Debates

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Legislative Assembly for the ACT

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Tuesday, 27 October 2015

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

Visitor

MADAM SPEAKER: I acknowledge the presence in the gallery of former member Mr Hargreaves. Welcome back to the Assembly.

Reproductive health services
Paper and statement by minister

MS BERRY (Ginninderra—Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Community Services, Minister for Multicultural Affairs, Minister for Women and Minister assisting the Chief Minister on Social Inclusion and Equality): For the information of members, I present:

> Reproductive health services in the ACT—Rights to privacy and safe access—Women's Centre for Health Matters, and Sexual Health and Family Planning ACT.

I seek leave to make a brief statement on the paper.

Leave granted.

MS BERRY: This paper comes from over 725 people collected over a couple of weeks. It supports and asks that the Assembly support the creation of privacy zones around the termination of pregnancy services in the ACT. It goes to the right for women to have access to termination of pregnancy services in privacy without harassment, intimidation or humiliation and the need for that right to be weighed against the right to freedom of expression.

The right to privacy zones such as those being proposed by the ACT Greens member Mr Shane Rattenbury in the Health (Patient Privacy) Amendment Bill 2015 successfully balances the interests of all community members, and because of the protestors' conduct, can only be limited to the extent necessary to protect an individual's rights to privacy and safe access to health services.

There are many spaces in Canberra where people can protest lawfully, such as here outside the Assembly. I have given an invitation to those people who have taken it upon themselves to protest outside the health facility to come along here and protest to the lawmakers within the Assembly: members of the ACT Legislative Assembly.

Establishing a privacy zone outside these facilities would provide reassurance and security to women, their families and healthcare staff, which is exactly what they

should be entitled to. This paper urges members of the Assembly to make representations, to support this issue and to vote for the creation of privacy zones around termination of pregnancy services facilities when the opportunity presents itself.

In the conversations I have had with members of the community about the situation that has been occurring outside the health clinic, I have learned that women feel they should be safe and protected when entering any health facility across the ACT, that they should be able to do this without the fear of being harassed or judged by anybody, that it should be everybody's right to have some privacy, and that women should have the right to make their own reproductive choices. I believe every person should have access to health services without harassment and without persecution in any way, regardless of the health service they are accessing. It is that simple.

I look forward to continuing conversations on this in the Assembly and again make the call that if people do want to protest about a particular law they should do it here, in front of the lawmakers who make those laws.

Justice and Community Safety—Standing Committee
Scrutiny report 38

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

> Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 38, dated 20 October 2015, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR DOSZPOT: Scrutiny report 38 contains the committee's comments on eight bills, 10 pieces of subordinate legislation, three government responses and proposed government amendments to the Building (Loose-fill Asbestos Eradication) Legislation Amendment Bill 2015. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Planning, Environment and Territory and Municipal Services—Standing Committee
Report 10

MS FITZHARRIS (Molonglo) (10.06): I present the following report:

> Planning, Environment and Territory and Municipal Services—Standing Committee—Report 10—*Draft Variation to the Territory Plan No. 343—Residential blocks surrendered under the loose fill asbestos insulation eradication scheme,* dated 21 October 2015, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

I present to the Assembly today this report into draft variation 343, and I would like to say a few words about the findings and recommendations. The committee thanks everyone who provided information and evidence to this inquiry, including the minister, directorate officials, interested organisations and members of the community. I also thank the secretary of the committee, Hamish Finlay, and other committee staff for their work.

Firstly, can I say that the issues this inquiry dealt with are issues that I know are difficult for many people in our community. The Mr Fluffy saga is one that has been going on for many years and will continue to go on for many more. It is a wide-ranging issue and one that will mean different things to different people. While the committee was not tasked with debating the merits of the Mr Fluffy buyback scheme, I wish to note the considerable impact of this issue on the Canberra community in general and the residents and home owners of Mr Fluffy homes in particular.

Those who have not been subjected to the trauma of the scheme cannot personally know the deep personal and financial difficulty of those individuals and families. I note the heartfelt evidence of a number of witnesses. There are some people who are still finding the scheme a difficult one for them to navigate personally. Equally, I note that other witnesses noted their gratitude for the scheme and the decisive and compassionate approach of the ACT government.

However, this was a specific inquiry into the matter of draft variation 343, which the Minister for Planning, Mick Gentleman, referred to the committee on 22 July 2015. The minister requested that the committee give consideration to the draft variation:

> …at its earliest convenience, noting that there are a significant number of Canberra families affected by the Mr Fluffy buyback scheme, and the expeditious consideration of this variation will assist them to move forward as soon as possible.

The committee took this request seriously. Draft variation 343 provides for most residential blocks surrendered under the buyback scheme to be unit titled for dual occupancy. It allows for remediated Mr Fluffy blocks to have planning controls altered, reducing the minimum size for dual occupancy to 700 square metres, and allows unit titling. This affects one per cent of Canberra properties. It does not rezone RZ1 blocks as RZ2. It does not allow for multi-unit development in residential areas. Indeed, dual occupancy is already allowed in RZ1, and changes associated with DV 343 would see stricter controls around footprint and height limits, with most dual occupancies restricted to single storey.

This inquiry was limited to the draft variation specifically and to its impacts. It was important to the committee to be clear-headed about this while still showing compassion and understanding to those people who did not support the scheme or some of the proposed changes in this draft variation. That was our responsibility.

The committee received 70 submissions and held three public hearings to hear from 26 witnesses. The committee was unable to reach agreement to recommend that the draft variation be approved. However, collectively we agreed to four recommendations. Dr Bourke and I recommended the draft variation be approved as well as two further additional recommendations: one to amend the draft variation and another to consider future amalgamation of blocks. I will discuss these in more detail shortly.

The minister stated that DV 343 was entirely consistent with the ACT planning strategy, the territory plan statement of strategic directions, and the RZ1 residential suburban zone objectives. When the scheme was announced in October 2014 the ACT government advised that it would seek to make planning changes as part of a range of policy measures that would enable the ACT government to minimise the cost of the scheme to the ACT community. The final impact of the Mr Fluffy buyback scheme on the ACT budget will be up to $400 million. We have not had sufficient assistance from the federal government to minimise these costs. Therefore, it is up to the ACT government to look for opportunities to recover some of the cost to ACT taxpayers from the cost of the scheme.

I make this point: the ACT government does not stand to make money from this scheme. We will never make money from this scheme, and this is an important point. But we should try to do everything we can to limit the costs of the scheme to the community, and the committee acknowledged that the cost of conclusively dealing with the issue of loose-fill asbestos in the community will limit budget options for future governments and impact upon ratepayers for years to come.

The committee received 70 submissions and held three public hearings to hear from 26 witnesses. A majority were opposed to DV 343, but many of the issues they raised were either outside the scope of the draft variation or showed a misunderstanding of its effect. One such misunderstanding concerned the possibility of two-storey residences being built in backyards, and many were against any dual occupancy in RZ1, opposing current policy that allows for dual occupancy over 800 square metres.

At the same time the committee heard evidence that there was considerable demand for dual occupancy and medium-density housing within Canberra's established suburbs. For example, the Weston Creek Community Council noted that a lot of older people want to downsize in their community but that there are few options available to do so. The committee heard a submission from a 69-year-old former Mr Fluffy home owner who described the draft variation as "crucial". She said the change would allow two unit title dwellings to be built on her block and for one to be sold as a means to finance the other. The result would be a new home suitable for her needs and in the location she had known and enjoyed for nearly 20 years.

The Housing Industry Association noted that there was a huge push at the moment for people in suburbs they have lived in for most of their lives to downsize and continue to enjoy their community and the amenity associated with that. A lot of younger people, potential first homebuyers and renters, also find it incredibly difficult to buy or rent a house in established suburbs due to the lack of diversity in housing stock.

As Caroline Le Couteur said in her evidence:

> … the current situation with plot ratios means that what people are doing when houses are redeveloped is they are being turned into much bigger McMansions and it is not really serving anybody. It is just that that is the way our system has been set up to do things.

It was clear that there was some confusion around the draft variation, however, and how it differed to the current rules. Therefore, the committee made a unanimously agreed recommendation that where a draft variation to the territory plan proposes to amend a code, the existing sections of the code be reproduced alongside the proposed amendment to facilitate public understanding of the draft variation.

It became clear throughout the inquiry that there is a wider issue that needs to be considered, that is, urban intensification in some of our more established suburbs. Looking at the territory plan, it is clear that the vast majority of residential land is RZ1, but there is considerable variation within RZ1 in terms of block size and proximity to amenities.

Population density in Canberra is low, and this can lead to sustainability issues for government services, public transport and infrastructure. The committee formed the view that current policy settings are not sufficient to facilitate the kind of medium-density development that Canberra needs. To this end, the committee recommended that the ACT government review its planning framework in order to facilitate the supply of a much broader range of housing types to meet community desires and lay out a public consultation plan to discuss these proposals.

The committee also heard from a range of witnesses about the issue of unit titling. As demand for medium-density housing increases, so too does the need for fewer restrictions on titling. To that end, the committee recommended that the ACT government consider titling options as part of any examination to facilitate increased supply of medium-density housing.

It was good for the committee to hear from a number of Mr Fluffy home owners about how DV 343 affects them. Many home owners raised questions about amenity and the character of their suburbs, believing that the changes would benefit only developers. They said that because most home owners want to build a single dwelling they would have to pay a higher buyback price. There was a belief that many would be prevented from repurchasing their blocks. Other evidence made this unclear until the scheme has had the opportunity to roll out in our community and in the market.

While many contributors disagreed with the draft variation, many of these objections were not expressly towards the changes proposed by DV 343 but more broadly at the anticipated changes as a whole to suburbs affected as a result of having Mr Fluffy homes located in them. To help address this issue, the committee recommended the ACT government consider a mechanism to engage in a community conversation with particularly affected neighbourhoods about community recovery and redevelopment. In total the committee made four recommendations.

The legacy of Mr Fluffy means our suburbs will change. That much is certain. How we make the most of that change is something this inquiry sought to address. I regret the committee was unable to reach agreement to recommend that draft variation 343 be approved. However, Dr Bourke and I were of the belief that it should be approved by the minister.

Dr Bourke and I also agreed that DV 343 should be amended to allow a maximum plot ratio of 50 per cent for all dual occupancies on surrendered blocks to ensure the best possible design outcomes whilst keeping in line with single dwelling plot ratios. If a dual occupancy development is more accessible and offers a better design outcome at a slightly higher plot ratio, that should be considered rather than settle for a poorer design that benefits no-one, for the sake of a smaller plot ratio.

For me, this inquiry marks the start of a conversation we need to have as a community about how we plan for the future of our city and the way we live. We need to provide a wider range of affordable and sustainable housing choices that meet changing household and community needs. It is clear from this inquiry that our current policy settings are not sufficient to facilitate the kind of medium-density housing development that Canberra needs. I was disappointed this inquiry did not achieve an outcome that would enable us to test the option of changing these policy settings. This was a missed opportunity.

While it is reasonable to assume that many former Mr Fluffy owners have made plans already based on the assumption DV 343 would proceed, with some choosing to buy elsewhere based on an expected increase in the likely cost of repurchasing their block, I am sympathetic to the trauma this has caused those Mr Fluffy home owners who do not see this as a viable option. But the reality is that not everyone can or wants to live in a single dwelling home. Many people live very comfortably, raise families and grow old in dual occupancies, smaller homes, apartments, townhouses and units. Our city needs more of these types of housing options. I look forward to further debate on this issue and hope our community can find a way forward that will address these needs in the years to come.

MR COE (Ginninderra) (10.17): Madam Speaker, I too rise to speak on the report into variation 343. Firstly, I would like to thank the committee members and the secretary, Mr Hamish Finlay. I would also like to thank the other people in the committee office, the attendants and the Hansard department who helped facilitate the inquiry. I also want to extend my sincere thanks to the witnesses who came before the committee. For some of these people it was an extremely emotional event where once again they aired a very sad chapter in their lives.

The Canberra Liberals are very concerned with this variation. It is a variation which does not have a sound planning basis. It is simply an ad hoc cash grab by the government that will do a disservice to our community. Repeatedly I asked the planning minister what the planning rationale for the variation was. I asked:

> How does it stack up to have two blocks next to each other with separate rules, even if they have the same attributes?

I asked again:

> But what is the planning rationale for having two blocks next to each other that may well have exactly the same attributes in terms of dimensions but have different planning controls? What is the planning rationale?

And again I asked:

> Could you explain to me a situation whereby there will be two blocks next to each other and both might be, say, 850 square metres but they have different planning controls attached to them. Where would that be the case somewhere else in Canberra?

And again I asked:

> I am particularly interested in the view from planning experts and the planning minister about what is the planning rationale. Is there any planning rationale for having two blocks treated differently if they are next to each other?

I did not get an answer to any of these questions. Madam Speaker, this variation was before the planning committee and we were to produce a report on the planning issues. There is no planning rationale for variation 343. I believe that there is a need for dual occupancy blocks in Canberra and I would like to see more of them in Canberra. However, they have to be the right blocks in the right locations.

A witness, Ms Hunt, said it very well:

> We believe DV 343 is what we call "unplanning" and unfair. We find that it is inconsistent with planning zones. DV 343 targets random blocks. It was not planned or coordinated. You might as well just throw darts at a map of Canberra, and that is no way to plan a city, we feel. Allowing greater development on random RZ1 blocks undermines the integrity of the whole planning system.

Indeed, our own report says that the government has stated that the primary reason for this draft variation is to minimise the overall cost incurred to the territory budget as a result of the scheme and, as a result, to the ACT community. So the primary rationale was not planning. The primary rationale was revenue raising. However, even that was flawed because we heard the actual facts. In the vast majority of instances these blocks are not going to be appropriate for dual occupancy developments. We also heard that in the vast majority of instances the highest value is going to be achieved by simply having them as a single stand-alone dwelling, not as a dual occupancy.

To that end we have a situation whereby we have put already traumatised people through even more trauma for an outcome whereby most blocks will not be appropriate for dual occupancies. Even if they are, they probably will not be used as such because of the finances or economics behind it. This was unnecessary trauma for hundreds of Canberra families that are already traumatised by this scheme. This has been an unfortunate, a very unfortunate, incident and I think we have done a tremendous disservice to many involved.

Further to this, the cost of the scheme is quite unclear because of those concerns that I just outlined regarding many of the blocks not being appropriate for dual occupancy and many of the blocks achieving a higher price for a stand-alone single dwelling. The cost of the scheme or the income expected to be derived as a result of this variation is unknown. We repeatedly asked: what is the financial return of this draft variation? How much extra money is the government going to get as a result of this draft variation? There was no figure.

I fully expect at some point that someone opposite is going to try to say that the opposition has cost the territory $X million as a result of not supporting this draft variation. If that is so, then somebody has been dishonest to the committee because in the committee hearings we heard that there is no known figure for the cost or the income of not going ahead with this draft variation. That is backed up by numerous professionals who said, in effect, that stand-alone single dwellings are likely to return a higher income level for the government.

Further to this, Madam Speaker, I am concerned about the potential for negative equity as a result of this scheme. In effect, the government is spot rezoning several hundred properties. If they are spot rezoning several hundred properties into dual occupancy, presumably if they are bought as dual occupancy blocks and used for dual occupancy it is because a higher value has been attributed to those blocks.

However, if this government at some point in the coming few years decides to broaden the dual occupancy policy to other blocks, then the premium that people paid for those blocks under the Mr Fluffy rezoning will have been lost. Therefore, we run the very real risk that negative equity could come about if this government broadens the dual occupancy policy to other blocks in Canberra. In effect, the premium that people would be paying for a dual occupancy block as a result of draft variation 343 would be eroded if the government were to release more dual occupancy blocks into the market.

We also heard that it is just wrong to have stand-alone or separate schemes within zones such as this. RZ1 is no longer just RZ1. It is RZ1 and RZ1+. Some blocks are RZ1. Other blocks are RZ1+ because they have got the additional right for dual occupancy. That seems to me like a new zone. That is not RZ1. That is a new zone. The difference is that there is no transparency because RZ1 is still there on the map. It would be clearer for everyone if they did actually call it a new zone. That way for all time people would be able to look at what blocks in Canberra have what privileges with regard to development.

Instead, we are going to have this cryptic system whereby there are going to be several hundred blocks in Canberra that are going to have additional rights and additional privileges but no-one is really going to know which ones they are because they are all zoned as RZ1.

Madam Speaker, this government in 2001, 2002 and 2003 blew up the dual occupancy market in Canberra. They campaigned against it fiercely when they were in opposition. I am not saying that the dual occupancy market or the dual occupancy provisions

under the former Liberal government were ideal. But this government railed against them. When they were in opposition Mr Corbell, as the shadow planning minister, railed against dual occupancies. Here they are now doing a spot rezoning.

As I quoted earlier, this is "unplanning". As a result of this, once again this government could blow up the dual occupancy market. There is a need for dual occupancies in Canberra. There is a need but it has got to be done properly because we saw, as we read in submissions and as we heard through witness statements, this is a very controversial part of planning policy and we have to get it right. But as a result of variation 343 we may well see the dual occupancy policy become further politicised, become even more controversial. We have to do dual occupancy planning properly. It cannot be by throwing darts at a map of Canberra.

There is a need and there are many appropriate blocks for dual occupancy development here in Canberra. But they cannot be chosen by throwing darts at a map. They have got to be done properly. For example, I think a good place to start would be large corner blocks where you could have separate entries or separate frontage. That would be a good place to start, I would think, but let us have a genuine discussion about how to do this.

Ms Fitzharris just said that we are now starting a conversation about dual occupancies in Canberra. It is a funny place to start after a decision has been made. This is the typical way that this government consults. It makes a decision, then reverse engineers and tries to rationalise it afterwards. I call on the government to put this variation on hold and to start a genuine debate, a genuine discussion about how to best achieve higher density on the right blocks in the right locations, because throwing darts at a map of Canberra is not the way to do it.

Finally, regarding the scheme more generally I do have concerns as to how it is going to be implemented. I think it is extremely unfortunate that many people will not be able to afford to return to their block. The government is patting itself on the back regarding land rent being an option for Mr Fluffy owners. However, I think it is extremely sad, extremely sad, that for some people in Canberra who owned their own house and land, the only option to stay on their own block is to rent it off the government.

They formerly owned their own house and land. The government is patting themselves on the back that people now have the option of being reduced to renting that land off the government. I think that is sad. I think that is extremely sad and I think the government should be very careful before commending itself on this option.

It was a useful inquiry. It was a good opportunity to hear from many witnesses about the many issues with this scheme. For the reasons I outlined in this speech and for many others, I do not support draft variation 343.

DR BOURKE (Ginninderra) (10.30): I rise to speak to the report and, indeed, to support draft variation 343. The legacy of loose-fill asbestos is a difficult issue for our community and in particular the Mr Fluffy home owners, the residents and their families. I am particularly keen to draw to the attention of the Assembly

recommendation 2 of this report, which was agreed to by all members of the committee, regarding the need for the government to review the planning framework in order to facilitate the supply of a much broader range of housing types to meet community desires.

This is about ageing in place and the strong desire of so many people to be able to downsize, but to be able to stay in their own suburb and community when they grow old. I keep hearing this when I am out in the community. I heard the same thing said in the estimates committee and, as Ms Fitzharris has quite ably talked about, within this committee as well. I turn to paragraph 5.22 of our report to highlight some evidence from architect Alistair McCallum, whom I will quote:

> I think when we look at our ageing population alone and their interest in downsizing and the tsunami of downsizers that are coming, they do not want to necessarily move away from their suburb. But there are no options. We are not providing people with choice. Apartments are one form of living. Single dwellings are another. There is a distinct lack of opportunity in the middle.

That is what this variation does bring about in very small part to our suburbs. What is it? It is less than one per cent of the territory, as I understand it, that is affected by this draft variation. That is why it is disappointing to hear what Mr Coe just had to say before. It is disappointing that he does not understand the need to develop a bespoke solution to manage this particularly difficult issue for our community, disappointing that he does not recall within our planning history that there already is a level of heterogeneity within our suburbs.

I would really call it simply opposition for opposition's sake. He seems to want, on one hand, to support urban density. He is against the draft variation. He is confused about the desire for dual occupancies. He is saying on the one hand that nobody wants them and on the other hand that everybody wants them. He wants this to be an economically viable scheme to deal with the Mr Fluffy issues but he does not like the mechanisms chosen to deliver it. He wants to put things on hold and cause further trauma to families but he complains about the trauma that has happened to these poor families involved. He wants everything the same but he does not want everything the same. He wants to take over corner blocks.

