that the community is protected when patronising licensed venues.

The bill represents an important first step to further improve the ACT's liquor regulatory regime. I look forward to continuing to work with key stakeholders and the broader community throughout the course of this year on the other important issues raised in the review. I stress that this is only the first round of reforms I anticipate will be brought forward to this place as a result of the review of the Liquor Act.

The government remains committed to ensuring that any reforms balance the needs of the community and the liquor industry by requiring licensees to better manage the risks associated with the sale and consumption of liquor within the framework of the expectations and aspirations of our community. I commend the bill to the Assembly.

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

Mental Health Bill 2015

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—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (10.33): I move:

> That this bill be agreed to in principle.

I am pleased to be able to introduce this bill today. This bill is a companion piece to the amendments to the Mental Health (Treatment and Care) Act 1994 adopted in this place last year in the form of the Mental Health (Treatment and Care) Amendment Act. If passed, it is intended that those amendments, and amendments provided for by this bill, would commence together in November 2015.

It is important to consolidate and modernise all of this legislation, as it is for the protection of the rights and interests of people with mental illness or disorder and their significant others, such as carers. It is also legislation for the regulation of community and facility-based assessment, treatment and care services delivered daily by health and other professionals who work with people with mental illness or disorder. In other words, this is legislation that is central to the health and well-being of all members of our community and to the operation of the ACT health system.

Apart from bringing the ACT's mental health legislation into a single, contemporary statute, this bill provides for enhancement of a number of provisions in the ACT's current mental health legislation. For instance, chapter 6 clarifies the current provisions on emergency detention of people with mental illness or disorder who are at serious risk and builds extra safeguards into those provisions. Chapter 9 similarly increases the safeguards on the delivery of electroconvulsive therapy and psychiatric surgery. All of these clauses are predicated on respecting the capacity of a person with mental illness or disorder to make their own decisions and respecting the knowledge and experience their carers may have of their personal circumstances.

Chapter 13 improves the framework for the regulation of any private psychiatric facilities in the ACT, so that there can be adequate inspection of such facilities to ensure they are providing contemporary services that meet all relevant safety standards.

The bill also provides for clauses that clarify the current provisions and improve the safeguards on apprehension, transfer, and treatment, care and support of people who are under other Australian state and territory warrants or orders and of people from other states and territories who are in need of treatment, care and support in the ACT. Those clauses are in chapter 15.

These clauses ensure that, when appropriate, people under ACT mental health order can be expeditiously transferred to another state or territory to receive highly specialised services that may not be available here or to be near close friends and relatives or communities of support, such as an ethnic minority or Aboriginal community in which they were raised and to which they may still have close ties. It also allows people are under the mental health orders of another state or territory but who are in the ACT to be promptly transferred to their home jurisdictions to receive the therapeutic services ordered for them by that jurisdiction's tribunal or court.

Chapter 40 provides transitional clauses to effect the continuation of people's mental health orders made by the ACT Civil and Administrative Tribunal and other processes that have been initiated under the current act and which need to be continued after that act's repeal by this bill.

Members will see that the content of these clauses in the bill is about clearer wording and safeguards on the processes for timely delivery of the right health and disability support options to a person with a mental illness or disorder. Members will also see that the bill's clauses explicitly recognise that this timely delivery of the right supports is far more likely to occur if the legislation requires mental health and disability support professionals and the tribunal making mental health orders to consult meaningfully with the person and their carers about what they need and when, and to ensure the person can receive treatment when they urgently need it but are currently lacking the capacity to consent to it.

The bill is the outcome of a highly consultative public review of the ACT's current Mental Health (Treatment and Care) Act, which was first enacted in 1994. Since then, the ACT and most other societies throughout the economically developed world have significantly advanced inclusion of their members who have mental illness or disorders. This has occurred as people with mental illness or disorders and carers across the world have increasingly influenced the disability rights movement, as well as community development, psychology, psychiatry, ethics and the law.

The current act had been amended in parts since it was enacted in 1994, but an extensive formal review of the act has afforded our community a comprehensive opportunity to look at it as a whole and decide how it should be reformed. This bill is an outcome of that review, as was the Mental Health (Treatment and Care) Amendment Act passed by this place late last year.

In 2007 decades of advocacy of people with mental illness or disorder, carers and their allies across the globe culminated in the United Nations Convention on the Rights of Persons with Disabilities. This was ratified by Australia in 2008. The convention makes paramount the autonomy and dignity of people with disabilities, including people with mental illness or disorder. This is reflected in a key principle arising from the review—namely, there should be a renewed emphasis on respecting the capacity of a person with mental illness or disorder to make decisions about their own treatment and care with people assisting them to do so if the person needs such assistance.

Another of the principles decided on by the review was that when a person has a carer, the knowledge that carer has of the person's wishes and needs must be actively recognised by health professionals, ACAT and others working with the person on their treatment and care under the ACT's mental health law. The bill's clauses very much reflect these principles. They also manifestly reinforce the rights of persons with mental illness or disorder and their carers.

Even before the advent of the UN Convention on the Rights of Persons with Disabilities, these rights were proclaimed in the ACT by the Human Rights Act 2004, Australia's first human rights bill. As members of this place will know, it is the clear intent of the Human Rights Act that the ACT's public authorities, including its services for people with mental illness or disorder, observe the rights of all people in the ACT.

In keeping with these principles and rights, the review was steered by a review advisory committee constituted not only of people who have experienced mental illness or disorder and people who have been the primary carers of people with such illness or disorder but also those organisations who advocate for them and have a membership that is substantially comprised of people with mental illness or disorder and child and adult carers. These organisations included the Mental Health Community Coalition of the ACT and the Youth Coalition of the ACT.

The review also benefited from the expertise and considered advice of these people and organisations along with committee members from agencies that routinely serve people with mental illness or disorder and their carers. These included the Health, Community Services, and Justice and Community Safety directorates, the ACT Policing mental health liaison unit, the ANU's Research School of Psychology, the ACT Medicare Local, ACT Ambulance Service, ACT Corrections, Disability ACT, the Chief Psychiatrist, the Community Care Coordinator, the Public Advocate, the Victims of Crime Commissioner, the Human Rights Commissioner, the Health Services Commissioner, the Principal Official Visitor, the Office of the Director of Public Prosecutions, the Courts Registrar and the General President of the ACT Administrative and Civil Appeals Tribunal.

This bill will complete the legislative reforms that the review determined necessary, and I take this opportunity to pay tribute to all of the review advisory committee members for their commitment in ensuring the ACT delivers contemporary, safe and effective treatment and care services to people with mental illness and disorder with their carers and other close friends and relatives. I commend the bill to the Assembly.

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

Energy Efficiency (Cost of Living) Improvement Amendment Bill 2015

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—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (10.43): I move:

> That this bill be agreed to in principle.

The Energy Efficiency (Cost of Living) Improvement Amendment Bill 2015 contains amendments to extend and enhance the operation of the Energy Efficiency Improvement Scheme—EEIS—provided for by the Energy Efficiency (Cost of Living) Improvement Act 2012. The intent of the Energy Efficiency (Cost of Living) Improvement Act is to provide for a market-based scheme that places an obligation on electricity retailers in the ACT to achieve energy savings. The act aims to encourage the efficient use of energy, reduce greenhouse gas emissions associated with stationary energy use in the territory, reduce energy use and costs and, in particular, assist low income households suffering from utility cost stress.

The EEIS has operated with great success in the ACT since 1 January 2013. More than 50,000 households have participated in the scheme to date, including over 14,000 low income households. Over 550,000 energy saving items, including light globes, standby power controllers and door seals have been installed, saving an estimated 440,000 tonnes of carbon dioxide equivalent, and over 1,500 inefficient refrigerators and freezers have also been decommissioned, including de-gassing, and destroyed.

The EEIS act currently provides for the scheme to run until 31 December 2015. A review of the operation of the act undertaken last year found that the EEIS has been highly successful to date and that there would be significant advantage in continuing the EEIS beyond the current legislated end date.

Over half of participating households surveyed as part of the review reported a reduction in their energy use resulting from the activities, and less than a third reported that they may have purchased these products within the next 12 months without the scheme. In addition, around a quarter of all households reported that their participation in the scheme led them to undertake further energy saving activities. Not only is this policy having a direct positive impact on ACT households but these households are also going on to seek out further energy savings themselves.

Consultation with industry and community stakeholders has revealed strong stakeholder support for continuing the EEIS, recognising the important role the scheme plays in reducing cost of living pressures for households and reducing energy use and greenhouse gas emissions.

Stakeholders have also noted the value in the EEIS alignment with other jurisdictional schemes to date and recommended further harmonisation across Australian schemes be pursued. Responding to this feedback, the bill presented today not only extends the EEIS to 31 December 2020 but also provides for a number of changes that will provide greater opportunities for harmonisation with other schemes and cost-effective energy efficiency activities.

This includes a mechanism for the administrator to register approved abatement providers who are eligible to undertake EEIS activities in the ACT and create abatement that may be purchased by a retailer to meet an energy savings target. Amendments also provide that the administrator can recognise abatement created in the ACT in accordance with activities in other jurisdictional schemes.

These amendments will increase opportunities for harmonisation with other jurisdictional schemes and the ability of providers to operate across jurisdictional schemes to deliver new energy saving activities in the ACT. This will also open up opportunities for those already delivering energy saving activities in the ACT to deliver activities under the EEIS.

The bill also responds to the needs of retailers identified in the review for greater notice time when increasing a future energy saving target or emissions multiplier. Additional clarity regarding when an electricity retailer transitions from being a tier 2 to a tier 1 retailer is also provided for in these amendments.

A comprehensive regulatory impact assessment and detailed modelling was undertaken to inform the development of the bill. The assessment includes detailed analysis of the likely impacts of the scheme, including a comprehensive analysis of the likely economic costs and benefits for the territory. This analysis concludes that the objectives of the policy, including substantial energy, greenhouse gas savings and enhanced social equity, can be achieved with net economic benefits for the ACT.

Continuing the EEIS will contribute to achieving the government's greenhouse gas reduction targets while also reducing energy bill stress for households and small to medium enterprises. The cost of abatement under the scheme is modelled at negative $78 per tonne, and the EEIS will result in a net present value to the ACT economy of around $40 million.

The future energy saving targets to 2020 represent a similar level of ambition to the current scheme in terms of anticipated total scheme costs and projected electricity and gas savings. Although estimated household savings have declined slightly from estimates for the original scheme due to lower than expected electricity and gas prices, householders are still expected to save $3.20 per week on average in 2020 on their energy bills. Pass-through costs associated with the scheme are not expected to increase from current levels, so households and businesses should not see any increase in their energy bills as a result of extending the EEIS.

Importantly, low income households will continue to be a key focus of the EEIS to 2020. We know low income households are least equipped to carry the burden of high

energy prices and that improving energy efficiency in these homes decreases cost of living pressures. Continuing the EEIS to 2020 will ensure at least 20 per cent of energy savings from the EEIS are achieved in these households.

In summary, continuing the EEIS to 2020 will continue to deliver significant benefits to households and small to medium enterprises, contributing to the ACT's transition to a low carbon economy while looking after those most in need. I commend the bill to the Assembly.

Debate (on motion by **Ms Lawder**) adjourned to the next sitting.

Water Resources (Catchment Management Coordination Group) Amendment Bill 2015

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—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (10.51): I move:

> That this bill be agreed to in principle.

This bill amends the Water Resources Act 2007 to establish the ACT and Region Catchment Management Coordination Group.

There is a paramount need to protect the water supply and water quality of the ACT and region for the community's needs and to protect the environment. At the same time catchment management is not just confined to our streams and lakes but also involves the coordination of the management of the surrounding terrestrial systems—water and land are interconnected. Human activities inevitably affect our catchments and there is a need to plan and manage our water and land resources on an integrated basis.

The Catchment Management Coordination Group will cover not only the ACT but also the water catchments of the surrounding upper Murrumbidgee region. To effectively manage the catchments of the ACT and the surrounding region requires the involvement of the New South Wales government and the local government areas in surrounding New South Wales. This is acknowledged by the ACT government and has been occurring for some time now on an interim basis. This bill provides for this new group to be cemented in legislation to help underpin the implementation of cross-border water management in the ACT and the surrounding region.

The need and recognition for the establishment of a catchment management group has been stated for some time by this government. It is an action item under the ACT's water strategy, *Striking the balance*, which was released in August last year. Moreover, a number of reports on the state of the ACT's catchments and Lake Burley Griffin have indicated the need to put in place a catchment management group

particularly to coordinate the management of the streams and lakes of the ACT. This was highlighted in the Commissioner for Sustainability and the Environment's 2012 report, the *State of water courses and catchments for Lake Burley Griffin*, and the report by the Chief Minister's task force, the *Lake Burley Griffin action plan 2012*.

This legislation will establish the ACT and Region Catchment Management Coordination Group. The bill will be a new part, part 7A, of the Water Resources Act 2007. The bill relates closely to the objects of the Water Resources Act. The key object of the Water Resources Act is to provide for sustainable management of the water resources of the territory.

The role and function of the Catchment Management Coordination Group is not regulatory. It is instead advisory to the Minister for the Environment on a range of matters and issues that affect catchment planning and management. Some of the matters that the group is likely to consider include: (a) priorities for water catchment management in the ACT and the surrounding upper Murrumbidgee region; (b) actions or strategies to build partnerships, manage or develop activities and share information with the commonwealth and New South Wales governments and their agencies, including any investment opportunities; (c) actions or strategies to improve water catchment health; (d) actions or strategies to coordinate investment in relation to water catchment management with the commonwealth or New South Wales or their agencies; (e) likely impacts of proposed developments or events on water catchment management in the ACT and the Australian capital water catchment region; and (f) actions or strategies for a proposed development or event to address likely impacts on water catchment management.

As the relevant minister under the legislation, I must consider the advice provided by the group. The coordination group will be required to provide an annual report and the minister must, within 21 days after receiving the report, table here in the Assembly the report and a statement by the minister responding to any advice given or recommended to the minister.

The group will have representation from the ACT government, the commonwealth through the National Capital Authority as the manager of Lake Burley Griffin, the New South Wales government and from the local government areas of Queanbeyan City Council, Yass Valley Council, Palerang Shire Council and Cooma-Monaro Shire Council. It will also have representation from Icon Water, which has a vital interest in ensuring water security and water quality, water management issues and projects.

ACT government representation will be at the director-general level from the following directorates: Chief Minister, Treasury and Economic Development; Environment and Planning; Health; and Territory and Municipal Services. The Commissioner of the ACT Emergency Services Agency will also be a member.

There is also a clear need to involve the community in effective catchment management. As such the group will have a representative of the community's interests in water catchment management. The group will also require relevant skills and knowledge; hence it will be a requirement that any person from outside government appointed to the group must have appropriate knowledge and experience

in respect of relevant aspects of catchment management. The establishment of the catchment group is also linked to the role and work of the ACT and New South Wales memorandum of understanding for regional collaboration. Finally, the bill provides for the appointment of an independent chair of the catchment management group.

As we know, the ACT is part of the Murray-Darling Basin. The formation of an integrated catchment management group will assist in carrying out the ACT's responsibilities for water resource management for the upper Murrumbidgee River system.

There is a clear need to create this coordination group in legislation. I commend the bill to the Assembly.

Debate (on motion by **Ms Lawder**) adjourned to the next sitting.

NRMA-ACT Road Safety Trust Repeal Bill 2015

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 Justice, Minister for Sport and Recreation and Minister assisting the Chief Minister on Transport Reform) (10.58): I move:

> That this bill be agreed to in principle.

Today I introduce the NRMA-ACT Road Safety Trust Repeal Bill 2015 into the Assembly. The NRMA-ACT Road Safety Trust is based on an arrangement between the ACT government and NRMA Insurance and is a statutory public charitable trust.

The trust was established in 1992 with a fund of $10 million provided by NRMA Insurance as a result of surplus third-party insurance premiums arising from lower than expected claims in the 1980s. The decision to establish the trust was based on the view that it would provide an equitable means of distributing the excess funds for the purpose of projects that would enhance road safety in the ACT.

Since 1998 the trust has been funded by a road safety contribution paid when an ACT vehicle is registered, and a matching contribution from NRMA Insurance which is factored into their compulsory third-party insurance premiums.

While the trust arrangement was appropriate when NRMA Insurance was the ACT's only compulsory third-party insurer, it is not consistent with encouraging competition or the principle of ensuring a level playing field for all insurers in the CTP market. Following the entry of a new CTP insurer to the ACT market, and discussions with the insurers, it was decided that the trust should be ceased and new arrangements for funding road safety initiatives be established in its place.

This bill repeals the NRMA-ACT Road Safety Trust Act 1992. This act was enacted to formally establish the NRMA-ACT Road Safety Trust as a public charitable trust. The objectives and purposes of the trust, the powers and responsibilities of the trustees and other matters relating to the functions and operations of the trust are set out in the trust deed which is also contained as a schedule to the act.

The bill also includes amendments to the Road Transport (General) Act 1999 to provide transitional measures which preserve sections 5 and 6 of the repealed act for specified periods beyond the commencement of the bill.

Section 5 declares the NRMA-ACT Road Safety Trust to be a valid charitable trust established for public charitable purposes. This clause is preserved to allow the trust to wind up its current contractual obligations over the next three years. This will avoid any doubt as to the trust maintaining its charitable status until its cessation.

Section 6 of the repealed act provides indemnity for the trustees, the NRMA, the territory and any person acting under their direction from legal liabilities. This section is preserved for a further 15 years after the act's repeal.

The 15-year expiry will allow trustees to undertake the necessary decisions to cease the trust within a three-year period while also providing the minimum protection of 12 years once the trust ceases operations. This is a requirement which stems from the limitations provisions contained in the Limitation Act 1985. This will ensure that the trust's activities can be carried out effectively without unnecessarily restrictive constraints imposed by potential legal actions that might otherwise arise.

The cessation of the NRMA-ACT Road Safety Trust will occur over a period of up to three years. During this period the trust will continue to manage and meet existing commitments for current grants and other projects and undertake other requirements to cease the trust, including allocation of any residual funds.

Under the terms of the deed which established the trust, any residual funds maintained by the trust must be directed to organisations whose objects and purposes are consistent with those of the trust; that is, directed at improving road safety. While the direction of any remaining funds has yet to be determined, as a charitable trust, any residual funds left over at the dissolution of the trust cannot be transferred to the government or to NRMA Insurance.

The trust's contribution to improving road safety in the ACT has been significant and highly valued by the ACT government and ACT community. The trust was set up to provide funding to initiatives that enhance road safety for the road-using community in the ACT and, in undertaking this objective, the trust has allocated over $20 million to over 350 road safety projects.

A key project funded by the trust is the establishment of the Dorothy Sales Cottages. The trust provided $750,000 to the National Brain Injury Foundation to build and equip a prolonged care facility in Hughes for young people with acquired brain injury resulting from road crashes. The cottages are run by CatholicCare and provide individually tailored therapeutic and clinical support to long-term residents. In

addition to this long-term accommodation, a respite bed is available to people with acquired brain injury and/or high level clinical support needs living in the ACT.

Another key project undertaken by the trust was the allocation of $2 million to the development of road ready, the ACT's graduated licensing scheme. The road ready program is a key program conducted by the government to assist new drivers. It is a comprehensive educational program that helps prepare new drivers to become safer and more responsible drivers.

The trust has also funded research into a variety of road safety issues. For example, it provided $118,000 to the Monash University Accident Research Centre for the development of an education and training package aimed at road safety issues involving older drivers. Further, it funded the research component of the accident care evaluation, which determined whether the health outcomes of people who have sustained mild to moderate soft tissue injuries from road accidents can be improved by early referral to medical practitioners.

It is clear that the trust has made an important contribution to road safety in the ACT, and I would particularly like to acknowledge and thank NRMA Insurance for their valued partnership with the ACT government, and their commitment to enhancing road safety for the ACT community over the past 22 years. I would also like to put on record my thanks to those who have served as trustees over the life of the trust, particularly Professor Don Aitkin, who has served as the chair of the trust for the past 14 years. They have shown deep personal commitment to improving road safety outcomes in our community.

Noting the very valuable and important contribution the trust has made to the ACT community, the government committed late last year to establish a new fund to support projects in key initiatives related to road safety research, education and road trauma prevention, in support of the government's road safety strategy.

I am pleased to announce to the Assembly that the ACT Road Safety Fund will commence from 1 July this year, and will build upon the good work of the trust, including the provision of an annual grants round. The new fund will be supported by a ministerially appointed advisory board, which will provide advice about the application of the new fund to the government, including the allocation of grant funding. Board members will be appointed for a period of three years, and the board will consist of a combination of independent road safety experts, representatives from ACT CTP insurers, road user representative groups, and the ACT government. Under the terms of reference, the advisory board will report annually on the application and activities of the fund. This report will form part of the existing ACT road safety report card which I table annually.

In order to ensure that the new fund has sufficient resourcing for an annual grants program and other key initiatives, the road safety contribution, which is paid when a vehicle is registered in the ACT, will be increased from $2 to $2.50. This fee has not risen since 2003 and will apply to vehicle registrations commencing on or after 1 July this year. The small increase to the road safety contribution will provide annual income of approximately $700,000 for the fund. Applications for the initial grants round will open in the first half of next year.

This bill is the first step in the process of ceasing the NRMA-ACT Road Safety Trust. The approach of ceasing the trust will ensure that there is a level playing field in the ACT CTP market. There will be an opportunity under the arrangements for the new road safety fund for the involvement of all ACT CTP insurers.

This bill will allow the trust to be settled over a period of time in order to ensure that all obligations of the trust are finalised in an orderly manner. I commend the bill to the Assembly.

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

Administration and Procedure—Standing Committee
Reporting date

MR SMYTH (Brindabella) (11.08): I move:

> That, if the Assembly is not sitting when the Standing Committee on Administration and Procedure has completed its inquiry into the Report of the Commissioner for Standards in relation to a complaint against Ms Burch, then a Member of the committee can send to the Speaker, or, in the absence of the Speaker, the Deputy Speaker, a copy of its report so that directions can be given for its printing, publication and circulation.

This is simply procedural. Currently the admin and procedure committee, if they make a report, can report only on a sitting day. We are currently working on a report in expectation of a report from the Commissioner for Standards.

Members might not be aware that there is a continuing resolution on page 77 of the standing orders and on the ACT website a set of protocols on how these investigations are carried out. We have some things to do before we can report that currently could not be achieved by today. Obviously, the next time that the committee could report, should they be in a position to do so, would be in August, which is a long time to wait, so, in expectation that we may be able to report sooner than that, all that this motion seeks to do is to give us that ability to circulate the report out of session.

Question resolved in the affirmative.

Report 5

MADAM SPEAKER: I present the following report:

> Report No 5 of the Standing Committee on Administration and Procedure entitled *Inquiry into ministerial statements*, together with a copy of the extracts of the relevant minutes of proceedings.

Motion (by **Dr Bourke**) agreed to:

> That the report be adopted.

Leave of absence

Motion (by **Ms Burch**) agreed to:

> That leave of absence be granted for all members for the period 5 June to 3 August 2015.

Executive business—precedence

Ordered that executive business be called on.

Planning and Development (University of Canberra and Other Leases) Legislation Amendment Bill 2015

Debate resumed from 14 May 2015, on motion by **Mr Gentleman**:

> That this bill be agreed to in principle.

MR COE (Ginninderra) (11.11): Consistent with earlier statements on related issues, the opposition will be opposing the Planning and Development (University of Canberra and Other Leases) Legislation Amendment Bill 2015. The opposition have serious concerns about the impact of this bill on planning and development in the ACT, but especially on the Belconnen town centre.

This bill creates a new category of lease for land, a sublease. Under this bill, holders of a sublease will have the same rights and responsibilities as holders of a lease. Land at the University of Canberra is currently held under a perpetual crown lease. Subdivision of this lease would see the university lose the perpetual status of that lease. Therefore the government has come up with a new way to allow the University of Canberra to retain its privileged status when it comes to the lease for the property, but also, in the government's terms, to exploit its land.

Subleases will have to be registered so that the terms and record of title will be publicly available. Development applications will have to be signed by both the crown lessee, the University of Canberra, and the sublessee so that the University of Canberra retains control over what is built on its site.

The ability to sublease land will be available for any block of land in the territory. However, the ability to unit title the subleased land will only be available to holders of a "declared crown lease". The planning minister and another minister will make declarations that a prescribed crown lease is a "declared crown lease". This only applies to the University of Canberra and potentially the Australian National University.

If the sublessee wants to unit title the parcel under a sublease, the crown lessee must consent in writing to the unit titling application before ACTPLA will approve it. Under this bill the University of Canberra retains its exemption from rates and other taxes. However, apparently, sublessees will be subject to normal rates and duties.

The more concerning feature of the new leasing structure is that land at the University of Canberra will not be subject to the lease variation charge. This means that the cost of developing on the UC site will be cheaper than on other sites around the ACT, some just a few hundred metres away from the Belconnen town centre. This, we argue, is unfair. If the government insists on imposing the lease variation charge at all, it should be in place everywhere and consistently. Why should it be cheaper for development to take place on the University of Canberra site but be more expensive just a few hundred metres away where there are private developers?

Although we are not debating the territory plan variation here today, I think it is important to mention the amendments that it will make to the University of Canberra site. The variation will make some significant changes. The variation will allow residential development on the University of Canberra site. This residential development will not just be for future students, and it will not necessarily be developed by the university. Instead it will allow for approximately 3,300 new dwellings to be built over about 15 years—or we are told it will take about 15 years. This is a large number of dwellings. At about 250 or so units per year, that is enough to heavily distort the residential market around the Belconnen town centre.

The variation will also allow office accommodation to be built on the site. The initial limit of the office accommodation will be 2,000 square metres but the limit is not fixed. It may be increased if the government determine that it will not have a negative impact on the town centre. However, how are the government meant to assess this impact when they clearly do have a conflict of interest? Given how willing the government seem to be to give in to the university's demands, I do not think they will be saying no if the University of Canberra asks for the limits to be lifted.

The variation will clarify the building heights on the site. The limit will be 16 metres but this can be increased to 30 or even 45 metres if other criteria are met. So I find it very hard to believe that if the University of Canberra requests that it be increased to 30 or 45 metres this government will not be obliging.

The variation will also allow for additional shops on the University of Canberra site. The university has indicated that it wants to build a supermarket on the campus. The territory plan variation will allow for a supermarket of up to 1,000 square metres. It is important to note that the suburb of Lawson also is designated to include a supermarket which I believe has a maximum GFA of 700 square metres. So on one side of Ginninderra Drive they will allow for 1,000 square metres but on the other side, the private side, they will allow for just 700 square metres. Whilst I understand that the supermarket site in Lawson has yet to be released, I think it is inevitable that a university supermarket of 1,000 square metres will have a significant impact on the viability of any supermarket at the Lawson development.

Unfortunately, it appears that this bill has simply been drafted because the University of Canberra wants to "exploit" its land. The government has not provided any convincing arguments about the benefits to the community as a result of this bill. Instead it just says that the University of Canberra has asked for it and given some motherhood statements about innovation. Unfortunately, this is not good enough. The government is supposed to be the independent decision maker in planning decisions. But the government cannot be independent when it comes to this issue.

This bill has serious issues. It is seriously undermining the property sector and the property market in Belconnen in particular, but indeed across Canberra. It is unclear how the value of the land will be determined in order to charge rates and other charges. It is unclear how much control ACTPLA will have over what is developed at the University of Canberra.

It is also, of course, interesting to note that the multi-unit housing code will not apply to development on the University of Canberra site. This means that developers at this site will be at yet another advantage when compared to others, perhaps just a few hundred metres away, who will have to comply with the more onerous conditions that are included in that code.

While the government is happy to give the University of Canberra what it wants when it comes to exploiting land on that site, the opposition is very concerned about where this may potentially lead. The government is relying on the University of Canberra to do the right thing and not exploit the new powers it has been given. However, as I have said before, we have real concerns that there will be many serious impacts on the private sector, especially in Belconnen. The government should not be giving the University of Canberra so much power without proper checks and balances, especially when it risks distorting the market. Therefore the opposition will be voting against this legislation.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (11.19): This bill is an essential component of our efforts to increase economic investment and create jobs in Belconnen and the wider Canberra region, not just through the immediate construction activity on the University of Canberra campus, but also by strengthening Canberra's higher education sector over the longer term.

Unlocking and better utilising the land holdings of the university campus will create employment, attract investment and boost trade in education and other services. This is all about giving the university the resources to allow it to compete with the best universities in Australia and around the world and deliver the best possible higher education offering for students. That means attracting the best lecturers and researchers, giving students hands-on experience as part of their courses, increasing post-graduation employment prospects, and commercialising groundbreaking research discoveries.

By taking these steps now we will further strengthen our reputation as the knowledge capital of the nation. By growing the higher education sector and facilitating investment by the University of Canberra and its partners, we are diversifying the economy and creating new, highly skilled and well-paid jobs.

When Mr Coe's colleagues casually rip out 5½ thousand jobs from our economy over the past 18 months, people ask, "Where are the new jobs coming from in our city?" The answer to that, in part, is higher education. It is one of our biggest export products, but we cannot just assume we can sit back and continue to benefit—something those

opposite find very hard to understand. But if we want our local universities to thrive on the world stage, we cannot engage in the sort of benign neglect advocated by Mr Coe and his colleagues. In stark contrast, the government is actively assisting the University of Canberra to diversify its operations, to develop the campus and to create and attract job-creating partners to its largely undeveloped 118-hectare site.

Members would be aware that I recently signed an agreement of strategic intent with Professor Parker, the Vice-Chancellor of the University of Canberra, outlining our joint commitment to the ongoing development and growth of the University of Canberra campus in line with its master plan. This growth is balanced by the agreement to limit non-student residential development on campus to no more than 3,300 residential dwellings and by capping the number of those dwellings offered for sale in any 12-month period to 200. The registration processes provided for in the bill will also allow the government to easily monitor what is happening on site.

This bill will help to cement Canberra as the knowledge capital of the nation. It will pave the way for a billion dollars of new investment, development and job creation on the University of Canberra campus and in the surrounding community.

In the face of the significant challenges to Australia's higher education sector, the widespread uncertainty about federal policy direction, these developments—this support from the territory—will enable the University of Canberra to unlock new income streams and boost its reserves. These growth opportunities will help the UC to secure its own financial future, while the innovative leasing regime created through this legislation ensures that it can make best use of its perpetual lease without relinquishing ownership.

The creation of innovation clusters in health, sport and technology will foster the social and economic benefits the Canberra community wants and will attract the best minds to live and work in our city. The health precinct will change our city's health landscape by providing a platform for innovations that address the healthcare challenges of the future, as well as delivering services to the local community through the UC teaching hospital.

Expansion of the sporting commons will support the University of Canberra's goal to become Australia's leading university for sport education and research. The technology precinct will foster engagement and collaboration with national and international research partners directly from the UC campus. These projects are at the centre of the university's planned developments.

The bill establishes a new leasing model for the University of Canberra which will offer the same protections to a sublessee of land as those provided under the Planning and Development Act and the Leases (Commercial and Retail) Act. The protections are extended to all subleases of land.

Our world-class higher education institutions simply must continue to attract new ideas and people to our city in the form of students, researchers, developers and entrepreneurs. And the ACT government and this place must play their part to ensure our universities stay ahead of their competition, so that the entire community benefits.

A vibrant, appealing and connected University of Canberra campus will improve amenities and create opportunities for all on the campus and nearby. Canberra will be a city renowned for its learning opportunities and for the skilled workforce we develop.

As Canberrans we can be proud of our higher education sector, our world-class tertiary institutions and the brilliant possibilities our city has to offer our students. With two world-ranked universities in our city, we are showing the region and the world that we welcome new ideas, new people and new innovation. Today we are taking another step to create an innovative city, with a distinct identity, where our business and our university sectors can join to create a new and exciting economy.

But this does not just happen by accident. It takes hard work and it takes a vision for what this city can be. I commend the minister for his work in delivering this reform for the university, its students, its faculty, its commercial partners and the people of Belconnen and the people of Canberra. This government is committed to growing our higher education sector. From what we have heard opposite, the Liberal Party are once again attacking our city's universities. They do it federally, and they are doing it locally now.

MR RATTENBURY (Molonglo) (11.25): The bill effectively creates a greater range of economic opportunities for the University of Canberra, broadening its revenue base and reducing its future dependence on government funding and support. It is designed to set them free in some regards, and is mostly driven by a consensus that the higher education sector is changing too rapidly to sit still. We need to take bold action now to prepare for the continuing impacts of the federal Liberal government on the ACT economy and cuts to university funding across the country.