Madam Speaker, Mr Coe is completely confused and inconsistent with his position, which is a very sad state for the Canberra Liberals. I support the draft variation, the additional comments made by Ms Fitzharris and me, and the recommendations. I recommend that the Assembly support the draft variation.

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) (10.34): I thank the committee for its speedy work and consideration of the variation that I sent to it. I thank all of those who have provided submissions. Also, I would like to quote from the conclusion in the committee's report, especially the very first paragraph:

> The Committee acknowledges the unprecedented and extraordinary nature of the challenges of eradicating the Mr Fluffy legacy from Canberra homes. It

> acknowledges the significant trauma experienced by affected families and the personal, financial, health and practical challenges it has presented to those affected, now and into the future.

Madam Speaker, I think the government can echo those words as well. We will consider the report and the recommendations made and table a response in the next sitting week in November.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Report 18

MR SMYTH (Brindabella) (10.36): I present the following report:

> Public Accounts—Standing Committee—Report 18—*Inquiry into elements impacting on the future of the ACT clubs sector,* dated October 2015, including additional comments *(Mr Rattenbury)* and an addendum to the Report, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

Madam Speaker, I have done a few committee inquiries in my time and a few reports, and this was perhaps, in terms of degree of difficulty and length of execution, one of the most fascinating reports that have been produced.

There are 46 recommendations in the report. We received 112 submissions, we had six public hearings and we had six private meetings to go through the report. At one stage the committee secretariat produced an A3 sheet of paper with three columns with competing recommendations coming from three sources—and you can all guess what the three different sources were. But we managed to make our way through, and it is with a great deal of pleasure that I table this report today.

The report is very important to the future of the city. I say "the city" before I say "the clubs" because, in an artificial city such as we are, the clubs were started to give community-based infrastructure that did not exist at the time. They have become a very important part of the city and it is very important that we keep it that way. That is why recommendation No 1 of the 46 recommendations—those who have the report will see that it is only numbered to 45 but I will get to the mystery rec in a minute—actually says it is important that the Assembly acknowledge the role that clubs play and the contribution they make to the wellbeing of the people of the ACT. Often we take things for granted, and we should not, because those things can disappear very quickly or change very quickly if we are not wary. We need to say, in the words of the committee, that this Assembly "acknowledge the role that ACT clubs play, and the contribution they make to the wellbeing of the people of the ACT".

The second set of recommendations looks at leases. If the clubs are to diversify, if the clubs are to survive, it will only occur when they change their business models and

indeed potentially change what they do on their sites. In appendix C there is a list of the various clubs and the different sorts of leases. There are some on river corridors, there are some on commercial, there are some on club land, there are some on community; but it is interesting to see how they are woven into the city. In recommendations 2 and 3, the suggestion is that the government do an audit of all the leases and permitted uses and have a consultation with the clubs on what proposed uses could be made of those sites. And what we must always take into account is the community benefit. Recommendation 3 says that, once that is done, we should come up with an overlay that would cover all of these permitted uses on the various club sites so that there is simplicity and so that we do not have 40, 50, 60 or 70 variations to the territory plan.

Recommendations 4, 5 and 6 look at the task force that the government has established. We say that their remit should be expanded, that there should be representatives of the community sector and the sports and the arts sectors to work very closely with the clubs on that task force, to make sure that we get a whole-of-community view, and that one of the jobs of the task force should be to develop an action plan for addressing problem gambling. It is about time that we as a community took ownership of the whole problem instead of saying, "Clubs, you've got the machines; it's up to you to fix it." We do not say to Ford, Toyota or Holden, "Cars are involved in accidents and people die; therefore you must run road safety campaigns." We do that through the taxes we collect when we register those cars. We should not have the same view of clubs—that it is their problem only and they must fix it. This is about the government showing leadership, the community showing ownership, and us fixing the problem together. It is the only way it will change.

Recommendations 7 and 8 look at some of the charges faced by clubs should they seek to change what they do. In rec 7 we say that a lease variation charge should not apply if clubs seek to vary their leases to diversify their revenue base. Rec 8 says development application fees should not be charged, so that we get these changes and we keep our clubs serving our community.

Rec 9 asks the government to continue to advocate to the federal government about online gaming and the problem that it is. As a nation and as a community, we are going to have to address online gaming at some stage, and it should be sooner rather than later.

Recommendation 10 will be linked with recommendations 30 and 31. Recommendation 10 is that the government remove the $250 per day limit on withdrawals from ATMs in club venues. Most of these recommendations are unanimous, but the majority of the committee were of the view that it really did not serve the purpose that it was intended to. If we jump to recs 30 and 31, in recommendation 31 the committee recommends that the government establish a cash input limit for electronic gaming machines of $250. If that is established then in recommendation 31 we say:

> The Committee recommends that if the cash input limit is agreed and implemented that the Government remove note denomination limits on Electronic Gaming Machines.

If you have a limit there is no need to have a method as to how you put it in or to have a control there.

Recommendations 12 and 13 look at entry regulations and whether they should be more contemporary. Recommendation 14 says that the government should consider increasing the community contribution rate from eight to 10 per cent. Most clubs are doing well over that, but let us acknowledge that the clubs were given the leases and the poker machines to serve the community. If they are doing that then let us put it in legislation so that we always keep it that way.

There are concerns from some groups regarding the loss of community land. Recommendation 15 says:

> The Committee recommends that there be no net loss of land zoned in the ACT Territory Plan as CFZ.

If some of the leases have to be varied then we should, as a community, seek to make sure that other community land is put in place so that we keep the quantity of community land as it is.

Recommendation 16 needs to be looked at in the context of recommendations 39 and 40 as well. Recommendation 16 says that the government must ensure that recognition of the rights of prior occupants is taken into account when considering development applications. Particularly in the interests of the live music industry, we do not want to zone meaningful community activity out of our suburbs. Recommendations 39 and 40 look at zoning, and particularly at entertainment precincts, and also ask the government to report on the implementation of the planning committee's report into live community events and on where that is up to.

Recommendation 17 says that the government must also help to combat problem gaming. It says that the government should contribute dollar for dollar to the problem gambling assistance fund.

Recommendations 18, 19, 20, 21 and 22 look at the issue of research. What is clear from the research is that we do not know enough, particularly about why people who have a problem with gaming are loath to seek assistance until they are desperate. It would appear that people with heroin addictions are more likely to go and get assistance than somebody who has a problem gaming issue. That is wrong. We need to find out why. There are about 10 dot points on the different issues on which we want research done. When the reports are done we want them tabled in the Assembly. We want to make sure there is close work between the ACT Gambling and Racing Commission, ClubsACT and the ANU Centre for Gambling Research.

In rec 21 the committee recommends that the government re-establish a full professorial chair of gambling studies at the ANU, and in rec 22 we suggest that you might look at the ARC to see whether there are some additional funds to get on with the research.

Rec 23 is particularly important. Rec 23 says:

> The Committee recommends that the Government work with the community sector to establish a screen for problem gambling when assisting clients.

One group who came before the committee said that often you will be dealing with a client who is in some difficulty, and the root cause of it, which may be problem gambling, never comes up. People are embarrassed to say it. There needs to be some sort of screen developed to allow them to at least get to the root cause of the problem because until we do that we will not be able to really address that problem. So recommendation 23 is very important.

Rec 24 says that all electronic gaming machine payouts over $800 should be paid by cheque or electronic funds transfer. Again, in rec 25, we go back to the national issues. The committee recommends that the government pursue, at a national level, maximum $1 bet and spin rates so that there is a nationally consistent approach. Rec 26 offers some tax concessions. It says:

> The Committee recommends that the Government investigate differential tax rates for clubs that have better problem gambling measures in place.

Indeed that could be linked to recommendation 29, which says:

> The Committee recommends that the Government further investigate the liquor licensing system to ensure that it rewards low risk venues.

The majority of our clubs, let us face it, are low risk venues. Rec 27 talks about case managers to help with the diversification process. Rec 28 asks the government to report to the Assembly on a regular basis on how that diversification is going. As I said, recs 30 and 31 say that we should put in a cash input limit of $250 and when that is in place we should remove the note denomination limits.

Recs 32 and 33 look at linking and electronic reporting. The committee recommends, in rec 32, that the government investigate the feasibility of introducing a central electronic link monitoring system and that the government move to an electronic-based system for the reporting of gaming machine movements. Rec 34 is about storage of machines.

We now get to rec 35. We were still putting this together late yesterday afternoon and one of the recommendations has unfortunately fallen out. So rec 35, and what will now become an addendum called rec 35A, talk about water. In rec 35A the committee recommends that the government refer the question of establishing a community pricing point to the ICRC. Water is a vexed issue for a number of our clubs, and not just for the golf clubs. Some of the clubs own ovals and, of course, there are bowling greens. Water is expensive. In New South Wales they have a community pricing point. Is it beyond the ken of the ACT to have the same thing?

In a broader recommendation, rec 35, the committee recommends that the government consider extending the WAC subsidy for existing golf clubs to others that have

grassed areas; that the government support clubs who invest in water security; and that it may extend subsidies for water use by community groups to recycled use. So water is a big issue and it is important that it is dealt with.

I hope that Mr Hargreaves is paying attention. When he was in the Assembly he was known for not paying attention, and he is doing it now in the gallery. He is claiming a hearing impairment—Ms Lawder has an amendment to the standing orders to allow Auslan to be used here in the Assembly. Rec 36, the John Hargreaves memorial recommendation, says:

> The Committee recommends that the Government work with the clubs sector to assist with the provision of a variety of recreational activities to meet the needs of the community, such as billiard tables, table tennis tables, darts and carpet bowls.

Mr Hargreaves and his crew from the ACT Billiards and Snooker Association provided one of the more entertaining moments of the public hearings.

Recommendations 37 and 38 look at cross-border issues. The committee recommends that the government do a study into cross-border leakage. The implications there are not just financial. The implications are that if our laws are tougher and people are going to venues where the legislation is more relaxed than ours then we are leaving them at risk. Again we ask that the government report on that.

As I said, recs 39 and 40 are about live music. Recs 41 and 42 look at the government's own phases of reform. Rec 41 says:

> The Committee recommends that Phase One of the Government's Clubs reform package be no shorter than three years.

Clubs want certainty and stability, and they do not want hanging over their head the possibility that it could all be changed with six months notice. That is not how you get reform, and it is about time we acknowledged that. Rec 42 says:

> The Committee recommends that the Government give no less than twelve months notice of their intention to move to Phase Two of their Club's Reform Package.

Rec 43 says we need to take into account the size of some of the clubs—the small and the medium—when we place regulation and financial burdens on them. Rec 44 is about removing red tape. Recommendation 45 says:

> The Committee recommends that the Government undertake an assessment of the contribution of clubs to the ACT community.

We know that the clubs employ; we know that the clubs pay, for instance, large water and electricity bills, but it is about the knock-on effect on the community, where they support the butchers, the bakers, the greengrocers and all of those sorts of small businesses. Also it is about the wellbeing of people. They provide safe places where

people can come together, meet, and enjoy each other's company. That goes to the general improvement of everybody's wellbeing.

It is a big report. I get to close the debate, so I will finish at the moment by simply saying that I would like to thank my colleagues. We had Mr Rattenbury on board, so on some days PAC had four members; on the next day it had five. Getting diaries together was a major dilemma for the secretariat and I thank them for their work.

While we did not agree, there is not a dissenting report. Mr Rattenbury has put forward some additional comments, which I am sure he will speak to, but in the main there is a tripartite report of the Assembly public accounts committee that says there must be a path forward for our clubs. Here are 46 suggestions on how to make it better for all of us—for the benefit of the community and for the improvement of the wellbeing of all Canberrans. We refer this report to the Assembly.

MR RATTENBURY (Molonglo) (10.51): I thank Mr Smyth for his overview of the report; I think he has given a very comprehensive account of it. I agree with him that it was a very interesting inquiry, one that took a lot of time and effort and one that is very important for the future of the clubs sector. I have written some additional comments, and I will focus on those, because Mr Smyth has given a very good overview of the bulk of the committee findings.

The committee report, on page 102, has a section where we drew the key findings. We agreed in the committee that this was a very important thing to do, because there were some key points that we wanted to cover. I draw people's attention to that page because it is a really good summary. In there, there are a number of points, and I will just touch on them. The report says:

> It is the expectation of the committee that there will be a continued club presence accessible to most parts of Canberra and that clubs will continue to be a focus and support for a viable and vital Canberra community.

We also noted:

> Community clubs provide significant value to the Canberra community …

These key points at the start of the report really summarise where the committee landed out of this inquiry.

We acknowledge the very important role that clubs play in our community. In my additional comments I note that, and I agree fully with the committee on this. But the dilemma that we face and that this community faces is that much of the benefit delivered by clubs is derived from the revenue from poker machines. There is a clear recognition in our community, and this is also acknowledged in the main findings, that there are inherent harms arising from problem gambling and that our community has a strong desire to see those harms minimised. To my mind, that was very much the issue we were trying to grapple with in the committee—recognition of the value of clubs in our community, knowing what a significant role they play and how important they are for many people in our community, whilst at the same time, at least for me,

being very uncomfortable with the impact of problem gambling and the very strong reliance on revenue from gaming machines that so many of our clubs have. To me, that was the heart of the dilemma in this inquiry.

As Mr Smyth noted, ultimately this committee has agreed on a lot of recommendations, and I was very pleased about that. There were a lot of areas where we were able to agree. Various committee members brought forward various ideas. Some of them were vigorously debated; on others we simply said, "Yeah, that is a really good point" and moved on quickly.

In terms of the findings of the committee that I particularly want to highlight, without repeating Mr Smyth's very good summary of the inquiry, I particularly note the suggestion that the sport and recreation sector and the arts sector be invited to join the community clubs task force. This perhaps came from some of the evidence that Mr Hargreaves and his colleagues gave. We had many sporting and community groups submit to the inquiry, helpfully assisted by their supporting clubs, but there is clearly a role for all of those sorts of organisations to be represented on the task force as they have such a major stake in the role of the clubs in the ACT community.

Recommendation 6 says:

> The Committee recommends that a taskforce be established 'to develop an action plan for problem gambling' …

That is a very good point. What we heard in much of the evidence we received was that there is a good stock of research on what can be done, but as the committee also noted in a later recommendation, recommendation 18, there is a lot of research to be done as well on how to tackle issues of problem gambling. Having an ongoing group to look at that and develop strategies and plans that can be both implemented and monitored would be very valuable.

The committee heard a lot of discussion about online gambling and the role that it plays. I think it would be fair to say that the evidence was that it is still a relatively minor factor in problem gambling but that it is an emerging area and one which nobody seems to have a really good grasp of. This is something that is very challenging, and the committee recommends that the government work with the federal government to get a response on this. Obviously, in a small jurisdiction like the ACT there is very much a limit on what we can possibly do in this space but there is no question that online gambling presents a very significant looming social issue, particularly for groups that are most vulnerable to problem gambling. They tend to be younger men in many cases; certainly they are one group who have a high level of access to the online environment and who clearly are targeted in much of the online gambling advertising that we all see on our televisions on a nightly basis.

Recommendations 12 and 13 about entry into community clubs may seem a bit quirky in the context of the overall committee's considerations but there is a very interesting issue around the fact that you have to join a club and sign in and whether this presents a barrier to more people going to clubs in a very competitive environment. If you go

to Lonsdale Street, to Dickson or anywhere like that—Civic, Manuka, Woden, Callam Street, even Anketell Street—there are half a dozen or a dozen different places you can just roll into, whereas if you have to join a club I question whether that is a barrier in a very competitive environment.

The recommendation about the net loss of land zoned in the ACT as a community facility zone is very important. The committee discussed this and I think there was an accepted view that community land might be changed over time, but we should not lose the overall stock of it, because of its value in the community. In my mind, that was the key take-out as to that recommendation: overall, we do not want to lose any. As the city changes, as different parts of the city ebb and flow in their population density, the provision of services and the like, an important part of planning ahead is to make sure that there is land for community facilities, whether that is new religious groups wanting sites, whether it is clubs providing different facilities over time or whether it is new groups coming in, replacing the clubs and providing different types of community facilities. Trends will change over time. Just as we can think about how many of the particularly ethnic-based clubs we built 50 years ago, if we think about how different the city is now, over the next 50 years different trends will arise that will mean that we want to have that opportunity to have different uses but have land available for them.

Recommendation 26 was one that I particularly wanted to touch on:

> … that the Government investigate differential tax rates for clubs that have better problem gambling measures in place.

This is about the principles in the way that risk-based licensing has been done in the alcohol space: it is about giving both incentive and recognition that, where people go above and beyond the bare minimum, there should be some benefit to them making that additional effort. That is a recommendation I particularly support and encourage the government to look at further.

I turn now to my additional comments. These are some places where there are a few points where I did not fully agree with the committee—although, as I have touched on, in many places we did find a lot of common ground, which is very valuable.

I disagree with the committee's finding to remove the existing $250 withdrawal limit at ATMs. I believe that limit should be retained. The recommendation runs counter to accepted problem gambling harm minimisation measures and should be rejected by the government. The government submission, as I state in my comments, notes that the existing ACT withdrawal limit was passed in the Assembly with tripartisan support in 2012. Then the commonwealth government introduced the national scheme as part of the negotiations with Mr Wilkie and others during the Gillard era. The election of the Liberal government led by Tony Abbott as Prime Minister saw the withdrawal from problem gambling harm minimisation, and the national withdrawal limit was rescinded on 31 March 2014, which made the ACT law stand in its own right. The Productivity Commission has been very clear about the importance of these kinds of limits; I strongly urge the government not to withdraw this measure.

This leads to a number of other recommendations. I believe that we should introduce a withdrawal limit for EFTPOS machines whilst retaining the ATM limit. It should be at the same limit; we want that consistency of figures. I have suggested $250. It is clear at the moment that EFTPOS machines are being used to circumvent the ATM limit, and this is very disappointing. Minister Burch has taken steps here and has asked the clubs to develop a voluntary code of conduct providing guidelines on the appropriate use of EFTPOS facilities. Given the evident intent to circumvent the ATM limits through the provision of the EFTPOS option, it is my view that the government should move immediately to close this loophole rather than waiting to see whether the voluntary code of practice is adhered to. Such a limit would not apply to a straight EFTPOS transaction, so if you made a purchase on EFTPOS that would be a different matter. We discussed in the committee, for example, people taking a large family group or a group of friends to the club and wanting to pay through EFTPOS. Obviously, that should not be constrained; if you rack up a $400 food bill, you should be able to put that on EFTPOS in a single transaction.

This is about harm minimisation for people who have a problem with gambling and limiting the amount of cash that they can access in the club environment so that we help them to not put too much money through the poker machines. It is for those people who are not able to limit themselves. That is what this is about. That is what harm minimisation is about. The way that EFTPOS machines were being used was clearly circumventing the intent of these harm minimisation measures.

Turning to cash input limits on machines and note denomination limits, I did agree with the committee that there is scope to remove the note denominators. Some people may be surprised by my comments on this, but I agree with the recommendations and strongly reiterate my view that note denomination limits should not be removed before a cash input limit is finalised and operational. The ACT is one of only two jurisdictions that do not employ a cash input limit on ATMs. Again, this is going to a harm minimisation approach. The committee has recommended $250. You will see a consistency here; it is a $250 limit across all of these measures. Clearly if there is essentially a budget on that, whether someone puts it in through a $50 or $100 note is not such an issue when there is a clear budget to assist those who are unable to control, or who need help in controlling, gambling addiction and gambling problems. I would just reiterate the importance of those two measures going hand in hand.

The committee recommended that the community contribution be increased from eight to 10 per cent. I agree with that, but I do hold the view—and, as the report notes at footnote 424, as Ms Fitzharris and I propose—that this be set up in a way where the additional two per cent goes to a dedicated community fund to be managed by a panel of government, industry, community and sporting organisations. The community fund should establish a different focus from that of the community contributions payments managed by individual clubs. For example, clubs might be able to provide larger grants or they might provide infrastructure grants or annual theme grants. There is a range of possibilities there. Clearly the clubs are set up with particular objectives in their constitutions, and rightly so, but in terms of the community contribution it is appropriate that the community disburse some of that money. People may choose to spend it on a range of things, but I think there is some scope for some independence in that process.