The recent performance of the federal education minister in seeking to use the jobs and livelihoods of scientific researchers as a threat against the Senate's vote on the deregulation of universities was a new low in this debate. It is high time the debate is reset and a more steady and sensible policy agenda produced. It is in that context that we are discussing this today—that is, ensuring our universities are not subject to the vagaries of federal government policy but, in fact, have an opportunity to provide themselves with stronger foundations.

The ACT Greens are broadly supportive of both the current vice-chancellor's vision for the University of Canberra and the legislation before us. I will be supporting the bill as it stands, but I also put on the record that we will continue to watch the subsequent legislation, developments and changes they bring.

This bill will deliver wide ranging benefits to the Canberra community by helping the University of Canberra strengthen its foundations and ensure its viability into the future by diversifying its income streams. The university sector is the fifth largest industry in the ACT, contributing more than $1.7 billion worth of activity annually. The university economy is critical to a sustainable future not only for Canberra but for our region and the nation.

For the University of Canberra to continue its growth and remain competitive, the planning controls which govern the development of the campus need to be broadened. The university has an ambitious master plan which can be delivered through this bill and the proposed territory plan variation, which will include allowing residential and commercial development.

The bill proposes a number of primary amendments that will form the foundation of the new leasing model and have at its core the Land Titles Act 1925, the Planning and Development Act 2007 and the Unit Titles Act 2001. The bill allows for the realisation of the potential of the university's crown lease and strengthens the existing provisions for subleasing of land. Effectively, this bill will allow both the ANU and the UC to sublease land currently under its in-perpetuity lease control. It is important to note that the conditions of the sublease will be in line with existing common law provisions and responsibilities as with any other unit title arrangement. This is essential to offer protections to any future residents and body corporate structures that may arise.

These reforms will allow the university to bring together professional partners and businesses, broadening the economic opportunities and boosting job growth. The university's development will include a sports innovation cluster, which will be a leader in Australia in sports education and research; a health precinct, which will bring together research and training and healthcare facilities; an innovation precinct which will enable collaboration with national and international partners with a focus on commercialising research; and more residential accommodation.

While supporting the current vice-chancellor's vision and commitment to the future of the university, the education sector's role in the social and economic life of Canberra is too important to just set and forget. I believe the Assembly needs to maintain a close relationship with stakeholders and the community over the coming months and years.

Earlier this year the University of Canberra Amendment Bill 2015 was passed which foreshadowed this and other subsequent legislation. That bill specifically refers to a five-year review process, whereby the responsible minister will present a report to the Assembly on the outcomes of the review. In particular, the review will consider the economic and other benefits gained by UC and the community in the ACT region. It is important that this bill is included in the review.

We need to ensure the vision currently being outlined by the University of Canberra is actually realised. The Greens strongly believe elected representatives and responsible governments should maintain an oversight of that. The university's land is still within the ACT borders and, therefore, should still be accountable to ACT laws. I would like to identify early on that this is an area that the ACT Greens will continue to monitor, as land is a precious commodity in our territory, and we must be strategic and community minded in its use.

We do not want to repeat the experience of the ANU, which in the 1990s sold off much of its housing for students and academics. This was done to try to solve short-

term financial problems and for ideological reasons that it was not the university's core business to be an owner of real estate. The ANU was to find a decade later, after the proceeds for the sale of the property were gone, that one of the major factors limiting the university's ability to attract students was the lack of affordable housing. It then had to seek additional funds to build new student housing.

We would not want people to look back at this point in history in 30 or 50 years time and say it was a shame the University of Canberra allowed private residential and commercial development on its land, with the proceeds now spent and future land use options compromised. It is essential that a significant portion of the proceeds from development are retained in a fund that benefits the university long into the future. I have been briefed by the vice-chancellor and members of the university council, and I look forward to discussing these issues further and monitoring how these funds are utilised. I understand it is the university's intention that the funds raised from developments will be directed to the university foundation to access scholarships and investment in research and development.

The flow of funds will be reported in annual reports, and the effectiveness of expenditure of funds should be critically assessed at the five-yearly review point to ensure maximum benefit is being derived for both the university and the territory. We must ensure this is not a one-off and that funds that are put into things like the university foundation and research development are used as an investment that will continue to benefit the university over an extended period of time for what might be considered a one-off use of the land.

The university will have the power to enter into contracts with third parties in order to commercially exploit and develop its property for the university's benefit. That is one of the clear outcomes of this legislation. While this is of obvious benefit to the university as it seeks to undertake ambitious co-investment models and provides greater certainty to those anticipated investors, I believe there is still a public benefit consideration that may need further articulation. The ACT government operates its business under an ethical investment framework. While the university will be acting as a natural person in many regards from here on in, it is still a body that has legislative ties with the government. Therefore I believe the university needs to adopt an ethical investment framework that matches that of the ACT government and ensures those partnerships the university enters into, the investments it makes with the endowment it will receive from the use of its land are used in a way that meets the expectation of its students, its stakeholders, and the broader ACT community, including the ACT government.

That is an issue I have flagged with the university and I will continue to engage with them on it. It is widely recognised around the world that universities are leaders in this sort of space. In the United States particularly we see universities there at the absolute forefront of ethical investment, and I think we would all expect our universities in Australia to be in that same place.

Another area I believe should be subject to further development is all-round excellence in sustainability when it comes to the developments that will take place on campus. Measurable performance indicators and a review process should be defined

in areas such as solar access, energy efficiency, renewable energy, innovation in the use of materials and construction technologies, quality of construction, water sensitive urban design and transport options.

We have often heard commitments to sustainability at the outset of projects in the past only to see by the time the project is actually completed that the sustainability elements have been "value managed" out of a project. The government needs to work with the university to ensure that the ideals currently being expressed are followed through to the final product.

I have optimism in this space. Again, in discussions with the university, they have indicated they intend to use the development taking place on campus as part of their curriculum. That is one of the very positive elements of this proposed approach and the vision the vice-chancellor has spelled out around this, but we need to make sure that is followed through. Since I last had a discussion with the university about this, I believe further progress has been made, and I am very encouraged by that. I believe they are starting to build a range of these sustainability criteria into the contracts that they will enter into with development partners. I welcome that. I thank them for that development and I look forward to further insight as to how that is going. There is a real opportunity for the university to excel in areas of architecture, urban planning and natural resource management by ensuring their developments are of a standard that the university sector and its members would expect.

I also hope a component of affordable housing will be included in the development, again mindful of the need to both accommodate students and to play a community role from the university. Planning and timing of developments within the university should also be determined within the context of the wider Belconnen town centre precinct. We need to ensure there is orderly sequencing that does not undermine nearby developments. This is something Mr Coe spoke to. Again, in the statement of intent, there is an undertaking from the university, a clearly stated intent, that they will limit the development to around 200 properties a year over the course of 15 years so it is coming out in an orderly manner.

The five-year review point provides the Assembly with an important opportunity to monitor that. If the university does not follow that intention—I have no doubt they will—the Assembly is provided with that opportunity to ensure we do not see the sort of distortion we have seen from the Canberra Airport when it comes to the ACT's property market.

When I reflect on that, what has happened at the airport has very much influenced my thinking on how we approach this University of Canberra model. There is an opportunity there, but we need to make sure that it does not sit completely outside the ACT's planning framework in a way that perhaps the airport has. The review process will be very important, and the Assembly will need to focus on that very clearly at the time it comes forward.

As I have said, I support the general direction of the bill, and I appreciate the vision Vice-Chancellor Parker is working towards. But that vision must be a shared vision with the rest of the community, and the Assembly needs and will have clear opportunities to scrutinise and test that vision.

There also may be value in looking to any review of this bill's impact for other in-perpetuity leases that exist in Canberra. The two main in-perpetuity leases are, of course, the ANU and the University of Canberra, and they are addressed in this bill. But there are around 30 or so other in-perpetuity leases across the city. In iterations of this bill there has been a clear decision not to include those other leases at this point in the bill. I think that is a positive thing. This is about the University of Canberra, and to have brought those other ones in would have opened up an issue that would have made this bill too broad. I welcome the fact that those other in-perpetuity leases are not covered by this legislation.

In closing, the ACT Greens will support this bill today and look forward to ongoing conversations, public consultations and discussion as the university embarks on a project and a pathway that is sure to be of benefit to the ACT and the university itself.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (11.39), in reply: I am pleased to speak today on the Planning and Development (University of Canberra and Other Leases) Legislation Amendment Bill 2015, and I am also pleased to be able to report that the bill has been scrutinised by the Standing Committee on Justice and Community Safety with no comments made. I thank members for their comments during the debate.

Madam Assistant Speaker, when I presented the bill to the Assembly on 14 May this year I affirmed that the economic prosperity of the city and the Canberra region is a high priority for the ACT government. We are committed to ensuring our tertiary education institutions are given every opportunity to thrive and expand. Building our universities is an important part of diversifying our economy by playing to our strengths as one of the world's top student cities with a strong higher education and research sector.

The Australian National University, the University of Canberra, the Australian Catholic University, the University of New South Wales—ADFA—and Charles Sturt University all play an important and vital role in growing our economy. Together, they currently add $2.75 billion to our economy each year and support almost 16,000 jobs. Canberra is one of the world's top student cities.

While not detracting from the many achievements of all of these great institutions, I will focus today on the University of Canberra, as the bill was developed to support the innovation and vision for that university's future. The University of Canberra is not simply a provider of education services; it is a multifaceted institution which engages in successful research and collaboration, as well as offering cultural, sporting, professional, technical and vocational services, and engaging in public discourse.

The innovative vision of this university, to develop and evolve new ways of delivery, is demonstrated across many platforms and delivers real benefits for our local community. The University of Canberra and other leases amendment bill, together with territory plan variation 347, which is on public notification until 19 June, are part of an ambitious program of reforms to boost the higher education sector and secure Canberra's position as Australia's education and knowledge capital.

For the university to continue its growth and remain competitive, the planning controls which govern development on the campus need to be broadened. Updating planning legislation will make the university more competitive by giving it the same commercial opportunities as other universities, including the Australian National University.

Through this bill, this government is supporting the university to realise these opportunities and at the same time deliver for our community—helping to create jobs, drive growth, and encouraging investment to secure the city's role as the economic and learning centre of our region. The bill will deliver benefits to the wider community by helping the University of Canberra strengthen its foundations and ensure its viability into the future by diversifying its income streams.

Before I go into more detail on the bill, I would just like to say that the university is developing its capacity to contribute to the community and support the people who live, work and recreate in the Canberra region. A report released by the university in June last year, which studied what develops "wellbeing" in rural and regional communities, found that rural and regional communities with the greatest wellbeing have certain characteristics that help them adapt successfully to change, no matter what types of challenges they face. These characteristics include strong leadership and collaboration within the community, social connectedness and effective local institutions.

The campus master plan promotes the development of these characteristics by linking closely with the community and opening up facilities to other educational institutions here in the Canberra region and internationally. The plan has, at its centre, a connectedness to the university for students, academics and other staff through building a strong campus community, including sporting, child care and residential dwellings that are connected to the local community through pedestrian, cycling and increasingly road networks to the Belconnen town centre and other residential and educational facilities such as Radford College, Fern Hill Technology Park, and access to public transport and recreational areas.

The Planning and Development (University of Canberra and Other Leases) Legislation Amendment Bill will deliver two key things: a means through which the university can fully realise the potential of its crown lease and a mechanism for strengthening existing provisions relating to subleasing of land. These objectives are delivered through amendments to the Planning and Development Act 2007, the Land Titles Act 1925 and the Unit Titles Act 2001.

Let me first turn to the Planning and Development Act amendments. Through these amendments any lessee across the ACT will continue to have the capacity to sublease land and, because of the strengthened sublease framework, can be reasonably assured of being granted a mortgage over the subleased land, subject of course to normal lending criteria.

The components of the new leasing model that relate to the unit titling of a building on subleased land, however, are restricted to the University of Canberra, as a

perpetual crown lease holder, in the first instance. The Australian National University can also access these components but would first need to put a proposal to government, the same as the University of Canberra did, about what it would do to benefit the Canberra region. This new leasing model made it necessary to consider not just how a sublease of land should function but also what checks and balances were required to protect a sublessee's rights and how the relationship between the crown lessee and sublessee should operate.

The main parts of the new leasing model are delivered through amendments to section 308 of the act and sections 220 and 221 of the regulation. The amendments to section 308 provide a time frame of 10 working days for the authority to consider and approve or not approve a sublease of land. However, the authority cannot approve a sublease if it is inconsistent with the prescribed criteria, if it does not comply with the Land Titles Act 1925 requirements, if it includes a provision that allows an extension of the sublease, or if the subleased land cannot be directly accessed by a road or road-related area. If the application is approved, the authority will provide the executed sublease to the land titles registrar for registration on title.

The amendments to the regulation, which prescribe the basic requirements for a sublease, represent a minimalistic legislative approach that demonstrates this government's commitment to responsible regulatory reform. It prescribes such things as a purpose clause, commencement date, termination, and dispute resolution provisions. In addition, the sublease must also demonstrate that utility services are also capable of being connected to the boundary of the sublease. The bill also allows a perpetual crown lease held by the University of Canberra and, at a later date if required, the Australian National University access to the new unit title provisions. These provisions allow that a building on subleased land can be unit titled.

A grant of the land sublease at the university will be dutiable and the transfer of that sublease itself will be subject to normal duties, taxes and rates. If a building is unit titled, the new owners of those units become the persons responsible for rates and taxes. This, again, is no different to what happens now for a building that is unit titled under a crown lease. Each owner is responsible for rates and taxes. Stamp duty on the transfer is payable in exactly the same way as is presently the case when a unit is sold.

Under the new leasing model the university retains the land and controls how that land is developed. A sublessee will not have the freedom to determine what development happens on the site or the uses allowed. This will be a matter of negotiation between the parties. The university would work closely with the sublessee on design and siting of development and is a signatory on the development application.

I would like to now talk on the complementary provisions in the Land Titles Act which, together with these amendments, provide a strong legislative framework for the subleasing of land. The amendments provide a structure for how the sublease can be managed, including transfers, mortgages, surrenders et cetera, and emulate provisions in the Leases (Commercial and Retail) Act and the Planning and Development Act.

A land sublease can only be registered if it has first been approved by the Planning and Land Authority. Through this approval process the land sublease must be given to the Registrar-General for registration. Upon registration, the sublease will be recorded against the head crown lease, ensuring that there is a clear chain of title of land held under the crown lease and relevant interests in that land.

A sublessee can deal in the sublease but must have the consent of the crown lessee and any mortgagee and is responsible for reasonable costs incurred by the crown lessee in making a decision about the transfer. Consent can only be refused if the crown lessee or mortgagee believes on reasonable grounds that the proposed transferee is not financially sound, intends to use the land for a purpose not allowed, or cannot otherwise comply with the terms of the sublease, or the intended use of the land would not be compatible with other sublessees, or the sublessee is in breach of the sublease.

If consent is refused, the sublessee may apply to the Magistrates Court and, if satisfied that the request was refused otherwise than in accordance with the section, the court may approve the request for transfer. When a sublease ends, the crown lessee is required to pay the sublessee the value of any improvements that they were responsible for. The amount is worked out using the same methodology as the territory would use in similar circumstances for the expiry of a crown lease. The bill provides for normal rights of review to the ACT Civil and Administrative Tribunal for such matters as a review of the amount determined for the value of improvements.

The above amendments demonstrate this government's commitment to ensuring that a sublease of land has strong legislative foundations, while not overly interfering in the everyday commercial interactions of the market.

Lastly, the bill makes amendments to the Unit Titles Act 2001. The amendment to section 5 of the act is the key mechanism that will allow a building on subleased land to be unit titled. So while small, it is the lynchpin of the new leasing model. The act provides a process for the sublessee to seek the agreement of the crown lessee to apply to unit title the building. In all other matters, a units plan created under sublease will operate in the same way, with no noticeable difference for individual unit owners. Unlike a sublease of land, where there is no automatic right of renewal, there is an entitlement to request the crown lessee's consent to a further sublease where the building has been unit titled. If a further land sublease is not granted, the unit owners can take the matter to ACAT for a review of the crown lessee's decision.

The amendments also simplify the process for all owners corporations to seek a grant of a further lease, delivering process efficiencies for all owners corporations seeking a further lease.

Mr Assistant Speaker, I would like to identify that the main policy objectives of the bill required a number of other statutes to be amended to ensure that they extend and acknowledge the new leasing model. All up, 24 pieces of legislation are impacted by the bill, demonstrating the complexity of the new leasing model. In the contained environment of the university, government will be able to closely monitor the operation of the new leasing model and extend the model to other leaseholders if it is appropriate.

In closing, I would like to thank the university for working closely with government to develop the new leasing model. I would also like to thank officers in the Chief Minister, Treasury and Economic Development Directorate, the Justice and Community Services Directorate and, of course, the Parliamentary Counsel's Office for working collaboratively with the Environment and Planning Directorate to bring this bill to fruition.

The bill will enable the University of Canberra to develop its 117-hectare campus into a world-class educational facility. These changes show that the government is serious about supporting the tertiary education sector and encouraging investment in the ACT through responsible and innovative urban renewal. I commend the bill to the Assembly.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 8		Noes 7	
Mr Barr	Mr Corbell	Mr Coe	Ms Lawder
Ms Berry	Ms Fitzharris	Mr Doszpot	Mr Smyth
Dr Bourke	Mr Gentleman	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Electricity Feed-in Tariff Schemes Legislation Amendment Bill 2015

Debate resumed from 14 May 2015, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MS LAWDER (Brindabella) (11.57): I will speak briefly on the Electricity Feed-in Tariff Schemes Legislation Amendment Bill 2015. This bill alters the laws applying to large-scale energy generators such as wind and solar farms and laws applying to small-scale generation such as rooftop solar panels. It places a final date of 31 December 2016 on the installation and connection of rooftop solar panels under the now closed feed-in tariff scheme. It also introduces changes to accommodate new technology such as battery storage and prevents consumers from storing electricity from the grid during off-peak times and selling it back to the grid at a profit during peak times.

It removes the reliance on the Renewable Energy (Electricity) Act 2000—the commonwealth act—for the registration of large generation certificates and places this within the control of the ACT Legislative Assembly. We have one amendment to move today, which I will speak briefly about during the detail stage. We will then support the amended bill.

MR RATTENBURY (Molonglo) (11.58): The Greens are ardent supporters of solar energy and of the mechanisms that drive the uptake of solar energy. We believe that solar has a valuable role to play in transitioning to a society that is run on clean, renewable energy but also in moving towards decentralised energy systems and energy independence for householders. We understand that there are a range of mechanisms and ways to do this and that the policy in this area has been in its infancy over the past decade, but ultimately the important thing is to be doing something.

As such, it reminds me a little of the precautionary principle applied to environmental law: the absence of scientific consensus should not be a reason used to take no action. In this case, the lack of perfect policy solutions should not be used as an excuse not to undertake the actions that we need to drive change and to drive the uptake of renewable energy.

As such, the Greens were ardent supporters of the micro and medium-scale feed-in tariffs that were introduced in 2009. While we did not always agree with the government at the time about the scale of the price that should be paid, we did and do strongly support the notion that we use legislation to drive incentives for people to invest their capital, if they have the capital to invest, in solar infrastructure and that we do this by making solar worthy of that investment.

The 2009 feed-in tariff scheme for micro and medium-scale generators quickly drove the uptake of home solar systems in the territory. While we may not have got all the policy levers exactly right at the time, there is no doubt that the scheme was a success. Not only did it result in over 30 megawatts of solar being installed on Canberra roofs; it drove an understanding of climate change and renewable energy in this town that would be hard to replicate in any public education campaign.

Unfortunately, in many ways the scheme was misunderstood, as opponents sought to set household against household while failing to remind the community that those who invested in solar were contributing to important public policies: the reduction of greenhouse emissions and increasing distributed energy in the ACT—and that the scheme was successful in leveraging their private capital into this public good.

We also supported the introduction of large-scale solar, through the auction mechanism, which is expected to deliver another 40 megawatts of solar into the grid. The 20-megawatt Royalla solar farm started generating in September last year. Planning is well underway for the Mugga Lane solar project, which will bring on another 13 megawatts, with the relocated OneSun project delivering the final seven megawatts of that large-scale auction release.

This year's allocation of 200 megawatts of wind power, to be constructed under the large-scale feed-in tariff, will deliver power to something like 100,000 Canberra

homes. While it might seem counterintuitive that wind farms in South Australia and Victoria are delivering benefits here in the ACT, there are numerous benefits, aside from the purchase of clean energy, that will be going towards our 90 per cent renewable energy target.

The ACT has positioned itself so that we are fast becoming a focus for the renewable energy industry in Australia. Aside from bringing jobs to the territory, these projects will deliver other benefits, such as the renewable energy skills centre of excellence being established for national and international students. The centre of excellence will be developed in partnership with the Hornsdale wind farm in South Australia, the proponents of which were awarded a feed-in tariff contract under the large-scale wind auction in February this year.

While the fulfilment of the renewable energy target, or perhaps more accurately the renewable electricity target, is progressing well, there remains work to do. We are likely to require further large-scale capacity releases, potentially through the large-scale auction process, but we must also consider the ongoing uptake of solar on the roofs of Canberra's homes and businesses.

While domestic solar installation has continued at a modest rate, we can surely do better and do more so that we build on the 10 per cent of houses that have panels installed across the ACT. By driving further investment in home solar, we can both utilise Canberra's roof space efficiently and also engage the community better in the delivery of our 90 per cent target.

If Canberra householders can produce and deliver green electricity into the grid at a cost that is equal to, or more likely less than, the cost we are paying large renewable energy companies to produce green electricity, then why would we not encourage them to do this? Utilising roof space is nearly always less contentious than building ground mounted systems, especially large systems. It is also sensible in a territory that is, in some ways, already short of space.

We need to think also about how we can facilitate this for small businesses and start to utilise some of the commercial roof spaces across Canberra. This might involve removing some of the obstacles that act as a disincentive to installing solar and possibly providing additional incentives. The reality is that we could do with opening up to Canberrans some of the capacity under the 90 per cent target. Let us see what the community is prepared to do to help us meet the target.

The Greens will be supporting this bill today. It is a bill that makes some technical amendments to both the large-scale feed-in act and the act that governs the medium and micro schemes that have now closed. In regard to the large-scale act, the first part of this bill makes amendments to cater for any potential changes to the federal law in regard to renewable energy.

The federal government seems to have won its case that the commonwealth 2020 renewable energy target be dropped from 41,000 gigawatt hours down to 33,000 gigawatt hours, in part by holding the renewable industry to ransom and stalling any development, and any new investment, in the industry since it was elected in September 2013.

Last year was a rotten year for renewables in Australia and there was much uncertainty. This year, people have been laid off and even now there are probably more projects waiting to be developed than there is finance in the system to build them. It is such a shame; it is such a waste of an opportunity; and it is an absolute indictment of the federal government that they have sought so effectively to stymie the development of a powerful industry in this country.

These first amendments are about ensuring that the ACT act is able to operate effectively irrespective of the continuation of the federal renewable energy scheme and legislation by ensuring that there is a mechanism to accredit the electricity that is being generated such that it remains eligible electricity.

The second set of amendments, which also apply to the large-scale feed-in tariff legislation, allow the minister to determine an alternative method by which the FiT support payment is calculated and that this would be a disallowable instrument. This provision is to ensure that in the face of technology changes, for example, any improvements in efficiency could be shared between generators and ACT consumers.

The model here is intended to operate in a way that neither generators nor consumers would be worse off and, should the minister seek to provide an alternative way to determine the payment, that he would seek the consent of the generator of any specific alternative assessment. I did query how this process would occur, as seeking consent from the generator was not articulated in the legislation. But I was assured that if the minister did proceed and use an alternative method that did disadvantage the generator then the minister would be in breach of the section itself. So the process would become irrelevant, presumably, and the issuing of the method would be challenged by the generator.

I turn now to the amendments to the small-scale scheme, or the micro and medium-scale schemes. The first of the amendments to the act which governs them applies the Criminal Code to all offences in the act. This is part of ensuring that the act has stronger compliance. The second amendment ensures that someone who is accessing the feed-in tariff payments does not have their system attached to any storage devices.

This becomes relevant, of course, given the new technologies that are emerging, should someone install a battery, store black energy on it and then attempt to feed that into the grid as premium green energy. It is an unlikely scenario for many but not beyond the possibilities of the technology. It certainly would not be fair to pay a premium for that black electricity.

Clause 12 sets some dates down to clarify the cut-off date of the former scheme, both in terms of applications for micro and medium-scale tariffs and for the installation and connection of both to the grid. It appears that some people have succeeded in having secured capacity under the scheme but have not yet installed. Given that the costs of the infrastructure can vary considerably since the price under the tariff was set, and for a while there the prices of solar panels were well down, it is not really fair for people to wait for cheaper installation costs and then be paid the same tariff.

December 2016 has been set as the cut-off date for installation and connection. That is relatively generous, given when applications closed for the scheme. But I acknowledge that some of the medium-scale projects in particular could be of a substantial size and proponents may require some time to ensure that they can fulfil the projects by the cut-off date.

Clause 13 amends section 10(1) of the act to remove the requirement on the minister to determine a FiT rate annually but leaves open the possibility that a rate may need to be set into the future. Clause 14 changes the reporting requirements under the scheme. It probably reflects the current status of the scheme better. It changes reporting to annual reporting and instead of providing information like the number of applications received it now reports the number of compliant generators, the total capacity of the compliant generators and the cost to electricity users in the ACT.

Clause 14 also tightens up the reporting requirements for electricity distributors and NERL retailers and adds offence provisions. If the reporting information given to the minister is considered to be untrue, misleading or incomplete, section 11C will now allow the minister to require the reporting entity to undertake an audit of the information provided.

At this point I indicate that the Greens will be supporting both the two drafting amendments that have been tabled by the government and the amendment foreshadowed by Ms Lawder. I am pleased to support the bill and the amendments to be moved in the Assembly today.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (12.09), in reply: I would like to thank members for their support of this bill today. The bill amends the Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011 and the Electricity Feed-in (Renewable Energy Premium) Act 2008 that respectively provide for the ACT's large and small-scale feed-in tariff schemes.

These amendments will help provide greater certainty for investment in renewable energy generation under the schemes which are demonstrating how states, territories and cities can achieve significant emission reductions on the scale required to help contribute to reductions in greenhouse gas emissions globally and help secure investment in one of the largest growing industries globally—renewable energy generation.

Last week it was reported that Antarctica's once massive Larsen B ice shelf is melting rapidly and will likely be entirely gone by the end of this decade. Whether it be droughts or floods in Queensland or wild storms in Sydney, extreme weather events are becoming increasingly frequent. They are happening now, so actions to respond to our change in climate are critical if we are to prevent the worst of possible impacts on our way of life.

Such actions also make sound economic sense. The International Monetary Fund recently released a report finding that subsidies for the fossil fuel industry are much

more than previously estimated—equal to around $US5.3 trillion globally or about 6.5 per cent of total global output. Of that total cost, the coal subsidy this year alone will amount to $US3.15 trillion, with global warming costs put at $US750 billion and local air pollution costs at $US2.37 trillion.

These findings highlight some of the global challenges before us. Post 2020 emissions reduction targets are to be pledged by nations around the world at this year's international negotiations on climate change in Paris in December. This is critical to placing the world on a sustainable trajectory to a low carbon economy. That level of international ambition will impact locally, including here in the ACT. As a city we can be extremely proud about our contribution to not only reducing greenhouse gas emissions but helping to drive investment in jobs and economic opportunity in our city in the area of low carbon technologies.

Our legislated greenhouse gas reduction targets and our 90 per cent renewable energy target are being facilitated by investments made under our feed-in tariff schemes. This strategy is achieving its ambitious targets at a very modest cost to our community. We are on track to transition to 90 per cent renewable energy by the year 2020. That is years ahead of other Australian states and territories, with the exception, of course, of Tasmania, with its very rich hydro-electricity sources.

Significant renewable energy projects have been built or been headquartered here in the ACT. This has seen the potential for further industry development in the future. We are growing employment, we are developing research and skills centres, we are attracting industry and students to our city, and we are doing so with strong community support.

The government's first three wind energy projects, which I announced earlier this year, will deliver low cost clean electricity with enough power to meet the needs of over 100,000 homes, one-third of the territory's electricity demand. Once complete, the government's suite of renewable energy projects will be the key mechanism for achieving a 40 per cent reduction in emissions at a low cost to consumers. So the bill before us today, Madam Speaker, will help us improve upon the remarkable success of the schemes that are creating long-term benefits for our economy and for our environment.

The schemes will deliver our renewable energy target at a cost that is affordable. They will deliver the largest proportional reduction in greenhouse emissions of any Australian state or territory ever and they will deliver investments that diversify the economy, create skilled jobs and facilitate Canberra's emergence as an internationally recognised centre for renewable energy innovation and investment. These achievements put us at the forefront of renewable energy policy nationally and we are helping to inspire other jurisdictions to implement similar measures.

The amendments before us in this bill are largely small and technical in nature but they will ensure that our FiT schemes continue to work effectively into the future. They will provide future governments and industry with the flexibility needed to grasp the opportunities. They will do so by allowing government to take advantage of future technologies for the benefit of consumers through lower prices.

They will provide greater certainty for investors by reducing sovereign risk and they protect the territory from possible changes in commonwealth renewable energy law. They provide for greater transparency and scrutiny of the costs associated with the rooftop solar scheme. These amendments will also reduce the regulatory burden on the industry by creating streamlined reporting requirements and they will address a range of administrative issues that have been identified since the conception of these acts.

I would like to foreshadow that the government has two small minor and technical amendments that have been circulated within the required time frames. I will be seeking the Assembly's leave to move those as minor and technical during the detail stage. I also note the amendment from Ms Lawder. The government has no objection to the amendment that Ms Lawder is proposing. I thank members for their support of the bill and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (12.16): Pursuant to standing order 182A(b), I seek leave to move together amendments to this bill that are minor or technical in nature.

Leave granted.

Clauses 1 to 8, by leave, taken together and agreed to.

Proposed new clause 8A.

MS LAWDER (Brindabella) (12.17): I move amendment No 1 circulated in my name, which inserts a new clause 8A *[see schedule 2 at page 2138]*.

We have a proposed amendment to the Electricity Feed-in Tariff Schemes Legislation Amendment Bill 2015. This amendment seeks to insert a new clause 8A, quarterly reports by the ACT electricity distributor, which relates to section 21(4)A of the Electricity Feed-in (Large-scale Renewable Energy Generation) Act 2011. We believe this amendment provides better transparency and accountability when it comes to the output of large-scale renewable energy generators in the ACT. The minister is already entitled to a quarterly output report and we simply seek to ensure the information is then made publicly available. I thank members in advance for their support of this amendment.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (12.18): This amendment will require the government to release market settlement integral data

associated with large-scale generated payments. The government does not object to the approach proposed by the opposition although I think it is a little questionable as to how useful many members of the community will find this data.

Each quarter the government receives spreadsheets from ActewAGL Distribution detailing market settlement information for each generator. These spreadsheets detail the data required of the distributor under section 21 of the act. The data is used principally for audit and compliance purposes. Given that this is data presented in spreadsheet form, thousands of rows of data each quarter, millions of individual data points each year, it is not something that I can imagine the average member of the community will have much fun sifting through. However I note that it may be of interest to researchers in the field and perhaps to some more technically minded members of the community.

I should highlight that the government itself has been considering options on how to best report information to the community on the achievements of a large scale FiT scheme and its ongoing operation. It had been intended that such information would be reported annually alongside the government's annual cost of living impact assessment under climate change action plan 2. This would include an easily accessible summary of information contained in the quarterly reports provided by the distributor to the government. It is still the government's intention to develop more useful reports that can help the community better understand the operation of the scheme. However it is fair to make the point that a more timely release of generation of data such as the 30-minute market settlement data for each generator may be of some value to some in the community. The government will not oppose the amendment.

Proposed new clause 8A agreed to.

Clauses 9 to 11, by leave, taken together and agreed to.

Clause 12.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (12.21), by leave: I move amendments Nos 1 and 2 circulated in my name together *[see schedule 1 at page 2138]*.