I note that the ACT government signed an MOU with ClubsACT in 2012. That MOU notes the possible establishment of a Canberra centenary community fund modelled on the Victorian community support fund. So there is clearly a level of recognition that this could be a good idea and a way of further distributing some of those funds and widening the community benefit that is derived from gaming machine revenue.

I have also recommended that the government increase the problem gambling assistance fund levy from 0.6 per cent to one per cent. The committee recommended that the government match the club sector levy paid to the problem gambling assistance fund dollar for dollar. I disagree with this. I do not believe that the broader pool of ACT taxpayers should be asked to fund the issue of problem gambling; I think it should be derived from poker machine revenue. There is certainly scope to increase the amount of funds available—I agree with my colleagues on the committee about that—but I think it should come directly from the poker machine revenue.

I have proposed the introduction of a $1 maximum bet limit and a maximum loss rate of $120 per hour on all class C EGMs. The committee has asked the ACT government to work with the national government on that. I agree that that process should go on, but there is nothing to stop the ACT moving in advance of that national process to have the best possible standards here in the ACT.

The committee heard that about 40 per cent of revenue out of poker machines comes from problem gamblers and that in the order of 88 to 90 per cent of gamblers do not spend more than $1 per spin. If the machines were calibrated to a maximum of a $1 bet per spin, that would make a significant difference for problem gambling. This is an important point, because again this will not impact on the recreational gamblers; this is about targeting people who need our assistance as a community.

I have made some comments on ticket in, ticket out issues. Again I have proposed to lower the limit there to $250. This is about helping people walk away and interrupt the flow of constant gambling. There are further details there.

I have made a number of other comments. The one area I would particularly like to focus on is the issue of entertainment precincts. The issue of noise came up, and I think the committee dealt with this very well: there are some good recommendations in order to protect the options for live music entertainment here in the ACT, which faces increasing problems as the community gets denser.

I thank my colleagues on the committee.

MS FITZHARRIS (Molonglo) (11.06): I too thank the chair and my colleagues on the committee, Mr Smyth, Ms Lawder, Ms Porter and Mr Rattenbury, for this very wide-ranging inquiry and the tabling ultimately of this report today. I also reiterate my thanks to the committee staff for a very long process but it was a worthy process and one which did really go to a very wide range of issues, as both Mr Smyth and Mr Rattenbury have noted.

It was really good for the committee as a whole, I think, to hear from such a wide range of witnesses throughout the course of the hearing. It did go to every aspect of the club sector in the ACT and of club life as it is lived through the clubs themselves, the broader community, community service organisations as well as the many community and sporting organisations that are supported by the work of clubs.

I personally learnt a lot throughout this inquiry. For me some aspects of the clubs debate were reconfirmed. Some were contested. I believe collectively we all learnt something new. It was really an opportunity to get a better picture of the challenges and opportunities that are facing the club sector and their contributions broadly to the ACT.

As Mr Smyth and Mr Rattenbury noted, I was very pleased to be able to work with the committee to get a key findings page with a broad brush of recommendations put forward. There are a considerable number of them. I think the government will look at each recommendation on its own merits. They may not collectively present a completely coherent approach to a formal government response to the challenges that face the clubs sector but all up they are all worthy of consideration by the government.

The key findings go to the collective agreement by all members of the committee after hearing all the evidence that was put before us. That is also something that I think the clubs sector and the broader community services sector can take away—in a sense, the compact of the committee members on the importance of clubs in our community.

For me, throughout this inquiry it was important that we come to a broad agreement and also do what we could in offering to the government suggestions on how the club sector could grow and be sustained into the future—suggestions that are realistic and achievable in the context of our community and in the context of the current policy settings we are operating in.

It was very clear that clubs provide considerable measurable and considerable unmeasurable positive impact. They are very much a social glue for many members of our community and a place where a great range of interests and activities is pursued. It was very clear throughout the course of the inquiry that clubs know that they need to diversify, know that they need some help to diversify and know that that is their future. Clearly it is a sector that is in transition, and there are a number of options in front of us. One of the challenges for the committee was to put forward a framework of options to consider but not have so many options that it was in a sense death by a thousand cuts.

It was also clearly, as Mr Rattenbury spoke of, a dilemma for some in our community around the issue of problem gambling and the use of poker machines. I certainly agree that we need to work with the club sector to secure their long-term viability and diversify business models away from a reliance on gaming revenue but it is very clear the club sector have known that for a long time.

This was probably the core of the issues that the committee grappled with. We certainly do need to understand better what the impact of problem gaming is on our

community and also recognise that there is a very broad range of clubs, from very small clubs who may only open, to my surprise, up to six to nine hours a week, to much larger clubs that employ hundreds of people and have thousands of people through their doors every day. Each of them, and clubs collectively, makes a significant social and economic contribution to the ACT.

I thought and reflected on my own use of clubs, which particularly has come through having small children and having somewhere to be able to go, frankly, where we can enjoy a meal and they can go off and play in the kids room. Those people that either do not have or are past having small children will reflect on the importance of having a club where you can go to where you can enjoy a meal out or where you can meet other friends with small children and have the kids happily playing off in an area where, we are always reminded, we need to supervise the activities of our kids.

Throughout the course of my weekly life I know that sporting clubs meet in community clubs. My own school P&C occasionally meets in a sporting club. Certainly I know political parties meet in clubs. There are so many different activities that are taking place every day across the community where clubs really provide an opportunity to meet and congregate.

We certainly heard from a number of community organisations throughout the course of the inquiry—literally dozens and dozens of submissions. But in particular some of the ones that particularly struck me were the Cerebral Palsy Alliance and their evidence to the inquiry; the Tuggeranong Vikings Women's Hockey Club; the Belconnen Tennis Club; and the Burlesque club also made an effective presentation to the committee. The contributions in the scheme of so many of the issues that we talk about in this place sometimes can go into the billions of dollars.

What a lot of these clubs were talking to us about was the real importance of the $5,000 and $10,000 that they receive each year from community clubs and how much that matters to their own operations. They deliver a big bang for their buck. Particularly on this issue, at a very simple level it is clear that a proportion of poker machine revenue is then provided back in the form of community contributions to these organisations.

A number of people more broadly in the community made the case to the inquiry that it somehow diminishes this contribution. I share some level of personal unease at this. However, when it was put to a number of these community organisations that came to the inquiry whether they shared that view, they said they did not and they outright, in a couple of cases, refuted that notion.

What this said to me, throughout the course of the inquiry, was that we need to understand more, as both Mr Smyth and Mr Rattenbury have said, about the impact of problem gambling on our community. We need to know more about who gambles, why they gamble and the issues of stigma surrounding people with a gambling problem. We need to know what programs work and what programs do not work.

Gambling is not something that I personally do but it is an activity that people legitimately undertake in our community in many forms every day. Certainly many

activities that cause some level of harm exist throughout our community. Alcohol is an obvious comparison. Moderate use is fine, even pleasurable, but abuse of alcohol can cause immense harm on our roads, in our homes and in our hospitals.

Increasingly we are also talking as a community about obesity and its long-term harm to individuals and its impact on our health system. Certainly in all these cases, as is the case with problem gambling, prevention is always better than cure but I think we need to know more about the nature of these problems and what works to address them.

In my mind there seems to be a level of mismatch between some of the more alarmist views of the anti-poker machine advocates and the daily experiences of people who use clubs. I think there is a middle ground and I think we did a considerable amount of work in this committee trying to find that middle ground.

The issue of stigma was brought up by a number of different witnesses before the committee. People who suffer from problem gambling feel a great stigma around that. I reflect on whether some of the very alarmist discussions in our community about the use of poker machines may actually contribute to that. So I think we need a better and more balanced debate about that. A better and more balanced debate can come from a better understanding of the nature of the problem.

I hope that in general the community and the government will look at this report and see that we have agreed on a number of key findings. I also certainly think, as I noted earlier, that there is recognition in the club sector and in the broader community that clubs need to be able to diversify. They are calling for that, and the government is responding.

This committee was asked to consider some of those issues, and one of those was around land development. It is clear to all of us that community clubs are set on significant land holdings but I do not agree that this should be the only path to diversification. The simple fact is that some clubs may not be able to survive on their current land holdings but this does not mean that they may not be able to survive in some other form.

Personally, I did not agree to the complete removal of all fees and charges for club land diversification for two main reasons. It is not fair or equitable to the community that one sector is able to have complete removal of all fees and charges.

One particular issue was the lease variation charge, and no matter whom I spoke to in the community—and I have been, as many members of this place have been, spoken to by members of industry and the community about the lease variation charge—not a single person has disagreed with the principle of community deriving a benefit back from an increase in the value of the land that is unearned. Yes, there is considerable disagreement on the nature of the formula and the amounts to be paid but the simple principle of not having a windfall gain from a change in a lease is not, in my experience, after quite some extensive advocacy from a range of people, fundamentally disagreed with.

Removing all fees and charges from any form of land development provides an unrealistic path for clubs. Not all clubs will have the capacity to undertake significant land redevelopment. That will mean that other opportunities are not explored—perhaps smarter paths that clubs can explore to diversify their business model that is not solely based on land development. For example, there are co-working spaces springing up, start-ups emerging from many parts of our community, and clubs in different parts of our city may have opportunities to draw on local skills and resources to actually seek another path to their business diversification. That goes to one of the recommendations also around diversification, to see if the government would like to engage the Canberra Business Chamber to find other forms of business diversification that do not solely rely on land.

As Mr Rattenbury noted, he and I agreed to an alternative recommendation around the lease variation charge, which was not agreed to by the majority of the committee, that there be a remission of a proportion of any lease variation charge applicable for purposes that include a demonstrable community benefit including but not limited to child care, healthcare and health services, aged-care services and accommodation, sporting, fitness and recreation facilities, and affordable rental accommodation. Sadly, that was not agreed to by the committee but hopefully it may provide the government an alternative framework in which to consider some of the land development recommendations which came out of this report.

At the end of the day valuable community land was provided by the community on the basis that it provide benefit back to the community. I believe that some community offset should be returned. I accept that jobs, the hospitality services of the clubs and the broader economic activity make a contribution but I do not believe that broad sections of our community would view that specifically as a community offset in return for land.

Clubs hold proudly to the fact that they are also not-for-profit community stakeholders and they share the view that this is an important part of their role in the ACT community. I also think that in this process it was clear that there had been a cumulative regulatory impact over time on revenue for clubs but such large amounts of revenue from poker machines make me uneasy, as I think it does many members of the ACT community.

On the issue of community contribution Mr Rattenbury noted also that I had proposed and the committee agreed in total to a two per cent increase to the community contribution rate from eight per cent to 10 per cent. There was some discussion around the pros and cons of having that additional two per cent in a central fund. Potentially it is something that the government could consider even though it was not agreed to by the committee. I recognise that there are pros and cons to that but it was discussed in the committee as a way of providing a wider range of people to consider how this two per cent could be spent most broadly across the community, which I think provided a reasonable balance.

MS LAWDER (Brindabella) (11.21): The public accounts committee heard a wide range of evidence during this inquiry and addressed issues including revenue and

profitability, legislation and regulations, taxation and charges, land development and sales, problem gambling, diversification and mergers, new business models, poker machines and gambling technologies, and water and resource management. I will make a couple of comments about a few of those points in my following remarks.

We heard that there are 49 licensed clubs in the ACT and that in recent years the number of clubs in the ACT has been in decline. The committee heard and certainly agreed on the need to assist vulnerable problem gamblers. We noted the suite of measures that are currently implemented by the clubs, through the ACT government, to address problem gambling and we noted the research that has been undertaken and will continue to be undertaken. There are quite a number of recommendations in the committee report relating to the need for ongoing research.

It is important to address the social, emotional and financial impact of problem gambling. It affects families and the wider community, not just the individuals themselves. And I know in some of my previous work I also heard about the potential impact of financial stress and, indeed, homelessness arising from problem gambling.

The committee also heard about the growing use and potential misuse of online gambling. But it is important to note the balancing side of that, the ongoing and important contribution that community clubs make to the ACT community and that problem gamblers are only a very small part of those people who visit clubs.

Many sporting groups and community organisations that I talk to every day talk about the valuable support they receive from community clubs and, indeed, many of them say it would be very difficult for them to continue to operate without that support from clubs. These groups range from the ACT Deafness Resource Centre, Better Hearing Australia, the Tuggeranong Hawks Football Club, Tuggeranong Netball Association, Tuggeranong Valley Junior Rugby Union Club, the Billiards and Snooker Association, the Tuggeranong Dog Training Club, Pegasus Riding for the Disabled, Karinya House, Technical Aid to the Disabled ACT, Marymead, the ACT Eden Monaro Cancer Support Group, ACT Rescue and Foster, Arthritis ACT, Volunteering ACT, Bosom Buddies ACT, Royal Lifesaving Association and the Cerebral Palsy Alliance, to name just a few. There was quite an extensive list of organisations that receive support from community clubs.

Much of the evidence we received from the clubs was about the need for certainty, the ongoing regulatory environment and enabling ways to secure the long-term viability of the club sector. To that end the committee made 45 recommendations. They are wide ranging and recognise the additional ways that we can provide certainty for clubs while addressing community concerns about problem gambling because of the range and depth of those recommendations.

In terms of the contribution of clubs, in 2007 an Allen Consulting Group study found that clubs in the ACT employed 2,177 people. Increasingly they included chefs. Seventy-nine per cent of all goods and services purchased by clubs were sourced from services within the ACT. In 2013-14 clubs made community contributions of $12.7 million which was 13.27 per cent of net gaming machine revenue. Gaming machines in the ACT provided $170 million in gross gaming revenue in 2013-14. We also heard

that gambling prevalence in general and electronic gaming machine revenue in particular were decreasing in the ACT.

My colleagues on the committee have already made a number of comments about the nature of the committee's inquiry and Mr Smyth in particular gave a good overview in his opening comments. So I will finish by thanking the members of the committee: Mr Smyth as the chair, Ms Porter, Ms Fitzharris and Mr Rattenbury; also the secretariat, Dr Andrea Cullen, Mr Andrew Snedden, Mr Greg Hall and Ms Lydia Chung.

Also I thank all those people and organisations that made submissions and those that appeared before the committee. The submissions ranged from opposition to gambling generally, perhaps to clubs as well, right through to those who were very much in support of clubs, and it was good for the committee to get that wide-ranging view. I reiterate my belief that the clubs in the ACT are a very valuable part of our community and their contribution to, in particular, many of the small groups and organisations in our community is invaluable.

MR HANSON (Molonglo—Leader of the Opposition) (11.27): I will just speak briefly. It has been a really good debate. At the beginning of this year I think we were in a very difficult place with clubs and note acceptors and nominations. There was a lot of confusion and disruption over policies that had changed. I want to take this opportunity to congratulate the committee on the work that they have done and, in particular, to congratulate Mr Smyth as the chair of the committee. In many ways the decision to move that this committee be established to look at not just the issue of poker machines but also the broader impact and role of clubs in our community has been very important. I take this opportunity to say well done to the committee for the work that they have done and to come to a point where, although there may not be 100 per cent agreement, the tripartisan nature of what has been presented is good. It is useful. It demonstrates that the committee system here can work and that, when it does work, it works very well.

But it is a difficult space and we do not shy away from the fact that the Labor Party owning the Labor clubs is a vexed issue. It is good that that has not clouded this report and the goodwill shown through this committee towards the club sector. Again, I just want to quickly say congratulations to the committee and particularly Mr Smyth, who in many ways instigated this process and clearly led the committee to this point where we have a result that I think takes us forward when it comes to our club sector here in the ACT. I would hope all of us acknowledge that that is a very important part of our community.

MR SMYTH (Brindabella) (11.29), in reply: To close the debate: Mr Rattenbury got to it before I did because trying to get 46 recommendations into 15 minutes proved to be a task. I am referring to page vii and then subsequent pages of the recommendations. The committee's conclusions and key findings I think are very important. I would acknowledge that it was Ms Fitzharris's suggestion that this one go in. It sets out a process that says that we want clubs to be here, that we appreciate the contribution they make in improving the social capital and the wellbeing of the people of the ACT and that we are all aware that they are or have been heavily reliant on

gaming machine revenues. But then it says there is a process to move away from that and that we support that process. The last one is very important. I will read it because it deserves to be on the record in the debate:

> That support for the diversification of community clubs' revenue base must be commensurate with practical and achievable diversification strategies that also retain the community benefit of the community clubs model.

It is important that we get the balance right. It will take some contribution from the community through the government and possibly fee concessions and other tax concessions. What we have achieved in the 46 recommendations is consensus. The disagreement is largely on whether it should have been $250, $800 or $1,000—whatever the number was. It is quite clear that there is consensus about the path forward and I thank members for that. Getting five people in a room to agree is difficult at the best of times. Getting five MLAs from three different parties to agree on such a vexed issue was always going to be very interesting.

I think that what we have come up with is reasonably balanced. It is not all for the clubs; there is some impost on the clubs. There is the potential for a national approach. The numbers on input and spin rates should be national. It should not be something the ACT does alone. The potential for all the clubs to be linked electronically will be difficult for some, but there is, I think, a real commitment to make this happen. There was a real commitment to try to present to the government some options on what they could do. The recommendations are diverse. We cover everything from helping the community sector by having a process in which you can identify problem gambling all the way through to: how do you address water issues? That shows just how diverse and wide the issues are. The key findings are very important. They give you a nice context for the recommendations.

As has been pointed out—and again I did not get to it in my first speech—I am very grateful that members who did not agree with the majority of the committee chose to put that in as a footnote. It is a reasonable way to do it. There is no dissenting report. I will not say it is without dissent, but largely it is a tripartisan report with large amounts of support from all the committee members. If members read the footnotes in the section where all the recommendations are you will see how some of the votes went.

I would just like to stress that there was goodwill on all of these issues. We really did have quite long debates. We had as many private meetings as we did public meetings. That shows you the length and the intensity of the process. The fact that they were printing the report this morning because there was still material coming in late yesterday shows how long and involved the process has been.

There are a number of appendices at the rear, the standard ones—who came and the submissions that were received. There is some interesting work there through the gaming and racing commission. A summary of the ACT gaming prevalence study shows a slight decline in the number of problem gamblers. But I think we need to be wary of that. We need to be aware that one problem gambler who is hurting himself or herself and their family is one too many, but there is a little bit of hope there. There is

some information on the leases, for interest. Most of the leases turned out to be commercial. That will give you an indication of where the clubs are and how they are sited.

I would like to finish by offering my thanks. First and foremost I would like to thank the secretariat. Through you, Mr Clerk, and through you, Madam Deputy Speaker, could you pass on the thanks of the committee to the secretariat. Again, it had quite a long and involved participation rate. Dr Andrea Cullen started the process and was with us until 9 June. Then Mr Andrew Snedden took it on from 9 June until today. I am sure he will be relieved not to be doing this as well as his regular duties. Kate Harkins, who is actually the stand-in for Dr Cullen, no doubt backed up and assisted. Mr Greg Hall sat there and listened and helped us with the drafting. I thank Greg for his attention and Lydia for all her assistance. We offer our thanks to all of those in the secretariat who helped us produce the report.

I would say thank you to my colleagues. There is no doubt that we had a diverse range of views, but the fact that we were able to meld those into something significant for the club sector is a tribute to you all. Madam Deputy Speaker, you were the deputy chair of the committee. I thank you for your support. I think you are known very much as a big supporter and a person who understands what the clubs do in generating wellbeing in our community.

Mr Rattenbury had a sort of cameo role. He would be there for part of a PAC meeting and then he would not be there for the rest. I know the difficulty that being on the committee placed on his schedule as a minister. To Ms Fitzharris and Ms Lawder, thank you for your work. We all had different views but we came up with something that I believe, if implemented, will assist the clubs to survive, to diversify and to continue offering what they do, but will actually help the community as well and hopefully lead to paths of recovery for those who suffer the affliction of problem gambling.

Question resolved in the affirmative.

One Canberra reference group
Ministerial statement

MS BERRY (Ginninderra—Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Community Services, Minister for Multicultural Affairs, Minister for Women and Minister assisting the Chief Minister on Social Inclusion and Equality) (11.36): For the information of members I would like to make the following ministerial statement on the One Canberra reference group report which, today, I have the privilege to table. Our identity as a city has been proudly and profoundly shaped by each person that makes our city their home. Canberra today has residents from nearly 200 different countries, with over a quarter of Canberra's total population born overseas. Each person represents a variety of faiths, cultures, histories and experiences.

As a community, most people recognise the valuable contribution each individual makes to the strength, harmony and vigour of our community. The One Canberra

reference group report contains 20 practical initiatives from the one Canberra symposium held in October last year to strengthen our already socially inclusive city. Members will recall that the one Canberra symposium held on 30 October 2014 followed several meetings held between the then ACT Minister for Multicultural Affairs, Joy Burch, and local faith leaders. The symposium was organised to speak with community leaders about what we could do to strengthen our social cohesion and how we could gain a better understanding of other faiths and cultures in our community by building closer links with the people who practise those faiths and cultures.

This was at a time when some Canberrans may have been feeling vulnerable following heightened police activity around the potential terrorist targets in Sydney in September 2014. While I am excited to be able to table this report, I am saddened to see that now in 2015 we are seeing similar police activity and behaviour from some members of our community that seek to marginalise and persecute people for their religious and cultural beliefs.

The unfortunate reality is that racism exists, but as the reference group members know and have shown, the best way to respond to this intolerance is through positive action to create understanding and belonging for all Canberrans. I am heartened by the fact that Reclaim Australia rallies held around Australia were not widely supported here in Canberra and that counter-rallies promoting inclusion, understanding and a more welcoming community have been much stronger. But that does not mean we should be complacent, and that is why this report is so important.

While the federal government is only now starting to respond to the intolerance and divisiveness we are seeing in our community, we knew we had a responsibility in 2014, so we acted. This report is a wonderful example of this effort and collaboration within our community. The one Canberra symposium was supported by Canberrans from a wide range of organisations, including the human rights and discrimination commission, community councils, ACT schools, the Australian Red Cross, many local faith organisations, community service providers, government agencies and educational institutions.

This engaged and strong leadership from Canberra's many community organisations and faith communities is essential to its relevance as we work to support its actions and ideas. These representatives contributed many ideas and provided insights which were summarised as 20 concrete actions to be taken forward by an appointed reference group. The reference group was led by eminent Canberrans John Hargreaves and Azra Khan, and was ably supported by the following key members of the Canberra community: Jeeven Nadanakumar, a community member; Dewani Bakkum, CEO of Migrant and Refugee Settlement Services ACT; Adongwot Manyoul, a young local community member; Ahmad Hendricks, another young community member; Hongsar Channaibanya, project officer at Companion House; Dean Sahu Kahn, ACT Interfaith Forum; Mr Burhan Ahmed, Canberra Muslim community; Ms Wenda Donaldson from the Red Cross; Harry Oppermann; and Mr Mohammed Ali.

I acknowledge the reference group members who are present here in the Assembly today, and I thank each of you for your work and the significant contributions that each of you have made to this report. I know your work has not stopped with the finishing of this report, and I applaud your commitment to ensure that Canberra continues to be recognised as a diverse, vibrant and multicultural city that welcomes and embraces people from all over the world.

It is essential for younger people to engage in these debates as well, shaping their future, but more importantly it is essential for governments all over the world to engage younger people in shaping policies and politics. I congratulate Jeevan on this achievement and the role he is playing to represent Canberra internationally and wish him well for what I am sure will be a very bright future as a leader in our community.

I would also like to mention the staff of the community participation group from the Community Services Directorate, especially Natasha Dunne and Fiona Muir, who are also here today, for their support of and work with the group. Thank you to the many other representatives of the one Canberra symposium and community members who I have not mentioned but who have generously donated their time and expertise to assist the reference group in its deliberations during the past year.

I am pleased to inform the Assembly that the implementation of many of the recommended actions is already underway or, in some cases, has already been completed. This includes Islamic centres around Canberra who now open their doors to the community each year as part of Ramadan observations locally and nationally. These types of events are not new to our community; however, more opportunities are being provided for interfaith interaction, and are encouraged across the city, with the broader community invited to participate and to gain an understanding of other faiths and cultures and, more importantly, the people who practice those faiths and cultures.

Another action in the report, to provide culturally sensitive opportunities for participation such as gender-specific swimming classes, has proved incredibly popular for women from culturally and linguistically diverse backgrounds. Another action in the report calls for more opportunities for families to participate in recreational activities. The walk together, kite together initiative was enthusiastically supported at the one Canberra symposium last year and will be held on 31 October 2015. Not only will this event be an opportunity for families to come together for the fun flying of kites; it is an opportunity to show support for refugees and create a more welcoming community. Kite flying embodies many culturally significant traditions through the world, including China, New Zealand, Chile, Afghanistan and Pakistan, and is often a feature of cultural and community celebrations.

The ACT government is proud to support this event, and I hope it becomes a permanent event in the annual spring calendar. Many local organisations, including Welcome to Australia ACT and the ACT Muslim Women's Association, are actively promoting this wonderful initiative, which will serve to bring together Canberrans from a variety of culturally diverse backgrounds and encourage a sense of community. I encourage all members of the Assembly to join me in celebrating on the day and to support this event.

Many more examples can be given, and I look forward to reporting back to Assembly members as we progress. However, what is really important for this Assembly to note about this report is its uniqueness as a whole-of-community action plan. It will help us build and promote a community identity based on a set of values that have been defined by and for all Canberrans where the government, the community, local organisations and businesses have all worked together.

The reference group has been careful in its deliberations to ensure that the recommended courses of action in the report complement existing programs across the community and maximise the opportunities to empower those who feel disempowered, in particular, youth and ethnic and cultural communities; provide platforms for interaction for those with a lack of a strong voice; support efforts to foster and strengthen community cohesion and understanding; provide support and care to those most vulnerable; provide greater access to government and community sector information for those with linguistic or cultural barriers; and celebrate the cultural diversity of the Canberra community and the richness and strength that it provides.

The report contains actions that contribute to or enhance celebrating our diversity, community leadership, community cohesion and engagement, cultural and religious acceptance, youth engagement, social justice and community policing, gender, welfare and accessibility of information and services.

The need for targeted reports to preserve, strengthen and celebrate Canberra's diversity and multicultural successes was highlighted initially by the participants of the one Canberra symposium last year. The actions contained in the report are consistent with the three key principles that the ACT government is committed to: diversity and multicultural success is worthy of celebration; celebrating diversity and multicultural success assists in strengthening existing community cohesion; and community cohesion and engagement are key to resisting those voices that seek to undermine or challenge the values of our Canberra community.

The ACT government and the One Canberra reference group are universally committed to core principles of acceptance, diversity and community engagement as essential components of both a successful and also a rich and open social landscape for Canberra. Canberra is a community where people going about their daily lives work to make other sure people feel welcome and valued, where their difference is respected and where they experience equality.

This report, and the activity and change it will generate, will make Canberra an even more inclusive community by giving people the opportunity to get involved and help other people feel even more connected and more welcome. The benefits of investing in small, community-driven programs such as those developed by the one Canberra symposium are enormous, and this report shows that as a community we are taking responsibility for making inclusion a real thing. Governments certainly have a role to play in this, but it is the responsibility of each of us as individuals to take each other as we are and say "Welcome", regardless of our different backgrounds and our beliefs.

I congratulate the One Canberra reference group for its wonderful work in delivering this report to the government and for the tremendous leadership of individual reference group members throughout this process. This report is a celebration of the dedication of our cultural and faith leaders, advocates and citizens who speak out against persecution and injustice and who support inclusiveness, understanding and tolerance. I look forward to working with these leaders to ensure we take advantage of the opportunities that come from living in such a culturally diverse city, to make our city more inclusive and livable for all Canberrans.

I present a copy of this statement and a copy of the report:

> One Canberra Reference Group Report—
>
> Ministerial statement, 27 October 2015.
>
> Report, dated August 2015.

I move:

> That the Assembly take note of the papers

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) (11.49): I want to acknowledge the community members who are in the Assembly today and to thank Ms Berry for bringing this report and tabling the statement. One Canberra is a picture that is very symbolic of our community. We are, indeed, a diverse community. As Ms Berry said, we speak nearly 200 languages, and one in five Canberrans are born overseas. What I saw through my tenure as the Minister for Multicultural Affairs—which was the most fabulous portfolio to hold—was the absolute pride in our city of every citizen. Regardless of background, regardless of faith, regardless of the mother tongue they speak, as Canberrans they are immensely proud of our citizenship and of our society.

We share so much, and what I see all the time through our multicultural community is that we understand and value all the things that bind us rather than separate us. We all have a shared desire to do the best for our children, to have respect and regard for our elders and to be an active part of our community regardless of north, south, east and west, though the sun does shine more brightly down south in the electorate of Brindabella.

I want to thank Ms Berry for this work. It will continue, because the citizens that make up this great city demand and expect this to continue as one with this great one Canberra. As I said, I am immensely proud of our great city. It is one of respect and inclusion and one where we really do celebrate our diversity. I thank Azra Kahn and John Hargreaves for leading this group to a fruitful conclusion. These actions will be lived and breathed across our city because they come from our community. They are our community and they show our community at its best. Thank you for your work, and may it ever continue to make our city the great city that it is.

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

Ministerial delegation to India
Ministerial statement

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) (11.52): For the information of members I make the following ministerial statement on a recent ministerial delegation to India.

As members will be aware, from 26 September through to 3 October I led a delegation to India to promote the ACT's capability in vocational education and training and to enhance collaborative education arrangements. The main focus of this delegation was the Indian states of Gujarat in the north and Kerala in the south.

India is set to become a more dominating presence in the world economy. However, this is heavily reliant on the skills development of the population, particularly the youth population. Currently 19 per cent of the population is aged 15 to 24 years. The government of India has undertaken to create a 500 million person skilled workforce by 2022. The figures are indeed staggering. This is an undertaking on a scale which those of us here in our small city-state struggle to comprehend.

To succeed in this and to meet the needs of its growing economy, India must increase the number of quality trainers and training institutions in the country. The Australian government has indicated that this will require an estimated 70,000 highly skilled trainers now and 20,000 additional trainers each and every year. Given the high levels of respect for the quality of CIT's training, this presents an exciting opportunity for CIT to support the building of capability within the Indian workforce.

Increasing the skills link with India has been a focus of the Australian government, with the then Assistant Minister for Education and Training, Senator Birmingham, meeting with the Indian government minister for skill development, Minister Rudy, in May this year to discuss the skills priorities for both countries.

A government-to-government approach to negotiations in formalising relationships for business development between education providers in India and Australia is of paramount importance, and it was this, in part, that influenced my decision to lead the delegation.

In India I attended formal meetings with my Indian ministerial counterparts. I also attended meetings with other senior members of parliament and government departments as well as private companies and leading universities. This level of interaction was highly regarded, resulting in the signing of two memorandums of understanding between CIT and educational institutions and other commitments to work collaboratively to develop skills across several key areas in India.

CIT has a strong focus on enhancing its international opportunities, including inbound students and transnational education delivery. With new governance arrangements in place, CIT is well positioned to compete in the international marketplace, and I was

pleased to be able to present the capability of the ACT government's public provider to the governments of Kerala and Gujarat.

This trip also provided an opportunity to further develop the emerging transnational work through building closer alliances between Australia and our Asian neighbours, including India. CIT has a well-established international growth strategy, and its business development in India is well advanced. There are many opportunities for Australian VET providers in India, and CIT has capitalised on its niche strengths of forensic science, ICT, renewable energies and nursing, and is doing so through partnerships as well as tendering for project work.

The key message I took to India was that the ACT government and CIT are strong, reliable, experienced educational providers who want to work in partnership with India, with governments and private industry, collaborating on skills development and achieving the educational requirement targets that have been set by the Indian central government.

As I mentioned, the focus of this delegation was on the two Indian states of Kerala and Gujarat, which present strong and unique opportunities for CIT and for the ACT. In Kerala the key focus was creating a dialogue to work with government in skills development in the schools sector and in the post-school sector.

Kerala has set a target of creating community skills hubs and CIT is positioned to work with the government to put the framework into place. While this state has a population of 33 million people, it also has the largest number of people now living outside the country. It is worthwhile noting that Kerala expatriates also form a large proportion of the Indian population in Canberra, and the relationship with this highly motivated group of people adds to the rationale behind working in this state. Further, Kerala has the highest level of literacy in India. They proudly declare that they were the first Indian state with 100 per cent literacy. It is because of this that CIT is actively pursuing opportunities in Kerala with the government and private industry.

Indeed, a second and highly successful focus for the Kerala leg of the program was signing an MOU with NeST information services, a Kerala-based ICT company that employs over 4,000 people in India and internationally, and with an annual turnover of approximately $200 million. This MOU will provide opportunities for ACT ICT students to undertake work placements and to build partnerships to establish online programs in global information systems in India.

Building on my involvement at meetings, CIT will work with NeST in developing fibre optics programs in the Canberra region as well as developing online programs for delivery into India through NeST's well-established cyber campus.

The Australian general manager for NeST is based in Canberra and is active in the Australia India Business Council. This relationship is helping the two organisations to find common ground to work across the two countries. This business arrangement is a true collaboration, with both organisations bringing their strengths to the table.

Meetings in Kerala also included successful meetings with the Minister for Education, where we discussed the skills development of Kerala through skills centres and in-school programs. CIT is investigating opportunities in this area, and the CIT Business Growth Director will be returning to India in November to continue negotiations. CIT is indeed well placed to assist the Kerala government in bringing skills and training to its population.

The second stage of the India trip was to Gujarat, the home state of the Prime Minister and seen as a model of education and economic development for India. Can I say that the high regard in which our visit to Gujarat was held was evidenced by the high calibre of opportunities to meet with counterparts in India.

Gujarat is home to the Gujarat Forensic Sciences University. CIT established contact with the university in 2014 through their delegation coming to Canberra. CIT, as we know, is renowned for skills development in forensics, with a large list of international clients, and has worked closely with, previously, Austrade and the Department of Foreign Affairs and Trade to find the right partner to enter this high-profile state.

The Gujarat Forensic Sciences University is the only specialist forensics university in the world, hosting state-of-the-art facilities and with over 2,000 students in postgraduate studies. This institution and its staff are globally recognised as leaders in forensics and regularly invite other global leaders to their institution to build the knowledge base of forensic science and to promote best practice in the field.

This makes it all the more impressive that the delegation was warmly welcomed, and the ceremony and formality showed us how important this relationship is to them and just how much CIT is recognised in this field of study. The academic nature of their programs, teamed with the practical skills development of CIT, will be a formidable education partnership.

In Gujarat I also attended meetings with the Minister for Education where we discussed the newly signed MOU between the university and CIT and what this means for skills development of the law enforcement sector in their state and across the region. It was also acknowledged that bringing the state-of-the-art facility with its high-level academia together with the practical skills of the CIT will provide a platform ideally located to undertake development not only of the Indian police force but of forces across the subcontinent.

As a result of the MOU and the successful submission of the Australia-India Council grant through DFAT, three CIT staff are currently in India delivering an advanced fingerprinting workshop at the university to staff, students and police representatives.

India is a large, diverse country with many challenges. However, the enthusiasm displayed in India's education regions of Kerala and Gujarat to learn from our training system and to develop particular programs with the ACT government to build the skill their workforce will enable them to reach their economic goals. It certainly made the trip worthwhile to be able to provide such assistance for a worthy ambition. Indeed

there was significant media interest in India and Canberra during our visit, which has led to a 22 per cent increase in traffic to the CIT website and social media platforms. CIT has also had invitations to provide more information to other providers and is currently actively following up on these inquiries.

To be able to meet face to face with ministers and senior officials provided a wonderful opportunity to position the ACT government and our public training system as the education partner of choice in this fast-growing nation, as CIT looks to position itself in this strong international partnership.

I will now work with CIT to progress the relationships by inviting these prospective partners back to the ACT and by continuing this ongoing discussion, finalising the negotiations and seeing the partnership develop over the years to come. I present the following paper:

> Expanding vocational education and training opportunities in India—Ministerial statement, 27 October 2015.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Strengthening high risk families
Ministerial statement

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) (12.03): For the information of members, I make the following ministerial statement on the tender for strengthening high-risk families. Madam Deputy Speaker, thank you for the opportunity to talk to the Assembly today about a major step forward in supporting families under our strategy for children and young people in care, a step up for our kids.

One of the key actions under this strategy is a renewed focus on keeping families together and so reducing the growth in numbers of children and young people entering care. This is the outcome of the strengthening high-risk families domain of the strategy that it seeks to achieve. We will do this through commissioning a whole new suite of services that will provide practical parenting support to parents who need assistance in creating safe and loving homes for their children.

I was delighted to announce earlier this week that following a competitive tender process, UnitingCare NSW.ACT has been selected to deliver a range of new services and supports under the strengthening high-risk families strategy, which are due to begin operating from January next year.

We know from research and evidence the devastating and permanent impact repeated trauma has on the development of young babies. Our investment and partnership with

UnitingCare means that we can work with families early, intensively tailoring to their circumstances. This is a great outcome for Canberra families. Clearly the best outcome for children at risk of entering care is finding a safe way for them to stay with their parents.

That is why one of the critical new areas of focus with the additional investment of $16 million under a step up for our kids is allocating more money than ever at the front end of the system through early intervention. UnitingCare will be using its significant experience in working with vulnerable families and children to deliver these services. As I mentioned earlier, their focus will be on keeping families together and providing parents with the skills needed to sustain safe loving homes.

There will be four main areas of support delivered by UnitingCare. Placement prevention services are targeted to families where children and young people are reported at risk of harm and are most likely to escalate into out of home care without this intervention. Reunification services will focus on returning children and young people to their families. This is strongly understood as a means to achieve better outcomes for children and young people, retention of important family connections and avoid children drifting into long-term care.

Supported contact services will provide for skilled para-professional staff to monitor and report on contact between a parent and child. But it goes beyond this. Staff will also coach and mentor parents in a hands-on manner during contact sessions to support the development of parenting skills. This service will complement services already in place such as parent-child interaction programs and will support those children and young people and their families where there are more complex relationships and dynamics that require a greater focus and support. Parent-child interaction programs will teach emotional communication skills to parents. Through learning these skills, we aim to strengthening the parent-child bond.

I referred earlier to the significant experience of UnitingCare in supporting children and young people in care as well as their families. One example of this that they will be introducing to Canberra is the successful newpin preservation and restoration program. Newpin is an extensive, preventative therapeutic program that works intensively with families facing potential or actual child protection issues.

The model was developed in the United Kingdom, with the first program starting in London in 1982. The first newpin model outside the UK was started by UnitingCare in Australia in April 1998. This program was created in response to the needs of new mothers experiencing issues such as isolation, mental illness, family violence, social disadvantage and low self-esteem and for those who are at risk of physically or emotionally harming their child or children. Newpin resonates with the aims of a step up for our kids and, importantly, has proven its effectiveness through UnitingCare in Australia.

There is clearly a holistic approach to addressing the needs of the individual—in this case the parent—in the strong realisation that the causes of family breakdown do not happen in isolation. Another strength that UnitingCare brings to a step up for our kids is in surrounding and supporting Aboriginal and Torres Strait Islander families and

children. We know that in the ACT, as around the country, there is an unacceptable overrepresentation of Aboriginal and Torres Strait Islander children and young people in the care system.

As part of their suite of new supports, UnitingCare will be using its well developed Aboriginal and Torres Strait Islander service called Jaanimili, a Gumbaynggir word from the north coast of New South Wales that means "gather together". One of the visions of Jaanimili is to improve outcomes and opportunities for Aboriginal people and communities. It will bring to the ACT a new level of culturally appropriate support for Aboriginal and Torres Strait Islander people in our community by being drawn into the child protection system.

I look forward to keeping members updated on this important new service. I would also like to mention another partnership that UnitingCare will be utilising. They will be partnering with the Karralika alcohol and other drugs family program in another example of this holistic approach.

I have mentioned the four areas of strengthening high-risk families that UnitingCare will be responsible for. I would quickly like to acknowledge another important partner in the strengthening high-risk families domain, Karinya House. I announced in January that Karinya House was being expanded to be able to provide 24-hour, seven-day supervision for mothers whose babies were at risk of entering care. This comes under the fifth area of mother and baby services.