These amendments address minor drafting issues identified in discussions with our electricity distributor earlier this week. Subclauses (e) and (f) of clause 12 specify the dates by which the applications for compliant renewable energy generators should have been received by the distributor. For the medium-scale renewable energy generators the clause currently requires these applications to have been received by the distributor before 13 July 2011. This amendment changes that to have been received by 13 July 2011 instead of before this date. The difference in drafting is that, I am informed, the term "by" means "including that date". Consistent with previous announcements, these amendments to the bill will make clear that medium-scale applications received on 13 July 2011 remain eligible under the scheme.

Members may recall that on 30 June 2011 the opposition and the Greens jointly passed amendments to the FiT legislation which were not supported by the government at the time and which had the effect of combining the micro and medium categories, hence reopening the scheme to rooftop installations. As was predicted by the government during that debate, the results of these amendments were, to say the least, odd. The amendments were enacted on 12 July and the capacity was exceeded the following day, causing the scheme as a whole to be closed. Contrary to the intent of the amendments, households were not beneficiaries of the change as the remaining capacity was swallowed up in the two-day period by businesses submitting applications under the former medium-scale scheme.

The government is committed to protecting people who had proceeded in good faith in relation to both of these schemes and had already committed to an installation and the government has made provisions that allowed these households to submit an application by 29 July 2011. These further amendments put forward by the government today give legislative affect to this period of grace. For small-scale renewable generators the bill currently requires these applications to have been received by the distributor before 29 May 2011. These amendments change this to allow households to have submitted their application by the end of the grace period, that is, by 29 July 2011.

I am sure all members can agree that these minor amendments give effect to previous government announcements and ensure that householders currently eligible for FiT payments are not inadvertently disadvantaged by the bill.

Amendments agreed to.

Clause 12, as amended, agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 12.24 to 2.30 pm.

Questions without notice

Housing—first home owners

MR HANSON: My question is to the Treasurer. Treasurer, on 1 September 2013, with great fanfare, you announced that the first home owners grant would be $12,500. You said at the time that this would "help many Canberrans fulfil the dream of living in their own home" and lead to "improved housing affordability for all Canberrans". Treasurer, why are you now cutting the grant for people and making it harder for them to "fulfil the dream of living in their own home"?

MR BARR: The government provided a boost to the first home owners grant in 2013 as a stimulus measure. That period will gradually be wound down, commencing with a reduction in the grant from $12,500 to $10,000 in about seven months time and then,

a further 12 months on beyond that, a restoration of the grant at the $7,000 level. So the stimulus period will have run for about four years and the grant is simply returning to where it started, at $7,000.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Treasurer, is it true that the cut in stamp duty is significantly less than this cut in the first home owners grant, leaving people worse off?

MR BARR: No, because for eligible first homebuyers the stamp duty rate is just $20, not the $20,000-plus that Mr Hanson wants first homebuyers to pay.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Treasurer, is your policy simply driving people over the border into new greenfields such as Tralee and Googong?

MR BARR: No.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Treasurer, isn't it true that no house at any value has had its stamp duty cut in this year's budget by $5,500?

MR BARR: The cumulative impact of stamp duty cuts since tax reform began in 2012 sees a property at around the $500,000 mark receiving a $5,900 stamp duty cut from when the reform process began. This year's budget contains cuts for properties in the mid range of around $1,200 that builds on the previous $4,700 of tax cuts. As I am sure Mr Wall would be aware, we have cut stamp duty in every budget while I have been Treasurer, and we will continue to cut stamp duty in every budget while I am Treasurer.

The cumulative effect of our stamp duty cuts means that a Canberran purchasing an average-value Canberra home is saving more than $6,000 in stamp duty. The Leader of the Opposition wants to put that tax back up. That is his position. He is the man who wants to put stamp duty up. He is the man who wants to put the tax on insurance back up. That is "Taxing Jeremy"—tax you when you buy a home, tax you when you take out an insurance policy. He is the man who wants to levy the worst taxes. It is "Inefficient Jeremy"—the one who wants to tax—

MADAM SPEAKER: Order! Sit down, Mr Barr. I draw your attention to the persistent and continuous ruling in this place: you will refer to people by their names and their titles. I was going to let it go until the end of the answer to the question, but you persisted in breaking the rules. Do you have anything more to say in answer to the question?

MR BARR: Not in the remaining six seconds, Madam Speaker.

Roads—Horse Park Drive

MR COE: My question is to the Minister for Roads and Parking. Minister, the government's budget handed down on Tuesday provides approximately $17.1 million for the duplication of Horse Park Drive. Minister, can you please clarify what works will be completed with the $17.1 million?

MR GENTLEMAN: I thank Mr Coe for his interest in roads across the territory. It is an important part of this government's agenda to ensure that we roll out new roads across the territory, especially in Gungahlin, one of the most congested suburbs that we have as commuters roll into the city each morning.

For Horse Park Drive, we will be beginning with a feasibility study to look at the road network there to ascertain which areas of Horse Park Drive would require duplication before others and to see which priorities lie there.

MADAM SPEAKER: A supplementary question, Mr Coe.

Mr Hanson: Half-bake Mick.

MR COE: Minister, does the ACT government have a staging—

Mr Corbell: A point of order.

MADAM SPEAKER: A point of order.

Mr Corbell: Madam Speaker, Mr Hanson referred to Mr Gentleman using a most derogatory term—

Mr Hanson: What? Half-bake Mick?

Mr Corbell: Indeed.

MADAM SPEAKER: Withdraw, please, Mr Hanson.

Mr Corbell: It is unparliamentary and he must withdraw.

Mr Hanson: Madam Speaker, I withdraw "half-bake Mick".

MADAM SPEAKER: No.

Mr Hanson: Madam Speaker, I withdraw.

MADAM SPEAKER: Before we continue, I know that it is budget week and people like to up the ante and things like that, but really, Mr Hanson, a point of order was being taken on something which I thought I had heard you say. You repeated it for the edification of everyone, and then repeated it again in an attempt to withdraw it. Can we please just play by the rules? Mr Coe, your supplementary question.

MR COE: Minister, which intersections of Mapleton Avenue, Katherine Avenue, Anthony Rolfe Avenue and Well Station Drive will be upgraded, as the budget is inconsistent as to which sections will actually be duplicated?

MR GENTLEMAN: I thank Mr Coe for his supplementary. The Gungahlin area, as I said, is currently experiencing relatively accelerated levels of urban expansion. Horse Park Drive is currently a two-lane rural road, one lane in each direction. It operates at capacity during both the am and pm peaks. So traffic and queuing have been experienced for quite some time. We have been working on this, as we have been working on the Majura Parkway and the intersection between Majura Parkway, Federal Highway and that end of Horse Park Drive as well. The proposed land releases in the town centre, Amaroo, Throsby, Harrison, Moncrieff and Taylor, will increase traffic on Horse Park Drive. So the studies that we are doing at the moment, the feasibility program, will look at those intersections.

Mr Coe: Point of order.

MADAM SPEAKER: A point of order, Mr Coe.

Mr Coe: Madam Speaker, as I mentioned, the budget is inconsistent. I asked specifically which intersections of Mapleton, Katherine, Anthony Rolfe and Well Station will be upgraded as part of the works.

MADAM SPEAKER: In accordance with standing order 118(a); is this your point of order, Mr Coe?

Mr Coe: Yes, direct and relevant.

MADAM SPEAKER: Mr Gentleman, do you have anything to add that is directly relevant to Mr Coe's question?

MR GENTLEMAN: Yes, certainly. Those intersections will be upgraded at the conclusion of the feasibility study. It will show which intersections are the ones that are needed as a priority.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Does the ACT government have a staging plan for the duplication of Horse Park Drive from Mulligans Flat Road to the Majura Parkway and, if so, how many stages will this duplication take?

MR GENTLEMAN: It will be staged, as we do stages for many other roads across the territory. As we have announced recently with upgrades to Gungahlin Drive and Ashley Drive, they are all going in particular stages. In this case, it will be staged depending upon the results of the feasibility study.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: What is the total cost of duplicating Horse Park Drive from Mulligans Flat Road to the Federal Highway? What stretches of the road will be duplicated, and with how much money from the allocation in the budget?

MR GENTLEMAN: I do not have the details of the costs for those whole areas that Mr Smyth has asked for, but I will take that on notice and come back to him.

Economy—reform

MS FITZHARRIS: My question is to the Treasurer: can you please explain how the government's economic reforms are supporting Canberra?

MR BARR: I thank Ms Fitzharris for the question. The territory government is implementing a range of economic reforms which are supporting our city, our businesses, our households and, most importantly, growth. Taxation reform is transitioning Canberra's tax base away from the volatile and inefficient transaction-based taxes favoured by the Leader of the Opposition towards a more stable and efficient revenue source, using our general rates system.

A stable and efficient revenue base is not an end in itself, though. The driving objective behind these reforms is the need to secure into the future the government's capacity to fund essential services in health care, education, transport and other municipal areas that Canberrans expect and deserve. A sustainable, stable and efficient revenue base in the form of a land-based tax positions the territory best to achieve this objective. To minimise the impact of reforms on households and businesses, the reforms are being phased in over a 20-year period on a broadly revenue-neutral basis, with assistance being targeted to low income households.

Tax on insurance premiums is being abolished over five years. I am very pleased to advise the Assembly that from 1 July 2016 the ACT will become the first jurisdiction in Australia to completely abolish all tax on insurance products. Conveyance duties are being cut in every budget. In addition, we are continuing to reform our procurement processes, to reduce red tape to make it easier for businesses to engage with government. A new bill was introduced to this very effect this morning.

From 1 July 2015 procurements with a value of $200,000 or more will be tendered electronically via the new Tenders ACT website. E-tendering simplifies the tendering process, resulting in time and cost savings for local businesses. The smart, modern, strategic procurement initiative is another reform that will support local businesses and, in turn, the local economy. This initiative will encourage innovation and competition in the local market and improve industry engagement and promotion opportunities with government for small and medium-sized enterprises.

These reforms build on those of recent years to support the local economy—for example, making it easier for local businesses to tender for capital works projects by reviewing the prequalification requirements, establishing more appropriate terms and conditions in standard government contracts and making greater use of two-stage tendering processes, which can improve understanding of government's requirements

for perspective tenderers. Regulatory reform and red tape reduction is a priority of the government, and we are committed to creating a diverse and successful environment in which local businesses and the community can thrive.

A very clear indication of the government's commitment is the establishment of Access Canberra, a significant step towards one government regulatory experience. Access Canberra ensures there is no wrong door for businesses and residents engaging with the ACT government, eliminating the need for businesses, community organisations and individuals to work through the multiple complex entry points for consumer and regulatory services.

MADAM SPEAKER: A supplementary question, Ms Fitzharris.

MS FITZHARRIS: Treasurer, how is tax reform helping buyers of property?

MR BARR: It is helping greatly. The rates of conveyance duty and insurance duty have been reduced in every budget since 2012-13 and the cumulative savings are very significant. This has meant savings for both households and businesses, so purchases of commercial property also receive the benefit of our stamp duty cuts.

Insurance duties make insurance more expensive. We want to encourage people to take out insurance, so we are removing the tax on that insurance. It also allows those households and businesses who might have some level of insurance to be able to take out a higher level of insurance because they will not be paying a 10 per cent tax on it.

The abolition of insurance duties means that families and businesses will see a reduction in all insurance premiums. So if you have home contents insurance, the tax is down. If you have building and contents insurance, the tax is down. If you have comprehensive motor vehicle insurance, the tax is down. If you have public liability insurance, the tax is down. If you have professional indemnity or business insurances, the taxes are down.

Under this government insurance taxes are down. The government is cutting stamp duties. It is ensuring that housing affordability is enhanced in this city by cutting stamp duties on house purchases. For first homebuyers, for pensioners and for those over 60, stamp duty can be as low as $20—sometimes saving $20,000 that the Liberal Party wants to take from first homebuyers, from pensioners and from those who seek to downsize. Shame on the Liberal Party!

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Treasurer, can you tell us more about the savings homebuyers are making from these government tax reforms?

MR BARR: Very significant savings; tax reform started in 2012-13. So if you are purchasing a $300,000 block of land, for example, you are paying nearly a third less stamp duty now than you were in 2012—a saving of nearly $3,000. If you are purchasing a $500,000 property in this city, you are seeing a near 30 per cent reduction in your stamp duty bill, down nearly $6,000. If you are purchasing a

$750,000 property, your stamp duty reduction is 22 per cent, or nearly $8,000. And if you are purchasing a $2 million property—if you happen to be that wealthy—you too are saving stamp duty, around 11 per cent or down $13,350.

Purchases of commercial property in this city have also experienced significant reductions in conveyance duty. Since the start of tax reform, someone purchasing a $5 million commercial property is now saving nearly $61,000 in stamp duty or 19per cent. Someone purchasing a $10 million property in this city is saving 21 per cent, or nearly $140,000 in stamp duty. If you are purchasing a $20 million property in this city, it is a 22 per cent stamp duty cut, saving you $455,750.

Purchasers of higher value properties benefit from the reduction in the flat rate of transactions above $1.455 million. The rate for properties over this value has again been cut in this budget from 5.25 per cent to 5.17 per cent, making the ACT a very competitive destination for significant investment in commercial property in the territory.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Treasurer, how are red tape reductions with those reforms helping to support local businesses?

MR BARR: We have been working with business to develop our reform agenda. The Regulatory Reform Panel provides an important consultation platform for the business community and for government. In consultation with the panel, the government has committed to a regular series of red tape reduction bills—I introduced another one just this morning—to remove unnecessary, redundant and duplicative regulation.

The latest bill, introduced today, includes reforms that reduce reporting requirements for employers in the territory by changing wage declarations for workers compensation insurance purposes from a six-monthly to a 12-monthly reporting requirement; modernise requirements for public notices in the ACT legislation to enable notification of public notices on an ACT government website; extend permits under the Public Unleased Land Act from two to three years; and support the work of Access Canberra by enabling the head of Access Canberra to exercise a range of functions and delegate a range of functions under acts for areas of operational responsibility.

We are committed to an ongoing program of reforms. I will continue to bring red tape reduction bills to this place and seek the Assembly's support for our agenda. We will continue to engage with stakeholders on opportunities to reduce the regulatory burden in the territory. It is a very clear commitment of the government that we are delivering on in this place on a regular basis.

Environment—Cotter catchment

MS LAWDER: My question is to the Minister for the Environment. I refer to the Auditor-General's recent report on management of the lower Cotter catchment. The Auditor-General found that the lower Cotter catchment faced a number of significant

risks which together could cause "catastrophic failure" of the catchment system. It also found that four government agencies—namely, your directorate, the EPA, Icon Water and TAMS—did not have a shared risk identification process or risk management plan. Minister, why didn't and/or don't the agencies involved in managing the lower Cotter catchment have a shared risk identification process or risk management plan?

MR CORBELL: I thank Ms Lawder for her question. I was pleased that the Auditor-General also acknowledged that very significant efforts have been undertaken and very significant improvements have been achieved in relation to managing the health of the lower Cotter catchment, which was so horrendously affected following the 2003 firestorm.

It is the case that the Auditor-General identified the failing that Ms Lawder has referred to in her question. Why that occurred is a matter that will need to be looked at closely as the government considers its response. But we welcome the conclusions of the Auditor-General insofar as she has recognised that the health of the catchment has been—

Mr Hanson interjecting—

MADAM SPEAKER: Order, Mr Hanson!

MR CORBELL: We welcome the Auditor-General's conclusions that the health of the catchment has been—

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson!

MR CORBELL: We welcome the Auditor-General's conclusions that the health of the catchment has significantly improved since 2003 and that remediation of the damage following the firestorm of 2003 has been significant. We recognise that there is still further work to be done and we will be responding proactively to the Auditor-General's report. Indeed, my colleague Minister Rattenbury has outlined a very significant funding commitment by the government in this week's budget to make sure we can follow through on those issues.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, why, according to the audit, were there examples of neglected and damaged erosion control structures?

MR CORBELL: These are matters that traverse a number of portfolio responsibilities, but it is the case that there were some instances where erosion control structures were under stress. That is exactly why the government has provided the funding it has provided in the most recent budget to respond to those issues that have been identified in the auditor's report.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, why has the government neglected three areas of pine plantation that are now a fire risk?

MR CORBELL: Those matters are the responsibility of the Territory and Municipal Services Directorate.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, what is the level of risk currently of a series of events causing a catastrophic failure of the lower Cotter catchment?

MR CORBELL: The likelihood of such an event occurring is different from the consequences of such an event. The Auditor-General is right to identify that the consequences of a catastrophic failure are indeed very serious. That is why the government has made the commitment to improving the capacity of the catchment in relation to the issues identified in her report. But the likelihood of the event is not necessarily correlated with the consequences of that event, and I am confident that we have a broad range of strategies and mechanisms in place to continue to ensure that the likelihood of such an event is at the lower end of the scale.

Budget—education

DR BOURKE: My question is to the Minister for Education and Training. Minister, the Chief Minister and Treasurer announced on Tuesday a record $1.1 billion education budget for the ACT. How will this unprecedented investment in education be used to support schools and ensure all ACT school students get the very best possible outcomes? In particular, how will the $18 million announced for Belconnen high deliver on ACT Labor's election commitment and improve outcomes at the school?

MS BURCH: I thank Dr Bourke for his question and recognise his particular interest in Belconnen High School, being in his electorate. Dr Bourke is quite right to point out that this is a record education budget for the ACT. This is an ACT Labor government budget, a budget that will drive social change, deliver better services for our community and ensure that Canberra remains the best city in the world. That is why we have once again delivered a funding increase to education: because we know that having a well-educated, skilled and trained population leads to happier, healthier, better employed and more productive people.

Education is the key to unravelling social disadvantage. It is the key to changing lives. That is why I am very pleased to be the education minister in this Barr Labor government and to be standing in this Assembly delivering the largest investment in education in the ACT's history.

The $1.1 billion that we will invest in the next 12 months will deliver a better curriculum, better ICT, new schools, improved training and professional development

for teachers and the refurbishment of existing schools. Indeed, as Dr Bourke has pointed out in his question, we will invest a further $18.4 million in major refurbishments at Belconnen High School.

This funding builds on funding already provided in recent budgets and will fulfil our 2012 election commitment to modernise Belconnen High School. Over the years we have worked hard to refine our thinking. The fact that the ACT government will deliver this project at the lowest cost shows that we are serious about ensuring that funds go where they are needed most. We will deliver what is needed, where it is needed.

The funding for Belconnen high will build a new administration building, as well as refurbish the student learning and teaching spaces, bringing them up to contemporary design standards. Wireless access to information technology will be provided. There will be specialist teaching facilities, with a focus on science, technology, engineering and mathematics programs. There will be a new administration building for staff, providing a focal point for visitors. This funding will provide improvements in energy and water use and thermal comfort in teaching spaces.

The works will also include outdoor learning spaces, which I spoke about yesterday, which are an important part of any school. The school community will be involved in the designs for the refurbishment works. This will ensure that the new spaces respond to the needs of the end users. When completed, the modernisation works at Belconnen high will support up to 600 students and provide an educational pathway for primary students in this area.

Again, I am proud to be part of the Barr government and will make sure that we support our community in the most vital area of public education.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, how will the new specialist science, technology, engineering and maths centre at Caroline Chisholm School help deliver that school a cutting-edge curriculum for students?

MS BURCH: I thank Dr Bourke for his question. In addition to having a focus on STEM subjects through the development and refurbishment of Belconnen high, this government is delivering its commitment to build a new centre at the Caroline Chisholm School, located in my electorate of Brindabella. Caroline Chisholm is the local school quite near me, and I am very proud to be able to deliver that.

The centre for innovation and learning will provide a new facility at Caroline Chisholm senior school for the delivery of science, technology, engineering and mathematics. It will also provide a professional development venue for undergraduate teachers and postgraduate students to undertake research projects related to learning and teaching.

There is a total of $5.9 million in capital and some recurrent funds. Construction will commence in 2016, with the centre expected to be completed in 2017 for the

beginning of the following school year. The centre will provide multipurpose learning spaces and state-of-the-art equipment to support students enrolled at the Caroline Chisholm School.

Public schools in the broader Tuggeranong school network will benefit from the centre, with feeder primary schools using the centre on a regular basis. Teachers at Caroline Chisholm School will use the centre to deliver curriculum, and teachers at other schools in the network will visit the school, with classes to benefit from the facilities. Teachers from across the ACT public education system will have access to the centre for professional development.

The school principal has been consulted on the design concepts, and the school board and P&C will continue to be involved as the final designs are delivered. The school network leaders will also have a role in making sure that it supports the network's needs. *(Time expired.)*

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

Appropriation Bill 2015-2016

[Cognate bill:
Appropriation (Office of the Legislative Assembly) Bill 2015-2016]

Debate resumed from 2 June 2015, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MADAM SPEAKER: I understand it is the wish of the Assembly to debate this bill cognately with executive business order of the day No 6, Appropriation (Office of the Legislative Assembly) Bill 2015-2016. That being the case, I remind members that in debating order of the day No 5, executive business, they may also address their remarks to executive business order of the day No 6.

MR HANSON (Molonglo—Leader of the Opposition) (3.00): This budget shows that the people of the ACT will face a crossroads at the next election, a crossroads that will set the direction for the ACT for decades into the future. It is a crossroads where the Greens-Labor government is taking the ACT in the wrong direction. The Greens-Labor government is taking us in the direction of high taxes, high fees, high rates and lower services. It is a direction that hits every single person in this territory—to pay for a light rail system that will be used by three per cent of the population. It is a direction that provides for the few, but is paid for by the many.

In this budget almost every single charge paid by Canberrans is increased. Revenue from car rego is up six per cent, car licences up five per cent, taxi licences up 17 per cent, water abstraction up seven per cent, parking fees up 11 per cent and now charged until 10.30 at night, parking fines up a massive 29 per cent, the ambulance levy up eight per cent, the utilities tax up five per cent, the fire and emergency services levy up 25 per cent, land tax up nine per cent, payroll tax up 12 per cent, and the lease variation charge up 15 per cent. That is all massively above CPI. Lastly, and most disturbingly, despite the rhetoric of the Chief Minister, stamp duty revenue still

goes up—up $39 million in the forward estimates, up to $259 million a year by 2018. All across Canberra, from Banks to Bonner, everything is up. Taxes, charges, fees and stamp duty—it all goes up to pay for a light rail system that will be used by three per cent of the population.

At the same time, every important service is falling behind. This government cut 60 desperately needed beds from the new University of Canberra hospital. They cut nurses from special needs schools. They cut millions of dollars from police services.

Mr Corbell interjecting—

MADAM SPEAKER: Order! Mr Corbell.

MR HANSON: They have cut support for first home buyers. They are delivering half a road in Gungahlin—again. They have health staff morale at rock bottom, doctors on strike, and teachers who have voted no confidence in their minister.

On top of all this, all the other key indicators are going in the wrong direction. The deficit next year is forecast to be over $400 million, and that is following a nearly $600 million deficit this year. That is a billion dollar deficit over two years. Debt skyrockets to nearly $6 billion. The interest bill alone from 2015-16 through the outyears is over $880 million dollars. That is the equivalent of six hospitals the same size as the women's and children's hospital, just in interest.

That is the truth of the budget. It is not the spin that we heard on Tuesday, when Mr Barr in his speech did not mention rates. He did not mention rates once. I acknowledge the impact of Mr Fluffy on this budget, but the truth is that much of this debt and deficit is of this government's own making.

Regardless of why we find ourselves in this position, the decision now is about what direction to take. What should be the priorities for this territory? With record debt, record deficit, failing services and massive increases to every other charge, now is not the time to be indulging in a billion-dollar tram. Nothing shows the difference in direction more extremely or more acutely than the misguided, unwanted and unnecessary project called capital metro.

On any measure this project does not stack up. Firstly, no matter what else this project is, it is not actually a transport solution. On the government's own figures, less than three per cent of Canberrans will have easy access to this project. On the government's own figures, only around 500 extra people will take this tram on each leg of the journey. On the government's own figures, the travel time on the tram will be longer than the current express bus routes.

Secondly, this project is not an economic solution. Only by counting the most extraordinary and economically flimsy additions can Mr Barr and Mr Corbell make this project seem to be even remotely economically viable. Only by including the economic benefit of how much happier and more productive people will be, leaving out the fact that only three per cent of the population will be able to use it and their travel time will actually be longer, and only by including the wholesale

redevelopment of Northbourne Avenue as an economic benefit can Mr Corbell make this project scrape into the positive—leaving out the fact that this redevelopment can occur whether light rail is built or not. This government knows it can only occur with the mass resettlement of hundreds of families pushed away from essential services and proximity to the city for the sole reason of making way for light rail. Even then, the BCR is only 1.2. Almost any other project the government could choose would provide a better economic return and create more jobs—sustainable, long-term jobs that stay in the ACT.

What is even more telling is what this government will not talk about. They do not talk about when the trees on Northbourne Avenue are going to be cut down. They fail to mention how much rates will increase for those along the transport corridor. They avoid at all costs any mention of how many buses and other services will be cancelled to force people onto the tram. They do not talk about the massive hikes in car parking fees and fines for car drivers to force them onto a tram that for many is simply not an option. They do not point out that this so-called "suburban budget" puts $8 million into the suburbs while at the same time promising $375 million in capital to light rail—and that is on top of tens of millions of dollars of recurrent funding in this budget and the millions that have already been spent.

That sums up light rail. It is not a transport solution, it is not an economic solution and it is not a suburban solution. It is a political solution. It is the price of government. We know it, the government knows it and the people of Canberra know it. Light rail was not asked for, it is not wanted, it is not needed, and it is not legitimate. There is no possible way in any reasonable sense that Mr Barr or anyone on the government benches can claim a legitimate mandate for this project. The promise taken to the last election, and costed by Treasury, was for $30 million—just $30 million.

At the end of the day, it is not for me, and it is not for Mr Barr or Mr Rattenbury, to say whether there is or there is not a mandate. It is for the people of the ACT to claim that mandate. I can tell you, from the amount of anger and resentment in the community, that this project was not properly promoted, accepted or approved. The anger in the streets is palpable and utterly understandable.

That is why I told this government not to take the ACT in this direction. That is why I told this government to listen to the people and let them decide. I am sure that when the Greens and Labor struck their deal to go ahead with this project, they were pretty confident at the time that they would be well on the way to construction by this point. They have spent the entire time hoping that by the time the next election comes around, it would all be too late. Madam Speaker, it is not too late. It is not too late to turn away from this folly. It is not too late to seek and receive a genuine mandate from the people for light rail.

The election campaign is now a little over 12 months away. It will be easy to simply refrain from committing the ACT to this path until the people have spoken. I say again: Mr Barr, do not sign this territory up to this project without the support of the people. Let the people have their say. Why not? What is Mr Barr scared of? Is he scared of the people now that they really know how much they are going to pay and how little they will get?

It is not good enough to ram this project through without popular support. It is not good enough to hide the true cost in the fine print. A project this big, the biggest in the ACT's history, must be fully explained to the people and must be fully accepted. To go ahead without the full support of the people is beyond irresponsible; it is outright reckless.

We will not let this reckless action pass. The next election will be a referendum on light rail, whether the Greens-Labor government likes it or not. If we win, if the people of Canberra place their trust in us, we will not build this tram. And if we do not build the tram, if we do not need these unfair rate rises, we will not need massive increases in every other fee and charge that are hitting Canberra families and are well above CPI.

Make no mistake, Madam Speaker: these fee charges and these rate increases are unfair. How is it fair to triple the rates of retirees on a fixed income, people who paid their stamp duty, and get no extra services for their increased rates and massive increases in every other fee and charge—all to pay for a tram that goes nowhere near their house and that they are never going to use? How is it fair to those who have already paid stamp duty and who will have to pay the same amount over and over again for the rest of their lives as well as all the massive increases in all of the other fees and charges—all to pay for a tram that does not go anywhere near their house and which they will never use? How is it fair to businesses, whose rates have already doubled, who are already struggling to make ends meet, employ new people and pay massive increases in all of the other fees and charges—all to pay for a tram that goes nowhere near their business and that they are never going to use? Once again, all of Canberra is paying for something that only a few can use.

Not only are these rate rises unfair; they are unaffordable for many. We all know that Mr Barr claimed that rates would not triple. "Not in our lifetime," he said. "At the end of the century some time, maybe," he said. This budget proves in black and white that they are tripling. In the budget papers for the last year before Mr Barr's changes, the revenue from rates totalled just over $198 million. The total rates revenue for the last year for forward estimates is nearly $554 million. That is an increase of 2.8 times, and that is only eight years into this reform. The fact is that people are getting their rate notices and they are seeing these rises. They know the truth, because they are getting these rate notice rises and they are seeing it year on year.

The last area of critique of this budget concerns an area that possibly affects most directly the lives of Canberrans—the provision of core services. They matter to people in the suburbs, and certainly they matter to me. I am talking about services like health, education and the provision of services for the most vulnerable in our community—all areas that should come first, but that are playing second fiddle to light rail.

When this government took over, they inherited a health system that could hold itself with pride right across Australia. It is now the worst-performing health system in the entire country. That is not a failure of the dedicated work of those in our health system—the workers, the nurses and the doctors. It is a failure of leadership and it is a failure of priorities.

It is a travesty for this government to cut 60 hospital beds from the planned University of Canberra hospital while gearing up to spend a billion dollars on a tram. The attempts to deny and then cover up these cuts were amongst the most vile political denials I have ever witnessed. The litany of contradictory and confused statements just beggared belief. First the original commitment was for 200 beds. It was unambiguous and it was categorical—200 beds. Then that changed to 140 beds and 60 day beds. All the while, the government was deliberately and repeatedly claiming there were no cuts. Once again, the government's own documentation showed the truth. The so-called day beds were not beds at all; the day beds were in fact any space where you could be in the building. They included things like chairs in doctors' waiting rooms and gymnasium equipment. Even the swimming pool was being counted as a bed. It would be ludicrous if it were not so serious.

Mr Corbell interjecting—

MADAM SPEAKER: Order!

MR HANSON: Madam Speaker, when the nurses federation—

Mr Corbell interjecting—

MADAM SPEAKER: I warn you, Mr Corbell.

MR HANSON: is expressing deep concern about cuts to the hospital beds, a responsible government should listen and respond. When the performance statistics for waiting times are the worst in the country, a responsible government takes decisive action.

When the head of your emergency department openly says the hospital is dangerously overcrowded, you take action. But when every dollar is being soaked up by a billion-dollar tram, there is no hope for genuine, long-term improvement. The $23 million that was put in this budget for the emergency department has been described as a "short-term fix to a long-term problem", because it actually comes from the $41 million that was previously ripped out of the health budget by this government that was earmarked to develop a long-term solution for the Canberra Hospital.

The same pattern is repeated in police funding. In that case $3 million was announced with great fanfare as so-called extra funding. In fact it was a token gesture after this government ripped $15 million out of our police in 2013.

The situation is as bad in education. Again, this is not a failure of the many hardworking teachers in that system. It is a failure of leadership. The minister in this case is so inept, her management so poor, that the Education Union has voted no confidence in this minister. Madam Speaker, as you know, when the Education Union votes no confidence in a Labor minister, you have deep problems.

For Labor, the self-proclaimed champions of the disadvantaged, it is worst of all in public housing. This budget reveals the forced relocation of some of the most disadvantaged of our public housing tenants, in what the government is callously calling a "regeneration program".

The facts are simple: people in government housing are not being moved to improve their lives; they are being forced out to make way for light rail. We all know the accommodation along Northbourne Avenue needs improving, but the fact is that it is this government that has let that accommodation fall into disrepair. If the housing is unsuitable, it is this government's fault. To drag out hundreds of tenants and families and children and force them many kilometres away from their communities, their friends and essential services, all to make way for light rail, is simply heartless.

I recognise budgets are not just about numbers but about priorities, directions and people. I am proud to say that we have different priorities. We will go in a different direction, and we will act for all of the people of Canberra.

To highlight these differences, I make these commitments. First, as we have said before, and will continue to say on every day right up to the election, we will not build light rail. The people of Canberra do not want light rail for the few. They want a world-class health system for all. And we will give it to them. We will not be spending a billion dollars on a tram that few want and few will use. If the people of Canberra put their trust in us, we will put health back at the top of the agenda. That is why we will build hospital beds. Cutting beds from the new hospital was a mistake, and to cover it up was even worse. So we will put those beds back, and we will build more.

As well as not spending a billion dollars on a tram that so few want and so few will use, if the people of Canberra place their trust in us, we will treat our teachers with respect and with professionalism. We will put nurses back in schools for our special needs kids. To remove the nurses was a mistake, and we will put them back.

As well as not spending a billion dollars on a tram that so few want and so few will use, if the people of Canberra place their trust in us, we will not force vulnerable people away from their communities and support structures to make way for light rail, and we will provide proper accommodation in a place that helps those people, not just to make room for the government's light rail agenda.

The people of Canberra do not want light rail for the few; they want a transport system for everyone. And we will give it to them. We will take the $50 million allocated in this budget to light rail for the few and we will spend it on buses for everyone. We will deliver a new system of fast, efficient and direct buses running from suburban centres right into the city and parliamentary triangle. Not just a few express services, not just a single tram line, but 50 new buses all over Canberra suburbs, direct to the city.

We will duplicate Gundaroo Drive in the north all of the way—not just part of the way but all of the way. We will build a flyover for the Barton Highway, building for decades into the future, not applying a bandaid solution for a few short years.

We will announce much more in coming months, because the people of Canberra do not want a light rail for the few; they want safety and security in their streets. I call on this government to put back the full $15 million that they ripped out of this budget for our police services, to fix the problems with the jail and to not give prisoners needles.

The people of Canberra do not want a light rail for the few; they want opportunity for everyone. And we will give it to them. Yesterday, in this chamber, Mr Barr called the Canberra Liberals the party of business. Yes, we are, and proudly so. We speak to businesses all over this town, many of whom have been in Canberra for years. All of them are feeling the squeeze from this government. One business who spoke to us just yesterday, a stalwart of the small business scene for decades, is now threatening to leave the ACT for good, all because of this government's policies. Many have already left for Queanbeyan or further afield, or, sadly, have shut down forever.

That is why we will always support small business by reducing taxes that stifle growth, reducing red tape and promoting opportunity, and not punishing those who are trying to get this territory moving, especially with their massive commercial rates hikes.

We will invest in jobs—not short-term jobs from a single project but long-term jobs that stay in the territory and build for future generations. And if the people of Canberra place their trust in us, we will not triple their rates.

The Canberra Liberals will never forget that we are here for all of Canberra. We will go in a different direction—aimed at the future, aimed at growth, aimed at leaving no-one behind. Unlike Andrew Barr, I am more than happy to put our plan to the people of Canberra. I challenge Andrew Barr to do the same. I challenge Andrew Barr to have the courage of his convictions and give the people their say on light rail. If he does not, he is treating the people of Canberra with contempt.

Mr Barr, I say to you now, and I will keep saying it every day until the election: the people of Canberra do not want your light rail. They do not want your rates rises. They do not want an agenda for the few paid for by the many. They want a Canberra with opportunity and services for all, shared by all of Canberra and provided by all of Canberra. Mr Barr, let the people of Canberra have their say.

MR RATTENBURY (Molonglo) (3.24): I rise today to speak on behalf of the ACT Greens in response to this ALP-Greens government 2015-16 budget that was handed down by the Treasurer on Tuesday.

I have played an active role in the development of this budget, and of course that brings with it both challenges and opportunities. This is not the budget of a Greens government; rather it is a budget of an ALP government with one Greens representative. However, being a Greens minister in an ALP government has given me the opportunity to help shape the direction of this budget.

More important, though, is the work that has been undertaken, especially over the last two terms of the Assembly, by all of the Greens representatives in this place who have put forward a positive policy agenda, through our parliamentary agreements and other mechanisms, and whose influence through many years of work is starting to really show in the budget priorities of the ACT government, especially in the areas of health, transport and housing.

We see increased health funding focused on prevention—money well invested in trying to keep people out of the acute health system, and a continued focus on funding for mental health initiatives.

For perhaps the first time in this city we are having a public conversation about the balance between funding for private transport and public transport. What an exciting conversation to be having. While there are those who are vociferous in their opposition to the funding of public transport—and we have just heard from one—we Greens know that any socially just and environmentally responsible society needs governments to invest in public transport, and I am proud to be part of a government that will build light rail and take the public transport in this city to a whole new level.

Canberra is built on public housing, and this budget supports the renewal and hopefully modest growth of the stock. This is a budget that invests in our community for now and for the long term. It is a budget that is taking steps towards meeting our future challenges and transforming the shape and feel of our city, while also delivering the day-to-day services for our suburbs.

This is a budget designed to instil confidence in investors and drive investment in both the fabric of our city and the people of our city. We are a green, sustainable and progressive jurisdiction, and the Greens will continue to progress this kind of investment.

While a Green government would have delivered a different budget, this is a budget that looks after people and the environment, even in the face of further federal government cuts and the impact of Mr Fluffy. This budget addresses the needs of today and invests for the future. There is a significant investment in health, education and infrastructure, while also laying the foundations for a more sustainable future.

There is no doubt that these challenges, which have not just been in this financial year but have occurred over the last few years, have made it exceedingly difficult for the ACT government to track a path towards surplus, but we will aim to achieve it by 2018. I remain confident that the period of deficit will be limited.

Over this and the previous Assembly, the Greens have supported the overall fiscal plan of a gradual return to surplus while maintaining services for the people of Canberra and providing investment into the quality of our city. I know Greens voters also support this. The Greens do not appreciate the slash and burn behaviour of governments who go for austerity. We understand the need for governments to be there for the people.

We, as a government, understand the value of stimulus and strategically spending our way out of debt. This has been a long-term plan of the ACT government, initially to return to surplus by 2016 but, given some key factors such as federal government impacts and Mr Fluffy, now delayed by two years to 2018. I believe that this is still the right plan, and one which will keep Canberra in good stead in times to come.

There is no doubt that we have been operating within a very tight budgetary situation over the past couple of years. The federal government cuts have come in many forms: the reduction in GST revenues of $137 million in the coming financial year; cuts to health funding, which the health minister has outlined in detail, which impact on the states and territories and which will see a substantial decrease in future years by almost $50 million in 2018-19, meaning that the ACT needs to find a way to address that shortcoming; and cuts to public service jobs that have had an impact on our economy.

Beyond the financial impacts, we have seen some frankly ridiculous policies coming from the federal government, which has created an environment of fear and uncertainty for many community service organisations. These cuts to the community and environment sectors impact on housing and homelessness policy and advocacy peak bodies, environment groups and peak bodies and community legal centres. They have had a terrible impact on people who provide services to some of the most vulnerable in our community.

The ups and downs, the retractions and bandaid patch-up jobs and the blatant dismantling of independent advocacy groups have all contributed to low morale and unnecessary stress. The Prime Minister told us that "good government" was set to begin. Whilst initially that was a relief, my sense is that we are still waiting for that moment.

Unfortunately, one of the significant impacts on this budget, and a few more to come, is the direct result of Mr Fluffy. The ACT government has done the responsible thing by dealing head on with the problem and creating an asbestos eradication scheme. Now we are going it alone, despite the commonwealth promise to pay two-thirds of the cost, without real financial support from the commonwealth government, unless you count loaning us $1 billion so that we can clean up the legacy.

As a result of these factors, this budget is, in many ways, a modest budget, despite its priorities being clear. Of course, there will be some disappointment that particular initiatives were not funded. There are always many more initiatives that could be funded, and it is always difficult to see worthy initiatives and good ideas not make it across the line. But there has to be a balance, and I believe strongly in keeping our eye on the bottom line.

In the face of that, the ACT has taken the difficult and sometimes politically challenging task of shifting the taxation base away from inefficient and inequitable stamp duty and insurance taxes and towards a broader based land tax approach. I support the reduction in the first home owners grant—a peculiar, non-means-tested subsidy that has been accurately critiqued as resulting in increased house prices for all purchasers. While on the face of it the grant is a boon to new entrants into the housing market, the reality is that it simply drives up the cost of housing not just for those new entrants but for everyone.

We cannot ignore the impacts on low income residents of taxes and charges, and the Greens fully support providing relief to low income earners where it is appropriate.

We have advocated strongly for the indexation of energy concessions, for example, and support the increase in the concessions support expenditure in this budget and the last. The review of the concessions scheme is well underway, and I look forward to the ongoing community consultation to ensure we get this right. It is important, in the face of growing demand, that we do not use the review as a vehicle to cut support to the community across the board, but instead target assistance to those who really need it.

I would like to note, in spite of the rhetoric of the Canberra Liberals and Mr Smyth, that as a proportion of gross state product our current tax take is below the long-term average of 4.3 per cent and is set to stay below there until at least 2018-19. It is quite ironic, given all the blather about Labor governments being high taxing, that the ACT's taxation revenue as a proportion of GSP peaked under the Liberals 15 years ago when it was over five per cent. Perhaps Mr Smyth and Mr Hanson would like to acknowledge that point before they head off on further ill-informed commentary about high taxation levels. Perhaps they would also like to outline their plan for raising the revenue they would need to run the services of government should they take office. I would be keen to see their recipe for that magic pudding.

I would also like to see some acknowledgement that although some taxes and charges are going up, simultaneously there are also taxes going down, such as the gradual abolition of insurance taxes and stamp duty. I have heard complaints that the reduction in stamp duty is only helpful for those few people purchasing houses. However, when we take into account that people move on average every seven years, as they are downsizing, upsizing or moving interstate, this is likely to benefit someone in everyone's family in the near future. This is certainly not the case with insurance taxes that most people pay on an annual and ongoing basis for their house, their car, their house contents and so on.

I would like to point out that these tax changes are revenue neutral to the government. They are about a fairer, more targeted tax burden, not a bigger slice of the pie. It will also result in a more predictable, stable income for the government, as the government could not easily budget for how many people may move house in any year.

I am very pleased that many initiatives are funded in this budget that the Greens have championed in this or the previous Assembly through the parliamentary agreements. New walking and cycling infrastructure of $5.6 million as part of a $23 million active transport spend is one example. The health of Canberra's lakes and catchments, with funding for community catchment groups, is another element, with funding over four years of $1.4 million for the upper Murrumbidgee water watch program. Monitoring is a big part of restoring the health of our lakes and waterways. We see ongoing funding for a park care ranger, as well as insurance and other support for new and existing volunteer groups.

Last year the budget had funding for 30 new drinking fountains in key areas across Canberra. These have been warmly welcomed, so we have allocated a further $100,000 in funding in this year's TAMS capital upgrade program for additional drinking fountains in high use areas. We see increased investment in mental health and, of course, the investment to deliver light rail.

What we see in that range of parliamentary agreement items is that, in partnership with the Labor Party, this government is delivering both on the big picture and on the day-to-day services that our community looks for. These are issues that the Greens have raised consistently over a number of years, and we can now really paint a picture that shows solid progress in key areas that really matter to the Greens and to the Canberra community as a whole.

There are many other things that I would like to outline in this year's budget. The budget includes a record spend on health of $1.5 billion and $1.1 billion on education. It has also allocated a $375 million down payment on light rail once the project is up and running in 2019. I will go into the detail of those that are in my ministerial portfolios in the detail stage of this debate in August. However, today I would like to highlight particular initiatives across the budget more broadly.

I will start firstly with transport reform and light rail. While the budget funds several parliamentary agreement items directly, it is fair to say that the budget also has a deeper shade of green that would not otherwise be present without the work of the Greens members of this Assembly over many years. The shift towards sustainable transport is one example. While light rail might get the headlines, as well as the goat of our opposition friends, it is not the only transport reform in this budget by a long way. In fact, this budget supports the new transport reform portfolio, and I am very pleased to be the minister assisting the Chief Minister with $2.3 million for a variety of transport reform initiatives.

As I said when I made a ministerial statement on transport reform to the Assembly, this new portfolio is intended to address challenges and embrace opportunities that are on the horizon. It recognises that sustainable transport is integral to how our city grows and develops into the future. There are some excellent transport initiatives, ones I am very happy to support and, indeed, have advocated for. As I said, a $23 million spend on active travel—walking and cycling—is a very positive sign. I see it as another milestone in the slow reversal of business-as-usual transport spending, which has disproportionately focused on car travel for many years. It includes the early stages of a cycle highway to Molonglo, an initiative championed by my party and which will help ensure new areas of Canberra have quality active travel facilities right from the start.

As I have said so many times before, sustainable transport is this city's future. As part of transport reform the budget will fund a whole-of-government peak oil strategy to ensure we are prepared and resilient for future challenges presented by our current reliance on a finite and fragile energy source, a smart and forward-thinking strategy that I strongly endorse.

When it comes to housing, I am very proud of the work the Greens have done on public housing over many years, and I am pleased this budget includes a strong commitment to public housing renewal of $133 million over four years. In line with an outcome passed by cabinet, this commitment includes responding to the needs and preferences of tenants along the proposed Northbourne Avenue redevelopment sites by providing accommodation within the 800-metre corridor, including Flemington

Road, in the inner north and in the city, where possible, as well as maintaining the salt and pepper approach to public housing in existing suburbs and expanding this approach to public housing in new and developing areas.

I am pleased to see that the Greens' commitment to a roof-for-roof replacement has been incorporated into the asset recycling initiative along with a guarantee that public housing stock does not fall below 30 June 2014 levels. This means all tenants will be rehoused and that the new public housing stock will be of much better quality. Importantly, this also means there can be consideration for modest growth to respond to increasing need for social housing support in our community.

We will soon see new homes built across Canberra that reflect the changing demographic of tenants and those seeking accommodation. The challenge for the government will be to work closely with communities to avoid similar scenes to those recently seen in Nicholls. This also creates an opportunity to provide more environmentally sustainable properties designed to provide a much more comfortable and less energy-intensive home for tenants, which the Greens have been calling for over many years.

When it comes to health, I am pleased that over many years of raising the issue of preventative health as well as mental health and the importance of dental health, this budget is delivering for the people of Canberra. We know if we invest in people and support them in actively looking after their health through healthy lifestyles and diets, we can save substantial funds from chronic and acute healthcare needs in the future.

The budget papers show a solid balance of preventative, chronic and acute spending that responds well to the disappointing reduction in commonwealth investment. The Greens believe prevention is always better than the cure, so it is positive to see significant continued funding for mental health, including early intervention funding. We also strongly support the valuable role the community sector plays in this space, and I look forward to hearing more about the enhanced community services expenditure as the budget is passed and the programs begin.

It is also positive to see the government recognise the importance of caring for people in the community and at home, with increased money for end of life care at home and the care in the right place initiatives.

The Greens also welcome the new and ongoing funding for healthy weight initiatives, but we will continue to advocate for this to go further in line with the Heart Foundation's recent report relating to advertising of junk food and unhealthy life options to children in particular.

I am also pleased to see the increase in drug services funding, with up to seven ACT drug rehabilitation organisations expected to benefit from the latest funding announcement. Its focus on ice use is particularly welcome, although I am sure I am not alone in hoping to see this funding continue for more than one year.

A total of $115,000 has also been allocated for the Canberra Alliance for Harm Minimisation and Advocacy, or CAHMA, to roll out a naloxone overdose

management program to manage heroin overdoses. This is a life-saving, groundbreaking response to drug use overdose, and I applaud the health minister for continuing the funding of this program. The budget also delivers welcome funding for the women's and children's hospital, neonatal services and the QEII post-childbirth support service.

When it comes to education, the Greens look forward to the ongoing implementation of needs-based funding in ACT education, a top line item in our parliamentary agreement and one on which we share a policy position with the Labor Party. It is an issue pertinent in the current environment. While I appreciate that the commonwealth has changed its focus, shall we say, to supporting states and territories to provide quality education and has moved to more block funding, I think the budget papers paint a stark reality—I can count 17 different national partnership payments that have just ceased or have been reprofiled by the commonwealth.

We are still dealing with the fallout of one of the most obvious broken promises from the Abbott government that said there was a unity ticket on Gonski. This means the ACT will have to go increasingly by itself in developing needs-based funding and with less money than was promised. It is going to be a tough few years for education funding, and the Greens will be watching this space closely to ensure that we are striving to end the educational achievement gap based on socioeconomic status and that the ACT at least develops a fair, transparent and equitable funding system.

I note that the additional $3 million over two years in this budget for extra learning support for students with a disability is very welcome. The Greens welcome investment in a Tuggeranong campus of CIT—something I think the Tuggeranong community feel is somewhat overdue. It will make a significant difference to the most southerly parts of Canberra. This budget provides welcome capital infrastructure upgrades, but the Greens also look forward to more recurrent funding in coming years to support students in other ways as well.

When it comes to community services, it is great to see the continued increased funding of $39 million for the new out-of-home care strategy, a step up for our kids. This is a pleasing result from many years of sustained advocacy by the Greens and some of my former colleagues. The care and protection system has long needed the attention and resourcing it is now receiving, and I commend the Community Services Directorate and the minister on the bold new direction it is taking. This will be a challenge for the sector, but I am encouraged by the engagement with stakeholders and the drive to look after our children in new and better ways and hopefully reduce the numbers of children entering the system in the first place.

I will also be looking forward to the continued implementation of the better service program, an initiative I was involved in as housing minister and continue to support. I welcome the increased funding for the front-line services for victims of domestic violence. There is no doubt governments around the country must and should have this issue at the top of their minds at the moment. The additional money that has been made available goes to three agencies that do important work to support those who have suffered or are in a domestic violence situation—the Canberra Rape Crisis Centre, the Domestic Violence Crisis Centre and the Canberra Men's Centre.

It is important not to lose our focus on this issue. We have all been confronted with the realities of ongoing and systemic domestic violence that occurs in our community, and we cannot afford to put this issue in the problem-solved basket yet. The funding that has been allocated will help with what is currently extra demand. We will need to have a continued and renewed focus before we start to see domestic violence rates drop.

I welcome the $615,000 allocated for education programs to work with children to shift attitudes and help break the cycle of domestic violence. I hope the Education and Training Directorate will work closely with those in the sector who have the expertise to offer in this area to ensure that money goes as far as possible. It is important funding that will hopefully help shift the underlying attitudes towards women that we know contribute to domestic violence in our community.

In terms of climate change, the environment and other environmental issues, I welcome the ongoing funding for the upper Murrumbidgee Waterwatch program, which I mentioned earlier. It has funding of $1.4 million over four years. The Waterwatch program plays a valuable role in monitoring water quality in the ACT, fundamental to any of the spending that will be undertaken as part of the federal government $85 million grant that has been provided to the ACT. This funding makes up part of the 10 per cent co-funding commitment from the ACT under the federal agreement. Given the federal requirement for their money to go towards infrastructure only, this is a sensible use of the ACT's contribution.

When it comes to matters of justice, I am pleased about funding for justice reform, and the ACT's commitment to a broader justice reinvestment approach, but I will speak more about this in the detail stage in August. The continued funding for the Street Law service is most welcome. Street Law provides an invaluable service in Canberra, assisting people who are homeless and at risk of homelessness. It was established through the 2008 parliamentary agreement.

Despite the additional funding that has been provided to legal aid—welcome, of course—there is still more work to be done in this space. Community legal services are not only necessary but excellent value for money. I put on the record my disappointment that we could not find in this budget a small amount of support for the ACT Environmental Defenders Office, which is struggling due to the harsh federal funding cuts that are part of the federal government's attempts to undermine anybody who might disagree with it.

At the same time as the ACT community legal centres battle against closure, the DPP requires significant amounts of money to conduct a retrial, potentially, of Mr David Eastman. It is hard not to at least wonder about the best justice outcome from the expenditure of this sort of money.

I am pleased to see the expenditure committed in this budget to the refurbishment of the National Convention Centre to keep that important facility in good shape as we continue the discussion on moving forward the Australia forum, ready for procurement status.

Obviously some initiatives and items in the ALP-Greens parliamentary agreement are still to be fully delivered. I am often asked about this at this time of year by journalists. They ask, "Well, what about the things that aren't there yet?" What I can say is that there are things such as continued investment in walking and cycling infrastructure and the creation of an urban tree trust. Given the progress we have made this year and the fact that it is a four-year agreement, I am confident we can continue to make good progress on these issues.

Overall, the Greens support this budget as a responsible one that is clear in its priorities. We have been in a difficult period federally and face significant local challenges as well. This is a modest budget that seeks to carefully navigate the need for financial responsibility with compassion and to balance limited resources with the need for service provision.

By this time next year, I am confident we will be in a better place as result of the decisions taken in this budget and that every Canberran will see something tangible as a result. I hope by this time in two years we will have a federal government that has a coherent, responsible and sustainable plan, perhaps more like the one that this ACT government has. I live in hope that that might be the case.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (3.49), in reply: I thank Mr Hanson and Mr Rattenbury for their contributions to the in-principle stage. I look forward to the detail debate during estimates and, of course, when we come back after the winter recess in August.

Question resolved in the affirmative.

Bill agreed to in principle.

Reference to Select Committee on Estimates 2015-2016

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (3.50): Pursuant to standing order 174, I move:

> That the Appropriation Bill 2015-2016 and the Appropriation (Office of the Legislative Assembly) Bill 2015-2016 be referred to the Select Committee on Estimates 2015-2016.

Question resolved in the affirmative.

Papers

Mr Barr presented the following papers:

> Live community events, pursuant to the resolution of the Assembly of 12 February 2015.
>
> Budget 2015-2016—Financial Management Act, pursuant to sections 20AA and 20AC—Statement of Reasons—Appropriation (Office of the Legislative Assembly) Bill 2015-2016—Departure from Recommended Appropriations.

Legislative Assembly resolution—government response
Paper and statement by minister

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro): For the information of members, I present the following paper:

> ACT Public Hospital Services: Delivery of Additional Hospital Beds—Options Analysis, pursuant to the resolution of the Assembly of 13 May 2015, concerning the University of Canberra Hospital.

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

Leave granted.

MR CORBELL: I am pleased to respond to the resolution of the Assembly of 13 May this year in relation to the University of Canberra public hospital and to address the following points of that resolution. Firstly, in relation to an analysis conducted on subacute demand in the ACT, projected demand for subacute hospital services has been estimated as part of the analysis of future health service needs in the territory. Inpatient activity is projected using a model developed for the ACT and based on a model that has been used in all other jurisdictions and in the private sector. Planning for subacute beds in southern New South Wales local health district was also taken into consideration.

The projection model is recalibrated regularly to incorporate new population projections and the most recent historical hospital activity data and clinical trends, for example in average lengths of stay for admissions. The reports *ACT public hospital services: delivery of additional hospital beds options analysis* 2011 and *Expanding hospital services in the ACT: an additional 400 hospital beds, health service delivery public consultation and discussion paper* 2011 identified five options for the location of the additional beds projected as needed in the ACT by 2022. The public consultation and discussion paper noted:

> The number of 400 beds is based on current detailed planning but it does not necessarily represent the final number of additional beds across the ACT by 2022, as these numbers will be updated to take into consideration demographic changes, changes in technology and changes in treatments …

Following the decision in 2011 to develop a subacute hospital in the ACT, planning was undertaken to define the scope of services to be delivered from the new facility. In 2011 ACT Health engaged Associate Professor Christopher Poulos to work with clinical specialists and key stakeholders for subacute services to refine the scope of services that could be delivered effectively from the University of Canberra public hospital.

Associate Professor Poulos's reports raised the contemporary model of care for some rehabilitation and aged-care patients: the day hospital or day service. The Poulos report also highlights the importance of achieving the correct number of geriatric

evaluation and management—GEM—beds, which are classified as subacute activity, across the new north side facility and the Canberra Hospital and perhaps Calvary hospital. The correct balance of GEM beds across acute and subacute facilities is required so that patient flow between these facilities is optimised and that patients are not unnecessarily moved between sites.

Because there is a need to maintain flexibility in the use of both the geriatric medicine and rehabilitation beds across the territory so as to not move patients unnecessarily, I will speak about aged care and subacute beds so there is no confusion by trying to define only the subacute activity.

The Poulos report confirmed ACT Health's projections that 210 rehabilitation and aged-care—acute geriatric medicine and GEM—beds would be required in the ACT public health sector by 2021-22. Of these, 120 general rehabilitation beds in four streams would be required at the proposed University of Canberra public hospital, with the remainder best located at the acute hospitals.

The need for mental health beds was also clarified and it was agreed that 20 adult mental health rehabilitation beds be incorporated into the University of Canberra public hospital.

Requirements for day services in general rehabilitation, aged care and mental health rehabilitation and other ambulatory outpatient services were also articulated in Associate Professor Poulos's report. The Poulos report noted that the bed projections were consistent with the Australasian Faculty of Rehabilitation Medicine standards for the provision of inpatient adult rehabilitation medicine services in public and private hospitals, which he noted as a guide only, and the Australian and New Zealand Society for Geriatric Medicine position statement, geriatric services in general hospitals 2008.

The previous assumption that subacute older persons' mental health beds would be located at the University of Canberra public hospital was overridden by the need to keep the older persons' mental health acute and subacute beds co-located at an acute hospital. It was agreed also that palliative care beds would not be incorporated into the University of Canberra public hospital. The palliative care services plan, completed in 2013, outlines projected need for palliative care beds at Clare Holland House and the Canberra Hospital.

The University of Canberra public hospital service delivery plan, including the functional brief, was completed in 2013 and outlined the concept for the University of Canberra public hospital facility and clearly defined the services to be delivered. The plan was informed by the scope identified by ACT Health and confirmed and refined by Associate Professor Poulos. The service delivery plan functional brief clearly articulates the service profile in table 1 of the functional brief on page 13.

Turning to the issue in the Assembly resolution of a clear definition of overnight beds, day places/spaces and equivalency calculations, the *National Health Data Dictionary* 2012, version 16, compiled by the Australian Institute for Health and Welfare, defines an "available bed" as a "suitably located equipped bed, chair, trolley or cot where the necessary financial and human resources are provided for admitted patient care".

A bed is an item of furniture that provides accommodation for patients who have been admitted through formal hospital admission processes, such as a bed on a general hospital ward; a chair in a single location that accommodates a person during their admission, such as for renal dialysis; a day surgery bed used for people waiting for surgery; or a trolley that is moved to different locations during a person's stay, for example where patients move from a same-day ward into a procedure room for a service such as an endoscopy and then into a recovery area.

An overnight inpatient bed is one where patients can be accommodated overnight in hospital. ACT Health does not count beds, chairs or trolleys used for non-admitted services, such as outpatient services, in a hospital bed count.

A place in a day service refers to a person's place in a day service program and not to the physical space or spaces in which they will receive care and treatment. It is intended that people coming to a day service will be formally admitted to a place at the hospital as a day patient and will attend for half or full-day programs for an identified number of sessions each week throughout their program. Day service patients will not occupy a traditional hospital bed. Their program of treatment and therapy might be conducted in a gym, the hydrotherapy pool or consultation rooms, or a combination of these spaces.

Associate Professor Christopher Poulos defines a day hospital, which would be:

> … used for patients undergoing a program of rehabilitation care (including geriatric rehabilitation where the attending medical officer is a geriatrician) where the primary focus is on assessment of function and on therapy to improve function and where this is able to be delivered in a non-inpatient setting. Patients within these day hospital programs will mostly be classified as the "rehabilitation" type (whether under the care of a rehabilitation physician or geriatrician), but some may be more appropriately classified as the "GEM" type, depending on the primary purpose of the day hospital admission. Day hospital programs can be either full or half-day programs.

ACT Health has decided to use the term "day service" rather than "day hospital" to focus on the ambulatory nature of the service.

The nationally agreed methodology adopted for the national partnership agreement for improving public hospitals in 2011 identified conversion factors for converting non-admitted or ambulatory services to bed day equivalents for measuring performance under the national partnership agreement. This methodology identified 2.5 same-day admissions, in the context of a day service as planned for the University of Canberra public hospital to be equivalent to one overnight inpatient bed. It should be noted, however, that this terminology and methodology was primarily developed only for funding purposes.

The University of Canberra public hospital will have a combination of admitted overnight inpatients, admitted patients in the day service as well as additional outpatient services.

I now turn to the total number of new additional subacute beds, including day spaces and equivalent proposed, alongside the transfer of existing places. In relation to this matter there are currently 189 bed equivalents in the ACT public health system in aged and subacute care. In 2022 there will be 300 bed equivalents.

This represents a significant increase in the ability to deliver aged care, rehabilitation and palliative care services in the ACT. Existing beds that will move to UCPH are currently accommodated in the acute rehabilitation ward 12B at Canberra Hospital, 20 beds; the rehabilitation independent living unit, RILU, at Canberra Hospital, 16 beds; and the aged care and rehabilitation unit at Calvary Hospital, 28 beds—a total of 64 aged care and rehabilitation beds.

In addition, 20 adult mental health rehabilitation beds from the Brian Hennessy Rehabilitation Centre will move to UCPH, and 25 adult mental health day places, 10 bed equivalents, will move from Belconnen Community Health Centre to UCPH. This is a total of 84 beds and 25 day places.

UCPH will have 120 overnight aged care and rehabilitation beds plus 20 overnight mental health rehabilitation beds, and 75 day service places. Therefore there will be 56 additional overnight beds and 50 additional day service places at UCPH.

Turning to item 4 of the resolution, that the government ensure that the Australian Nursing and Midwifery Federation ACT are engaged on future design committees, there have been a number of points at which consultation and engagement about the UCPH project have occurred with key stakeholders, and ongoing consultation with consumer representatives and staff, including some who are members of the ANMF, about the development of the hospital.

Consultation on the development of a northside hospital facility commenced on 25 February 2011, when the then Minister for Health released the *ACT public hospital services: delivery of additional hospital beds options analysis* 2011 and *Expanding hospital services in the ACT: an additional 400 hospital beds, health service delivery public consultation and discussion paper* 2011 for public consultation for a period of six weeks.

On 20 January 2012 a six-week community consultation period regarding the report on site selection for the new north Canberra subacute hospital commenced. The ANMF was among nine respondents, and were supportive of the University of Canberra site.

On 4 June last year the Minister for Health released the service delivery plan for UCPH for a six-week community consultation. Feedback was received through 19 formal submissions.

Prior to the release of the service delivery plan, letters were sent to key stakeholders, including consumer groups, non-government organisations, and professional and industrial organisations. This included the Australian Nursing and Midwifery Federation. Letters informed stakeholders of the consultation, with an invitation to email or mail comments about the service delivery plan.

A communication and stakeholder engagement plan has been developed for the UCPH project and outlines the objectives, including but not limited to informing stakeholders about the objectives and progress of the project; and informing and engaging stakeholders in the planning, design and development process, to assist with a seamless transition to a new facility and new model of service; providing a mechanism to address concerns of stakeholders, for issues to be heard and their input to be potentially integrated into the project, lay the foundations for ongoing communication with consumers and their carers who will potentially be affected by the development; and seek input from the community on how the facility could be further improved through public consultation.

Stakeholders, including the ANMF, are advised of key engagement points during the stages of health infrastructure program projects, including when the models of care, services plans and preliminary designs are released.

Consultation processes for the HIP, including the release of the service delivery plan for the UCPH, are also communicated through methods such as the ACT Health website, on the HIP page; the ACT government Time to Talk consultation website; media coverage; project newsletters; letters to specific external stakeholders; the government community noticeboard in the *Canberra Times*; social media; and various internal communication methods, including the director-general's news bulletin, and whole-of-government messaging.

All health infrastructure program projects have a governance process that includes a project control group, informed by user groups, which consist of internal and external stakeholders, including consumers and clinical staff, who include members of the ANMF, and non-clinical support staff.

Project outcomes are reviewed and endorsed through the Canberra Hospital and health services and the Calvary hospital executive steering committees, and ultimately the health infrastructure program strategic committee. These committees include ACT Health and consumer representation.

Mr Assistant Speaker, for the information of members I have tabled all the relevant documents that respond to this resolution of the Assembly.

Yerrabi pond
Paper and statement by minister

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro): For the information of members I present the following paper:

> Planning, Environment and Territory and Municipal Services—Standing Committee—Report **7**—Report on Annual and Financial Reports 2013-2014—Government response to recommendation 2—Yerrabi Pond fish kill, dated May 2015.

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

Leave granted.

MR CORBELL: I have presented to the Assembly the report on the Yerrabi pond fish kill event that occurred in late 2014, as requested by the Standing Committee on Planning, Environment and Territory and Municipal Services. Over a 25-day period, between 20 September and 14 October 2014, a significant number of dead Murray cod were discovered in the Yerrabi pond. After detailed investigations by the Environment and Planning Directorate, in particular the Conservation Research Branch, including testing of samples by experts in Sydney, there is no clear evidence pointing directly to one single cause of the fish kill of the Murray cod such as a pollution spill.

I would like to mention a number of rainfall and weather conditions that occurred leading up to and during the event that may have contributed to this fish kill. Prior to the event there was a three-day rain event that was then coupled with unseasonably warm temperatures that lasted throughout the period in question. I am advised that 35.4 millimetres of rain fell in the week leading up to the event providing an instant supply of new nutrients into the pond, supplying an abundance of food for aquatic plants and algae and potentially resulting in new plant production and bacterial decomposition. Some of this growth is normally visible across the lake as filamentous algae. These algae produce oxygen during the day but also consume it through the night.