A step up for our kids is obviously focused on the needs of the child. The parenting support that I have talked about ultimately aims to support children to have the best life possible. But I would also like to reference the jobs growth that will be realised through the investment this government is making in this strategy. Over three years, the ACT government will be putting an additional $16 million into out of home care.

This investment alone is significant but it becomes even more so when paired with the growth in the non-government sector that this investment will create. Importantly, I have requested that new providers first consider suitably qualified employees from existing providers when expanding their services so that we retain and build a high quality workforce in the sector.

A step up for our kids is going to foster greater responsibility than ever before for non-government organisations in child protection. I want to emphasise two things: firstly, these are new jobs; and, secondly, the increased role for non-government organisations will go hand in hand with enhanced oversight and regulation of the whole system.

Madam Speaker, I have discussed the direct benefits to vulnerable Canberrans, but there are significant benefits to the wider community through these reforms. As can be seen by the announcement of UnitingCare's engagement, we are seeing the growth in new job skills and expansion of the sector. In August, I announced that the Australian Red Cross had won the tender to provide independent advocacy support services for families dealing with child protection services.

Again, this represents not only a new service but an expansion of roles in the non-government sector. Over time, there will be diverse roles: working to prevent children and young people coming into care, reuniting children and young people with their families, and working to get better outcomes for children and young people in care. There will also be training to develop skills and the capacity of the workforce to properly deliver services that are both therapeutic and trauma-informed.

Supporting children and young people in care is one of the most demanding challenges any community faces. It is certainly among the most complex work that any government undertakes. We have certainly made great strides in how we support children in care but it is clear that more needs to be done, and done in a new way. That is why there is so much support for a step up for our kids. We have used our own findings and listened to children, young people, families, carers and service providers to transform the care system. Stepping up for our kids has never been more important and it is exciting to have organisations of the calibre of UnitingCare NSW.ACT joining us in this journey.

Madam Speaker, I present the following paper:

> Tender for strengthening high risk families—Ministerial statement, 27 October 2015.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Crimes (Domestic and Family Violence) Legislation Amendment Bill 2015

Debate resumed from 24 September 2015, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (12.14): At the outset, let me indicate that the opposition will be supporting this legislation before us today. In doing so, we recognise that many of these changes come out of the work that has been done arising from the roundtable that a number of members here attended and reflects the bipartisan support that the opposition has provided to the government on this vexed, difficult and important issue for our community.

Since I last spoke on this issue in the Assembly, it is good to recognise and welcome the significant contribution being made by the federal government to tackle domestic violence—$100 million being provided across a range of initiatives to combat domestic violence across Australia. Locally, we have seen additional funding provided to the Women's Legal Centre. My colleague in the Senate Mr Seselja announced that recently.

Although I think we would all join together in our intended desire to make sure that we are doing everything we can to protect the victims of domestic violence, these are very difficult issues when they come to law. I can say clearly that we have had a number of discussions around the technical legal nature of these issues to make sure that in our desire, endeavour and unanimous view that we should be doing all we can to protect the victims of domestic violence, who are often women and children, we recognise the rights of the accused, often men. That is often a difficult balance.

It is important that as we proceed to make those changes, with all the best will in the world, we understand the effects that we are having on our legal system. Having had discussions with the Law Society, I note that I am also aware of some correspondence from the Bar Association in which there are some concerns being raised. I know that these have been expressed to the government through JACS. I think that they need to be recognised as we proceed to make sure that we do not do anything here that has those unintended consequences.

The legislation itself does a number of things. It amends section 28 of the Crimes Act 1900 to reflect that strangulation that does not cause unconsciousness is still an act that endangers health. It amends the Evidence (Miscellaneous Provisions) Act 1991 to allow police records of interview to be admitted as evidence in chief for family violence in all sexual offences; it expands the special measures provisions to allow special measures to apply to breaches of domestic violence orders and other select offences; it makes a number of consequential amendments as a result of the new evidence-in-chief provisions; and it amends the Domestic Violence and Protection Orders Act 2008 to create a new class of interim domestic violence orders to allow a court to extend interim domestic violence orders where there are current criminal charges unresolved before the court.

I will go to each of them. Currently, the only offence in ACT legislation directly aimed at strangulation is contained in section 27 of the Crimes Act 1900 as an "act endangering life". The penalty for an offence under this section is imprisonment for up to 10 years. The amendment seeks to recognise the seriousness of strangulation as an offence with a lower threshold than "endangering life". This reflects the evidence that strangulation is a tactic often used in family violence to threaten, intimidate and control a victim. By introducing an offence for strangulation with a lower threshold of harm, victims are more likely to be granted protection from violence.

The new offence will operate within the existing criminal law framework in the ACT to ensure that any action to restrict a person's liberty occurs as part of a lawfully established criminal procedure. This offence will also apply outside a domestic or family violence situation. While the risk of serious injury is substantially higher for strangulation than occurs in a domestic or family violence setting, obviously there is nonetheless an impact on a person's health and wellbeing when they are strangled.

Turning to changes in evidence, we have had a number of briefings. I met with the Law Society. Certainly, the Law Society, as much as anyone, understands and acknowledges that domestic violence remains an issue that requires continuing community focus and action as well as law reform. The society is concerned to ensure,

as I reflected earlier in my speech, that there is effective law reform that achieves the objectives of the bill and does not inadvertently cause other issues.

There are a number of issues that they have raised with me—and, as I understand it, with the JACS directorate—relating to the provision of audio-only recorded statements. The society is of the view that recorded statements intended to be used as evidence in chief should be only audiovisual recordings. In relation to the making of recorded statements by police officers, they make the point that those officers should be trained specifically in the rules of evidence. With regard to timely access arrangements, the society believes it is important that the defence receives the recorded material in sufficient time to enable the material to be reviewed and edited if required. The society supports the provision of recorded statements to the defence within 21 days of the matter first being before a court.

We have heard from domestic violence groups that they support these changes. We considered whether, on balance, there was a need for amendments. It is very difficult to get that balance right. What I would say on these matters is that it is important that the government note them. We will continue to monitor their operation. I think the government needs to be aware that we need to stay alive to these law reforms as they occur to make sure that there are no unintended consequences.

There are also amendments to the Domestic Violence Protection Orders Act 2008 to create a new category of interim domestic violence order, a special interim order to allow the interim DVO to be extended until related criminal charges have been determined by a criminal court. Under the arrangements a court may extend an interim DVO for longer than two years if domestic violence criminal charges are still before the court.

These amendments engage and support the rights in criminal proceedings for an accused who also has a DVO pending in relation to these proceedings. Again, understanding the desired intent of what is being intended to be achieved, we have received commentary from the Bar Association raising some concerns in this area. I will quote from correspondence:

> Extending DV orders pending charges—without determination of the merits of the case lengthy interim orders without capacity for review and whether the order should continue. What this means is that a person can end up with protection order being in place in excess of a year and without the capacity to a review—impacting on the fairness and justice.

These are concerns, again, that have been raised. As they are similar to the concerns raised by the Law Society, I ask that the government take note of these and make sure that as these laws come into effect that is monitored. Again, there should be the flexibility to come back into this place at a later date if necessary, with further amendments to make that more workable if it is the case that the problems anticipated by the Bar Association are realised. Certainly we will stay live to this debate.

However, we have no argument with the intent, Madam Speaker. I think that there is a view that this community needs to do what it can to protect victims. We as legislators have an important role to play. We have a very important role to play to protect the

victims of domestic violence. Equally, we have an important role to make sure that the checks and balances are in place, to make sure, as in the case of any unlawful activity, that the rights of the accused are acknowledged. That is often a difficult balance, but one that we must stay alert to.

We will be supporting this legislation but I would ask the government to heed not only my comments but the comments of the Law Society and of the Bar Association.

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

Sitting suspended from 12.25 to 2.30 pm.

Questions without notice

Hospitals—staffing

MR HANSON: My question is to the Minister for Health. On 20 October this year, the *Canberra Times* published a report headed "Nurses lose confidence in Canberra Hospital management". The nurses in the intensive care unit, the ICU, say their workplace is subject to unsafe staffing levels. The article quotes the Australian Nursing and Midwifery Federation ACT secretary as saying that the issues are ongoing. Minister, why aren't there enough nurses in the ICU?

MR CORBELL: There are.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, why is it that the ANMF is stating that there is not enough staff in ICU, and for how long have patients been subjected to unsafe staffing levels?

MR CORBELL: There are no unsafe staffing levels in the ICU. We have appropriate arrangements in place to cover any absences in terms of the permanent workforce. Those arrangements are ongoing. In relation to why the ANMF adopts that position, I suggest to Mr Hanson that he ask the ANMF.

MADAM SPEAKER: Supplementary question, Mrs Jones.

MRS JONES: How long has it been since you were first made aware of staffing concerns in the ICU?

MR CORBELL: The matter was raised with me initially a number of weeks ago.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, do these staffing issues predate your appointment as health minister?

MR CORBELL: There are no significant staffing issues in the ICU. I refer Mrs Jones to my earlier answer.

Mr Hanson interjecting—

MADAM SPEAKER: Did you say, "You're lying"?

Mr Hanson: Madam Speaker, what I said was that he is clearly accusing them, meaning the ANMF, of lying.

MADAM SPEAKER: All I heard was "lying". If you are saying you were not accusing Mr Corbell of lying there is not an issue.

Mr Hanson: No, Madam Speaker, I was essentially suggesting that Mr Corbell is accusing the ANMF of lying.

Schools—autism

MR DOSZPOT: My question is to the minister for education. I refer to the briefings that you offered me and the Greens leader in respect of the report into the boy in the cage incident. In the briefing I was given, I asked about legal advice as to possible criminal charges. You said you could not tell me. However, Mr Rattenbury told the Assembly that there is apparently legal advice from the Director of Public Prosecutions. Minister, why did you provide contradictory advice in your briefing to me?

MS BURCH: I do not believe I did.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, was the matter referred to the Director of Public Prosecutions at any time?

MS BURCH: I think what has been said in the public domain is that there were discussions or conversations between the chief investigator and the DPP, and the view formed by the chief investigator was that there were no criminal matters to proceed with.

MADAM SPEAKER: Supplementary question, Ms Lawder.

MS LAWDER: Minister, if advice on criminality was not formally referred to the DPP, who provided the advice that there were no criminal charges to be laid?

MS BURCH: I refer to my earlier answer where I said that the chief investigator had some conversations, or discussions, and he formed that opinion.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, how can you be sure there are no criminal charges if you did not refer it to the Director of Public Prosecutions?

MS BURCH: The findings of the report are in the public domain and it has not been raised with me by any agency or external body that that should be investigated.

Transport—advertising

MR WALL: My question is to the Minister for Territory and Municipal Services. Minister, UnionsACT was allowed to run advertising in support of light rail in 2015 despite a ban on political advertising. Why was UnionsACT allowed to put pro-light rail advertising on ACTION buses despite the ban on political advertising?

MR RATTENBURY: I thank Mr Wall for the question because it provides me with a handy opportunity to clarify what people's understanding of political advertising is. I have formed the view, and it is the view that I have asked ACTION to implement, that political advertising—and this is the intent of the guidelines—is political party advertising. I do not think—

Opposition members interjecting—

MR RATTENBURY: My view, as I have conveyed to ACTION, is that issue-based advertising should be allowed. We see a range of issue-based advertising. Members will know that there are ads on our buses, for example, on the issue of live animal exports. That is an issue-based advertising campaign. I believe that the campaign run by UnionsACT was also an issue-based advertising campaign. This is quite consistent. There is a clear distinction between that and political parties advertising on buses, which the Greens sought to do many years ago. We sought to book some ad space and we were not allowed to because of the rules that are in place. That is quite different to having issue-based advertising by a community organisation.

Opposition members interjecting—

MR RATTENBURY: Members can make all the snide comments they like, but the electoral law draws a distinction as well between issued-based organisations, third-party organisations, and political parties. It is quite clear in the electoral law. That is the standard which we are applying in ACTION's advertising policy.

Members interjecting—

MADAM SPEAKER: I would like to hear Mr Wall's supplementary.

MR WALL: Minister, would the new guidelines allow groups such as Can the Tram to place ads on ACT buses?

MR RATTENBURY: Yes, they would. I look forward to the ads.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, when did you first find out about the UnionsACT advertising on ACTION buses?

MR RATTENBURY: I would need to take that on notice.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, what is the definition in the Electoral Act regarding electoral matter which refers to differences between political parties and pressure groups?

MR RATTENBURY: I refer Mr Coe to the ACT legislation register.

Housing—acquisition

MS LAWDER: My question is to the Minister for Housing. Minister, has Housing ACT purchased a property at 6 Moorhouse Street, O'Connor from the ANU? If so, how much did the government pay and are there any heritage restrictions with the building or site?

MADAM SPEAKER: Sorry, Ms Lawder. I did not hear the last bit.

MS LAWDER: Are there any heritage restrictions with the building or site?

MS BERRY: Yes, I might have to take some of the detail in that question on notice. But I can confirm that there was a purchase of property in Moorhouse Street, O'Connor. It was purchased by Housing ACT. I might have to check the other two parts to the question about heritage. I might have to get Ms Lawder to clarify. I think there was a third part to that question I did not quite catch.

MADAM SPEAKER: I think Ms Lawder asked you how much it cost.

MS BERRY: I will have to come back on that one as well.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, will Housing ACT tenants move into these properties or will Housing ACT demolish these properties to build new public housing on the site?

MS BERRY: The purchase of these properties or land from the private sector has been part of an EOI process whereby the ACT government has been ensuring that public housing has been spread evenly across the ACT. These were ANU-constructed properties. They consist of eight two-bedroom units. The ANU was seeking to sell the property and the ACT government considered this to be an opportunity to acquire suitable housing for public housing tenants. So, yes, these dwellings will be made available for public housing tenants.

Mr Hanson: A point of order, Madam Speaker.

MADAM SPEAKER: A point of order. Stop the clock, please.

Mr Hanson: The question asked by Ms Lawder, as I understand it, was whether they were going to be demolished or whether they were going to be occupied as are. I do not think that has been answered.

MADAM SPEAKER: I uphold the point of order. I was listening; I am not quite sure that I heard the answer to that question. Maybe Ms Berry does not know, and she can take it on notice.

MS BERRY: I am sorry; perhaps I misunderstood the question. I thought Ms Lawder asked whether they were going to be provided for public housing tenants.

MADAM SPEAKER: Yes, or whether the site was going to be redeveloped.

MS BERRY: I said that they would be provided for public housing tenants.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, why are you spending money on ageing properties in the inner north whilst desperately trying to sell other ageing properties in the same area?

MS BERRY: I thank Mr Doszpot for that question. As we go through this renewal program, renewing some of our oldest public housing stock, we are making sure that the housing stock that we purchase is suitable for public housing tenants into the future. These homes are very different from the dwellings, for example the BAC flats, which will be demolished, which have multiple storeys and are unsuitable for the needs of our tenants now and into the future.

The purchase of these properties was considered to be good value for money. The homes are in a good location. There are multiple nearby bus routes, and the O'Connor shops are within walking distance. These properties are currently being refurbished and will be available for tenants to move into in the near future. The success of this purchase has supported the ACT government in determining that the expressions of interest process would be an effective way of identifying suitable properties for our Housing ACT tenants to move into and that these properties meet those requirements.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, how does the acquisition of this more than 50-year-old property in O'Connor fit in with the strategic plan for social housing?

MS BERRY: I refer the member to my very first answer to the question, which was that ensuring that public housing is distributed across the ACT, ensuring that housing is made available for public housing tenants across each and every suburb across our city, is to make sure that they meet our tenants' needs and that they are good value for money for Housing ACT as well. These particular housing dwellings in O'Connor meet the needs of our tenants.

Mr Coe: How much was it?

MS BERRY: The member keeps interrupting, asking how much they were. He should have listened to my first answer. I will come back with the detail of that to the Assembly at a later stage.

Transport—public

MS FITZHARRIS: My question is to the Chief Minister. Chief Minister, earlier today you announced a comprehensive plan to improve public transport for Canberrans. Could you outline to the Assembly the components of this plan?

MR BARR: I thank Ms Fitzharris for the question and for her interest in providing better public transport, particularly for Gungahlin residents but more broadly for residents of Canberra.

The public transport plan that we have announced today sets out how we will improve public transport in our city to make a more convenient, affordable, integrated and reliable public transport network for Canberrans, one that provides a genuine alternative to those who wish not to have to drive. Light rail and buses will work together within one agency, transport Canberra. This will ensure that our city's public transport ticketing system will be one network and one ticket.

This plan sets out how we will achieve quality public transport that is convenient—to ensure quick and easy travel for Canberrans; affordable—so that everyone can share in the benefits, particularly those who rely on public transport the most; integrated—to provide a seamless travel experience across different modes of public transport, including ACTION buses and light rail; reliable—so that travellers can be confident they will get where they want when they want; and efficient—so that we can maximise the services that the community gets from this important public investment.

Transport Canberra will commence operation from 1 July 2016 to deliver on this public transport vision and to manage all of our city's public transport operations. The agency will be responsible for implementing the one-ticket, one-fare, one network approach across ACTION and light rail services, for reallocating the more than one million bus kilometres saved every year from the first stage of light rail to increase bus services across our city, and to improve ACTION efficiency so that it has the resources to deliver a fundamentally better bus service.

Improvements will begin to the bus network right away, with the introduction of free wi-fi on buses to start this year. Bike racks will be added to more buses in the first half of 2016. In 2016 there will be a trial where weekend bus services are complemented by an on-demand taxi service to pick up travellers and to take them to join more frequent major bus routes.

Mr Hanson interjecting—

MADAM SPEAKER: Order!

MR BARR: Under the plan, ACTION—

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson, come to order.

Mr Coe interjecting—

MADAM SPEAKER: Mr Coe!

MR BARR: Under the plan ACTION will stay in public hands, and drivers' jobs will be secure. The government wants to make our bus network better for everyone. On this side, we recognise that ACTION is a vital public asset. It is owned and loved by the people of Canberra, and this plan makes sure that it stays that way, whilst offering the services that travellers need.

That is why we have commissioned a review from a specialist transport consultancy, to get the most out of our buses. We have released their final report, as well as the government response that outlines progress to date and future directions. A clear finding is that structural change is required to deliver lasting improvements to public transport. That is what we are announcing today. As part of the plan, the government has also released the draft light rail network, to start a community conversation about how light rail can extend right across our territory. So we have outlined a clear, achievable plan to manage traffic and congestion over the next 20 years. *(Time expired.)*

MADAM SPEAKER: Supplementary question, Ms Fitzharris.

MS FITZHARRIS: Chief Minister, why is taking these steps to improve public transport so important for ACT residents?

MR BARR: We are living in a growing city. Over the next two decades our city's population is projected to increase to over half a million people. How well we respond to this challenge will determine the quality of life for people in Canberra next year, in five years time and in the coming decades. We need to properly plan for and deliver a range of public transport services that meet the needs of our community.

Simply putting all of our eggs in one basket on road infrastructure at the expense of public transport will inevitably lead to worsening congestion for commuters and growing costs. Congestion costs money and productivity and, most importantly, it costs Canberrans time. The less time that is spent on the road, the more time that can be spent at our destination doing what we want to do and what counts, whether that is working, shopping, socialising or spending time with family and friends.

My government is delivering a new public transport direction for our city, a city that has well designed suburbs, that is serviced by a strong public transport network. This plan supports economic development; it supports productivity; it supports lower emissions and improved environmental outcomes; and it supports better services to

support the most disadvantaged in our community. Transport Canberra and the transport improvement plan will help us keep our—

Mr Hanson interjecting—

MADAM SPEAKER: Order, Mr Hanson!

MR BARR: city as the most liveable in the world.

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Chief Minister, what are the direct benefits for territory travellers in having an integrated transport network?

MR BARR: I thank Dr Bourke for the supplementary question. Canberrans should be able to move around their city easily, and the quality of life that Canberrans enjoy comes from long-term planning decisions that invest in the future of our city. We need to take the next step to stop congestion and wasting time.

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson, I warn you.

MR BARR: We have a choice, Madam Speaker. We can continue down a path and end up like Sydney or we can take an alternative approach. That is what we are doing here with our transport improvement plan. Public transport will be a real option in our city and provide a service that is customer friendly, easy to use and stress free.