This storm coincided with some unseasonably warm temperatures, actually 6.2 degrees above the monthly long-term average, which then introduced the second potential contributing factor as the ability for water to hold oxygen decreases when temperature increases. I am informed that the increase of nutrients and the inability of water to hold oxygen could potentially have reduced the dissolved oxygen levels in the pond, especially during the pre-dawn hours when plants have consumed oxygen throughout the night.

Unfortunately for our local Murray cod it was also cod breeding season. During the breeding season the behaviour of the larger fish is to guard potential nesting sites which are located at the bottom of the lake, parts of the lake which have the least amount of oxygen. Additionally, the fish are more stressed during the breeding season and tend to be sedentary even if conditions deteriorate.

When considering all of these factors, I am advised that it seems a series of unfortunate concurrent events most likely led to the levels of dissolved oxygen within the Yerrabi pond reaching critically low levels for some of our local Murray cod during this time.

Since 14 October last year there has been no further report of dead Murray cod in Yerrabi pond. On a brighter note, I can report that over the last five years the government has provided $15,000 per annum in funding towards native fish stocking in Canberra's urban lakes and ponds. The Conservation Research Branch in the

Environment and Planning Directorate manages fish stocks in the ACT for the ACT government and conducts regular monitoring of the recreational fish stocks in Canberra's urban lakes. The government stocks approximately 50,000 fish each year throughout Canberra's lakes and ponds with over three-quarters of a million fish having been stocked since the year 2000. Yerrabi pond is one of the ACT's water bodies that are regularly stocked with Murray cod and golden perch. In 2013-14 the fish stocking program released 11,000 Murray cod fingerlings into Yerrabi pond.

I commend the report to the Assembly.

Paper

Ms Burch presented the following paper:

> Improvements in Energy Efficiency and Heating and Cooling Needs in ACT public schools—Report to the ACT Legislative Assembly, pursuant to the resolution of the Assembly of 18 February 2015, concerning school infrastructure maintenance, dated 4 June 2015.

Auditor-General's report No 2 of 2015—government response
Paper and statement by minister

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Justice, Minister for Sport and Recreation and Minister assisting the Chief Minister on Transport Reform): For the information of members I present the following paper:

> Auditor-General Act—Auditor-General's Report No 2/2015—The Rehabilitation of Male Detainees at the Alexander Maconochie Centre—Government response.

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

Leave granted.

MR RATTENBURY: In April this year the Auditor-General finalised the report into rehabilitation of male detainees at the Alexander Maconochie Centre and made it available to the Speaker. The Speaker provided it to members of this place consistent with the provisions of the Auditor-General Act. The report was formally tabled here during our sittings in May. The audit had been initiated in mid-2014 and the final report came after many months of work by audit office staff, with significant support by ACT Corrective Services to facilitate the work of the audit office.

The Auditor-General's report has raised some concerns in relation to case management and rehabilitation program management at the AMC. It has also identified some gaps in the case management framework as a potential weakness in effective delivery of rehabilitation. The government acknowledges there is a need for improvement in the delivery of programs and intends to use the recommendations in the report as the basis for continued improvement. In particular, the government

agrees there are inefficiencies regarding access to employment and too much unstructured time for detainees in the AMC due to inadequate employment facilities or other activities such as organised recreation. The report also identified some gaps in the offender case management framework which the government agrees requires strengthening to improve the effective delivery of rehabilitation.

While these concerns are real and need attention, I believe it both appropriate and necessary to also draw the attention of the Assembly to the positive aspects of operations at the AMC, which have been highlighted in the audit office report. The government was pleased to see that the Auditor-General acknowledged improvements in practices that contribute to better rehabilitation services in the AMC. The improvements noted by the Auditor-General included enhanced performance in regard to case management administration, such as increased contact between detainees and case managers. The report also noted improvements in staff management and culture, evidenced by reductions in overtime, improved leave ratios and in reductions in use of force and in use of detainee lockdowns.

The audit report reflected on the fact that the number of detainees participating in vocational education and training sessions each month was higher than had been anticipated in the planning process and ROGS data reflects the ACT's strong performance in this area. The Auditor-General has also acknowledged that considerable support is provided for Aboriginal and Torres Strait Islander detainees, ranging from specific programs to identified specialist positions as well as contact with external service providers and advocates.

The report also recognises the complexities in providing rehabilitative services within the AMC. It is just one facility but it accommodates all genders, both remand and sentenced detainees, and all security classifications, including variations on those classifications for separation purposes. The AMC has had a much greater proportion of higher security detainees, much greater levels of separation of detainees than in other prisons, and much higher numbers of detainees than was anticipated during the rehabilitation program planning stage.

The built form of the centre has also, to a certain extent, limited some opportunities for ongoing rehabilitation. This has, for example, presented some challenges in relation to prison industries. This has meant that, due to operational necessity, the focus of operations has been oriented towards maintaining a safe, secure and humane custodial environment. This is completely appropriate, but it has meant there has been reduced scope to further enhance existing programs and service delivery. I am happy to say, however, that the ACT government has recognised these needs and has provided significant investment in recent budgets, along with increased resources in staffing personnel towards achieving the aspirations of the original planners.

The government does have some reservations about the Auditor-General's report. The stated intention of the audit was to be a review of rehabilitation at the AMC but did not analyse some key aspects of rehabilitation services available at the centre. The audit office focused on three primary criminogenic programs as well as looking at employment issues. It did not analyse the delivery of key rehabilitation programs related to alcohol and drug treatment. The report only included factual information about AOD and other programs at the request of ACT Corrective Services.

As a result the government is concerned that the audit does not provide a comprehensive examination of the total rehabilitation service delivery options available. Nevertheless both the government and I welcome the Auditor-General's attention to the issue of rehabilitation, and I am always interested in where government service delivery can be improved. I see the Auditor-General's role as being a useful tool towards continuous improvement and recognise the value in these reports across the whole of the ACT government.

I am exploring with ACT Corrective Services the service delivery concerns raised by the audit office. I want to ensure we are providing the best possible rehabilitation opportunities for detainees and it is important to understand that ACT Corrective Services is committed to doing this while also facing challenging circumstances due to the increased population pressures and separation issues.

The audit office has identified 10 recommendations which it considers necessary to improve the delivery of rehabilitation services to detainees in the AMC. I am pleased at the small number of targeted recommendations, because I believe this allows the government and its agencies to focus on key issues identified by an audit and provide clarity as to the work that needs to be done.

The government has agreed to all recommendations and has asked ACT Corrective Services to undertake work to progress these recommendations. It is important to note that some issues raised by the audit office were already on the government's agenda and, therefore, work was already underway in a number of areas referenced within the recommendations. For instance, data improvement issues as referenced across five recommendations are being addressed as part of the long-term project to improve ACT Corrective Services' information management systems.

Work has commenced to examine industry options for the AMC as proposed at recommendation 2. This work included a visit in November 2014 by me and senior corrections officials to prison industry facilities in New South Wales. A discussion paper is already being prepared to provide an understanding of the scope of any industry initiatives for the AMC.

Some recommendations will be actioned quickly; for example, recommendation 5, which relates to definitions. Others are more complex and resource intensive and will inevitably take some time to fully implement. This is particularly evident for recommendation 1, which relates to the development of an overarching rehabilitative framework.

I think this is a good example of the complexities of providing services in a prison environment and I would like to highlight this for members. As a 2009 Australian Institute of Criminology report into rehabilitation in prison notes, the future challenges for offender rehabilitation providers in Australia relate to the need to ensure that a high standard of program delivery is maintained and that new programs are developed for particular offender groups, including those who identify as from Indigenous cultural backgrounds. Crucial to these challenges is the enhancement of interjurisdictional resource pooling and information sharing. On face value, the

development of an overarching rehabilitative framework may seem straightforward, but it will require expertise and time as well as engagement with other jurisdictions to both maintain and grow the evidence base and will also require ongoing resources to evaluate and ensure that it remains flexible to respond to changes.

The criminogenic needs of detainees are multiple and complex with many interdependencies based on education levels, health outcomes, social inclusion issues, to name but a few. ACT Corrective Services and I are both fully committed to the development of such a framework, but the community must understand the need to resource such an undertaking.

Finally, I thank the Auditor-General for her report and also for the opportunity that this provides to assist government in enhancing the rehabilitation of detainees at the AMC.

Papers

Ms Burch presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Civil Law (Wrongs) Act—Civil Law (Wrongs) New South Wales Bar Association Scheme 2015 (No 1)—Disallowable Instrument DI2015-92 (LR, 21 May 2015).

Electricity Feed-in (Renewable Energy Premium) Act—Electricity Feed-in (Renewable Energy Premium—Registered Rural Block 708 Majura) Determination 2015 (No 1)—Disallowable Instrument DI2015-102 (LR, 2 June 2015).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods Amendment Regulation 2015 (No 1)—Subordinate Law SL2015-19 (LR, 21 May 2015).

Nature Conservation Act—Nature Conservation (Species and Ecological Communities) Declaration 2015 (No 1)—Disallowable Instrument DI2015-88 (LR, 19 May 2015).

Public Place Names Act—Public Place Names (Moncrieff) Determination 2015 (No 4)—Disallowable Instrument DI2015-103 (LR, 2 June 2015).

Public Unleased Land Act—Public Unleased Land (Fees) Determination 2015 (No 1)—Disallowable Instrument DI2015-86 (LR, 18 May 2015).

University of Canberra Act—

University of Canberra Council Appointment 2015 (No 1)—Disallowable Instrument DI2015-89 (LR, 21 May 2015).

University of Canberra Council Appointment 2015 (No 2)—Disallowable Instrument DI2015-90 (LR, 21 May 2015).

University of Canberra Council Appointment 2015 (No 3)—Disallowable Instrument DI2015-91 (LR, 21 May 2015).

Petition—Out of order

Petition which does not conform with the standing orders—Greyhound racing in the ACT—Ban—Ms Burch (16 signatures).

Supplementary answer to question without notice
Budget—ACT Policing

MS BURCH: I want to correct the record of question time yesterday. In response to a question I indicated a figure for the per annum increase for police. I gave the wrong answer. I just want to correct the record. It is $865,000 each year of the new funding agreement for the police in this budget.

Gaming Machine (Reform) Amendment Bill 2015

Debate resumed from 14 May 2015, on motion by **Ms Burch**:

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (4.20): I think everyone in the ACT had great hope that when the process of reforming the club industry was embarked upon we would actually get a decent outcome. It is not like this is something that appeared a month ago or two months ago; this has been talked about for years. The agreement I understand struck between the government and the clubs has allowed the government 12 months to get this legislation in order. At the start of the year we had the Chief Minister stand up on day one of the Assembly and say he wanted a bipartisan approach to this. But the government's idea of bipartisanship is to table something without any discussion a couple of weeks before it is to be debated and say, "Take it or leave it." That is not bipartisanship. If you want a bipartisan approach to this, Chief Minister, you need to handle it yourself, replace the current minister or get the current minister to come and talk to people. We all know the debacle of January. There is still a motion from February on the notice paper because the minister cannot conduct the bipartisan approach the Chief Minister thinks should occur.

This is the problem: the Assembly agrees to send a reference to the public accounts committee to look at the future of the clubs, but we have a minister going full steam ahead because she wants this bit and she wants this bit now. It is interesting that most of what is in this bill does not need to be passed by 1 July. What need to be passed by 1 July are tax provisions—that is all. When we had a briefing we asked the officials when the rest of it would start, and they did not know. Rushing this through today in this way is indicative of a minister who is not up to the job, and this is an inferior outcome for the clubs. They will get the tax reform that will please some and not others—that is the nature of tax reforms—and they will get a trading system which I think will please them until they learn the detail. I am not sure the club industry is across the full detail of this because the full detail is not available.

Eight disallowable or notifiable instruments have to be put in place before this bill can come into full operation, none of which are available. This has been being written for the last 12 months and there are still eight disallowable and notifiable instruments that no-one has seen. All that the clubs have asked for over the last couple of years is certainty. There is no certainty in what we do today because it is still at the whim of the minister to decide when phase 1 finishes and phase 2 starts. Until that is in legislation, the clubs will not have any certainty whatsoever. This is a very poor process.

There is poor drafting. The amending bill is about 160 pages; the explanatory statement is 90 pages. If you have to take 90 pages to explain 160 pages of legislation and then expect people to be across it and understand it fully and for it to be easy to operate, you are kidding yourself. What should have happened is a complete rewrite of the bill. In the time they have had, that is what should have happened. Instead, we have got this bill. We had a dixer at question time about reducing red tape. This adds an extra 44 pages to the legislation. It goes up. That is not red tape reduction. And that is before we get the notifiable and disallowable instruments. This is an incredibly poor process. It is an incredibly poor outcome, and with that in mind we will not support the bill today because it would be wrong to do so.

It would be wrong to support this because, as with so many of the bills that Minister Burch brings to this place, we will be back to fix it because she never gets it right. Never. That is most unfortunate because the industry deserves better. What the government intends to put in place today with the support of the Greens is a convoluted, complex solution to what should be a much simpler process. It does not answer all of the scenarios; for instance, what happens on a greenfield site? Who knows? We will find out, maybe, but I bet there will be an amendment to cover it. What it does not deliver is certainty. Read the submissions of the clubs to the public accounts inquiry. Look at what Mr House said. I acknowledge his presence in the gallery today. As a former adviser to a former Treasurer he must be having nightmares reliving this on budget reply day. All the clubs said they wanted was some certainty, and all those opposite are willing to offer them is six months certainty. Six months, and that has only been prompted because I put an amendment, which we will debate later, to try to give certainty.

Let's face it, our clubs are businesses. Mr Wall has been in business; Mr Coe knows about business. If I said to you, "I'll give you six months of certainty to plan your business," can you take that to the bank? Absolutely not. The banks are already wary about our clubs sector because of the lack of certainty this government has injected into the industry. It is this government's fault—change after change, backflip after backflip, fiasco after fiasco. We only need to recall January where one day the government was gung-ho, the next day the minister was on her own and the third day it had all gone out the door because this government and this minister cannot get it right.

The clubs deserve better and the members of those clubs deserve better and the people who use those clubs deserve better. They are a big sector in this town. They employ a lot of people. They pay a lot of bills. They support a lot of businesses. They pay a lot

of revenue to the government. They provide a lot of safe locations for people to go either on their own or with their families. They asked for one thing, and that was certainty. The one thing they do not get out of this process is certainty. Certainty equals six months according to Minister Burch. You cannot bank on that level of certainty.

Then there is the complex nature of it. There is a gaming machine reform package fact sheet. There is a trading scheme and then there is a new licensing framework. Let's look at the licensing framework. This is a corker of red tape. First of all you get a licence. Then because you have got a licence you get authorisation certificates. If you manage to get authorisation certificates, you get authorisation schedules. If you have got that, you actually get the authorisation for the machine. You go through three bits of activity before you get the authorisation for the machine, and then you can go and have your machine.

Has anybody ever heard of something as absurd as a five-tier system? That is what we are debating today. This is red tape reduction and it is appalling. A licence allows a licensee to operate a class of gaming machines, but a licence alone is not sufficient to operate an actual gaming machine. That is like saying you can have a drivers licence but then you have to get a licence for each car. Authorisation certificates—if you are lucky enough to get the licence then you get the certificate. The authorisation certificate provides the maximum number of authorisations for gaming machines for a venue. I have got a licence, I am okay to run a licensed club, which allows me to have machines, but then I have got to go and get an authorisation so that I can enact my licence. That makes sense. That is logical. But then, having got my authorisation, I have to get my schedule. The authorisation schedule is issued in addition to and with the authorisation certificates. What does the certificate do? It records the details of all authorisations—one might have thought a certificate might have done that—for the gaming machine at a specific venue and their status at any given time.

This is ludicrous. This is Sir Humphrey stuff: "Hang on, I've got my licence. I've gone and got my authorisation certificate. Yes, I've got my authorisation schedule. Am I right to go?" Well, apparently not, because then you have to get the authorisation. Each gaming machine must be operated under an authorisation, however the standards of the authorisation may change depending on the business imperative of the licensee. "Oh, my God. Have I got it all right now? Hang on, I've got my licence, yes. Licence in the left pocket. Authorisation certificate in the right pocket. I'll put the authorisation schedule in the inside pocket. Hang on, what was the next thing? I'll check my checklist. Oh yeah, that's right. It's the authorisation. I'll put that in the inside left pocket. Now I've got to go and get some machines. I haven't got any more pockets!"

It is pathetic in the extreme that in this day and age we have legislation that after 12 months of negotiation delivers that. That is a joke. That is an insult. That is, as Mr Wall so astutely noted, not red tape reduction. But that is what is on offer from this minister and this government—convoluted, complex and in no way certain. Because the scheme we have designed goes into a market that has been regulated where nobody can sell any machines because nobody can buy any more machines, we are going to put authorisations almost 700 above the current level of 524. There will

be 5,024 machines in the market, but there will be more than 5,700 authorisations so we can start the trading scheme. This is great. This is really good stuff. This is red tape reduction. This is the market at its best. This is what you get from a minister who is not across her brief. It is complex, it is convoluted and it does not offer certainty.

Then we have the taxation. What the minister rightly should have brought forward today are the tax changes. You are going to change a couple of tax rates—smaller clubs will be better off, a couple of big groups will be a bit worse off, but that is the nature of tax and tax changes. But in an insult to the public accounts committee—that is all it can be—we are going to rush through a whole lot of changes which are subject to an inquiry. It is preposterous that whenever the committee reports they may report that this is all wrong and that the feedback they have had is it is not working, or whatever. I suspect the scheme will not be working when the committee reports. The committee will be denied the opportunity, as the clubs and the community will be, to have a real argument about how this should work and how we could make it work.

We have more red tape. For some clubs we have more taxes. We have a system that increases the number of authorisations. What are we doing here? What we are not doing is giving the clubs what they want, which is some certainty. That is at the heart of it. This is a two-phase scheme. In the first phase, if you sell four machines you get paid for four machines but the buyer only gets three machines. That is so the government can get some machines off the floor and say, "Look, we've addressed problem gambling. We've have dropped the number of machines."

What is the target? It is now 15 per 1,000 adults in the ACT. I asked how we got to that number and in the briefing we were told it is below the level of New South Wales. That is the degree of analysis this government has done. I think the officials realised what they had said so they then offered to take it on notice. What they told us in the response was that the government undertook extensive analysis as part of setting the ratio. The extensive analysis covers about half a page. Basically what it says is exactly what the official said. We picked a number that is lower than New South Wales without any basis in fact on how you address problem gambling. There is no basis in fact in here. It is based on 2009-10 data, the latest data available at the time. This is based on data that is more than five years old.

The data showed the ACT had the highest number of gaming machines per adult of all states. However, expenditure going through the gaming machines was the lowest of all states and well below the national average. If we have a low average on their usage, is that not a good thing? The data showed only three clubs exceeded the national average. At the end of the day, what came out was simply that there is no basis in fact to the number 15. The magic number 15 is good because it is less than New South Wales.

There was no analysis of the condition, no analysis of the market, no social impact analysis to back it up and no analysis of the travel patterns of people and how they travel. Indeed, I asked about travel patterns, and the latest study on travel patterns is from 2004. Fancy that. We are relying on old data because this government have not done their job and have not done the work. They are punitive about what they do. They punished the clubs, aided and abetted by the Greens, by saying, "You must give more money to problem gambling because this government do not." They take their

$36 million; they are quite happy to take their cut. They do not put a great deal back into the research—numbers from 2010, numbers from 2004. That is not the way to inform a modern debate.

Then we continue with certainty. The bill provides that phase 1 may last up to three years. It may not. We asked the minister questions in the inquiry and she said, "Well, if I don't get what I want I'll just change it." How can you plan the future of your club—start to diversify, get loans so you might restructure, rebuild, build different facilities—when the minister might change the scheme and take machines off the floor of your club? That is not certainty. There is no certainty in this for the clubs, and the clubs need to be aware of that.

It will no doubt be peddled that the Libs did not support the reform. Why would we support badly legislated, badly drafted poor reform with poor intent? If you read this and go to the maximum, you would say, "Okay, phase 1 might last three years," and then phase 2 starts—mandatory take back of the machines. Phase 1 might only last six months, because under the minister's amendment that is all the notice she has to give. Phase 1 may only last six months, and the banks will be asking the clubs, "How certain are you of your licences?" The banks will be asking, "What are your projections? Are they based on retaining all your machines for a full three years or are they based on maintaining all your machines for only six months? What number of machines do you lose in the government's pro rata move to get to the 15 per 1,000 total?" They are the questions any business-minded manager will ask, but not the minister. All the minister says is, "I'll get what I want. I've got no data to back what I want. I offer none of the organisations any certainty, but I will have what I want." That is not fair.

The clubs have asked for certainty, and we should give it. In my amendments, which we will get to in the detail stage, I have said phase 1 should be a defined period, and if you wish to end phase 1 you should give at least a year's notice. Ms Burch has immediately watered that down to six months, which is unacceptable. It is not even a financial year for a club or an organisation to do what they want to do. In that regard, this is very poor legislation and very poor process. We need to have a rethink, and I urge Mr Rattenbury not to support the government in this today.

We are not serving our community well, and in this case we are not serving the club industry, their members and their patrons, by passing inferior, uncertain legislation. The start date of the tax changes is 1 July. That could and should have been a budget-related bill, a separate bill. I do not think anybody in this place would have trouble with that. But we are being asked to pass a new trading system, the start date of which is unknown, which has eight notifiable and disallowable instruments attached to it that we have not seen and the clubs have not seen in a system that can be changed simply at the whim of the minister. This is a poor outcome for the club sector.

I am not sure where the minister has been; I am not sure who she listens to; I am not sure where she is getting her advice. The clubs certainly want a trading scheme, but they want certainty in that scheme. If certainty in the ACT is now six months, which it appears to be, that is very uncertain. The funding institutions will look at this, I suspect, with a very dim view, because projections can go out the window at the whim of a minister with six months notice. That is not what the clubs deserve.

The clubs industry in this town is a great industry. Clubs started because we did not have the traditional pub culture that the other cities have. They were built on the sweat and hard work of men and women devoted to their sport, their religion, their brass band, their pipe band, their heritage, their culture or whatever. They deserve better than we are offering them today. What they get out of this is the spectre hanging over their head of Joy Burch, at a whim, changing everything. That is not a pleasant thought, but that is what this is. This will come down to, yet again, ministerial discretion. We saw that discretion earlier this year in January when everything went to pieces very, very quickly. Our clubs, their patrons and their members deserve better than what this government is offering today.

MR RATTENBURY (Molonglo) (4.40): The ACT has too many poker machines. That is the bottom line of this discussion. That is what this debate is about today. The last numbers I saw, there were about 4,900 of them. That is about 900 more than the legislated cap of 4,000. As far as I am aware, the ACT has been in breach of that cap ever since it was legislated, and that is because there has been no mechanism to lower the number of machines. The government has instead relied on clubs to voluntarily surrender them, and this obviously did not occur in significant numbers. I will be supporting this bill because it finally provides a mechanism by which the territory can begin to wind back the number of machines in our community.

This bill sets up a two-phase approach to the reduction of gaming machines. Phase 1 involves a trading scheme whereby clubs are able to trade gaming machines between licensees. Trades will be in groups of four machines at a time and for each four machines traded, one machine will be forfeited to the government. I understand that Minister Burch has a commitment from the clubs industry to quarantine between 200 and 400 machines during phase 1. The quarantine will involve removing machines from the gaming floor for a period of no less than 12 months and potentially longer.

Phase 2 will commence no later than three years after the commencement of phase 1. Phase 2 will replace the current unsuccessful cap of 4,000 machines with a population-based ratio of 15 machines per 1,000 adults. If the number of gaming machines in the community exceeds this ratio at the start of phase 2, the government will compulsory acquire machines from larger gaming venues until the ratio is met.

Members are aware of the current public accounts committee inquiry into the future of the clubs industry. The submission provided by the Canberra Southern Cross Club speculated that there would be little appetite for trading, and I will be interested to see which way this plays out. Either way, phase 2 provides a mechanism to reduce the number of machines should it be necessary in the face of lacklustre trading.

This goes to the very issues that Mr Smyth has just used every single second of his 20 minutes to reiterate time and again, as is his wont. This is, in fact, quite a clear and laid out plan. The minister has undertaken considerable consultation with the clubs industry. They have been significantly involved in the development of this legislation. To sit here and give us an entire dissertation on how this provides no certainty, when I have been able to spell it out quite quickly in a lot less than the full 20 minutes that Mr Smyth took to try and muddy the waters—

Mr Smyth interjecting—

MR RATTENBURY: Mr Smyth was heard in peace, but that is not a courtesy extended to someone like me who, in fact, had their first interjection within about the first 20 seconds of my speech. It says a lot about the personal conduct of those opposite. The point is that I can do it in a lot less than the full 20 minutes that Mr Smyth took to seek to muddy the waters.

I note that the requirement for social impact assessments remains operative regarding the transfer of gaming machines between suburbs, which is an obvious and necessary component of harm minimisation measures.

The bill also introduces a more progressive taxation regime across the clubs industry. I understand the changes are ostensibly revenue neutral to government. However, the tax burden is shifted towards the larger, more profitable clubs. The notion of progressive taxation is something that the Greens would certainly support, particularly in the context of the challenges faced by small clubs in particular. They have brought those to the attention of government and members of this place on more than one occasion.

I also note there are a number of amendments. I will touch briefly on the amendments to be moved by Minister Burch as a result of the scrutiny committee, and I will come to Mr Smyth's amendments when we get to those in the detail stage of the discussion. The scrutiny committee returned a suite of comments on the bill. Minister Burch has circulated amendments addressing two of the scrutiny committee's concerns: specifically adding a reasonable steps defence to strict liability offences in proposed subsection 39(1A) in the bill, and tabling a revised explanatory statement to clarify errors in the original draft.

Of perhaps greater interest is the scrutiny committee's concern regarding the Gambling and Racing Commission's ability to find that a person is an eligible person under the act notwithstanding that the person does not satisfy eligibility requirements applicable to others. The scrutiny committee finds that provisions in the bill will empower the Gambling and Racing Commission to dispense with the generally applicable rules concerning eligibility in favour of particular individuals and corporations.

I note that Minister Burch's response to the scrutiny committee points out that the existing act empowers the gambling commission in a similar way. I am not aware of any instances of the commission using this power that have resulted in detriment to the community, so I am happy to let this clause through today. However, I believe the Assembly should remain vigilant in minimising these types of dispensing clauses.

That is some of the detail. Overall, as I touched on in my opening remarks, I believe that this is a positive set of reforms to the Gaming Machine Act in the sense that it will provide an actual mechanism to achieve a reduction in the number of poker machines in the ACT. I think that is a positive thing. I do not think it will come as a surprise to anybody—and I acknowledge the fact—that many of the clubs are now looking to diversify their sources of revenue in recognition of the fact that, as the

committee heard when it held its first public hearing some weeks ago and as we have seen in the submissions which are now publicly available, they are seeing a declining revenue from poker machines. No doubt the clubs sector is set to continue to go through a phase of transition.

I think this is a positive development. It addresses one part of the clubs industry. As a member of the committee, I look forward to the continued deliberations over the coming months as we hear from further witnesses and then provide a report back to this place. This is a space that is quite dynamic. I reject the argument that this reform, which has been in development for some time, should now not proceed because of that committee. There is ongoing work to be done. I think there is a lot of discussion to be had about how we continue to ensure that clubs, which play an important part in the social fabric of this city, can continue to be viable in the long term. I look forward to that continuing discussion.

MS BURCH (Brindabella—Minister for Education and Training, Minister for Police and Emergency Services, Minister for Disability, Minister for Racing and Gaming and Minister for the Arts) (4.47), in reply: Before I go into the detail of my comments on this, I will respond to Mr Smyth's 20-minute interesting bit of theatre. Yes, it is a complex process, but Mr Smyth knows full well that the regulation cannot be written until the bill passes in the Assembly. Mr Smyth spoke at length about certainty. Yes, the clubs have been seeking certainty. They have also been seeking a trading scheme. This bill will deliver that. They have also been seeking that the number of machines be linked to the population so that, as our city grows, should they wish to grow their capacity, they can do so. This bill delivers that.

What I believe the clubs also want is a level of respect. I remind everyone here of the language used by the Canberra Liberals, who often say very loudly that those that operate gaming machines are morally bankrupt. That is the language of the Canberra Liberals. Whilst they claim to have high regard for the clubs, in their language, other than just recently, they have shown nothing but disrespect for the clubs industry in this city.

The Gaming Machine (Reform) Amendment Bill 2015 that I introduced in May proposes changes to the Gaming Machine Act 2004. The gaming machine reform package includes a number of reforms that support the ongoing viability of the club sector while preserving a robust regulatory framework and maintaining a strong harm minimisation framework. This government will not move back from that.

The reforms include a phased reduction in the number of gaming machines across the territory and a new trading scheme to allow authorisations to be traded among licensees. Hotels and taverns will also have access to this trading scheme to divest themselves of outdated class B gaming machines.

The provisions in the bill will be implemented in a phased manner. Phase 1 provides forfeiture arrangements for gaming machine authorisations to reduce the number of permitted gaming machines in the territory and will see the existing pool of gaming machines abolished. To assist trading, the bill allows clubs to apply for a one-off increase to their authorisation certificates without first completing a social impact statement.

However, the commission must be satisfied that the size and layout of the premises is suitable for the operation of more machines, and any further increase will require a social impact statement. Based on machine numbers at 30 June last year, this one-off increase could allow a maximum increase to authorisation certificates across the territory of 686. However, this does not translate to an increase in the total number of authorisations operating in the territory, and that figure sits at 5,024.

Phase 2 implements the new maximum ratio of 15 gaming machine authorisations per 1,000 adults, which replaces the current cap of 4,000 machines. A number of options were considered in developing this mechanism. After further consultation with the industry, and noting the challenging operational environment which our community clubs face, the government chose to take a realistic approach to reducing overall gaming machine numbers.

The new ratio delivers a reduction that is appropriate for an industry going through a period of adjustment. The changes to taxation rates, which raise the tax-free threshold for clubs from $180,000 to $300,000 per annum, are expected to commence, and will commence, on 1 July this year.

The reforms before the Assembly today strike the right balance in supporting the ongoing viability of the territory's community clubs while ensuring the continuation of this government's strong harm minimisation framework.

I thank the Standing Committee on Justice and Community Safety, in their legislative scrutiny role, for their review of the Gaming Machine (Reform) Amendment Bill 2015. I have examined the committee's scrutiny report dated 26 May and note the committee has raised six matters for my consideration, four being recommended for response.

I take the opportunity now to respond to those matters, beginning with the comments relating to provisions that allow the ACT Gambling and Racing Commission to find that a person is an eligible person for the act notwithstanding that the person does not satisfy certain eligibility requirements.

I note these provisions have existed in the act since its commencement in 2004. As was said in the explanatory statement at that time, they operate to provide discretion where it would otherwise be harsh or unreasonable to consider the individual or the corporation ineligible for a licence.

These powers will be exercised by the commission, the independent regulator established by statute and bound by the powers granted by the Assembly under both the act and the overarching Gambling and Racing Control Act 1999. In addition, in exercising these powers the commission is bound to consider public interest considerations under subclauses 6(3) and 7(2) of the bill.

In relation to whether the powers should be disallowable by the Assembly, I consider that disallowance could cause considerable uncertainty for gaming machine licence

applicants and delays, depending on the timing of the Assembly's sittings. It would be difficult for business decisions to be made and progressed. The provisions therefore are considered reasonable and proportionate in balancing the integrity of the industry and administrative fairness to an applicant.

However, noting the committee's recommendation, I am tabling a revised explanatory statement to clarify justification of these clauses. I note the committee's comments in their report about widely expressed administrative powers in the bill, but I disagree that these powers would be more narrowly stated.

This bill is part of a suite of racing and gaming regulation. It provides appropriate and proportionate powers aimed at achieving the objectives of industry integrity, consumer protection and harm minimisation and is to be applied alongside the control act.

In respect of proposed subsection 38D(4), I consider this power is limited by the specific requirement that the commission must consider the social impact assessment and any submission made on the SIA. The provision revises existing provisions in the act for in-principle approvals in line with the broader changes made within the bill.

Proposed subsection 38F(b) was drafted giving careful consideration to the intent of the provisions in the existing act and mirrors existing subparagraph 38K(2)(b). The intent of the in-principle provisions in part 2C of the bill is similar to part 2A of the existing act. These provisions allow for the in-principle approval of an authorisation certificate at an address of unleased land before the acquisition of an interest in that land or premises at the address is finalised.

As such, proposed subsection 38F(b) provides the commission with a level of flexibility and scope in relation to the types of conditions to be imposed when issuing or extending an in-principle authorisation certificate. The bill provides flexibility to ensure that appropriate conditions can be placed on the in-principle authorisation certificate to respond to unforeseen issues which may be necessary to avoid risks to consumer protections or to uphold the integrity of the industry. The reach of the commission's administrative powers here is limited to the applicant for an in-principle authorisation certificate, and only where there is suitable unleased land permitting a club.

I now turn to the committee's comments in relation to whether an opportunity to respond to an administrative decision made by the commission should be included in proposed sections 32, 35, 36, 37, 38D, 38I, 38K, 38N and 127W in the bill. All of these provisions require the commission to tell the person in writing of their decision and in every circumstance must give reasons for their decision.

I note the comments in relation to apportioning a level of natural justice to the commission's administrative decision-making powers and would like to draw the Assembly's attention to schedule 1—reviewable decisions of the bill. A person who considers that they have been adversely affected by a decision may seek a review, as decisions under each of these sections are reviewable.

I thank the committee for their comments in relation to the treatment of human rights and maximum penalties in the explanatory statement. I also note the committee's question in relation to strict liability offences, specifically whether an additional reasonable steps defence should be included in proposed subsection 39(1A) of the bill. I have considered the committee's recommendation and today I am moving a government amendment that inserts a new clause 7B in the bill to provide a defence of reasonable steps at new subsection 39(3).

This amendment provides that a licensee does not commit an offence if their licence and/or authorisation certificate is subject to a condition and the licensee took all reasonable steps to comply with the requirement of the condition. The amendment also inserts a new note which clarifies that the defendant has an evidential burden in relation to the matters mentioned in subsection (3), which is in accordance with subsection 58 of the Criminal Code.

I am also presenting minor and technical amendments in proposed new clause 7A of the bill, which revises the note in section 39 to reflect that conditions can be imposed on licences and authorisation certificates. I have ensured that the amendments are consistent with standing order 182A. A copy of the amendments has been circulated to all Assembly members for their consideration. The government amendments are supported by a supplementary explanatory statement which I am tabling today. I note the committee's feedback about the bill's explanatory statement in relation to specific issues with the human rights analysis. The revised explanatory statement that I am tabling addresses those issues.

I believe I have taken a fair and balanced view of the committee's comments in their scrutiny report and consider that I have appropriately addressed those through the formal government amendments, along with the supplementary statement and the revised explanatory statement being tabled here today.

Today is the end of many months of hard work that delivers a significant and far reaching package of reform aimed squarely at supporting the long-term viability of Canberra's community clubs. I would briefly like to thank the officials that have worked on drafting these amendments and the work behind it. It is complicated. They have worked incredibly hard. I also thank the commission and indeed the clubs of the ACT for their contribution and their support through these reforms. As always, the government will continue to consult on measures that provide for a contemporary regulatory framework environment and build on viability for the future while retaining appropriate safeguards for the community.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 8		Noes 7	
Mr Barr	Mr Corbell	Mr Coe	Ms Lawder
Ms Berry	Ms Fitzharris	Mr Doszpot	Mr Smyth
Dr Bourke	Mr Gentleman	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

MS BURCH (Brindabella—Minister for Education and Training, Minister for Police and Emergency Services, Minister for Disability, Minister for Racing and Gaming and Minister for the Arts) (5.03): Pursuant to standing orders 182A(b) and (c), I seek leave to move together amendments to this bill that are minor or technical in nature and are in response to the comments made by the scrutiny committee.

Leave granted.

Clause 1 agreed to.

Clause 2.

MR SMYTH (Brindabella) (5.03): I move amendment No 1 circulated in my name *[see schedule 5 at page 2140]*.

This is the certainty amendment—or as much certainty as we can give the clubs. This amendment says that the minister must fix a date for the commencement of schedule 2 at least two years after the commencement of section 53 and that if the minister wants to call on phase 2 the notification period for that be at least one year before the date is fixed for its commitment. It is to give the clubs some certainty.

The amendment to my amendment that Ms Burch will move reduces that. There is actually no certainty and no protection in the bill at this stage. At least this amendment has forced the minister to come up with her own amendment, but she has halved that time to just six months.

What the clubs deserve—and what those who, for instance, finance the clubs need to know—is to know that the clubs have a future; the terms of the operation of their poker machines in those venues; and, if they are lending money, what exactly they are lending the money against. Is it 100 machines? Is it 400 machines? Is it 700 machines? Or is it a number that the minister will determine at the whim of her ministry?

The problem for the clubs is that we will end up with continued uncertainty. Yes, they will have a trading scheme, but it is a poorly defined trading scheme. It is a trading scheme, but we do not know how it will affect greenfield sites. More importantly, we do not know how it will affect clubs' day-to-day operation.

I go to Mr Rattenbury's speech. He says that the law currently says there should only be 4,000 machines. That is actually not the law. If you had bothered to read section 34A, Mr Rattenbury, you would have seen that it says the intention is to reduce the maximum number to 4,000 machines. It is an intention. We made the comment when this was passed that it was the strangest bit of law ever when we legislated for intention. Now we are about to legislate for whim. This is how the government has treated the club industry. The former minister for gaming has joined us with his intention for 4,000 machines. He did not actually have the courage to say, "We will bring it down to 4,000 machines." But there is the intention. That is all it is. Now we have a minister who will not tell the industry exactly what time frames this will happen in.

It is just not fair. People cannot plan their businesses. They cannot, therefore, tell their staff long term how many will be needed. A lot of staff are on the floor in clubs, but if the numbers go down, if the patrons go down, if the funds that they have to support community interests therefore go down, then the whole of the community is affected. If the business is affected, the business model goes. The funds they have to give to community groups will diminish. Is that the intention—that the government puts every club, and their patrons and every community organisation funded by a club or assisted by the club, on notice that as a consequence of these two amendments they will have six months notice? That is what you are saying. The clubs will have to look very seriously at how they hoard their resources, because they will have to get ready for a day when a minister, on a whim, just says, "It all changes in six months."

This amendment should be supported. It is not unreasonable to say that phase 1 will take two years at a minimum and have at least one year's notice of commencement of phase 2. That is not an unreasonable time frame, members. If you do not have experience in business, go and ask businesses how this sort of arbitrary number will affect their business model and their business outcome. It will change the way they do business because you are not giving them certainty.

MS BURCH (Brindabella—Minister for Education and Training, Minister for Police and Emergency Services, Minister for Disability, Minister for Racing and Gaming and Minister for the Arts) (5.07): I will not be supporting the amendments presented by Mr Smyth today. I will be moving amendments to Mr Smyth's first amendment, and I foreshadow moving amendments to his second amendment as well.

The first amendment I am proposing is in response to the club industry's request for prior notice about the commencement of phase 2, which is part of what Mr Smyth is also proposing. I disagree, however, that the industry needs one year's notice. It is disproportionate to give one year's notice when it is certain that phase 2 will commence within three years. This amendment instead proposes six months notice before commencement.

My amendment balances the clubs' interests with the community's interests in harm minimisation. As I have indicated to the clubs, while phase 1 provides an opportunity for them to manage their business needs in achieving this reform, I expect to see some real reductions in the number of machines accessible. My amendment omits new

clause 2(2A) proposed by Mr Smyth and substitutes a new revised new clause 2(2A), which provides that I must notify the commencement of phase 2 at least six months before it actually commences.

I move amendment No 1 circulated in my name to Mr Smyth's amendment No 1 and table a supplementary explanatory statement to the government amendments to Mr Smyth's amendments *[see schedule 4 at page 2139]*.

MR RATTENBURY (Molonglo) (5.09): Mr Smyth's first amendment proposes to fix a date for the commencement of phase 2 which is at least two years after the commencement of the trading scheme. I have discussed this proposal with the minister for gaming and I have received advice from her that the economic development directorate considers that such a fixed period would be likely to stymie the period of trading by causing licensees to postpone trading. I feel it is reasonable to take the advice of the directorate, which developed the trading scheme in concert with industry. For this reason, I will not be supporting this part of Mr Smyth's amendment.

In recent days Mr Smyth and I have spoken regarding this bill and his proposed amendments. He raised concerns, as he has articulated here today, that the clubs industry has for too long been subject to a changing regulatory environment, to their detriment. I am well aware that the club industry has had significant input into the development of this bill and, indeed, has been lobbying the government for a number of years to institute a trading scheme. The minister is now doing this at the industry's behest. I feel that claims of a changing regulatory environment ring hollow on this occasion.

With regard to part (b) of Mr Smyth's amendment, which also calls for the public notification of the commencement of phase 2 at least 12 months prior to that commencement, Minister Burch's amendment undertakes to provide that notification six months prior to commencement rather than 12 months prior, which I consider to be a reasonable time frame. I think it is a reasonable approach in the circumstances. I will be supporting Ms Burch's amendment to Mr Smyth's amendment and then supporting the revised version.

MR SMYTH (Brindabella) (5.11): I want to speak to Minister Burch's amendment. You run an organisation. You sign contracts for things like cleaning or servicing of machines perhaps. I am not aware of anybody that signs a service agreement for six months. That is what they will have to now take into account, because the horizon now only extends six months for the clubs if this gets up. This will have a dramatic effect on their business planning and on the business model that they adopt. There is training of staff. Do I train staff when I do not know whether six months from now I will need them because the government may just arbitrarily come in and take machines off the floor of my club? Will I renovate? I am not sure, because six months from now the government will come in and potentially take a significant number of machines from my club. Will I build a new building? I might shuffle some of my machines from other venues. I do not know because my six-month window is all I have in which to make a decision to build something that we are going to move machines into that six months from now I might not have.

This destroys the ability for any planning for a club to reasonably do to put together a business case to take to a bank, to plan for staff, to start allocating staff holidays. "We don't know how many we're going to need and when we're going to need you to staff these machines or look after the club." What this does is knock certainty out. We have talked in the inquiry about business models—changing business models. There is no business model that I know of that has a six-month horizon. That is what this does. Be it on your heads.

Question put:

> That **Ms Burch's** amendment No 1 to **Mr Smyth's** amendment No 1 be agreed to.

The Assembly voted—

Ayes 8		Noes 7	
Mr Barr	Mr Corbell	Mr Coe	Ms Lawder
Ms Berry	Ms Fitzharris	Mr Doszpot	Mr Smyth
Dr Bourke	Mr Gentleman	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	

Question so resolved in the affirmative.

Mr Smyth's amendment, as amended, agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 7, by leave, taken together and agreed to.

Proposed new clause 7A.

MS BURCH (Brindabella—Minister for Education and Training, Minister for Police and Emergency Services, Minister for Disability, Minister for Racing and Gaming and Minister for the Arts) (5.16): I move amendment No 1 circulated in my name, which inserts a new clause 7A *[see schedule 3 at page 2139]*. I have tabled a supplementary explanatory statement to the government amendments.

I made all my comments in my statements earlier, and I hope the Assembly supports those changes.

Proposed new clause 7A agreed to.

Proposed new clause 7B.

MS BURCH (Brindabella—Minister for Education and Training, Minister for Police and Emergency Services, Minister for Disability, Minister for Racing and Gaming and Minister for the Arts) (5.17): I move amendment No 2 circulated in my name, which inserts a new clause 7B *[see schedule 3 at page 2139]*.

Proposed new clause 7B agreed to.

Clauses 8 to 84, by leave, taken together and agreed to.

Proposed new clause 84A.

MR SMYTH (Brindabella) (5.18): I move amendment No 2 circulated in my name, which inserts a new clause 84A *[see schedule 5 at page 2140]*.

This clause inserts a review clause. Often when we do complex legislation it is reasonable to come back after a period of time, have a review and present that review to the Assembly. This suggests that before the commencement of phase 2 of the review the government review the operation of the amendments made by this act and then present a report of the review to the Assembly. The section would expire five years after its commencement, because I suspect that it will not be required at that time. It is about making sure we have got this right by conducting a review and it is about the Assembly being informed.

MS BURCH (Brindabella—Minister for Education and Training, Minister for Police and Emergency Services, Minister for Disability, Minister for Racing and Gaming and Minister for the Arts) (5.19): I move amendment No 2 circulated in my name to Mr Smyth's amendment, which inserts a new clause 84A *[see schedule 4 at page 2139]*.

This amendment relates to the proposed review of the bill's provisions. I accept that there are significant reforms and the Assembly may wish to have a review undertaken. However, I think the review of all the amendments made by the bill is excessive. That said, I understand that there is an interest in aspects of phase 1—namely, the forfeiture requirements and the quarantine permits. For this reason I am not opposing the proposed review in its entirety. Instead, my amendment proposes to narrow the scope of the intended review as it focuses on those two key areas.

The details of the particular amendment are that it omits everything before proposed new paragraph 179(1)(b) in proposed new clause 84A and substitutes a revised paragraph 179(1)(a) with consequential revisions in the opening words of subsection 179(1). The amendment provides that I must, before the commencement of "schedule 1 (Other amendments—compulsory surrender)", review the operations of section 127F, "Trading authorisations—forfeiture requirement)" and subdivision 6.11.3, "Quarantine permits". No amendment is proposed to proposed new paragraph 179(1)(b), which requires that the report of the review be presented to the Assembly, or to subsection 179(2), which is a sunset clause for the review provision.

As I have said before, this bill is an important part of the gaming machine reform package that supports the ongoing viability of the clubs sector while preserving a robust regulatory framework and maintaining a strong harm minimisation framework. My proposed amendments are in line with those aims.

Just to put it on record, I am a strong supporter of community clubs here. To progress with this is not a show of disrespect for the committee; it is just getting on with business to make sure that the clubs have a trading scheme and the certainty they have been asking for.

MR RATTENBURY (Molonglo) (5.21): I agree with Mr Smyth that it is warranted to have a review before moving into phase 2. I do, however, having looked at the provision, consider that his proposal is too broad a review of the act and does not focus on the specific areas of consequence. I support the amendment brought forward by the minister to Mr Smyth's amendment to redefine the review and reporting requirements to focus on both the numbers of gaming machines that have been quarantined and those that have been forfeited during the period of trading, as these are the consequential elements of the bill and these are the elements which will inform any move to phase 2.

Minister Burch has spoken to that amendment. I will be supporting that amendment, because I think that, before the minister takes a decision for the purpose of this Assembly to reflect on that decision, that is the information we need, not information on the broader elements of other bits of the act.

MR SMYTH (Brindabella) (5.22): Again, these are significant reviews. It does really make one worry what the government have planned for the club industry that they will not have an all-encompassing review of what we do today. It seems to make sense. It is a very dramatic change. One can only question what they have in the offing.

Question put:

> That **Ms Burch's** amendment No 2 to **Mr Smyth's** amendment No 2 be agreed to.

The Assembly voted—

Ayes 8		Noes 7	
Mr Barr	Mr Corbell	Mr Coe	Ms Lawder
Ms Berry	Ms Fitzharris	Mr Doszpot	Mr Smyth
Dr Bourke	Mr Gentleman	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	

Question so resolved in the affirmative.

Ms Burch's amendment agreed to.

Mr Smyth's amendment, as amended, agreed to.

Proposed new clause 84A, as amended, agreed to.

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

Bill, as amended, agreed to.

Children and Young People Amendment Bill 2015 (No 2)

Debate resumed from 7 May 2015, on motion by **Mr Gentleman**:

> That this bill be agreed to in principle.

MS LAWDER (Brindabella) (5.25): I am pleased to speak on the Children and Young People Amendment Bill 2015 (No 2). The bill is for an act to amend the Children and Young People Act 2008 and for other purposes. I would like to say that I felt there was perhaps not enough time to consider the bill to the level it deserved. It was presented in May this year and brought on again today, and we only had a briefing on it last Friday. Nevertheless we have given it considerable attention.

This bill enables the territory to monitor the ongoing suitability of organisations providing services through the new out-of-home care strategy, a step up for our kids. It also gives a range of powers to the territory to intervene where there are instances of noncompliance with an organisation's performance against the suitability criteria. The bill seeks to build on an existing requirement in the Children and Young People Act 2008 that certain people or organisations must be approved as suitable entities for certain purposes by the director-general before they can undertake those functions.

I was pleased to host a roundtable with some interested stakeholders in May to talk about this bill. It was great to see stakeholders willingly and actively engaging with the proposed legislation, providing their feedback, asking questions and outlining their concerns, very much from their experience on the ground working with vulnerable young people. This kind of interaction helps in developing legislation that meets its objectives. I was pleased to be able to help those interested and concerned stakeholders to have their say, and I would like to thank the representatives of community organisations who attended and provided their feedback.

As I mentioned, I did not have much time to consider and review the bill and the amendments. It would be good if there was perhaps a view to having greater collaboration to provide the best possible outcome for ACT residents. Having said that, once we identified questions and concerns about the bill, the minister's office and the directorate were very receptive and worked extremely well with my office, and I would like to thank them for that. I would also like to thank the drafting office for the speed with which they prepared the amendments.

I note that the minister today is proposing new sections dealing with transitional arrangements which were not included in the original bill. I have not had the opportunity to be briefed on those proposed amendments concerning transitional arrangements because they were brought on quite recently. I do hope they prove to be suitable in operation. I would like to offer this quote about cooperation and consultation:

> When times are tough, constant conflict may be good politics but in the real world, cooperation works better. After all, nobody's right all the time, and a broken clock is right twice a day.

The interesting thing about that quote is that it is from someone who I have never quoted before and possibly may never quote again—previous US President Bill Clinton.

We have a number of amendments to the bill, some of which were identified through the scrutiny report, and I will speak more about the amendments in the detail stage. We will support this bill today, as amended. I thank Mr Gentleman and his staff once again for their cooperation and reiterate that we all wish to enhance protection for vulnerable children and young people in our community. We will be pleased to support the bill, as amended, today.

MR RATTENBURY (Molonglo) (5.29): Today's amendment bill represents stage 2 of an ongoing process to effectively change the care and protection landscape in new and challenging ways. A step up for our kids is a bold and exciting new way of doing things that is intended to offer a better response for those children and young people who are already in care and is an improved and timely response for those who may require increased support to stay with their natural guardians.

I will not speak to each and every amendment presented in the debate, other than one specific point. However, I would like to indicate my support for Minister Gentleman's amendments to his bill. I will likewise follow the government's lead on the support or non-support for Ms Lawder's amendments. I would also like to thank Ms Lawder's office for approaching my office on their proposed amendments, which, on the whole, are sensible and well thought out. I understand that many of them will be supported by Minister Gentleman.

I would like to acknowledge that I appreciate this way of doing things. I think there has been a good discussion around this bill. The fact that all of the offices have worked together over recent days to identify areas that could be improved in the bill and to make sure that we have the best possible bill is a very positive way to proceed with this legislation.

The amendments before us that I will support, of both Ms Lawder and Mr Gentleman, are improvements to the bill. They will provide greater clarity for government and community sector partners alike by defining methods of communication, tightening periods allowed for submissions and creating parameters for complaints to be addressed and resolved. The amendments provide better explanations of transitional arrangements and respond to some comments from scrutiny that can only improve the overall bill.

I would like to speak briefly and directly to clauses 8 and 9, and the amendments that are proposed in that area. They relate to proposed new sections 352P and 352S. I understand that staff from my office discussed the issues of seeking to require the director-general to make arrangements for any child affected by an organisation's receipt of a safety suspension notice or cancellation notice. On the face of it, it seems very sensible and I can well understand why there may be a call for clarity around the director-general's ongoing responsibility.

Staff from my office have also raised this issue with Minister Gentleman's office and directly with the Community Services Directorate to seek a better understanding. I am advised that there are good reasons for not supporting this amendment from Ms Lawder at this time. They relate to both the overarching responsibility of the director-general and to more specific issues of finite parental responsibility. In the first instance, the director-general, in fulfilling their functions under section 22 of the existing act, must exercise aspects of parental responsibility for children and young people and provide or assist in providing information, services or assistance to children and young people who have left the director-general's care.

These two points out of a much more exhaustive list of functions will ensure that no child or young person will be left adrift in the case of any adverse notices provided to their provider. Also, it is my understanding that the amendment from Ms Lawder does not allow for the nuance of responding in kind to the level of parental authority that may exist. By this I mean that for some children and young people their engagement with an authorised organisation is not always in full-time care or residential care.

An example provided to me was of a child who is still under the full parental care of one of their birth parents or legal guardians but accesses the services of a transport or supervised visits agency to visit their other parent. In this example, it is not necessary or indeed appropriate for the director-general to make arrangements for each child or young person affected by a suspension or cancellation notice, although, of course, under the previous sections of the act that I mentioned the director-general may and will provide assistance where required or needed.

In the cases where a child does in fact reside with the organisation or affiliated foster carer, and in the instance where a suspension or cancellation notice is given, then of course the director-general, under the current sections that relate to parental responsibility, will act swiftly and surely to ensure they are kept safe and make whatever arrangements are required to minimise the impacts.

On that ground I will not support this amendment, but I have, through my office, sought a firm commitment from Minister Gentleman's office and the directorate that this distinction will be spelt out clearly in the public regulations and various disallowable instruments that will flow from this and subsequent changes to the act. I am more than happy to revisit this issue again with Ms Lawder if the matters raised are not fully clarified by these subordinate legislative changes and policies.

With those few brief remarks, I indicate in summation that I will be supporting this bill today. I believe it will provide continuing improvement in a very important area of supervision of children and young people. I thank Minister Gentleman for the information that his office and the directorate staff have provided to me and my staff in the course of the preparations for this bill.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (5.34), in reply: I rise to commend the Children and Young People Amendment Bill 2015 (No 2) that will

provide for the implementation of a system of regulatory oversight for providers of services for children and young people in the ACT. The bill is an integral part of delivering the ACT government's out-of-home care strategy, a step up for our kids 2015-20.

It is a strategy that sets a new direction for the way that children and young people and their families are supported within the care and protection system within the ACT. Importantly, it is a strategy that places the child and young person and their needs firmly at the centre of decision making. In this way, the voices of children and young people will be heard, to ensure that their care and support will give them what is needed to have good lives.

Specifically, the strategy recognises that most children and young people who come into care have experienced trauma that may have a lasting impact on their lives and their relationships. Such recognition requires that services and supports for children and young people must be built around a therapeutic trauma-informed approach. This approach is a significant departure from the traditional model of care, whereby a child or young person was placed in a home with the intention that they would thrive and go on to lead productive and happy lives.

In many cases this did happen, but too many children and young people did not get the support they needed. Their lives continued, punctuated by dysfunction or disadvantage that in too many cases meant that another generation of children were also unable to get a good start in life. So a step up for our kids signals real change in the way that government and community are working to improve the lives of children and young people in out-of-home care and those that care for them.

The strategy also acknowledges that this shift is about recasting the kinds of services that are needed in the system. Service providers in the non-government sector will have a much greater role in the out-of-home care sector, bringing new responsibilities to how they play their important part in supporting children and young people to have good lives.

I add here that the development of the strategy, and subsequently the bill before us today, has been informed by recommendations of the Public Advocate and the Auditor-General, including several that are about the accreditation and monitoring of services. I am sure that everyone is also very aware that strong regulatory oversight has been a focus for the ongoing royal commission into institutional child abuse. Each of these factors has influenced the amendments presented in this bill.

As members would be aware, the key elements of the out-of-home care strategy are strengthening high risk families, creating a continuum of care, and strengthening accountability and ensuring a high functioning care system. The amendments to the Children and Young People Act 2008 contained in this bill relate directly to the third element—strengthening accountability and ensuring a high functioning care system. The bill will provide for a clear regulatory framework within the authority for oversight and graduated intervention powers that are proportionate to each risk.

In simple terms, this bill seeks agreement for changes to implement a regulatory mechanism that will instil confidence in our community that services are being provided by fit and proper people and their organisations, and that prescribed standards are being met.

I would like to talk now about how the bill will ensure that services and supports provided by the non-government sector for our vulnerable children and young people are safe, effective, efficient, equitable and sustainable. I will also present a little background to the current situation and what the bill seeks to achieve.

The Children and Young People Act 2008 already has a number of provisions around the assessment and registration of individuals and organisations known as suitable entities who wish to provide services in the out-of-home care sector. For example, the act makes provision for the Director-General of the Community Services Directorate to approach an organisation or an individual as being suitable for a purpose. This means that providers of foster care and residential care services must be approved as suitable to provide these services before they can be authorised to provide these under the act.

Organisations are assessed across a number of areas to determine their suitability. These cover consideration around the experience of an organisation, including the direct support for a child or young person, and background checks for criminal convictions. The act also provides for a register of suitable entities. It does not, however, provide mechanisms for a system of ongoing oversight and monitoring to ensure the ongoing suitability of those individuals or organisations that are registered. Furthermore, once an individual or organisation is approved, the act does not provide any authority to intervene other than to revoke the approval to be a suitable entity. This means there is no avenue for the director-general or their representative to intervene in low or medium-risk issues to prevent the issue escalating so as to present a significant risk in the delivery of services or supports.

An example of such a situation may be where an organisation has increasing financial instability that results in reduced quality or continuity of services. In such circumstances children and young people may be put in harm's way because the government has no authority to raise and respond to issues early on, so that they do not go on to more serious consequences.

This bill seeks to remedy the limitations under the act, and I will outline these now. The bill will provide for a clear regulatory framework with the authority for oversight and graduated intervention powers that are proportionate to each risk.

These changes will introduce a framework of regulation for care and protection organisations that defines the types of organisations that will be regulated by the service they provide, links the approval as a suitable entity to the requirement to maintain the approval and comply with standards, introduces the power for government to have oversight of approved entities for these purposes, introduces the power for government to intervene through graduated powers proportionate to an identified risk, introduces the requirement for approved suitable entities to have an approved person who is suitable for being responsible for the delivery of services in

the ACT, and introduces a right of review of the decision on approval as a suitable entity.

While the primary focus is on ensuring the health and wellbeing of children and young people, these amendments will bring benefits for service providers. For example, the provision of a risk-based and proportionate response means that they can focus on addressing those issues that are identified that may lead to harm rather than meeting a standard checklist that applies to every organisation, regardless of any operational differences.

Individuals or organisations are assessed across a number of areas to determine their suitability, and these will now cover consideration around the quality of care and support provided, including the quality of staff and carers providing direct support for a child or young person, financial viability and governance arrangements, and the requirement for an organisation to nominate a person who is responsible for the delivery of services in the ACT to be a suitable entity for that purpose.

Consultation with the Children and Young People Commissioner has also been a focus included, with organisations having to demonstrate that they are child-safe and child-friendly organisations—another area of interest to the royal commission on institutional child abuse. We will be continuing to work with providers to make sure they understand their new roles and responsibilities and that they feel supported to respond to the changes as they are implemented.

The Standing Committee on Justice and Community Safety, in their legislative scrutiny role, raised some points of clarification in the bill as presented on 7 May this year, and we have been pleased to amend the bill to address those issues raised. That includes also a supplementary explanatory statement.

I would also like to thank the opposition spokesperson, Ms Lawder, and her staff for their constructive and thoughtful feedback on this bill. A number of Ms Lawder's proposed amendments are reflected in the government amendments made in response to the scrutiny of bills committee report. I also congratulate officers in my directorate on their dedication and passion regarding our most vulnerable people.

I will speak to both the government amendments and the amendments proposed by Ms Lawder at the same time, and in the order that they are presented in the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (5.44): Pursuant to standing order 182A(a), (b) and (c), I seek leave to move amendments Nos 1 to 13 to this bill, which are urgent, minor or technical in nature and in response to comments made by the scrutiny committee, together.

Leave granted.

Clause 1 agreed to.

Clause 2.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (5.44): I move amendment No 1 circulated in my name and table a supplementary explanatory statement to the government amendments *[see schedule 6 at page 2140]*.

This amendment amends the commencement date of the bill from the day after its notification to 1 July 2015. The services being procured under the strategy a step up for our kids will commence at different times in accordance with the implementation strategy. The first organisation to provide services under the strategy is proposed to commence on 1 July 2015. A commencement date of 1 July will provide time to make a regulation under the proposed new section 352B(a) that will prescribe what services are defined as for "care and protection purposes" and are therefore subject to the new provisions in the bill.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 7, by leave, taken together and agreed to.

Clause 8.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (5.46): I move amendment No 2 circulated in my name *[see schedule 6 at page 2140]*.

This amendment addresses issues raised by the scrutiny of bills committee. It relates to the ability to receive and consider an oral complaint and an anonymous complaint. The amendment clarifies that the director-general may receive an oral or anonymous complaint if satisfied on reasonable grounds that the exceptional circumstance justifying the complaint is not put in writing and/or the person does not provide their name and address. The director-general may assist the person to put an oral complaint in writing, and the director-general will make a written record of all oral complaints.

Amendment agreed to.

MS LAWDER (Brindabella) (5.47): I move amendment No 1 circulated in my name *[see schedule 7 at page 2145]*.

This amendment gives an organisation that is the subject of a complaint the opportunity to make an oral or written submission in response. This will assist in better decision-making, set out the process for the director-general to notify the organisation of the complaint and allow the director-general to protect the identity of the complainant.

Amendment agreed to.

Mr Gentleman: Sorry, Madam Speaker, are we dealing with clause 8 and Ms Lawder's amendment No 1?

MADAM SPEAKER: Yes. We seem to be making several amendments to clause 8. I understood that Ms Lawder's amendment No 1 and your amendment No 3 were the same; so it was a matter of the person first rising. We have agreed to Ms Lawder's amendment No 1 and now we are moving on to your amendment No 4.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (5.48): I move amendment No 4 circulated in my name *[see schedule 6 at page 2142]*.

The amendment is a technical amendment related to government amendment No 3, proposed new subsection 52H(3)(b). It adds a note that says that the director-general does not have to notify an anonymous complainant of what the outcome of an investigation into the complaint was.

Amendment agreed to.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (5.49): I move government amendment No 5 circulated in my name *[see schedule 6 at page 2142]*.

This amendment addresses an issue raised by the scrutiny of bills committee, which recommended that the term "reasonable" be added to the subsection.

MS LAWDER (Brindabella) (5.49): I want to say that we will oppose this amendment because the use of the phrase "reasonable date" leaves a lot of room for ambiguity. We would have preferred to give more certainty about time frames for the organisations involved.

Amendment agreed to.

MS LAWDER (Brindabella) (5.50): I seek leave to move amendments Nos 3 and 4 circulated in my name together.

Mr Gentleman: Madam Speaker, we would like to do those separately.

Leave not granted.

MS LAWDER (Brindabella) (5.50): I move amendment No 3 circulated in my name *[see schedule 7 at page 2146]*.

This particular amendment is consequential on a previous amendment; so I think we will move on to the next one.

Amendment agreed to.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (5.51): I move government amendment No 6 circulated in my name *[see schedule 6 at page 2142]*.

The amendment addresses an issue raised by the scrutiny of bills committee, which recommended that the term "reasonable" be added to the subsection.

MS LAWDER (Brindabella) (5.52): Once again, we feel the use of the phrase "reasonable time" leaves a lot of room for ambiguity for the organisations involved. We will be opposing the amendment.

Amendment agreed to.

MS LAWDER (Brindabella) (5.52): I move amendment No 6 circulated in my name *[see schedule 7 at page 2146]*.

This gives an organisation issued with a noncompliance direction the opportunity to make an oral or written submission in response. It will assist in better decision-making.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (5.53): The government does not agree to this amendment. The amendment has been addressed in the government amendment 7 to the same clause.

Amendment negatived.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (5.53): I move government amendment No 8 circulated in my name *[see schedule 6 at page 2142]*.

The amendment relates to the suspension of an organisation's approval as a suitable entity for a purpose. The amendment removes reference to the safety of an individual child or young person as being the reason for supervision as in the first instance the safety of a child or young person would be investigated by care and protection services or ACT Policing. The amendment makes it clear that it is the organisation's approval for care and protection purposes that is suspended. A care and protection purpose is defined in the proposed section 352B of the bill.

All services provided to vulnerable children will be care and protection purposes under legislation. This will include foster care services, residential care services, kinship care services as well as placement prevention services, supported contact services, reunification services, the advocacy service for birth parents, and mother and baby support services.