Importantly, that means one ticket across all of our transport services. It means being able to step off a suburban bus and straight onto a light rail service to get where you want to go. The introduction of light rail will be a significant step for the territory and shows that we are willing and able to make the investments now to ensure that Canberrans can move effectively around our city and that we can maintain our high quality of life and our city's livability.

That is why this investment is important now. That is why this is a holistic transport plan that accompanies the range of other important policy reforms that we have announced in recent weeks and months across the range of transport services and transport infrastructure in this city, including ride sharing, walking and cycling, and now buses and light rail—the most comprehensive transport plan for Canberra delivered by this government at this time, the right time to invest to ensure that Canberra remains the most livable city in the world.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Chief Minister, how will the transport improvement plan and the integrated transport network provide a genuine alternative to driving for more Canberrans?

MR BARR: ACTION provides a good service for its regular users, and that is why it is so loved by the community. But the challenge remains to make public transport a genuine and easy alternative to driving for more Canberrans. The public transport improvement plan outlines the actions that we are taking to make our bus services better.

We currently have bike racks on around three-quarters of ACTION buses. We will be putting bike racks on all of our buses. We will be replacing our older bus fleet with new, air-conditioned models. We will be trialling a new, on-demand pickup system to complement weekend suburban services in 2016, offering the potential of significantly improved services and more frequent buses on major routes in this off-peak time.

Simply announcing an arbitrary number of additional buses does not solve the problem and shows alarming naivety about how public transport works in the city. Instead, what is required, and what we will deliver, is a fundamental structural improvement to public transport in Canberra. We are creating a modern transport organisation for a modern and forward looking city. Transport Canberra will put the customer front and centre and deliver a world-class public transport system that is convenient, that is efficient, that is affordable, that is reliable and that is integrated. It is very clear who believes in this and who will deliver it for this city.

Transport—light rail

MRS JONES: My question is to the Minister for Planning and concerns the light rail master plan. Minister, the light rail master plan proposes that the Woden to the city corridor is a high priority area for light rail. To get light rail from the city to Woden, trams will need to get around Vernon Circle, over the Commonwealth Avenue bridge, around Capital Circle and down Adelaide Avenue to reach Woden. Minister, what is the cost of getting a tram across Lake Burley Griffin and, furthermore, will you have to remove traffic lanes or walking or cycling paths on the Commonwealth Avenue bridge in order to fit a tram?

MR GENTLEMAN: I thank Mrs Jones for her question and her excitement in seeing light rail come across the lake to service those important areas. With regard to the cost of light rail travelling across the lake, we have had some early conversations with the National Capital Authority in regard to light rail travelling to the parliamentary triangle, as indicated in the light rail master plan. Engineers report that the two structures that currently carry traffic across the Commonwealth Avenue bridge and the Kings Avenue bridge across the lake have the capability to take light rail across to the parliamentary triangle to service some 60,000 public servants who work in the parliamentary triangle.

With regard to the traffic lanes, those engineering results will have to be worked through. But we are aware that the structure of both the Kings Avenue bridge and the Commonwealth Avenue bridge can take light rail.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, will you get approval from the National Capital Authority to remove the trees and flagpoles on Commonwealth Avenue?

MR GENTLEMAN: That is a bit of a hypothetical question. I do not see that we need to remove the—

Mrs Jones interjecting—

MR GENTLEMAN: For a start, there are no trees on Commonwealth Avenue bridge. There are flagpoles on either side. We will certainly work through those processes as we deliver the best possible routes for the community of the ACT in their commute to the parliamentary triangle. We know that it is a service that is needed across the lake. Of course, once we get to the parliamentary triangle we intend to look at moving further south to Woden and, indeed, Tuggeranong, in the future. That is shown in the indicative light rail master plan.

Mrs Jones interjecting—

MR GENTLEMAN: That is shown in the indicative routes in the light rail master plan. And now, of course, we have the opportunity to talk to the community about where they would like to see these light rail routes come past and close to their suburbs.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, is the preference for the track to be median or curb side aligned and, if curb side, will it be taking up a lane of traffic?

MR GENTLEMAN: The engineering opportunities for the two bridges which I think Mr Coe is alluding to would mean that we could take that track across the bridge. It would be an engineering solution to use one of the lanes but that would mean that light rail would have to integrate with the traffic flow across the bridge. We will take the engineers' best surveys on that and decide which way is possible, as we hear back from the community on what they would like to see as well.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, have you done any provisional capital construction costs or operating costs for such a fanciful network?

MR GENTLEMAN: I thank Mr Coe for his supplementary question. A master plan does not look at costs in the future. It is about planning indicative routes. As we do with master plans for every other opportunity across the territory, we will look at the master planning process to give indicative ideas to those areas and show what can be done with future development. And we involve the community. That is the important part of the light rail master plan—an innovative transport network—

Opposition members interjecting—

MADAM SPEAKER: Order!

MR GENTLEMAN: right across the territory. We involve the community and where they would like to see the light rail come to in their suburb.

Planning—Manuka precinct

MR SMYTH: My question is to the Chief Minister. Chief Minister, in the *Canberra Times* on 24 September this year, the Canberra Services Club vice-president, in relation to the delays in rebuilding the club on the current Manuka occasional care centre site, is quoted as saying:

> The land swap agreement has not been without expense to the club … as we have been left in limbo with no premises when we could have rebuilt on the old Manuka site some time ago …

Chief Minister, why did the Services Club not rebuild on its old site?

MR BARR: My understanding is that it was because of a lack of resources and capability to undertake such a task.

MADAM SPEAKER: Supplementary question, Mr Smyth.

MR SMYTH: Chief Minister, why did you advise the Assembly on August 12 this year that the Canberra Services Club could not afford to rebuild on its old site?

MR BARR: That has been the consistent advice to me for a number of years.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Chief Minister, are negotiations continuing on a land swap for the old Canberra Services Club site with the previously identified site of the Manuka occasional care centre?

MR BARR: There is a process underway to examine a potential alternative site for the Manuka occasional care centre in Griffith, and that process will take some time and will involve community consultations. But there is no particular urgency in relation to that. As Mr Doszpot would be aware, I gave a commitment some months ago that there would be no requirement for Mocca to move in this decade.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, what are the current plans for the old Canberra Services Club site?

MR BARR: There is a range of opportunities for that site to be integrated into a redevelopment of the Manuka Oval, associated with upgrading the Hawke, Menzies and Sir Donald Bradman stands.

Transport—light rail

MS PORTER: My question is to the Minister for Capital Metro. Minister, can you outline to the Assembly how the government is engaging with the community on the capital metro light rail project?

MR CORBELL: I thank Ms Porter for her question. The Capital Metro Agency is very closely engaged in a broad range of community engagement exercises, which is appropriate for a project of this size and scale. For example, the Capital Metro Agency is out and about in the community. It attends community events such as the Celebrate Gungahlin festival and a range of party at the shops activities across the city. This helps capital metro to talk with and answer questions from the community about the project.

Also, through our engagement on issues such as the draft environmental impact statement, we provide opportunities for the community to have their say on the project. The draft environmental impact statement saw a broad range of comments come forward on a range of issues of concern to the community, but it also allowed the agency to communicate the scale of the project and the range of issues that need to be addressed, including issues such as potential impacts on biodiversity, landscaping issues, greenhouse gas emissions, traffic management issues and the design of various elements of public transport infrastructure. That has been a very important process.

We also have a broad range of drop-in sessions associated with the EIS process and the use of social media. The government is also establishing community reference groups that will allow for business and community representatives to be engaged in ongoing consultation as we move towards the construction phase of the first stage of light rail for our city.

We also have the very effective public place manager program now in place, with dedicated public place managers in the Gungahlin Town Centre, at Dickson and in the city. Our public place managers are doing a fantastic job by talking to local business and local residents about what is happening with light rail in our city. I had the opportunity to join with the public place manager in Gungahlin in the past couple of weeks, along with my colleague Ms Fitzharris. We had a great time meeting with local businesses in Gungahlin who are overwhelmingly very positive about what light rail will mean for their business and for their town centre. That is a very encouraging level of feedback. They also appreciate the engagement by our public place manager program because they are out on the ground reaching out to local businesses, knocking on their doors, and making sure that they have any questions properly answered with all the information that can be made available to them.

The Capital Metro Agency will continue with a very comprehensive program of community engagement to make sure that people understand what is happening with the project and are able to have their questions answered.

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Minister, can you tell the Assembly more about the comprehensive surveys undertaken by the government to gauge community views on the capital metro project?

MR CORBELL: I thank Ms Porter for her supplementary. Yes, the Capital Metro Agency does use an internationally certified market and social research firm to conduct a reliable and effective certified robust sample of community attitudes on light rail. We asked them, regularly over the past 18 months, on three separate occasions, to get an understanding of the community level of awareness of the project, their support or otherwise and their perception of benefits or any concerns.

Last week I was pleased to announce the summary of surveys on light rail conducted by the Capital Metro Agency's research agency. That shows that support for light rail has remained steady over the past 16 months at between 54 and 56 per cent. Each of these surveys contains a scientific random sample of at least 1,190 people across the ACT. The survey is accurate to within a 2.8 per cent margin of error, which provides a 95 per cent confidence interval for the results.

The summary report shows that support for light rail has grown from 54 per cent in June 2014 to 56 per cent in August this year. It continues to show strong majority support for this important city-changing project. Importantly, Madam Speaker, it confirms an ongoing trend of majority support for the project. Many Canberrans have indicated in the survey that they recognise that congestion is a problem now for our city. They certainly identify congestion as a problem for the future. That is why the government has announced the broad range of transport reforms that the Chief Minister outlined today and yesterday. *(Time expired.)*

MADAM SPEAKER: A supplementary question, Ms Fitzharris.

MS FITZHARRIS: Minister, can you tell us more about the consultation undertaken with stakeholders on the use of the Magistrates Court car park as a temporary construction compound and also on alternative parking options?

MR CORBELL: Further, in terms of the Capital Metro Agency's consultation processes, it is the case that we were able to achieve a very effective outcome through the consultation processes put in place by the Capital Metro Agency when it came to traders' legitimate concerns about the loss of car parking to a construction compound on the Magistrates Court car park site, opposite the Melbourne Building in the city. As a result of that extensive consultation, the government saw 60 submissions from the community, and a large number of them related to the potential loss of car parking on that site.

Following consultation, the government has first of all determined that only 50 per cent of that car park site can be used for construction, and that is a significant reduction on what was previously proposed. We are now also in discussion with businesses and other stakeholders on options to maintain or indeed increase above the current level of about 255 spaces during the construction period. There are two options being investigated. The first is the development of a temporary car park

structure, a multi-deck structure, to be built on the balance of the Magistrates Court car park site. The other is the realignment of existing car parking, at grade, at both of the car parks, and the extension of that car parking on the Sydney Building side of Northbourne Avenue, adjacent to the Canberra Theatre site, to expand the total number of car parks through a temporary overflow car park off Theatre Lane.

Both of these options are now under further development by the government. I am pleased to say that the response from businesses has been overwhelmingly supportive, and we will continue to work with businesses to make sure we get the best possible outcome to manage any disruption as effectively as we can during the construction period. *(Time expired.)*

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, can you further outline to the Assembly the stakeholder consultation being undertaken through the place manager program and the community and reference business groups?

MR CORBELL: I thank Dr Bourke for his supplementary. It is the case, as I mentioned earlier, that we have put in place, as a government, the place manager program. That has been in place since July. We have got three dedicated place managers along the capital metro corridor: Gungahlin, Dickson and the city; and they are located out in the community. They have office space in each of these locations. They are also out walking the streets, walking the sidewalks, and knocking on businesses' doors to make sure that they understand what is going on with the project and being able to answer any concerns or questions that they have about it.

People can make an appointment to see a place manager or the place manager can come to them at a suitable time. This is proving to be a very useful mechanism, one that will be continued for the foreseeable future.

The government has also, as I mentioned earlier, established community reference groups. The community reference groups saw a strong level of expressions of interest from community and business stakeholders. We have now finalised the membership of those community reference groups and we are using them to provide feedback, to allow for information to be transmitted back into those communities and for discussions to be had around any issues of concern.

This is part of the government's commitment to engaging with Canberrans as we move forward with our comprehensive transport reform agenda and the development of the capital metro light rail project.

Transport—light rail

MR COE: Madam Speaker, my question is to the Minister for Capital Metro. Minister, it was revealed on 10 September by the *Canberra Times* that the NCA will require any trams that run from the city to Russell to run without overhead wires. Minister, what is the preferred technology for going wire free across Anzac Parade?

MR CORBELL: I thank Mr Coe for the question. The government does not specify a preferred technology. There are a number of technological responses to the wire-free operation of light rail vehicles. It will be for the two short-listed bidding consortia to outline their technical solution, and we will assess those along with all the other matters that will be assessed rigorously through the assessment process now underway.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, would it be unaffordable to run trams from Gungahlin to the city without overhead wires?

MR CORBELL: The government has not mandated wire-free technology as a requirement for bids for the base case project—that is, Gungahlin town centre to Alinga Street—but, clearly, if consortia put forward those proposals they will be appropriately assessed.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, what is the cost of the city to Russell light rail extension?

MR CORBELL: I refer Mr Wall to my previous answers on this question. I can only reiterate what I have previously said in this place, which is that the bidding process is being utilised to gain a robust market assessment of the cost of Alinga Street to Russell. We are still in the assessment process of those costs and making sure that they are rigorously tested by the Capital Metro Agency, and we will disclose that cost once we have completed that process and made a decision as to whether or not to proceed with the Russell extension.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, what is the government's threshold amount for what is the most it is willing to pay for the extension to Russell?

MR CORBELL: I refer Mr Wall to my previous answer.

Transport—light rail

DR BOURKE: My question is to the Minister for Planning. Minister, yesterday you released details of a light rail network. Could you please outline to the Assembly how that plan has been developed and what are the key features of the proposed plan?

MR GENTLEMAN: I thank Dr Bourke for his question. The government is investing in Canberra's future by delivering leading infrastructure to meet the challenges of a growing city. Canberra's population is expected to increase to over 500,000 people in the next two decades. With the highest car dependency of any Australian capital city, our growing population will mean more cars on our roads and more congestion.

It is essential that we tackle the resulting economic, social and environmental challenges by investing in leading infrastructure through building an integrated transport network. The burden of growing congestion due to rising car use will be detrimental to our quality of life if nothing is done.

Infrastructure Australia has noted these future challenges and found that without additional investment the cost of road congestion in the ACT will increase from $208 million per annum in 2011 to $703 million per annum in 2031. The economic, social and environmental impacts of increasing travel times will have wide-ranging impacts on our city if we do not do something about it now.

The government's vision is for a prosperous, connected, sustainable and livable city. Light rail has the greatest potential to deliver these benefits across the city as we know from the experiences of cities across the world. Here in Canberra light rail will, of course, deliver for the territory and revitalise our urban centres and support our active lifestyles. It will stimulate suburban renewal, increase economic activity, reduce our high level of car dependency and provide efficient, environmentally responsible public transport.

This government has a history of integrated transport and land use planning which the light rail network is continuing to build on. Previous work with transport of Canberra, which identified rapid public transport corridors, and the ACT planning strategy, which identified centres and corridors for renewal, has been used as the foundation for this work.

The light rail network plan has progressed previous planning by specifically considering where and how light rail can be extended across Canberra. It has also explored the significant drivers and opportunities that derive from the delivery of light rail on particular corridors and across Canberra.

Governments all over Australia are dealing with significant challenges brought about by a lack of timely investment in public transport infrastructure. Canberra's light rail network will be delivered as leading infrastructure. We will invest in corridors where we know there is a future need. We will also use light rail as demand—driving infrastructure to help shape the way the city grows by planning higher growth along light rail corridors and coordinating our planning and projects to support development in each corridor.

The boost to investment that light rail will provide is already becoming evident. I was pleased to hear on the radio the other day that the mezzo apartments to be built in Gungahlin are being tailored as having the light rail project right at their doorstep in their sales pitch as well.

The light rail network plan identifies Canberra's future light rail corridors where light rail will be delivered over time, including the first stage between Gungahlin and the city, the parliamentary triangle, Woden to the city, Tuggeranong to Woden, the city to eastern connections, including Canberra airport and Fyshwick, Kippax and Belconnen to the city, and Molonglo to the city—for Mr Hanson. The plan provides an overview

of the demand-driving opportunities and constraints of each corridor as well as the potential for urban renewal, transit oriented development and corridor growth.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, could you outline the significance of the high priority corridors outlined in the light rail network? Have any approaches been made to the federal government, given the high priority of these corridors?

MR GENTLEMAN: I thank Dr Bourke for his supplementary. The transport for Canberra plan identifies three high priority corridors, which are the parliamentary triangle, Woden to the city, and the eastern connections to Canberra Airport and Fyshwick. The parliamentary triangle is at the heart of the public transport network, providing connections to the rest of the Canberra network. Connecting light rail to this important zone south of the lake also opens up future corridors in Canberra's south and will help to link north and south as a truly connected centre.

A well-connected centre will support Canberra's growing tourism and education sectors and will capitalise on the potential for agglomeration benefits of inner Canberra. The large commonwealth government presence inside the parliamentary triangle makes light rail to Parliament House and the national institutions well suited to federal funding. It would support the National Capital Authority's Kings and Commonwealth avenues place renewal plan, which will re-establish the important symbolic role of the avenues and repair and reconceptualise their layout, form and character.

Prime Minister Malcolm Turnbull is aware of the transformative effects of light rail, and has recently observed that infrastructure like light rail helps to relieve congestion and makes our cities more livable. The Woden to city corridor connects the city and parliamentary triangle with the Woden town centre. These are strong drivers for the delivery of light rail, and the draft Woden town centre master plan has considered the opportunities arising from a future light rail connection to reinforce the identity of the town centre and surrounds, and develop these locations as walkable, connected communities.

The eastern connections to the airport and Fyshwick provide a public transport connection between the city and the economic centres of the airport precinct and Fyshwick. There is significant opportunity for demand-driven development between Narrabundah and Barton, as well as along Constitution Avenue. The high density development at Kingston will also provide significant opportunities for our growing city. *(Time expired.)*

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Minister, how important is the light rail network to the integration of public transport under the transport Canberra agency, which the Chief Minister announced earlier today?

MR GENTLEMAN: I thank Ms Porter for her question. It is quite important that we have an integrated transport network. The opportunity through this transport announcement today means that we can integrate public transport right across the territory. You will be able to have one service looking after territorians throughout Canberra. They will be able to use their own particular MyWay card in this instance to operate both light rail and bus transport across the city.

MADAM SPEAKER: Supplementary question, Ms Fitzharris.

MS FITZHARRIS: Minister, how can the community have their say on the proposed light rail network?

MR GENTLEMAN: I thank Ms Fitzharris for her interest in public transport across the territory. The government is eager for the community to have their say on light rail, the network. Also, community consultation is underway until 11 December.

In particular, we would like to know where the community thinks the light rail network should go next. Which corridor should be built next, and why? Are there additional benefits and opportunities in particular corridors? Should the light rail network expansion be based on serving the needs of commuters or on intensifying public transport use closer to our major businesses, government employment centres and tourist areas?

To provide input into the consultation process, you can take the survey, which is on line, or participate in the online forum, both of which are available at haveyoursay.capitalmetro.act.gov.au. In addition to the survey and forum, as we move forward in the development of the plan, there will be opportunities to attend community forums and have your say through other channels.

We look forward to hearing the views of Canberrans on this important city-building infrastructure project.

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

Supplementary answers to questions without notice

Transport—advertising

MR RATTENBURY: Earlier today in question time, Mr Coe asked me when I first became aware of UnionsACT ads on ACTION buses. I can inform the Assembly that I was first made aware of the ads on 30 June 2015. At that time, the ads were already in place on the ACTION buses, having been approved by Go Transit, the company that has the contract to manage ACTION's advertising program. The ads were drawn to my attention by a senior official in TAMS. At that point, they sought my views on the policy, and I indicated my views stated earlier today—that I believe there is a difference between advertising of registered political parties and issue-based advertising. ACTION now has a clear policy position that issue-based advertising by third-party organisations should be allowed unless it is contrary to other elements of ACTION's advertising policy.

Mr Coe: So why did they ban GetUp?

MR RATTENBURY: I will add that, as Mr Coe has interjected across the room—

MADAM SPEAKER: This is not a conversation. Question time is over.