Through this amendment the territory could suspend an organisation's approval for one or more of the purposes for which the organisation is approved. This could also mean that the organisation's approval for one or more purpose be suspended while they retain approval for one or more other purposes. For example, an organisation could be suspended from providing residential care services whilst retaining approval for a placement prevention service.

When an organisation's approval is suspended, the organisation has no legal or contractual authority to continue to provide the service or to make any decisions relating to service users of the suspended service. If the director-general has a daily care responsibility for children and young people in the service, the director-general will make alternative arrangements for the children and young people.

If the child or young person's parents have parental responsibility for them, the director-general will work in partnership with the parents and, with their consent, make alternative arrangements for the child or young person.

MADAM SPEAKER: Could I just put a pin in that for a moment? There is some discussion that we voted something down that we did not intend to, because Ms Lawder's amendment No 6 and Mr Gentleman's amendment No 7 are the same. I think I said the noes have it, and that may not be the case. But what we will do is at the end of the consideration of clause 8 we will resubmit that question so we know what we are doing.

Amendment agreed to.

MS LAWDER (Brindabella) (5.58): I move amendment No 7 circulated in my name *[see schedule 7 at page 2146]*.

This relates to new section 352P(3)(a), which gives an organisation issued with a safety suspension notice the opportunity to make an oral or written submission in response to that suspension notice. Giving an organisation the opportunity to make a submission will I believe assist in better decision-making.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (5.59): The government does not agree to this amendment. In government amendment 9 it has been added that an organisation may make a written submission to the director-general about the suspension of a care and protection purpose. The government is of the opinion that if a situation is serious enough to warrant an immediate suspension of a service, the seriousness of the situation warrants a written response from the organisation. An oral submission would not be sufficient in these circumstances.

MADAM SPEAKER: I seek some clarification. My understanding is that if there are two amendments, as there are in this case—Ms Lawder's amendment No 7 and Mr Gentleman's amendment No 9—the first member rising gets to the move the amendment, if those amendments are the same. Not necessarily?

Mr Gentleman: Not necessarily.

MADAM SPEAKER: Not necessarily, okay. In the last case they were the same and we had a little bit of snafu as a result of that.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (6.00): Just for clarity, Ms Lawder's amendment advises that an organisation may make an oral or written submission to the director-general. The government's amendment is that the organisation may make a written submission.

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.

MADAM SPEAKER: I am confused by this procedure. Does that mean that if Ms Lawder's amendment fails then you will move your amendment No 9, Mr Gentleman?

Mr Gentleman: Yes.

Amendment negatived.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (6.01): I move government amendment No 9 *[see schedule 6 at page 2143]*.

This amendment addresses issues raised by the scrutiny of bills committee by adding a subsection stating that an organisation may make a written submission following the suspension of their approval for a care and protection purpose.

Amendment agreed to.

MS LAWDER (Brindabella) (6.01): I move amendment No 8 circulated in my name *[see schedule 7 at page 2147]*.

This is a new section 352P(4). It makes it clear that the director-general is responsible for making arrangements for the care of the children or young people affected by an organisation's suspension.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for

Children and Young People and Minister for Ageing) (6.02): The government does not agree to this amendment. With the addition of subsection 352(4)(b) it is not legally possible for the director-general to make arrangements in all circumstances. Where the director-general has daily care responsibility for a child or young person, the director-general is already obligated through the Children and Young People Act 2008 to make arrangements for each child or young person.

However, some of the services that will be provided under the strategy, a step up for our kids, will be working with children and young people whose parents retain parental responsibility for them. The director-general could only make arrangements for these children and young people with the consent of their parents. If consent is not provided, the director-general would be noncompliant with the proposed subsection 352(4)(b).

Amendment negatived.

MS LAWDER (Brindabella) (6.03): I seek leave to move amendments Nos 9 and 10 circulated in my name together *[see schedule 7 at page 2147]*.

Leave not granted.

MS LAWDER (Brindabella) (6.03): I move amendment No 9 circulated in my name *[see schedule 7 at page 2147]*.

This relates to a new section 352S(3) which makes it clear that the director-general is responsible for making arrangements for the care of the children and young people affected by an organisation's cancellation.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (6.04): The government does not agree to this amendment for the same reasons it did not agree with amendment No 8. The director-general cannot make arrangements for children and young people whose parents have parental responsibility for them without consent of the parents.

Amendment negatived.

MS LAWDER (Brindabella) (6.04): I move amendment No 10 circulated in my name *[see schedule 7 at page 2147]*.

This is a new section 352S(4) which gives an organisation issued with a cancellation notice 20 working days to transfer the case load of children and young people to a different provider before its approval is cancelled.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (6.05): The government agrees to this amendment for the same reason it agreed to amendment No 3 of the opposition spokesperson's amendments.

Amendment agreed to.

MS LAWDER (Brindabella) (6.05): I seek leave to move amendments Nos 11 and 12 circulated in my name together *[see schedule 7 at page 2147]*.

Leave not granted.

MS LAWDER (Brindabella) (6.06): I move amendment No 11 circulated in my name *[see schedule 7 at page 2147]*.

This relates to a new section 352V(2)(g) and (h). There is no requirement currently in section 352V that the organisation register be updated to reflect when an organisation complies with a notice or direction. Section 352V(3) enables the director-general to include anything in the organisation's register that he or she considers is in the public interest. This achieves a fine balance between the protection of children and young people and the reputational risk for organisations.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (6.07): The government does not agree to this amendment. There will be a public register of organisations that are approved for care and protection purposes. The publication of this information is aimed at providing the public with information on organisations that have been assessed and approved by the territory as being capable of providing high quality services in accordance with public expectations. If an organisation's approval for a purpose is suspended or they are not compliant with the conditions of their approval, it is in the public interest that the information is also known.

The publication of this information is not unique to the system. It already occurs in the regulation of childcare services in the ACT and is common practice in the out-of-home care sector both within Australia and internationally. How the register will operate will be detailed in the intervention guidelines. This will be a disallowable instrument and will be developed in consultation with stakeholders.

It is proposed that the reasons for suspension or noncompliance will be identified in the register. This will provide for a differentiation between a risk identified in the organisation, for example, its governance or financial viability, and the risk identified with the service it provides to children and young people, for example, not undertaking background checks on employees.

Consideration will be given to lower level statutory interventions such as a notice of noncompliance direction or a noncompliance direction being on the public register until the issue is resolved and then removed. Notice of intent to cancel approval or to suspend an approval may remain on the register with information on the outcome of the intervention.

The government has made a commitment to consult with stakeholders in the development of this disallowable instrument and, therefore, at this time, cannot make decisions on how the register will be operationalised before these consultations have taken place.

Amendment negatived.

MS LAWDER (Brindabella) (6.09): I move amendment No 12 circulated in my name *[see schedule 7 at page 2147]*.

This relates to a new section 352V(3) which enables the director-general to include anything in the organisation's register that she or he considers is in the public interest. This promotes the protection of children and young people as the paramount consideration.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (6.09): The government agrees to this amendment. The amendment relates to changing the relevant wording with respect to "other information that could be put in the public register" to "information that is in the public interest".

Amendment agreed to.

MS LAWDER (Brindabella) (6.10): I am sorry, Madam Speaker. Can I ask that we go back to consider—

MADAM SPEAKER: No; we have to vote on it and then we can reconsider it. If we vote on the question that clause 8, as amended, be agreed to, then we can go back to reconsider it.

Clause 8, as amended, agreed to.

Clause 8, as amended—reconsideration.

MS LAWDER (Brindabella) (6.10): Madam Speaker, I seek your view as to whether we can go back to consider the amendment that I moved and was passed. Mr Gentleman then moved—

MADAM SPEAKER: Could I just clarify this because I have misled the Assembly. Standing order 187, in relation to the reconsideration of a bill, says:

> At the conclusion of the detail stage of a bill a Member may move that a bill be reconsidered either in whole or in part.

We have actually started the discussion about reconsidering clause 8. With leave, we could actually reconsider clause 8, get clause 8 out of the way and then move on.

Motion (by **Mr Gentleman**, by leave) agreed to:

> That clause 8, as amended, be reconsidered.

MS LAWDER (Brindabella) (6.11): I move amendment No 6 circulated in my name *[see schedule 7 at page 2146]*.

This relates to new section 352O(3)(f) which gives an organisation issued with a noncompliance direction the opportunity to make an oral or written submission in response to the noncompliance direction. My understanding is that it is identical to an amendment that was also proposed by Mr Gentleman.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clauses 9 to 20, by leave, taken together and agreed to.

Clause 21.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (6.13): I move government amendment No 10 circulated in my name *[see schedule 6 at page 2143]*.

The inclusion of this additional amendment to section 525 of the Children and Young People Act 2008 is necessary at this time. It relates to the approval of places of care. The approval of a place of care gives authority for the official visitor to have oversight of a residential care facility. The amendment adds the requirement that an approval of a place of care must be in writing. The amendment should be read in conjunction with government amendment 11.

Amendment agreed to.

Clause 21, as amended, agreed to.

Proposed new clause 21A.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (6.14): I move amendment No 11 circulated in my name which inserts a new clause 21A *[see schedule 6 at page 2143]*.

The inclusion of this additional amendment to section 525 of the Children and Young People Act relates to the approval of places of care and is related to government amendment No 10. The amendment removes the requirement for the approval of a place of care to be a notifiable instrument, requiring the approval to be in writing, provided through amendment 10, and makes it a non-registrable statutory instrument.

The amendment is necessary to prevent the publication of the home addresses of children and young people who live in residential care. The government intends to facilitate access by the official visitor to all residential care homes. The publication of a child or young person's address for this purpose is a breach of the Human Rights Act 2004 on privacy and reputation as well. It may also compromise the safety of the

child or young person whose safety and wellbeing are the responsibility of the territory. To allow the official visitor access to these premises, the requirement to publish the address of children and young people must be removed from the legislation.

Proposed new clause 21A agreed to.

Clauses 22 to 25, by leave, taken together and agreed to.

Proposed new clause 25A.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (6.15): I move amendment No 12 circulated in my name which inserts a new clause 25A *[see schedule 6 at page 2143]*.

This amendment is required to accommodate the staged implementation of procured services under the strategy "a step up for our kids". There will be an overlap between current contracts and new contracts to enable the planned transition of children and young people from one service to another if this is required. This means that organisations which have been approved as suitable entities under the current legislation will continue to provide services for a period of time after the commencement of the bill. It affects foster care and residential care services, and the amendment is necessary to support the planned transition of service providers and prevent an abrupt oversight change for the children and young people in those services.

Proposed new clause 25A agreed to.

Clause 26 agreed to.

Clause 27.

MR GENTLEMAN (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (6.16): I move amendment No 13 circulated in my name *[see schedule 6 at page 2145]*.

The amendment was made in response to issues raised by the scrutiny of bills committee. However, as the government has now agreed to an amendment put forward by Ms Lawder to this subsection, the amendment to the dictionary is no longer needed.

Amendment agreed to.

Clause 27, as amended, agreed to.

Clauses 28 to 31, by leave, taken together and agreed to.

Title agreed to.

Bill, as amended, agreed to.

Adjournment

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

> That the Assembly do now adjourn.

Commonwealth Parliamentary Association—seminar

MS FITZHARRIS (Molonglo) (6.19): I rise today to speak about the Commonwealth Parliamentary Association Seminar on Strengthening Democracy and the Role of Parliamentarians: Challenges and Solutions that I attended last week in Ottawa, Canada. I want to thank the CPA and their representative, Ms Lucy Pickles, and in particular the Canadian Branch of the CPA, led by Joe Preston MP, chair, and supported by the associate secretary, Elizabeth Kingston, and her staff who were recently in the Assembly in person, for their interesting and diverse program and generous hospitality in welcoming the 20-odd delegates to their capital city—a city with much in common with our own.

I would like to note the other delegates who contributed so richly to our discussion over five days—five days on which we were all parliamentarians. Despite where we may have political differences, we had more in common than what set us apart. This is true for us all here too: some days are richer in our parliamentary tradition than are political. Perhaps today was not one of them. But first and foremost we are parliamentarians with a special role in our democratic systems.

The other delegates were the Hon Francis Mwangangi MP from the National Assembly of Kenya; the Hon Noel Masangwi MP from the Malawi National Assembly; the Hon Bernard Arnephy MNA from the National Assembly of the Seychelles; the Hon Petrus Ngomana MPL from the Mpumalanga Provincial Legislature in South Africa; and the Hon Arjuna Sujeewa Senasinghe MP from the Parliament of Sri Lanka.

From Australia were the Hon Natasha Maclaren-Jones, a member of the New South Wales Legislative Council who sends her regards to our colleagues opposite, particularly Mr Coe; Ms Joan Rylah MP from the Parliament of Tasmania; the Hon Terence Mulder MP from the Parliament of Victoria; the Hon David Grills MLC from the Parliament of Western Australia; Deputy Scott Wickenden from the Assembly of the States of Jersey; Ms Ann McTaggart, member of the Scottish Parliament; Shri Kirti Vardhan Azad MP from the Lok Sabha, the Indian House of the People, who may be known to some, particularly members of our Indian community, as a former representative of the Indian national cricket team; Dr Madhu Gupta MLC from the Uttar Pradesh Legislative Council; Mr Dwayne Vaz from the Parliament of Jamaica; the Hon Helen Drayton, senator from Trinidad and Tobago Parliament; and the Hon Lillian Misick OBE, member of parliament of the Turks and Caicos Legislative Council.

The opportunities presented by membership of the commonwealth are significant. There is no other group made up of such a rich diversity—large, small, hot, cold, wealthy and developing. We are all better for being part of the commonwealth. The delegates all represented democracies but with different systems and in different stages of development. We all represented electorates with huge diversity, from Turks and Caicos in the Caribbean, with 30,000 residents, to the electorate of Darbhanga, Biha, in India, with four million residents.

I was reminded of the challenges we all face but the enormous privilege we have to represent this territory and our country. I learnt a lot and will reflect more on these lessons in the report I will provide to my fellow CPA ACT branch members.

I thank all the delegates for their generosity in sharing their experiences. It enriched us all. I also thank you, Madam Speaker, for your support in attending the seminar, and I acknowledge the support of the Clerk, Mr Tom Duncan, and Ms Michelle Atkins in his office for organising the arrangements for my trip.

Sport—dragon boating

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Justice, Minister for Sport and Recreation and Minister assisting the Chief Minister on Transport Reform) (6.22): I rise tonight to speak briefly about dragon boating and the recent success of some ACT crews at the national competition. Dragon boating is an immensely popular sport here in the ACT and worldwide. It is in fact the fastest growing water sport in the world, involving 50 million paddlers in competitions around the world every year.

Dragon boating has a rich history, with traditional dragon boating taking place in southern China for over 2,000 years. The ACT, as members would know, has a very active dragon boating community. I have certainly had the good fortune to go out paddling on the lake with Dragons Abreast, who are a very well known and high-profile club. But what I would like to focus on tonight is that the ACT was represented in the national state versus state competition in April at the Australian championships by paddlers from the various clubs in the territory.

The team is known as ACT Fire and it competes in various categories: youth; under 24; premier, which apparently is anyone good enough; senior A, which is 40-plus years, senior B, which is 50-plus years; and senior C, which is 60-plus years. Teams race in open team category, which is generally made up of men but it can include women; a women's category; and a mixed category, which can include a maximum of 50 per cent males.

I would particularly like tonight to pay my respects to the ACT senior C mixed team who competed in the small boat category, with 10 paddlers, over 200 and 500 metres. The team finished fourth in the 200 metres race but came through to become first in the 500 metre race, beating South Australia by only 0.3 of a second, with Western Australia coming in third. This is a great victory.

The ACT teams, coming from the smaller jurisdiction, struggle sometimes at these national competitions, but for an ACT team to take out the title is a great achievement and I would like to offer my congratulations to them. Tony Paterson, who is in the team, told me about this when I saw him at a recent fundraising dinner, and I know that the team were very chuffed to take out this category.

I would like to congratulate the team members: Carmel Smith, Gerry Anesbury, Joe Carmona, Judy Anesbury, Judy Dillon, Margaret Ritchie, Marilyn Edwards, Nicholas Hocking, Peter Teichmann, Robyn Woollcott, Stephanie Scarlett, Sue Caitcheon, Tony Paterson, who I mentioned earlier, Narelle Powers the coach, and Gillian Styles the reserve. It was great to see them over in Perth, competing and doing so well on behalf of the ACT, and I wish them luck in coming competitions.

Question resolved in the affirmative.

The Assembly adjourned at 6.25 pm until Tuesday, 4 August 2015, at 10 am.

Schedules of amendments

Schedule 1

Electricity Feed-In Tariff Schemes Legislation Amendment Bill 2015

Amendments moved by the Minister for the Environment

1
Clause 12
Page 8, line 9—

omit

before 29 May

substitute

by 29 July

2
Clause 12
Page 8, line 12—

omit

before

substitute

by

Schedule 2

Electricity Feed-In Tariff Schemes Legislation Amendment Bill 2015

Amendment moved by Ms Lawder

1
Proposed new clause 8A
Page 6, line 10—

insert

8A Quarterly reports by ACT electricity distributor
New section 21 (4A)

insert

(4A) The Minister must, within 3 months after receiving the report, make the report publicly available.

Example—publicly available

published on a website operated by the administrative unit responsible for this Act

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).

Schedule 3

Gaming Machine (Reform) Amendment Bill 2015

Amendments moved by the Minister for Racing and Gaming

1
Proposed new clause 7A
Page 65, line 25—

insert

7A Section 39 (2) note

substitute

Note Conditions on licences and authorisation certificates are imposed by the commission and by other parts of the Act, as well as by this part.

2
Proposed new clause 7B
Page 65, line 25—

insert

7B New section 39 (3)

insert

(3) Subsections (1) and (1A) do not apply if the licensee took all reasonable steps to comply with a requirement of the condition.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see Criminal Code, s 58).

Schedule 4

Gaming Machine (Reform) Amendment Bill 2015

Amendments moved by the Minister for Racing and Gaming to the amendments moved by Mr Brendan Smyth

1
Amendment 1
Proposed new clause 2 (2A)

omit proposed new clause 2 (2A), substitute

(2A) The Minister must notify the commencement of schedule 1 at least 6 months before the day fixed for its commencement.

2
Amendment 2
Proposed new clause 84A
Proposed new section 179 (1)

omit everything before proposed new section 179 (1) (b), substitute

(1) The Minister must, before the commencement of the *Gaming Machine (Reform) Amendment Act 2015*, schedule 1 (Other amendments—compulsory surrender)—

(a) review the operation of section 127F (Trading authorisations—forfeiture requirement) and subdivision 6.11.3 (Quarantine permits); and

---

Schedule 5

Gaming Machine (Reform) Amendment Bill 2015

Amendments moved by Mr Smyth

1
Proposed new clause 2 (2A)
Page 2, line 14—

insert

(2A) The Minister must—

(a) fix a day for the commencement of schedule 1 that is at least 2 years after the commencement of section 53; and

(b) notify the commencement of schedule 1 at least 1 year before the day fixed for its commencement.

2
Proposed new clause 84A
Page 125, line 20—

insert

84A New section 179

179 Review of amendments made by Gaming Machine (Reform) Amendment Act 2015

(1) The Minister must, before the commencement of the *Gaming Machine (Reform) Amendment Act 2015* (the ***Amendment Act***), schedule 1 (Other amendments—compulsory surrender)—

(a) review the operation of the amendments made by the Amendment Act (other than schedule 1); and

(b) present a report of the review to the Legislative Assembly.

(2) This section expires 5 years after the day it commences.

Schedule 6

Children and Young People Amendment Bill 2015 (No. 2)

Amendments moved by the Minister for Children and Young People

1
Clause 2
Page 2, line 5—

omit

the day after its notification day

substitute

1 July 2015

2
Clause 8
Proposed new section 352H (3)
Page 7, line 22—

omit proposed new section 352H (3), substitute

(3) However, a complaint—

(a) may be made orally if the director-general is satisfied on reasonable grounds that exceptional circumstances justify action without a written complaint; and

Example—exceptional circumstances

Waiting until the complaint is put in writing would make action in response to the complaint impossible or impractical.

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).

(b) need not include the complainant's name and address if the director-general is satisfied on reasonable grounds that exceptional circumstances justify action without the complainant's name and address.

(3A) If a complaint is made orally under subsection (3) (a), the director general must make a written record of the complaint as soon as practicable.

(3B) If a complaint does not include the complainant's name and address under subsection (3) (b), the director-general need not report to the complainant under—

(a) section 352K (Complaints—investigation); or

(b) section 352M (Complaints—action after investigation).

3
Clause 8
Proposed new section 352K (2) to (4)
Page 9, line 3—

insert

(2) Before investigating a complaint, the director-general must—

(a) tell the complainant, in writing, that the complaint is to be investigated; and

(b) tell the approved care and protection organisation the subject of the complaint, in writing—

(i) that the director-general has received a complaint about the organisation; and

(ii) the details of the complaint; and

(iii) that the director-general is going to investigate the complaint; and

(iv) that the organisation may make an oral or written submission to the director general about the complaint.

(3) However, if the director-general considers that disclosure of a particular detail of the complaint (including the complainant's name or address) may have an adverse effect on the complainant, the director-general—

(a) must not disclose the detail; and

(b) may instead include a general statement about the detail.

(4) During the investigation, the director-general must tell the complainant, in writing, how the investigation is progressing (a ***progress report***) not later than 6 weeks after the last time the director general told the complainant about the progress of the investigation.

Note The director general need not notify the complainant under s (2) if the complaint does not include the complainant's name and address (see s 352H).

4
Clause 8
Proposed new section 352M (2), note
Page 10, line 4—

omit the note, substitute

Note The director general need not notify the complainant under s (1) if—

the complaint does not include the complainant's name and address (see s 352H); or

the complainant has withdrawn the complaint (see s 352I).

5
Clause 8
Proposed new section 352N (3) (e)
Page 10, line 26—

omit

the due date

substitute

a reasonable date (the ***due date***)

6
Clause 8
Proposed new section 352O (3) (e)
Page 11, line 25—

omit proposed new section 352O (3) (e), substitute

(e) state a reasonable time for the organisation to comply with the direction.

7
Clause 8
Proposed new section 352O (3) (f)
Page 11, line 25—

insert

(f) state that the organisation may make an oral or written submission to the director general about the noncompliance.

8
Clause 8
Proposed new section 352P (2) and (3)
Page 12, line 14—

omit proposed new section 352P (2) and (3), substitute

(2) The director-general may give the approved care and protection organisation a written notice (a ***safety suspension notice***) suspending 1 or more of the organisation's approvals under section 63 for care and protection purposes for a period not longer than 28 days.

Note ***Care and protection purpose***—see s 352B.

(3) If an organisation's approval is suspended by a safety suspension notice and the approval is for the purpose of becoming authorised as a—

(a) foster care service under section 517, the organisation's authorisation under section 517 is also suspended for the period of the safety suspension notice; or

(b) residential care service under section 520, the organisation's authorisation under section 520 is also suspended for the period of the safety suspension notice.

9
Clause 8
Proposed new section 352P (3A)
Page 12, line 26—

insert

(3A) A safety suspension notice must include a statement advising the care and protection organisation that the organisation may make a written submission to the director general about the suspension.

10
Clause 21
Proposed new section 525 (1)
Page 22, line 14—

after

may approve

insert

, in writing,

11
Proposed new clause 21A
Page 22, line 18—

insert

21A Section 525 (6) and note 1

omit

12
Proposed new clause 25A
Page 24, line 12—

insert

25A New chapter 28

insert

Chapter 28 Transitional—Children and Young People Amendment Act 2015 (No 2)

976 Definitions—ch 28

In this chapter:

as amended means as amended by the *Children and Young People Amendment Act 2015 (No 2)*.

commencement day means the day the *Children and Young People Amendment Act 2015 (No 2)*, section 3 commences.

977 Approval of entities for certain purposes

(1) This section applies if, immediately before the commencement day—

(a) an approval under section 63 (Director general may approve suitable entity for purpose) is in force for an entity; and

(b) the purpose of the approval is for the entity to become authorised as—

(i) a foster care service under section 517 (Authorisation of foster care service); or

(ii) a residential care service under section 520 (Authorisation of residential care service—general parental authority).

(2) On the commencement day—

(a) the entity is taken to be an approved care and protection organisation; and

Note ***Approved care and protection organisation***—see s 352C.

(b) the chief executive officer (however described) of the entity is taken to be the ***responsible person*** for the organisation; and

Note ***Responsible person***, for an approved care and protection organisation—see s 352D.

(c) section 352V (Approved care and protection organisations register) applies as if the date of the approval were the commencement day.

(3) The approval expires when the first of the following happens:

(a) if an expiry day is stated in the approval—the expiry day;

(b) the approval is repealed;

(c) the director-general issues a new approval under section 63 for the entity for the same purpose;

(d) 30 June 2016.

978 Authorisation under s 517

(1) This section applies if, immediately before the commencement day, an authorisation under section 517 (Authorisation of foster care service) is in force for an entity (an ***old foster care service authorisation***).

(2) The old foster care service authorisation is, on the commencement day, taken to be an authorisation under section 517 (as amended) (a ***new foster care service authorisation***)—

(a) in the same terms as the old foster care service authorisation; and

(b) subject to the same conditions as the old foster care service authorisation.

(3) The new foster care service authorisation expires when the first of the following happens:

(a) the authorisation is repealed;

(b) the director-general issues an authorisation under section 517 (as amended) for the entity;

(c) 30 June 2016.

979 Authorisation under s 520

(1) This section applies if, immediately before the commencement day, an authorisation under section 520 (Authorisation of residential care service—general parental authority) is in force for an entity (an ***old residential care service authorisation***).

(2) The old residential care service authorisation is, on the commencement day, taken to be an authorisation under section 520 (as amended) (a ***new residential care service authorisation***)—

(a) in the same terms as the old residential care service authorisation; and

(b) subject to the same conditions as the old residential care service authorisation.

(3) The new residential care service authorisation expires when the first of the following happens:

(a) the authorisation is repealed;

(b) the director-general issues an authorisation under section 520 (as amended) for the entity;

(c) 30 June 2016.

980 Expiry—ch 28

This chapter expires on 30 June 2016.

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).

13
Clause 27
Proposed new dictionary definition of *due date*
Page 25, line 11—

insert

due date, for a noncompliance notice—see section 352N (3) (e).

Schedule 7

Children and Young People Amendment Bill 2015 (No. 2)

Amendments moved by Ms Lawder

1
Clause 8
Proposed new section 352K (2) and (3)
Page 9, line 3—

insert

(2) Before investigating a complaint, the director-general must—

(a) tell the complainant, in writing, that the complaint is to be investigated; and

(b) tell the approved care and protection organisation the subject of the complaint, in writing—

(i) that the director-general has received a complaint about the organisation; and

(ii) the details of the complaint; and

(iii) that the director-general is going to investigate the complaint; and

(iv) that the organisation may make an oral or written submission to the director general about the complaint.

(3) However, if the director-general considers that disclosure of a particular detail of the complaint (including the complainant's name or address) may have an adverse effect on the complainant, the director-general—

(a) must not disclose the detail; and

(b) may instead include a general statement about the detail.

2
Clause 8
Proposed new section 352N (3) (e)
Page 10, line 26—

omit proposed new section 352N (3) (e), substitute

(e) state that a submission may be given to the director-general only during the period (the ***submission period***) starting on the day the noncompliance notice is given to the organisation and ending on—

(i) the day 20 working days later; or

(ii) if the director-general decides another day—the other day.

3
Clause 8
Proposed new section 352O (1) (b) (i)
Page 11, line 13—

omit

by the due date

substitute

during the submission period

4
Clause 8
Proposed new section 352O (1) (b) (ii)
Page 11, line 14—

omit

by the due date

substitute

during the submission period

5
Clause 8
Proposed new section 352O (3) (e)
Page 11, line 25—

omit proposed new section 352O (3) (e), substitute

(e) state that the organisation must comply with the direction not later than—

(i) 20 working days after the day the noncompliance direction is given to the organisation; or

(ii) if the director-general decides another day—the other day.

6
Clause 8
Proposed new section 352O (3) (f)
Page 11, line 25—

insert

(f) state that the organisation may make an oral or written submission to the director-general about the noncompliance.

7
Clause 8
Proposed new section 352P (3A)
Page 12, line 26—

insert

(3A) A safety suspension notice must include a statement advising the care and protection organisation that the organisation may make an oral or written submission to the director general about the suspension.

8
Clause 8
Proposed new section 352P (4)
Page 13, line 1—

omit proposed new section 352P (4), substitute

(4) If the director general gives a safety suspension notice to an approved care and protection organisation, the director general must also—

(a) take reasonable steps to tell a person with daily care responsibility for each child or young person likely to be affected about the suspension; and

(b) make arrangements for each child or young person affected by the suspension to minimise the impact of the suspension on the child or young person.

9
Clause 8
Proposed new section 352S (3)
Page 15, line 14—

omit proposed new section 352S (3), substitute

(3) If the director general gives a cancellation notice to the organisation, the director general must also—

(a) take reasonable steps to tell a person with daily care responsibility for each child or young person likely to be affected about the cancellation; and

(b) make arrangements for each child or young person affected by the cancellation to minimise the impact of the cancellation on the child or young person.

10
Clause 8
Proposed new section 352S (4)
Page 15, line 19—

omit proposed new section 352S (4), substitute

(4) The cancellation notice must be given to the organisation at least—

(a) 20 working days before the cancellation date; or

(b) if the director-general decides another day that is a day before the cancellation date—the other day.

11
Clause 8
Proposed new section 352V (2) (g) and (h)
Page 17, line 1—

omit

12
Clause 8
Proposed new section 352V (3)
Page 17, line 11—

omit

relevant

substitute

is in the public interest

13
Proposed new clause 32
Page 26, line 14—

insert

32 Dictionary, new definition of *submission period*

insert

submission period, for a noncompliance notice—see section 352N (3) (e).

Answers to questions

ACT Policing—failed prosecutions (Question No 391)

Mr Hanson asked the Attorney-General, upon notice, on 24 March 2015:

(1) How much has the DPP spent on costs awarded against them for failed prosecutions in the (a) 2010, (b) 2011, (c) 2012, (d) 2013 and (e) 2014 calendar years.

(2) What financial cuts to the legal aid budget have been made for each of the, (a) 2010, (b) 2011, (c) 2012, (d) 2013 and (e) 2014 calendar years.

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

(1) The Director of Public Prosecutions (DPP) has advised the following amounts were spent on costs awarded against the DPP for failed prosecutions in the calendar years 2010 to 2014:

Calendar Year	**2010**	**2011**	**2012**	**2013**	**2014**
Total Cost (Excl of GST)	$6,510	$7,727	$57,614	$29,436	$52,934

(2) The total net movement in funding for the Legal Aid Commission (ACT) (the Commission) since 2010-11 is shown below:

	2010-11 Original Budget	**2014-15 Original Budget**	**Movement**	
Sources of Revenue	**$'000**	**$'000**	**$'000**	**%**
ACT Government	4,615	5,392	777	17%
Commonwealth Government[1]	4,289	4,553	264	6%
ACT Law Society	1,161	996	(165)	(14%)
User Charges / Interest / Other	487	632	145	30%
Total Legal Aid funding as shown in relevant Budget Paper	**10,552**	**11,573**	**1,021**	10%

Notes:
1. Revenue Sourced from Commonwealth Government represents National Partnership Agreement (NPA) funding only.

The below table includes reductions in funding to the Commission in each financial year from 2010-11 to 2014-15. Given the Commission is funded based on financial years rather than calendar years, financial years have been provided in the table below:

Financial Year	**2010-11**	**2011-12**	**2012-13**	**2013-14**	**2014-15**
Item	**$'000**	**$'000**	**$'000**	**$'000**	**$'000**
ACT Government Efficiency Dividend – 2010-11 Budget[2]	-	-19	-29	-40	-401[1]
ACT Government Savings Initiative – 2012-13 Budget[2]	-	-	-32	-46	-59
National Partnership Agreement - Legal Aid (Commonwealth Funding)	-	-	-81	-33	-
ACT Law Society	-288	-	-9	-	-414

Financial Year	**2010-11**	**2011-12**	**2012-13**	**2013-14**	**2014-15**
Item	**$'000**	**$'000**	**$'000**	**$'000**	**$'000**
Commonwealth Collaborative Funding Program	-	-	-	-	-400
Total Financial Cuts in Legal Aid Budget[3]	**-288**	**-19**	**-151**	**-119**	**-913**

1. The amount of -$40k in 2014-15 represents continuation of the prior year efficiency dividend.
2. The efficiency dividends have been more than offset by additional funding the Commission has received from the ACT Government (for example additional funding for expensive criminal cases of $200,000 per year received in 2012-13 through to 2014-15).
3. The total amounts reflected in each financial year are the sum of financial reductions only; it does not capture any additional funding being provided under the NPA from Commonwealth Government and ACT Law Society, nor additional budget funding provided by the ACT Government.