MR RATTENBURY: I do not know why GetUp was banned in 2012—it was before my time as minister—but we now have a clear policy going forward. I cannot answer Mr Coe's question.

Mr Coe interjecting—

MR RATTENBURY: We also have live export ads. You don't seem exercised by that. What's your problem?

MADAM SPEAKER: This is not a conversation. If you want a briefing, get a briefing.

Mr Hanson interjecting—

MADAM SPEAKER: Order! Mr Hanson is on a warning and Mr Coe is getting very close.

Housing—acquisition

MS BERRY: In response to Ms Lawder's question about the price of the eight town houses that were purchased in O'Connor, they were purchased for $2.5 million, they were refurbished in 1996, and there are no heritage restrictions.

Papers

Madam Speaker presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 15—Annual Reports 2014-2015—

Legislative Assembly for the Australian Capital Territory—Office of the Legislative Assembly, dated September 2015.

ACT Electoral Commission—

Annual report, dated 23 September 2015.

Corrigendum.

Corrigendum No 2.

ACT Ombudsman, dated October 2015.

ACT Auditor-General—Report No. 8/2015, dated 12 October 2015.

Travel to the Republic of Taiwan—Advice to the Speaker from the Ethics and Integrity Adviser, dated 6 August 2014.

Acceptance of "Third Party Benefits" by Members of the Legislative Assembly—Advice to the Speaker from the Ethics and Integrity Adviser, dated 22 October 2015.

Renewable energy—Letter to the Speaker from the Chief Minister, dated 29 September 2015, in response to a letter from the Speaker concerning the resolution of the Assembly of 5 August 2015.

Standing order 191—Amendments to:

Crimes Legislation Amendment Bill 2015, dated 29 September 2015.

Mental Health Bill 2015, dated 1 October 2015.

Red Tape Reduction Legislation Amendment Bill 2015, dated 25 September 2015.

Mr Barr presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2014-2015—

Chief Minister, Treasury and Economic Development Directorate (4 volumes), dated 22 September 2015.

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

Australian Capital Territory Insurance Authority, dated 6 October 2015.

Icon Water Limited, dated 9 September 2015.

Independent Competition and Regulatory Commission—

Report 6 of 2015, dated 1 October 2015.

Corrigendum, dated 23 October 2015.

Annual Report 2012-2013—Independent Competition and Regulatory Commission—Corrigendum, dated 24 September 2015.

Annual Report 2014-2015 Land Development Agency, dated 1 October 2015.

Mr Corbell presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2014-2015—

ACT Human Rights Commission, dated 6 October 2015.

Director of Public Prosecutions, dated 6 October 2015.

Justice and Community Safety Directorate, dated 6 October 2015.

Legal Aid Commission (ACT), dated 15 September 2015.

Public Advocate of the ACT.

Public Trustee for the ACT, dated 17 September 2015.

Victim Support ACT, dated 11 September 2015.

Health Directorate, dated 29 September 2015.

Environment and Planning Directorate, dated 29 September 2015.

Office of the Commissioner for Sustainability and the Environment, dated 27 August 2015.

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 19(3)—Climate Change Council Annual Report 2014-15, dated, 20 August 2015.

National Environment Protection Council Act, pursuant to subsection 23(3)—National Environment Protection Council—Annual Report 2013-2014.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2014-2015—Capital Metro Agency, dated October 2015.

Capital Metro Agency—annual report 2014-15—revised
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:

Annual Reports (Government Agencies) Act—Annual Report 2014-2015—Capital Metro Agency—Revised, dated 9 October 2015.

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

Leave granted.

MR CORBELL: Today I am tabling a revised annual report for the Capital Metro Agency. Due to problems with the quality of the printed document the annual report was reprinted.

Papers

Ms Burch presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2014-2015—

ACT Building and Construction Industry Training Fund Authority, dated 14 September 2015.

Education and Training Directorate, dated 30 September 2015.

Aboriginal and Torres Strait Islander Education, pursuant to the resolution of the Assembly of 24 May 2000 concerning Indigenous education, as amended 16 February 2006—Annual report 2014-15—Corrigendum.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2014-2015—ACT Gambling and Racing Commission, dated 1 September 2015.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2014-2015—ACT Policing, dated 9 October 2015, in accordance with the Policing Arrangement between the Commonwealth and the Australian Capital Territory Governments.

Crimes (Controlled Operations) Act, pursuant to subsection 28(9)—ACT Policing Controlled Operations—Annual Report 2014-2015, dated 2 October 2015.

Crimes (Surveillance Devices) Act, pursuant to subsection 38(4)—ACT Policing Surveillance Devices—Annual Report 2014-2015, dated 2 October 2015.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2014-2015—Cultural Facilities Corporation, dated 2 October 2015.

Mr Rattenbury presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2014-2015—Territory and Municipal Services Directorate (2 volumes), including the ACT Public Cemeteries Authority, dated 29 September and 6 October 2015.

Office of the National Rail Safety Regulator—Annual Report 2014-2015.

Public Accounts—Standing Committee
Report 9—government response

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

Public Accounts—Standing Committee—Report 9—*Review of Auditor-General's Report No. 3 of 2014: Single Dwelling Development Assessments*—Government response.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

Planning and Development Act 2007—variation No 351 to the territory plan
Paper and statement by minister

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

Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No. 351 to the Territory Plan—West Belconnen Urban Development—Belconnen District, dated 23 October 2015, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

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

Leave granted.

MR GENTLEMAN: I thank members for granting leave. Today I would like to table a variation which introduces a structure plan and concept plan to the territory plan, together with zone changes to facilitate future development.

As members of this Assembly will be aware, west Belconnen is located to the west of the existing suburbs of Holt and Macgregor and will serve as an extension of and support to Belconnen.

This area was clearly identified in the 2012 ACT planning strategy as a future urban investigation area. The ACT planning strategy provides the long-term planning policy and goals to promote orderly and sustainable development, consistent with the social, environmental and economic aspirations of ACT residents.

To this extent, over the past few years, the proponent on behalf of the government has undertaken a significant number of investigations to demonstrate that the west Belconnen area is suitable for future residential development and to provide the documented evidence to support the draft variation.

Ultimately, these investigations and their thoroughness have also informed my decision on the variation for this important development for Canberra that will provide approximately 6,500 dwellings over the long term.

West Belconnen is part of a unique cross-border development opportunity that, subject to future approvals by the New South Wales government and Yass Valley Council, could provide a further 5,000 dwellings for our region.

The ACT government has an urban renewal strategy to create a more compact, efficient and sustainable city by focusing on urban revitalisation and intensification in town centres, around group centres and along major public transport routes. It is still important to provide greenfield land for development. This is to provide for housing choice, location choice and also affordable housing.

As the Assembly is aware, for urban development to be realised in west Belconnen, an amendment to the national capital plan and a variation to the territory plan are required.

Variation 351 rezones the land for urban development including for residential, commercial and community uses. The variation also adjusts the Murrumbidgee River corridor boundary to reflect recent environmental surveys to protect pink-tailed worm-lizard habitat and box gum woodland and introduces a nature reserve overlay within the Murrumbidgee corridor.

The draft variation and draft amendment to the national capital plan No 85 were concurrently released for public consultation over a six-week period between May and July this year.

At the close of the consultation period, 49 submissions were received on the draft variation and 23 for the draft amendment. Of the 49 submissions on the draft variation, 17 were from community organisations and groups, six were from local businesses and two submissions were from service providers. The remainder were from members of the public.

In summary, eight submissions expressed their general support for the proposal, of which five were from community organisations and groups. Two submissions included petitions that expressed their opposition to the proposal. The remaining submissions sought further consultation and consideration to be given in relation to DV351.

The main issues raised in the public submissions included: cross-border jurisdictional arrangements; concerns about traffic and transport in the vicinity of the development; the extension of Ginninderra Drive to service the development; implications for the Bicentennial National Trail; the conservation river corridor—Ginninderra Falls; potential odour from the Lower Molonglo Water Quality Control Centre; potential odour from the Pace egg farm on Parkwood Road; asbestos disposal and land contamination; and pressure on and competition for the Kippax group centre.

A number of amendments were made to the draft variation in response to the issues raised. These included the clearance zone from the Lower Molonglo Water Quality Control Centre being increased from one kilometre to 2.45 kilometres; the proposed changes to the Belconnen district precinct map and code being withdrawn; the current zone of NUZ1 broadacre for block 1559 Belconnen, which is the TransGrid substation, being retained and the future urban area overlay removed; the area to the western boundary of Strathnairn arts precinct rezoned to PRZ1 urban open space; a criterion added to the concept plan specifying when a full-line supermarket can be released; a future urban area overlay applied to the Ginninderra Drive extension and its surrounds; and CZ5 mixed use and CFZ community facility zones being introduced in the general area of the main commercial centre.

Other concerns raised that did not result in changes to the variation are addressed in a report on consultation, prepared by EPD.

In addition, whilst the draft variation relates to rezoning of land and the controls that will apply to future development, a number of the issues raised were of a detailed nature that can only be further considered through future development applications, including the subdivision of land.

As an example, the necessary improvements to the road network that have been identified such as the widening of Stockdill Drive, duplication of Drake Brockman Drive and bus priority measures are directly linked with the development. Because development will be staged over the next 30 years, improvements to the road network will also be staged and be undertaken as they are required. This is the standard approach to development and road improvements in the ACT.

Under section 73 of the Planning and Development Act I have chosen to exercise my discretion to not refer the draft variation to the Standing Committee on Planning, Environment and Territory and Municipal Services. I believe the issues raised in the submissions have either been adequately addressed or are matters for the future as part of the development application, and as such there are no outstanding issues.

In making this decision I took into consideration advice from Icon Water concerning the Lower Molonglo Water Quality Control Centre and the technical expertise of the ACT Environment Protection Authority. I also took into consideration the extensive community and stakeholder consultation that was undertaken by the proponent to determine the concerns relating to the future development as well as the extensive work undertaken to resolve the issues raised. This process has been recognised by some as being best practice in the ACT.

I also took into consideration the extensive community and stakeholder consultation, dating back to 2010, that was undertaken by the proponent to determine the concerns relating to the future development as well as the extensive work undertaken to resolve the issues raised.

In particular, the consultation by the proponent included regular newsletters on the project that were distributed to households in Belconnen and, in February 2014, opening an office at Kippax Fair, where interested parties were encouraged to drop in and discuss the development. From February 2014 to July 2015 approximately 2,500 people had visited the shopfront and inquired about the development. This process has been recognised by some as again being best practice for the ACT.

It is also important to note that the development and extension of Ginninderra Drive to service the development are subject to strategic assessment under the commonwealth's EPBC Act 1999. As such, from an environmental and conservation perspective, the extent of the development is subject to further review and approval by the commonwealth Department of the Environment. Subsequent ACT environmental approvals will also be required.

Given the process that has been undertaken to date, during both pre-consultation and the statutory consultation, and taking into account that future consultation processes will occur for the development applications for the estate subdivision, I believe a standing committee inquiry process is not necessary in this place.

I do hope that other proponents will look to the engagement and consultation model that has been undertaken for the Riverview development and that this becomes business as usual for proposals waiting to undertake large-scale developments of such significance to the community. The message I would like to give is that if you do the work up-front and you do it well, when it comes time for government to make decisions, those proponents can take some certainty that we too will get on with the job.

Accordingly, I have approved variation to the territory plan 351 for west Belconnen and table it, as I have said, and I look forward to the development commencing in this area in the coming years.

Public Accounts—Standing Committee
Report 10—government response

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) (3.50): For the information of members I present the following papers:

> Public Accounts—Standing Committee—Report 10—Review of Auditor-General's Report No 3 of 2013: ACT Government Parking Operations. Government response, dated September 2015.
>
> Auditor-General's Report No. 3 on Parking Operations: PAC Update, dated September 2015.

I move:

> That the Assembly take note of the Government response.

Question resolved in the affirmative.

Papers

Mr Gentleman presented the following paper:

> Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2014-2015—Long Service Leave Authority, dated 18 September 2015.

Ms Berry presented the following paper:

> Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2014-2015—Community Services Directorate (2 volumes), dated 18 September 2015.

Community Services Directorate annual report 2014-15—corrigendum
Paper and statement by minister

MS BERRY (Ginninderra—Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Community Services, Minister for Multicultural Affairs, Minister for Women and Minister assisting the Chief Minister on Social Inclusion and Equality): For the information of members I present the following paper:

> Annual Reports (Government Agencies) Act—Annual Report 2014-2015—Community Services Directorate—Corrigendum.

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

Leave granted.

MS BERRY: For the information of members I have presented a corrigendum to the Community Services Directorate 2014-15 annual report for tabling in the ACT Legislative Assembly. As part of this year's annual report the directorate provided information regarding the number of requests for support responded to by the Office for Women in 2014-15. The directorate has identified that this figure was for one quarter only and not for the financial year. I am tabling the corrected pages as part of the corrigendum for members' information.

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) Professional Standards Council Appointment 2015 (No 4)—Disallowable Instrument DI2015-285 (LR, 12 October 2015).

Cultural Facilities Corporation Act and Financial Management Act—

Cultural Facilities Corporation (Governing Board) Appointment 2015 (No 2)—Disallowable Instrument DI2015-276 (LR, 24 September 2015).

Cultural Facilities Corporation (Governing Board) Appointment 2015 (No 3)—Disallowable Instrument DI2015-277 (LR, 24 September 2015).

Electoral Act—Electoral (Electoral Commission Member) Appointment 2015—Disallowable Instrument DI2015-281 (LR, 30 September 2015).

Emergencies Act—Emergencies (Bushfire Council Members) Appointment 2015 (No 1)—Disallowable Instrument DI2015-275 (LR, 24 September 2015).

Energy Efficiency (Cost of Living) Improvement Act—

Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2015 (No 1)—Disallowable Instrument DI2015-266 (LR, 21 September 2015).

Energy Efficiency (Cost of Living) Improvement (Emissions Multiplier) Determination 2015 (No 1)—Disallowable Instrument DI2015-270 (LR, 21 September 2015).

Energy Efficiency (Cost of Living) Improvement (Energy Savings Contribution) Determination 2015 (No 1)—Disallowable Instrument DI2015-271 (LR, 21 September 2015).

Energy Efficiency (Cost of Living) Improvement (Energy Savings Target) Determination 2015 (No 1)—Disallowable Instrument DI2015-268, including a regulatory impact statement (LR, 21 September 2015).

Energy Efficiency (Cost of Living) Improvement (Penalties for Noncompliance) Determination 2015 (No 1)—Disallowable Instrument DI2015-272 (LR, 21 September 2015).

Energy Efficiency (Cost of Living) Improvement (Priority Household Target) Determination 2015 (No 1)—Disallowable Instrument DI2015-269 (LR, 21 September 2015).

Energy Efficiency (Cost of Living) Improvement (Record Keeping and Reporting) Code of Practice 2015 (No 1)—Disallowable Instrument DI2015-267 (LR, 21 September 2015).

Firearms Act—

Firearms (Club) Approval 2015 (No 1)—Disallowable Instrument DI2015-273 (LR, 21 September 2015).

Firearms (Club) Approval 2015 (No 2)—Disallowable Instrument DI2015-278 (LR, 24 September 2015).

Official Visitor Act—Official Visitor (Children and Young People Services) Visit and Complaint Guidelines 2015 (No 3)—Disallowable Instrument DI2015-284 (LR, 12 October 2015).

Planning and Development Act—

Planning and Development (Loose-fill Asbestos Eradication) Amendment Regulation 2015 (No 1)—Subordinate Law SL2015-31 (LR, 6 October 2015).

Planning and Development Amendment Regulation 2015 (No 1)—Subordinate Law SL2015-30, including a regulatory impact statement (LR, 21 October 2015).

Public Place Names Act—Public Place Names (Moncrieff) Determination 2015 (No. 7)—Disallowable Instrument DI2015-274 (LR, 24 September 2015).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2015 (No 6)—Disallowable Instrument DI2015-279 (LR, 24 September 2015).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2015 (No 7)—Disallowable Instrument DI2015-265 (LR, 21 September 2015).

Road Transport (General) Application of Road Transport Legislation Declaration 2015 (No 8)—Disallowable Instrument DI2015-280 (LR, 29 September 2015).

Road Transport (General) Application of Road Transport Legislation Declaration 2015 (No 9)—Disallowable Instrument DI2015-282 (LR, 1 October 2015).

Victims of Crime Act—Victims of Crime (Victims Advisory Board) Appointment 2015 (No 1)—Disallowable Instrument DI2015-283 (LR, 12 October 2015).

Government transparency
Discussion of matter of public importance

MADAM ASSISTANT SPEAKER (Ms Lawder): Madam Speaker has received letters from Dr Bourke, Mr Doszpot, Ms Fitzharris, Mr Hanson, Mrs Jones, Ms Lawder, Ms Porter, Mr Smyth and Mr Wall proposing that matters of public importance be submitted to the Assembly for discussion. In accordance with standing

order 79, the Speaker has determined that the matter proposed by Mr Hanson be submitted to the Assembly, namely:

> The importance of government transparency in the ACT

MR HANSON (Molonglo—Leader of the Opposition) (3.54): I am delighted to be able to speak on this important issue today. When it comes to rhetoric, at least it is something I am sure that we will all be able to agree on in this place. The problem is when the rubber hits the road and we see the reality of what has happened with this government over the last 14 or 15 years as opposed to the rhetoric. You can go all the way back to Jon Stanhope who, in the lead-up to the 2001 election, made a whole raft of promises, including that cabinet papers would be released after six years. Of course, that never came to fruition.

But this is a very important issue and it arises again over a number of key frustrations that I and my team have been experiencing lately. We saw at the end of question time the refusal of the Minister for Capital Metro to outline the costs of the extension to Russell for light rail. It is information that he has got. The tendering process, as I understand it, has finished. He has got that information. He knows what the cost is to the community but refuses to tell the community—and it is their money. This is not the Labor Party's money; it is not the Greens' money; it is the community's money, and the government is charged with expending that money on behalf of the community. So it is fair to say: tell us what that amount is.

Equally, Madam Assistant Speaker, I have been incredibly frustrated lately by the refusal of this government to outline the cost of the University of Canberra hospital. That is a project the government said at the last election that they would undertake. They never gave us costings; they never submitted a cost to Treasury. There have never been any costs, other than indicative costs many years ago—I think about $240 million. Since those indicative costs they did not take anything to the election and they have not done anything since. This is a government that for three years or more has been expending the community's money. They said, "We're going to build a hospital." What we do know is they have cut 60 beds. But this is a government that for three years has not outlined the cost of doing this.

We know what the template is. It will be very interesting to see the demands for everything to be costed in the lead-up to the next election, as it should be. It is ironic that, in the same breath, I am sure, as it is demanding to see costings submitted to Treasury and so on, this government, through its own example, has now spent three or more years saying it is going to build a major piece of infrastructure—indeed, a hospital—without releasing any costings. The hypocrisy stinks.

But this is not a recent phenomenon. As I said, you can take it all the way back through Mr Stanhope in the lead-up to the 2001 election and all the way through to question time today where this government has a track record of a failure in transparency, a rhetoric that is not matched by its actions. I remind members that it was this government that said that there would be no school closures. In the lead-up to the 2004 election the minister or spokesperson came out and said, "There will be no school closures. There are no school closures." But it was this Chief Minister who, immediately after the election, started the process of cutting schools.

Mr Barr: I wasn't even in the Assembly after that election.

MR HANSON: As soon as he got elected he started that process. The government started the process; he was the one who cut 23 schools. When we hear this government going forward with their election promises, with their promises for education, we know that this Chief Minister cut 23 schools after the government went to the election saying there would be no school closures.

It is the same with health in the 2008 election. At a deputy leaders' debate Mr Smyth and Ms Gallagher were asked about the question and Ms Gallagher said, "All of our plans are on the table." That was her quote, and that was not true because in secret the government was negotiating with the Little Company of Mary. There were letters talking about heads of agreement and so on and the plan was, as we know, to spend $70 million or more to buy Calvary and sell Clare Holland House. That ultimately failed. It was a disaster and it distracted the minister from actually doing anything in health for about two years. In the lead-up to the election: "All of our plans are on the table," and that was not true. That was not transparent.