Land—community groups (Question No 406)

Mr Coe asked the Minister for Urban Renewal, upon notice, on 5 May 2015:

(1) How many blocks have been sold to community groups each financial year since 2001-2002.

(2) For the answer provided in part (1) what is the location of the blocks identified.

(3) How many blocks are currently available for sale exclusively to community groups.

(4) How many community groups have requested land for purchase each financial year since 2001-2002.

(5) What was the sale price for land sold to community groups each financial year since 2001-2002.

(6) Of the blocks identified in parts (1) and (4), how many have a concessional lease.

(7) Of the blocks identified in parts (1) and (4), how many are located in a CFZ area.

Mr Barr: The answer to the member's questions 1, 2, 5 and 6 are available in the Tabling Statements tabled in the Assembly as well as on the Economic Development website http://www.economicdevelopment.act.gov.au/buy-land-and_build/land/direct_sales/recent_direct_sales.

(3) Community groups normally purchase land through the direct sales process by completing the direct sale application for community organisations. The application allows the organisation to provide a business case about why they want land, their financial capabilities and site preferences. The Direct Sales Team within the Chief Minister, Treasury and Economic Development Directorate facilitates all direct sale applications and provides advice to prospective applicants. Applications are assessed against specific eligibility criteria prescribed under the *Planning and Development Regulation 2008.*

(4) There have been 55 direct sale applications made by community groups since the *Planning and Development Act 2007* (Planning Act) came into effect on 31 March 2008. Of these, 24 applications were supported and resulted in the grant of a Crown lease, 23 applications were either not supported or withdrawn and eight are currently under consideration. Further, of the 24 leases granted 7 were market value leases and 17 were concessional leases. The Planning Act facilitated reform of the ACT's planning system and introduced changes to the statutory framework for granting leases, including the direct sale of land.

(7) This information is available at http://www.actmapi.act.gov.au/home.html.

Roads—speed cameras (Question No 407)

Mr Coe asked the Minister for Justice, upon notice, on 5 May 2015 *(redirected to the Chief Minister)*:

Regarding fixed speed-only and fixed red light/speed cameras in the ACT

(1) How many days has each camera been in operation since 1 January 2012, broken down by month.

(2) What cameras have been replaced and at what cost.

(3) What is the breakdown of the number of infringement notices that have been issued in the (a) 2012-13; (b) 2013-14 and (c) 2014-15 to date financial years by (i) month; (ii) offence category of (A) 10 to less than 15 km/h, (B) 15 to less than 30 km/h, (C) 30 to less than 45 km/h and (D) 45 km/h or more, over the speed limit and; (iii) location.

(4) What was the fine imposed for each infringement category identified in part (3).

(5) What was the total value of fines imposed at each camera location in the (a) 2012-13; (b) 2013-14 and (c) 2014-15 financial years, broken down by month.

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

(1) The response to this question is contained in the attached Fixed Camera Spreadsheets.

(2) During the 2014-15 financial year 6 fixed speed & red light cameras were replaced at the following locations:

Intersection of Northbourne Ave & Barry Drive – North
Intersection of Drakeford Drive & Marconi Cres – South
Intersection of Hindmarsh Drive & Tuggeranong Pkwy – East
Intersection of Ginninderra Drive & Coulter Drive – West
Intersection of Barry Drive & Marcus Clarke Street – West
Intersection of Hindmarsh Drive & Yamba Drive – West

Total cost of replacement camera contract $724,192.19

(3) The response to this question is contained in the attached Spreadsheet and table.

(4) The response to this question is contained in the attached table.

(5) The response to this question is contained in the attached Spreadsheet.

(Copies of the attachments are available at the Chamber Support Office).

Land—extension of time fees (Question No 408)

Mr Coe asked the Treasurer, upon notice, on 5 May 2015 *(redirected to the Chief Minister)*:

In relation to extension of time fees

(6) How many times was an extension of time fee collected in each of the financial years since 2001-2012.

(7) What was the total amount of the fees collected in each of the years in part (1).

(8) What is the current extension of time fee liability accruing over blocks that have not been developed.

(9) How does the Government account for these uncollected fees in the Budget.

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

2001-2002 – No records available
2002-2003 – No records available
2003-2004 – 9 Completed applications recorded
2004-2005 – 121 Completed applications recorded
2005-2006 – 135 Completed applications recorded
2006-2007 – 157 Completed applications recorded
2007-2008 – 132 Completed applications recorded
2008-2009 – 267 Completed applications recorded
2009-2010 – 515 Completed applications recorded
2010-2011 – 400 Completed applications recorded
2011-2012 – 352 Completed applications recorded

Disaggregated financial information is only available for the 2008-2009 financial year and beyond. Please see below:

2008-2009	$1,270,259.74
2009-2010	$2,353,085.04
2010-2011	$5,541,508.29
2011-2012	$2,582,510.35

As at 30 June 2014, the directorate included a provision in its accounts of an estimated $4.3 million in outstanding extension of time fees.

The provision is included as a receivable in the budget.

Land—town centres (Question No 409)

Mr Coe asked the Minister for Urban Renewal, upon notice, on 5 May 2015:

In relation to the answer to Question Number 388

(10) In which town centres have blocks have been released by the LDA for development each financial year since 2001-2002.

(11) How much has been collected in Lease Variation Charges for blocks in town centres each financial year since 2001-2002, broken down by town centre.

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

1. Please refer to Attachment A – Town Centre Land Release Data 2003 04 through to 2014 15. Land release data for 2001-2003 is not available.

2. For the period prior to 30 June 2011 – Nil. Lease Variation Charge (LVC) was introduced on 1 July 2011. Prior to this date, LVC was known as Change of Use Charge (CUC). Annual revenue received from CUC is available in published annual reports. Statistics for CUC revenue received in individual town centres was not collected.

Revenue collected for blocks in town centres since LVC was introduced is broken down below:

Belconnen:

2011-12	-	$0 million
2012-13	-	$0.055 million
2013-14	-	$0.003 million
YTD	-	$0.740 million
TOTAL	-	$0.798 million

City:

2011-12	-	$0.045 million
2012-13	-	$0.084 million
2013-14	-	$0.147 million
YTD	-	$0.041 million
TOTAL	-	$0.318 million

Gungahlin

2011-12	-	$0 million
2012-13	-	$0.127 million
2013-14	-	$0.052 million
YTD	-	$0.367 million
TOTAL	-	$0.546 million

Tuggeranong

2011-12	-	$0.215 million
2012-13	-	$0 million
2013-14	-	$0.003 million
YTD	-	$0.004 million
TOTAL	-	$0.222 million

Woden

2011-12	-	$0 million
2012-13	-	$0.069 million
2013-14	-	$3.030 million
YTD	-	$0.007 million
TOTAL	-	$3.106 million

Attachment A

Blocks released in Town Centres between 2003 and 2015					
	Belconnen	**Canberra Central (City)**	**Gungahlin**	**Woden Valley (Phillip)**	**Tuggeranong (Greenway)**
2001-02	n/a	n/a	n/a	n/a	n/a
2002-03	n/a	n/a	n/a	n/a	n/a
2003-04	-	1	1	-	2
2004-05	2	1	-	1	-
2005-06	2	2	-	-	7
2006-07	1	-	-	-	3
2007-08	-	1	-	-	-
2008-09	2	-	8	-	1
2009-10	2	-	4	-	-
2010-11	1	-	4	-	-
2011-12	3	-	3	-	-
2012-13	-	-	1	1	-
2013-14	-	-	1	-	5
2014-15	-	-	-	-	2
	13	**5**	**22**	**2**	**20**

Source: Land Development Agency - http://www.lda.act.gov.au/en/sales-results - (last updated 31/03/2015)
Note: Information prior to 2003 is not available (n/a)

Hospitals—beds
(Question No 410)

Mr Hanson asked the Minister for Health, upon notice, on 6 May 2015:

The December 2014 Quarterly Performance Report for ACT Public Health Services states (Page 1) that in March 2015, once all beds are online, the ACT public bed stock will reach 1068 beds

(1) What was the ACT Health public bed stock on 30 March 2015

(2) Of the total in (1) and using Canberra Hospital Care type Definitions (a) How many beds are on the campus of Canberra Hospital; and of these beds how many are; (i) Acute beds; (ii) Sub-acute beds; (iii) Non-acute beds; (b) How many beds are on the Calvary campus; and of these beds how many are; (i) Acute beds; (ii) Sub-acute beds; (iii) Non-acute beds; (c) Of any other beds, what is the status of those beds and where are they located and which are acute beds, sub-acute beds and non-acute beds.

(3) If the total number of beds in the ACT Health public bed stock on 30 March 2015 as given in (1) above is not 1068 as predicted in the December 2014 Quarterly report, what is the difference and how many are acute, sub-acute and non-acute beds.

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

(1) The ACT Health public bed stock at the end of March 2015 is 1068.

(2) ACT Health does not report bed split by care type definitions, rather we report bed numbers by their status, whether they are considered to be an overnight or same day bed. (a) 766 of the 1068 beds are on the Canberra Hospital campus and 648 of these are considered overnight beds. Only overnight beds are factored into ACT Health's bed occupancy calculations. (b) 302 of the 1068 beds are located on the Calvary Health Care campus and 253 of these are considered overnight beds. (c) There are an additional 20 public beds located at the Queen Elizabeth II Family Care Centre (QEII). However, whilst these beds are publicly funded, they are not reported in ACT Health's public bed stock figure of 1068, nor are they considered in ACT Health's bed occupancy calculations.

(3) The ACT Health public bed stock at the end of March 2015 is 1068 as predicted in the December 2014 Quarterly report.

Hospitals—beds
(Question No 411)

Mr Hanson asked the Minister for Health, upon notice, on 6 May 2015:

(1) In the Future Facilities Profile prepared by Aurora Projects in 2012 for the Canberra Hospital (TCH) referred to in the 2013-14 Health Annual Report (page 190); (a) What estimates of future bed requirements for TCH were made, (b) How many acute, subacute and non-acute beds (using TCH Care type Definitions) are forecast to be required in the next 5 financial years, (c) What plans are described for new developments on the site of current Buildings 2 and 3, (d) What plans are described for a new Emergency Department, and (e) Are there plans for a new Tower block.

(2) In the Concept Master Development Plan prepared by Aurora Projects in 2012 for the Canberra Hospital referred to in the 2013-14 Health Annual Report (page 190), (a) What estimates of future bed requirements for TCH were made, (b) How many acute, subacute beds and non-acute beds (using TCH Care type Definitions) are forecast to be required in the next 5 financial years, (c) Are there plans for new developments on the site of current Buildings 2 and 3, (d) Are there plans for a new Emergency Department, and (e) Are there plans for a new Tower block.

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

(1) In the Future Facility Profile prepared by Aurora Projects in 2012 for the Canberra Hospital referred to in the 2013-14 Health Annual Report (page 190):

(a) The estimates of future bed requirements for Canberra Hospital reflected the projections modelled by ACT Health.

(b) (i) The estimates of the number of acute overnight inpatient beds at Canberra Hospital (excluding beds in the recently delivered Centenary Hospital for Women and Children and Adult Mental Health Unit) for the next 5 financial years were:

	2015-16	2016-17	2017-18	2018-19	2019-20
Acute	507	524	542	561	582

(ii) The estimates of the number of subacute and nonacute overnight inpatient beds at Canberra Hospital for the next 5 financial years were:

	2015-16	2016-17	2017-18	2018-19	2019-20
Sub- and nonacute	67	67	0	0	0

These numbers assumed the transfer of beds to the University of Canberra Public Hospital in 2017-18.

(c) The Future Facility Profile (FFP) presented three options for consideration, one of which was developed to form the Concept Master Development Plan (CMDP). The CMDP describes staged demolition of Building 3 and construction of a new Building 3 on the site and the demolition of existing Building 2 and construction of a new Building 2 at a later date.

(d) The option presented in the CMDP which forms part of the FFP describes an option of retention, refurbishment and expansion of the Emergency Department in Building 12.

(e) The CMDP shows the new Building 3 and new Building 2 with basement floors and 3 podium levels above, surmounted by 3 tower buildings.

(2) The Future Facility Profile presented 3 options for consideration, one of which was developed to form the CMDP. As such, this question is answered in my responses to Question (1).

Hospitals—beds
(Question No 412)

Mr Hanson asked the Minister for Health, upon notice, on 6 May 2015:

(1) The most recent ACT Health report for 2013-2014 states available beds in ACT public hospitals ranged from 2.2 (per thousand population) in 2006-2007 to 2.6 in 2012-2013 (Page 25). To calculate these ratios in each of those eight years, (a) What was the number of available beds in each year from 2005-2006 to 2012-2013, (b) What was the ACT population used to do these calculations in each of those years.

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

(1) (a) The relevant data quoted on page 25 of the ACT Health Annual Report 2013-14 is drawn from the Australian Hospital Statistics report published by the Australian Hospital Statics Reports published by the Australian Institute for Health and Welfare (AIHW). The number of available beds in each year from 2005-06 to 2012-13 is tabulated in column B below.

A	B	C
Financial Year	Available Beds	ACT Population (as at June 30)
2012-13	986	374700
2011-12	939	367985
2010-11	926	361766
2009-10	907	354785
2008-09	875	348368
2007-08	851	342644
2006-07	785	335170
2005-06	714	331399

(1) (b) The ACT population used in the AIHW calculations for each of those years was obtained by the AIHW directly from the Australian Bureau of Statistics (ABS). As noted in AIHW reports, the Institute uses the estimated resident population as at 30 June for each financial year. The relevant totals are listed in column C above.

Canberra Hospital—Canberra Region Cancer Centre (Question No 413)

Mr Hanson asked the Minister for Health, upon notice, on 6 May 2015:

In relation to the Canberra Region Cancer Centre at Canberra Hospital which opened in 2014; (a) Has all the capital funding allocated to the Canberra Region Cancer Centre in 2014-2015 now been spent, (b) What capital work budgeted for 2014-2015 remains not completed, (c) What has been the final additional cost to the ACT Government of the flooding incident, (d) How many acute, subacute and non-acute beds are now located in the Canberra Region Cancer Centre, (e) Have all oncology services previously located on the Canberra Hospital campus now been transferred to the new centre, and (f) If any oncology services remain in other buildings what are they and how many acute and sub-acute beds are located in those locations.

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

(a) The Canberra Region Cancer Centre planned works have been completed, and the project is currently in the Defects Liability Period. It is expected that the project will be financially complete in late 2015. The combined budget for the two phases of the project was $50,064,000 and expenditure to date is $50,020,000.

(b) All works budgeted and programmed for 2014-2015 have been completed.

(c) Total cost of the water leak rectification work has been $4,787,911 (ex GST). Of this cost $3,633,299 (ex GST) has been recovered under the Territory's contract works insurance policy. The balance of $1,154,612 will form part of the recovery action against the relevant trade contractor.

(d) None, the Canberra Region Cancer Centre only provides outpatient services.

(e) The new centre co-locates all clinicians and outpatient services. Inpatient services remain in Building 3.

(f) Oncology inpatient services remain in Building 3. There are 36 beds in Ward 14B and 8 beds in Ward 11C. Whilst there is no differentiation between acute and sub-acute beds in the oncology setting, the more acute patients are accommodated in Ward 14B where possible.

Housing ACT—asbestos (Question No 414)

Ms Lawder asked the Minister for Housing, upon notice, on 6 May 2015:

Could the Minister provide the following information

(1) the number of Housing ACT dwellings as at May 2015 containing asbestos, including but not limited to bonded asbestos and asbestos pipe lagging.

(2) whether the Housing ACT dwellings being sold as part of the ACT Government's asset recycling program contain asbestos, including but not limited to bonded asbestos and asbestos pipe lagging.

(3) whether tenants of Housing ACT dwellings containing asbestos have been notified that they are living in a dwelling containing asbestos.

(4) the health risks to Housing ACT tenants living in dwellings containing asbestos.

(5) the ACT Government's strategy to deal with the Housing ACT dwellings containing asbestos, including but not limited to bonded asbestos and asbestos pipe lagging.

Ms Berry: The answer to the member's question is as follows:

(1) Housing ACT has approximately 5,300 properties and 200 small to large multi-unit complexes that were built prior to 1989 and therefore may contain asbestos.

(2) Any Housing ACT dwellings built before 1989 that are being sold as part of the ACT Government's Asset Recycling Initiative may contain asbestos materials.

(3) Since 2005 Housing ACT has provided detailed information in writing to its tenants about asbestos that may be present in their homes.

In addition, all new tenants that sign a tenancy agreement for a property built prior to 1989, are provided with an information package on management of asbestos in their home. In 2005, all Housing ACT tenants were informed in writing of materials in their properties that may potentially contain asbestos. The letters to tenants contained an asbestos advice guide and indicated the year the property was built. The letter also informed tenants about their responsibilities under the law including what to do and who to call if they had any concerns or questions.

(4) If not disturbed, bonded asbestos does not pose a health risk. Any residents who are concerned about their health should get advice from a qualified medical practitioner who can provide an assessment of individual circumstances and exposure risks.

(5) Housing ACT property files are marked as potentially containing asbestos materials. Any action taken regarding those materials is also noted on file. Housing ACT continues to ensure all its new and current tenants are provided with a fact sheet on managing asbestos and an Asbestos Advisory form, as part of signing or renewing their tenancy agreement. The fact sheet includes advice on what to do in the event that materials, possibly containing asbestos are damaged. In addition, the ACT Government has a web site that provides comprehensive advice for all members of the Canberra community.

Public Housing tenants can also call the 24 hour seven day a week maintenance line if they have any questions or concerns. Tradespeople who work on public housing properties are trained in working with products that contain asbestos. The aim is to minimise disturbance and therefore the release of asbestos fibres. Where a tenant or contractor suspects that a public housing property may contain asbestos and the area is damaged or is about to be disturbed due to building activity, a sample is taken from the site and tested to determine the presence or absence of asbestos. This information is passed to the tenant and contractors undertake works accordingly.

Human rights—vulnerable people (Question No 417)

Ms Lawder asked the Minister for Community Services, upon notice, on 7 May 2015 *(redirected to the Chief Minister)*:

(1) How many Working with Vulnerable People card spot-checks has the Office of Regulatory Services conducted in the following periods; (a) 1 May 2013 to 30 April 2014; and (b) 1 May 2014 to 30 April 2015 inclusive.

(2) What is the breakdown of sectors in which Working with Vulnerable People card spot-checks were conducted in the period specified at part (1) above, including homelessness services, health services and youth services.

(3) Have any organisations been checked more than once in the period specified at (1) above and; if so, how many organisations have been checked more than once.

(4) Where a breach has been found, what follow up activity has been undertaken.

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

(1) The Office of Regulatory Services has conducted the following inspections in relation to the working with vulnerable people scheme

(a) From 1 May 2013 to 30 April 2014 - **208** premises were visited
(b) From 1 May 2014 to 30 April 2015 - **286** premises have been visited.

During the period 1 May 2014 to 30 April 2015 - **2619** individual registrations were checked

As the Act commenced on 7 November 2012 and provided 12 months for incoming individuals to register before any offence provisions came into force, the Office of Regulatory Services did not undertake spot-checks on WWVP registration cards

during 2013 but instead encouraged compliance with the legislation by actively engaging with organisations and individuals involved in regulated activities or services.

(2) The Office of Regulatory Services has engaged with numerous organisations across sectors. Since a WWVP registration is portable and not confined just to the sector in which an individual volunteers or is employed, the Office of Regulatory Services does not record the sector in which individual WWVP registration checks have been undertaken.

During the period

(a) 1 May 2013 to 30 April 2014 the Office of Regulatory Services has engaged with those sectors providing services to children.

(b) May 2014 to 30 April 2015 the Office of Regulatory Services has engaged with the those sectors providing services for children as well as homeless people, victims of crime, community services, disability services, respite care and religious organisations.

(3) Thirty one premises have been visited more than once during the specified period. Repeat visits can occur for a number of reasons, including: follow up to sight registration cards not able to be sighted in the first instance; to provide further information at the request of an employer; or to provide education.

(4) The Office of Regulatory Services addresses any identified non-compliance in accordance with its Compliance and Enforcement Framework. Any conduct which contravenes the legislation is considered on a case-by-case basis and with consideration to the circumstances of the conduct. The Office of Regulatory Services will apply the most appropriate regulatory tool to address the conduct and to achieve the desired regulatory outcome. This may include verbal compliance advice, a written warning, the issuing of an infringement notice and prosecution. Compliance actions may also result in the suspension of a registration and the initiation of an additional risk assessment in accordance with the Act. Action of this latter type can also result in cancellation of a registration.

Collectively, 14 breaches have been enforced by a combination of infringement notice, suspension, and cancellation, and a number of additional risk assessments are currently being undertaken on registered persons.

Aboriginals and Torres Strait Islanders—throughcare program (Question No 418)

Mr Wall asked the Minister for Justice, upon notice, on 7 May 2015:

(1) How many sentenced Aboriginal and Torres Strait Islander offenders were released from the Alexander Maconochie centre (AMC) into the Throughcare program in; (a) 2012-2013; (b) 2013-2014; and (c) July 1 – to date.

(2) How many sentenced offenders were released into the Throughcare program from the AMC in total in; (a) 2012-2013; (b) 2013-2014; and (c) July 1 – to date.

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

The answer to the first part of the member's question is as follows:

a) 2012 – 2013; three Aboriginal and Torres Straight Islanders offenders were released on to the program (all male);
b) 2013 – 2014; 42 Aboriginal and Torres Straight Islanders offenders were released to Throughcare, comprising 30 males and 12 females; and
c) 1 July 2014 – 1 April 2015; 40 Aboriginal and Torres Straight Islanders offenders released to Throughcare, 26 males and 14 females.

The answer to the second part of the member's question is as follows:

a) 2012 – 2013; 14 sentenced offenders were released on to the program (all male);
b) 2013 – 2014; 229 offenders released to Throughcare, 196 males and 33 females; and
c) July 1 –1 April 2015; 194 offenders released to Throughcare, 163 males and 31 females.

In the context of the member's question, it should be noted that the Throughcare program is a voluntary program available to all female offenders, whether sentenced or on remand, and all sentenced males upon release from the Alexander Maconochie Centre (AMC).

While the member has asked his question in the context of sentenced offenders, given the program is available to all female detainees, the figure provided for female detainees is not separated into sentence or remand.

Additionally, as the Throughcare program has only been in place since 1 June 2013, there is limited data available for the 2012-13 financial year.

In relation to Aboriginal and Torres Strait Islander offender numbers, all those eligible have participated in the program since its inception.

Capital Metro Agency—staff and contracts (Question No 419)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 7 May 2015 *(redirected to the Minister for Capital Metro)*:

(1) What is the current staffing profile at the Capital Metro Agency, according to the employment categories of; (a) Permanent full-time staff; (b) Permanent part-time staff; (c) Temporary full-time staff; (d) Temporary part-time staff; and (e) Casual staff.

(2) What are the total weekly wages, including superannuation, for the staff identified in part (1), (a); (b); (c); (d); and (e).

(3) How many contracts has the Capital Metro Agency entered into which are currently ongoing;

(4) For the contracts identified in part (3), what is the; (a) Name of the party who has entered into the contract with the Capital Metro Agency ('the Contractor'); (b) Date the contract was signed; (c) Date the contract is due to end; (d) Amount of money already paid to the Contractor as per the contract; and (e) Amount of money currently outstanding which is to be payed to the Contractor.

(5) From 1 July 2014, what is the total amount of expenses incurred by the Capital Metro Agency.

(6) What is the current balance of Capital Metro Agency's cash or cash equivalents.

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

(1) For the fortnight ended 6 May 2015, the staffing profile is as follows:

(a) 16
(b) 0
(c) 8
(d) 0
(e) 0

Note: The Capital Metro Agency has previously reported, in answer to this question on notice, executives as permanent full-time staff. Executive staff are now included as temporary full-time staff, as shown at (1)(c).

(2) $72,490.

(3) All current contracts are shown on the Shared Services procurement web site.

(4) The name of each contractor, the date the contract was signed and the date the contract is due to end is shown on the Shared Services procurement web site. In relation to (d) and (e) all invoices from contractors are paid in accordance with contractual arrangements.

(5) The total of payments made from 1 July 2014 to 11 May 2015 was $20,013,537.38.

(6) The closing cash at bank balance on 11 May 2015 was $2,185,951.85. There are no cash equivalents held by the Capital Metro Agency.

ACTION bus service—services (Question No 420)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 7 May 2015:

In relation to Wednesday 6 May 2015:

(1) How many ACTION buses will be used to complete; (a) all morning school services; and (b) all afternoon school services.

(2) What was the total number of buses in operation between 6:00am and 9:00am.

(3) What was the total number of buses in operation for the whole day.

(4) What was the total number school routes shifts assigned to complete; (a) all morning school services; and (b) all afternoon school services.

(5) What was the total number of shifts assigned between 6:00 am and 9:00am

(6) What was the total number of shifts assigned for the whole day

(7) What was the total patronage of ACTION buses between 6:00am and 9:00am

(8) What was the total patronage of ACTION buses for the whole day

(9) Will the answers to parts (1), (2), (3), (4), (5) or (6) above change with the introduction of the new ACTION timetable on Monday 18 May 2015? If so; what are the new figures from Monday 18 May 2015.

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

(1) The number of ACTION buses used on Wednesday 6 May 2015 to complete:
(a) all morning school services was 92; and
(b) all afternoon school services was 140.

(2) The total number of buses in operation on Wednesday 6 May 2015 between 6:00am and 9:00am was 369.

(3) The total number of buses in operation for the whole day was 369.

(4) The total number of school routes shifts assigned on Wednesday 6 May 2015 to complete:
(a) all morning school services was 92; and
(b) all afternoon school services was 140.

(5) The total number of shifts assigned on Wednesday 6 May 2015 between 6:00am and 9:00am was 369.

(6) The total number of shifts assigned for the whole day was 522.

(7) The total number of passenger boardings on ACTION buses between 6:00am and 9:00am on Wednesday 6 May 2015 was 21,350.

(8) The total number of passenger boardings on ACTION buses for the whole day was 71,425.

(9) Following changes to the timetable on Monday 18 May 2015, the figures for the above will be:

I. The number of ACTION buses scheduled to complete:
(a) all morning school services is 93; and
(b) all afternoon school services is 144.

II. The total number of buses scheduled to be in operation between 6:00am and 9:00am is 373.

III. The total number of buses scheduled to be in operation for the whole day is 373.

IV. The total number of school routes shifts assigned to complete:
(a) all morning school services is 93 and;
(b) all afternoon school services is 144.

V. The total number of shifts assigned between 6:00am and 9:00am is 373.

VI. The total number of shifts assigned for the whole day is 526.

Roads—speed cameras (Question No 422)

Mr Coe asked the Minister for Justice, upon notice, on 7 May 2015 *(redirected to the Chief Minister)*:

(1) What is the marginal cost of a fixed speed-only camera broken down by; (a) equipment; (b) maintenance; and (c) other costs.

(2) What is the marginal cost of a fixed red light/speed camera broken down by; (a) equipment; (b) maintenance; and (c) other costs.

(3) What is the marginal cost of a mobile speed camera broken down by; (a) equipment; (b) maintenance; (c) staff; and (d) other costs.

(4) What is the total annual cost for the; (a) fixed speed camera program; and (b) mobile speed camera program.

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

(1) (a) The marginal cost of a fixed speed camera is $127,309.

(b) The maintenance cost of a fixed speed camera is unable to be provided as this information is confidential under the contractual arrangement between the supplier and the Territory.

(c) Access Canberra staff salary and on costs for managing the program is $6,445 per camera.

(2) (a) The marginal cost of a fixed red light/speed camera is $120,699.

(b) The maintenance cost of a fixed red light/speed camera is unable to be provided as this information is confidential under the contractual arrangement between the supplier and the Territory.

(c) Access Canberra staff salary and on costs for managing the program is $6,445 per camera.

(3) (a) The marginal cost of a mobile speed camera is unable to be provided as this information is confidential under the contractual arrangement between the supplier and the territory.

(b) The maintenance cost of a fixed speed camera is unable to be provided as this information is confidential under the contractual arrangement between the supplier and the Territory.

(c) Access Canberra staff salary and on costs for managing the program are $123,992 per camera.

(4) (a) The total annual operating cost of the fixed speed camera program in 2013/14 was $346,908. This includes Access Canberra staff costs in 1 and 2 above and 50% of the administration costs of the Traffic Camera Office.

(b) The total annual operating cost of the mobile speed camera program in 2013/14 was $1,046,786. This includes Access Canberra staff costs in 3 above and 50% of the administration costs of the Traffic Camera Office.

In addition to the above costs adjudications and administration of traffic camera infringement notices cost $547,309.

Roads—infringement notices (Question No 423)

Mr Coe asked the Minister for Justice, upon notice, on 7 May 2015 *(redirected to the Chief Minister)*:

In relation to mobile speed cameras

(1) What is the breakdown of the number of infringement notices that have been issued in the; (a) 2012-2013; (b) 2013-2014; and (c) 2014-2015 to date financial years by; (i) Month; (ii) offence category of (A) 10 to less than 15 km/h, (B) 15 to less than 30 km/h, (C) 30 to less than 45 km/h and (D) 45 km/h or more, over the speed limit; and (iii) location.

(2) What was the fine imposed for each infringement category identified in part (1).

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

(1) The answer to the question is in the attached spreadsheet and table.

(2) The answer to the question is in the attached table.

(Copies of the attachments are available at the Chamber Support Office).

Pop-up village—costs and revenue (Question No 425)

Mr Smyth asked the Minister for Economic Development, upon notice, on 13 May 2015 *(redirected to the Minister for Urban Renewal)*:

In relation to the Pop-Up Village:

(1) How much was this project budgeted for.

(2) What was the total cost of this project.

(3) What is the schedule for the planned phases for this project.

(4) What are the Government's revenue projections for this project.

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

(a) The Land Development Agency contracted Stromlo Stomping Grounds (SSG) to construct Westside on its behalf for $800,000 (GST-ex).

(b) The final cost of this project will be known once practical completion is achieved.

(c) A Certificate of Occupancy and Use, which permits full use of the tower, was issued on 29 May 2015. Practical completion (formal agreement that SSG has met its deliverables under the contract) is expected to be achieved shortly.

(d) Westside was not developed to raise revenue. The early activation of West Basin seeks to:

a. create a destination for all Canberrans;

b. support local businesses and artists;

c. create a modern, vibrant and exciting precinct;

d. demonstrate the vision of City to the Lake, and the opportunities within the precinct; and

e. create awareness about potential future developments.

Capital Metro Agency—business case (Question No 426)

Mr Coe asked the Minister for Capital Metro, upon notice, on 14 May 2015:

Regarding figure 31 on page 137 of the Capital Metro Full Business Case, what is the annual operating fare revenue for Capital Metro for the financial year ending 30 June 2019 to the financial year ending 30 June 2038.

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

(1) The total operating fare revenue for Capital Metro, as shown in Figure 31 of the business case from the period 2019 to 30 June 2038, is $182,728,360.

Disability services—housing (Question No 427)

Ms Lawder asked the Minister for Community Services, upon notice, on 14 May 2015 *(redirected to the Minister for Disability)*:

What is the number of disability housing dwellings broken down by the following suburbs: (a) Amaroo; (b) Bonner; (c) Casey; (d) Crace; (e) Forde; (f) Franklin; (g) Gungahlin; (h) Harrison; (i) Jacka; (j) Moncrieff; (k) Ngunnawal; (l) Nicholls; and (m) Palmerston.

Ms Burch: The answer to the member's question is as follows:

Disability ACT supports people with disability through disability housing as per the following:

(a) Amaroo (1 house);
(g) Gungahlin (1 house);
(k) Ngunnawal (1 house);
(l) Nicholls (1 house); and
(m) Palmerston (3 houses).

Disability ACT does not currently provide disability housing in the following suburbs: (b) Bonner; (c) Casey; (d) Crace; (e) Forde; (f) Franklin; (h) Harrison; (i) Jacka or (j) Moncrieff.