We were then led to a whole range of problems in the health system from Calvary. We had the 10-year war on obstetrics and the bullying reports. Members might remember that a number of doctors groups came out and said, "We're being bullied and a report's been made." Instead of saying, "Okay, let's have a look at this. Let's be transparent," the minister then attacked those doctors. She said, "All I've seen is mud being slung around and no substantiation." That was her allegation. We have the government saying. "There've been no complaints. There've been no complaints here at all," and that turned out not to be true. The Chairman of the ACT Branch of the Royal College of Obstetricians and Gynaecology said at the time:

> We were concerned that the Minister was trivialising this issue and writing it off as doctor politics, but it's really about patient safety and the safety for women and babies.

It was an outrageous episode where doctors were trying to raise an issue of public safety and about a safe culture in a workplace and it was trivialised and dismissed by members of this government.

As it was reported and as they said at the time, the junior doctors who had put up their hands and said that they felt bullied now felt helpless. A number of staff said there is fear and dread of what is going to happen because of a failure of transparency. Things will happen, but when ministers and their bureaucrats decide that they are going to deny what is going on—and in some cases, I fear, cover-up—that is what it leads to. It led to things like the data doctoring scandal. We will all remember that, and I will quote from the Auditor-General's report:

> There is evidence to indicate that the hospital records relating to the Emergency Department performance were manipulated between 2009 and early 2012. It is likely that up to 11,700 records in relation to the Emergency Department presentations were manipulated during this period.

I suspect, Madam Assistant Speaker, that we would never have known about this if it were not for a very smart staffer in my office, Ms Brigette Morten, who, going through all the records, identified discrepancies in the data and put together a very comprehensive question without notice that was submitted to the Health Directorate. Shortly after, the whole thing blew up because when they started the process of answering that question it became apparent that there were massive discrepancies.

It is an important role that we play in opposition. It can make a difference but we should not have to be doing that—to uncover gross misreporting, active conspiracy to defraud the people of the ACT. Some 11,700 records were fabricated. Why, Madam Assistant Speaker? Why is the government not transparent? Let me tell you why in this case, and it goes to the culture that we still see permeating through ACT Health that has now led to a culture review of reports of toxic bullying.

The first reason was a political imperative, and let me quote from the woman who did the doctoring:

> The whole organisation at a senior level is focused on performance. It's seen as an imperative politically to ensure that we meet the target and I think people feel at different levels increasing pressures that need to be met.

The second reason was isolation and distress:

> While accepting it does not excuse or in any way mitigate my actions the feelings of fear, isolation and distress I was experiencing clouded my judgment and my reality...

And the third reason was out of fear. The individual said:

> The environment in the Executive at Canberra Hospital has increasingly become one where I felt fearful for myself and for other people that I work with.

That was the Auditor-General's report. I remember when that was tabled—the minister and those opposite all said, "Well, that's unacceptable, but we're going to fix that problem." What do we know? Now what we know is that, again, the minister has had to instigate a review into the toxic culture of bullying and mismanagement at the Canberra Hospital. That has come back with the AMA saying it is not going to work, it has been reported. So again we see a lack of transparency and again we see the same problems arising.

As members may be aware—it will be coming on the notice paper—we have seen a situation relating to people's health but far more comprehensive than just health—that is, the Mr Fluffy saga. This has been a tragedy for so many people and it has had a significant impact on the ACT budget, so much so that when there was an inquiry conducted by the public accounts committee with two Liberal members and two Labor members, that bipartisan committee recommended that there be an inquiry under the Inquiries Act and that that report by March 2016. Although you have got the community calling for it, you have got Liberal members calling for it, you have got

Labor members calling for it, ultimately when it came to the top, when it came to Mr Barr and Mr Corbell, they made a decision: no. Now instead of a thorough review of what happened in that tragedy, Mr Barr is saying, "Put it off for five years," no doubt when he has long since left the Assembly.

While Ms Burch is here, we have seen one of the most shocking incidents—the incident of the boy in the cage. That has been a very distressing issue but, again, the government's and this minister's reluctance to provide the information has been most disconcerting. I commend Mr Doszpot who has been fighting tooth and nail to get the information. We still do not know who planned what happened there, who approved it, who paid for it, who built it. We do not know who conducted the investigation. We do not know who they talked to or what they found out. We do not even know what the terms of reference were. This is a government that talks about transparency, but when it comes to one of the most outrageous issues that we have seen in recent times, all we have seen from this government is a preparedness to hide the details. I know that Mr Doszpot will have more to say on that.

Of course you have got the greatest deception of them all—the rates campaign. The rates campaign where you had Mr Barr and Ms Gallagher at the last election saying, "Don't worry, your rates aren't going to triple. No, trust us." Looking down the barrel of the camera: "They're not going to triple." What we have seen since that date is that people's rates bills have been going through the roof—about 10 per cent a year time and time again.

I am sure of what is going to happen, Madam Assistant Speaker. Let me be a little bit of a fortune teller here. Since Mr Barr introduced his legislation, his tax reform, where he said, "Rates won't triple", they have been tripling. What you will see is that, next year in the budget, he will say, "No, no, no. We're not doing that anymore. We're going to reduce the rate in the election year ready for the election." He will say, "No, no, no. All that's over now. Trust us again. It is an election year so trust us again." Then if the Labor Party were to be successful, up it will go again. The problem is that I think people are starting to get the message that you simply cannot trust them.

You cannot trust them when it comes to the issue of light rail. It is interesting that they are now coming up with this comprehensive plan, they are consulting with the community, they are going to engage with the community about what routes that they want. They are trying to create this illusion of transparency and openness when we all know that they had already picked the favourite route without any consultation or engagement. They had already decided that they are going to go to Gungahlin along Northbourne, so this whole conversation about the need for transparency makes an absolute mockery of stage 1 of light rail, which is being done without the ability of the people to have their say.

Let me say this very clearly. When you try to keep people from having their say, there is a backlash. What I will say on the issue of light rail is your endeavours will be tested over the next election where the people will have their say.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (4.09): I appreciate the opportunity that the Leader of the Opposition has

presented to discuss the importance of government transparency and to outline the action we have taken as a government to ensure that Canberrans have unprecedented access to government information. It is fair to say that the ACT is one of the most transparent jurisdictions in the world. This government has a strong legacy of making government decision making open to the public's view and consideration and we are determined to keep the ACT a leader in transparency and to remain a jurisdiction that others look to for best practice.

I am happy to have a debate with the Leader of the Opposition about the government's achievements in improving transparency but I must say it is somewhat ironic—

Mr Hanson: You will not debate me at the business council breakfast, will you?

MR BARR: That is what we have the Assembly for. But it is somewhat ironic to be lectured on the subject of transparency by a party that has made on-water matters and operational matters a new benchmark for barring public and media scrutiny of their actions. If members opposite are paying attention—

Mr Hanson: You are talking about the federal government now.

MR BARR: You are a bit sensitive on that point. It is an on-water matter, is it, Colonel Hanson? Is that what it is all about? It is an on-water matter, is it? That is the benchmark that your party has set for transparency in government, that your federal Liberal colleagues have set on-water matters and operational matters as beyond any media or public scrutiny. That is the benchmark for the Liberal Party. I will not be lectured by those opposite on transparency when the Liberal Party's position is that there is to be no media or public scrutiny of on-water or operational matters. The irony is not lost and in spite of the constant interjections from the Leader of the Opposition, who is on a warning, I understand, Madam Assistant Speaker, it might be good if he shut up just for a moment.

MADAM ASSISTANT SPEAKER (Ms Lawder): Thank you, Mr Barr. You may continue.

MR BARR: Thank you, Madam Assistant Speaker, and thank you for calling the Leader of the Opposition to order. But now that those members opposite are paying attention, they might learn a little about transparency and just how much information is made available for consultation and what rigorous policy development looks like.

Mr Smyth: Do you want me to get you the article from the *Canberra Times?*

MR BARR: And here he goes again. Are you paying any attention to what is going on here?

MADAM ASSISTANT SPEAKER: I beg your pardon, Mr Barr!

MR BARR: I am asking you a question, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: I am trying to listen to what you have to say.

MR BARR: I am trying to speak but I am being constantly interjected upon by those opposite.

MADAM ASSISTANT SPEAKER: Please continue, Mr Barr.

MR BARR: Thank you, Madam Assistant Speaker. Members should be aware of a range of initiatives currently in operation which support open government: the contemporary and accessible online open government program, the strong integrity framework in both the Assembly and the ACT public service, a commitment to consultation and engagement with the community, and accessible and interactive cabinet meetings and access to cabinet ministers. It is important to be open and accountable at every level across the public sphere, not just in the executive and here in the Assembly but across the ACT public service as well. There are three principles of the ACT government's commitment to open government: transparency in process and information, participation by citizens in the governing process, and public collaboration in finding solutions to problems and participation in the improved wellbeing of the community.

In striving to achieve an open government our key achievements include publishing MLA travel and entitlements, freedom of information, summaries of cabinet outcomes, emergency department and surgery waiting times, and cabinet documents. There were more than 322,000 page views to the ACT government's open government website in the last financial year, and since the beginning of the current financial year there have been more than 100,000 page views. There are currently seven open consultations on the ACT government time to talk website and in the last financial year there were 57 consultations across government. The government has released and published 426 FOI application materials since October 2011.

This government publishes summaries of cabinet outcomes online only two weeks after the cabinet deliberations in question, which we understand is the quickest public release of cabinet consideration in any Westminster system government. The proactive release of data through the ACT government open data portal has produced 171 datasets so far. In this area one of the most popular datasets has been cyclist crash data which lists on-road cyclist crashes since 2012 which have been reported by the police or the public through the AFP crash report form. This dataset has generated enormous interest and has helped craft a range of policy reforms to promote safer cycling in Canberra.

Since 2011 full cabinet documents from 10 years prior have been made available for release. Adopting a 10-year release schedule made the ACT the first sitting government in Australia to release the deliberations of its cabinet. I repeat that: the ACT was the first sitting government in Australia to release the deliberations of its cabinet. Those records offer the community detailed insights into how the government makes its most important decisions. By comparison, commonwealth cabinet documents are released only after 20 years.

Our active transparency program also supports community participation and collaboration with government. This includes consultation and participation via the time to talk public consultation website and Twitter cabinet. We held our eighth virtual community cabinet in August this year engaging the public in real time through Twitter on issues that matter to them. In a world first this cabinet was also broadcast to over 500 people live via the periscope app, hailed by Twitter Australia as "a brilliant example of open government in action". My government's pop-up cabinet in Woden held in September was the first of many such pop-up cabinets and provided an opportunity for residents to meet directly with ministers and to have their say on local issues in person.

Another example of collaboration in practice is the completion of the annual ACT budget consultation process. This process involves an important opportunity for residents, community organisations, business groups, unions, peak bodies and others to share their views on where government spending should be targeted and how government services can be improved.

As an early initiative the ACT government is partnering with the federal Digital Transformation Office to improve the appointment booking system for community health centres with the aim of reducing waiting times and overcrowding. My own direct engagement with the community includes a continuation of what is an important Canberra tradition: Chief Minister talkback on ABC radio. That is not always comfortable for the Chief Minister of the day but it provides an excellent example and opportunity for people to have their concerns heard and acted upon.

Transparency in the Assembly is important and a strong integrity framework is essential to effectively serve the people of Canberra. When the Assembly adopted the Latimer House principles on the three branches of government, it committed to develop, adopt and periodically review appropriate guidelines for ethical conduct such as the code of conduct for members, the appointment of a commissioner for standards who ensures the independence in the investigation of complaints made against MLAs, the implementation of a lobbyist register and a supporting code of conduct, the appointment of the ethics and integrity adviser and reforms to public interest disclosure legislation which provide stronger protection for whistleblowers.

These integrity measures in this place are complemented by a range of activities underway to build a stronger ACT public service culture founded on integrity, and these include the continued rolling out of a code of conduct for the ACT public service. The service has also initiated a program to ensure that they respond to the needs of the community. The formation of Access Canberra and the asbestos task force are two examples of the government listening and shaping public sector priorities to meet the needs of the community.

Transparency is also enhanced through the most comprehensive estimates and annual report hearing process of any state or territory parliament in this country which, of course, is live, webstreamed through the Assembly website. We table ACT public service executive contracts. We have a notifiable invoices register. There are many

examples of transparency and openness in the way this government operates. *(Time expired.)*

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) (4.19): I welcome the opportunity to discuss the issue of transparency in government today and I thank Mr Hanson for bringing the topic forward. There are, of course, many elements to this discussion. I will speak about a few particular ones today and I will perhaps reflect on some of the examples that Mr Hanson gave.

Certainly as members have evidently seen, based on the interjections, an article was run today about the upcoming freedom of information legislation I intend to introduce that is modelled on the Queensland legislation that has been in place for a number of years. This bill creates a statutory right of access to information held by government where it is not contrary to the public interest for that information to be disclosed and sets out a clear framework for determining the public interest in the disclosure or nondisclosure of government-held information. The bill removes the class-based exemptions that exist under the current FOI scheme and recognises that the public interest in disclosure of information will depend on the circumstances and the nature of the particular information in question rather than the class of information that it happens to be a part of.

This, I think, is an exciting reform. I intend to bring that legislation forward to the Assembly as soon as possible. I am in the final stages of drafting it but certainly from a Greens' point of view that is a commitment we very clearly have to ensuring that there is ongoing transparency of government. That sort of architecture is the sort of thing that provides—and you can have the day-to-day spats about particular things—ongoing transparency in a way that is registered in the law. That is something that I look forward to discussing further in this place when I bring the bill in and I look forward to, no doubt, support from the Liberal Party for that legislation. They might be able to overcome the in-principle approach they have taken all this term which is to not even work with me on legislation, which is a sad indictment of their time on the opposition bench. But there is an opportunity to do something here that is very concrete, very real, that will provide mechanisms for ongoing, improved levels of transparency in our freedom of information legislation.

I was intrigued by Mr Hanson's starting point today in this debate. The first example he gave was the fact that Minister Corbell would not disclose the cost of the possible light rail extension to Russell. This, of all the things he could have talked about, was an intriguing example of Mr Hanson's priorities. Mr Hanson may not be aware but all ministers have been briefed, on the advice from the capital metro board and the various probity guidelines that have been put to us, and will not been told what that cost is until the assessment process is completed. Therefore it cannot be disclosed at this point in time.

It is a really interesting approach that Mr Hanson has, which is that the government should signal exactly what price it wants to pay for something rather than going to a competitive process. One of the tensions for government is that we want to get the

best price but the opposition wants to know exactly what we are willing to pay for it and put that on the public record. Those two things are not compatible. So Mr Hanson needs to think about how he wants to operate and how he expects government to get the best possible price for our community if he wants everything to be signalled in advance.

Certainly something that I have given some contemplation to in my role as a minister is how we are transparent through the budget process but at the same time not simply saying, "Here is our price," and everybody, of course, bidding to exactly that price. These are the challenges. But the bottom line is that neither Minister Corbell nor the other ministers are in a position to disclose that at this point in time. So it may suit Mr Hanson's political agenda but it is not actually how it works. I think his first example was a particularly weak one.

I focus on some other strong examples of the sort of transparency I think the community really appreciates when it comes to government operations. Interestingly Minister Barr, the Chief Minister, already cited the bike data that we have made available this year. That has been a really positive example where we are making that data available. The community actually responded very strongly to that and started using it to make various maps on their own and certainly writing to me with examples where they have done analysis and identified particular trends.

Similarly in my time as minister responsible for roads, when that was still in TAMS, I worked with Roads ACT to publish the traffic warrant system. This was a mechanism used by Roads ACT to prioritise road works and intersection improvements in the territory. That has now been made publicly available and that means that constituents can actually see that list. They can see where an intersection or road black spot that they are concerned about is placed on the list, why it is there and, again, people have found that very useful. That day-to-day transparency I think is very important. It is not remarkable. It does not warrant a motion in the Assembly. But it is the sort of thing that a government that is committed to transparency puts in place.

In the more contentious spaces, just at lunch-time today the government released the expenditure review report from MRCagney, the experts that we engaged to look at an expenditure review for the ACTION bus network. That report has been released. There are some areas that are redacted for commercial-in-confidence reasons but they are for private operators or commercial companies that are not within the government's realm, and it is not in our remit to release that sort of data. But the full report has been released.

There is some tough reading in there from a government point of view, and there are some significant critiques of the ACTION bus network, but that full report has been made available. That is the sort of transparency the community expects and it is the sort of transparency I am certainly committed to, and the government as a whole has taken a very strong position on it.

Similarly, with the Capital Metro Authority business case for stage 1 of light rail—I know those opposite do not like it—the reality is that the business case is out there. You may disagree with it—and clearly some people do—but this is the only

government in Australia to make available a business case for this sort of project. That is the sort of transparency you do not see in any other jurisdiction and the sort of transparency you have seen from this government.

I think that there is always room for improvement, and there are probably times when I have disagreed with some things not being released as well, but the bottom line certainly is that in my position as a Greens minister I am committed to being as transparent as I can be with government information. As corrections minister, I find this very challenging at times. Incidents happen in the prison and the media has a great interest in them, and the opposition has a great interest in them, and I am keen to release information but we are also given advice about being constrained by not releasing personal details about people. This is something that applies in the Health portfolio as well, and I know ministers find this very challenging. I have had discussions with other ministers about it.

There are times when, through protection of personal information or personal circumstances, we are not able to release information. And the void actually allows everybody else to speculate and make wild accusations, and that is something that I find very challenging as a minister. They are areas where I continue to work with my directorates to try to find ways to make more information available without breaching some of the personal right to privacy and to not having people's personal circumstances dragged through the media. It is something the opposition seem often very comfortable with but about which those of us with ministerial responsibility have different and higher levels of responsibility than those opposite.

I am happy to discuss the issue of transparency. I think there is room for constant and further discussion on this. There is room for improvement. And I look forward to a very constructive and supportive conversation with the Liberal Party when I bring forward my freedom of information legislation in the coming months.

MR DOSZPOT (Molonglo) (4.28): I particularly welcome the opportunity to speak on this MPI—namely, the importance of government transparency in the ACT—that has been brought on for debate by my colleague Mr Hanson. The MPI highlights a growing problem in the ACT, and that is one of arrogance and ineptitude, brought about by a government that believes it is in power forever, a government that believes it does not need to listen to the community, a government that does not need to explain decisions or lack of decisions, and a government that does not accept that it needs to justify and explain whatever policy, charge or impost it dumps on ACT electors.

We have heard the regular and smug taunts of the current Chief Minister, who, when he cannot think of anything of substance to say, responds in debates by falling back on his common line, that the Canberra Liberals raise issues and criticise government policy only because they are not in power. I want to know what his excuse is, because he is in power, and of course he just does not fess up on issues on which he should.

One instance that comes to mind, a personal one, when considering just how unaccountable this government is, is again about Mr Barr. Neither Mr Barr nor Mr Rattenbury, whom this next part will very much apply to, is here. Mr Barr who, a

few years ago, was a very fresh education minister, claimed a series of mistruths about me. When it was proven that he was wrong and deceitful in what he said, he refused to apologise, despite the instruction of the Assembly to do so.

I have to give credit where credit is due. It was Mr Rattenbury as Speaker then, in the days before he sold out to this government, before he became so beholden to this government that nothing else seems to matter to him now, who actually called on Mr Barr to apologise for the mistruths that he had spoken—mistruths which, outside this Assembly, would be called lies, of course.

Mr Barr did not believe that he needed to be accountable then. He did not apologise. It is a minor matter, but when he brings up code of conduct matters, as he did a few minutes ago, he was the MLA who presented the most shameful example of a need for a code of conduct for MLAs in this Assembly. Of course, that MLA is now Chief Minister, and his actions have not changed.

Take, for example, the recent community angst amongst families in the Manuka area. There would not be one person in the Telopea Park School community, none associated with Mocca, and no doubt not many if any from the Canberra Services Club, who would believe that the government have acted in an open and transparent way in their decision to take school land for commercial gain, shaft a not-for-profit organisation that has enjoyed great success in delivering childcare services for over 40 years, and leave in limbo our ex-services community.

There was no transparency in any of that exercise, and even today there is no certainty for any of the groups I have mentioned. The education minister refused to go into bat for one of her own schools, and, with a take-it-or-leave-it attitude, made the school feel that if it did not go quietly it would not get the supposedly very generous funds to build unnecessary new courts on an already overcrowded playground. So this is still government transparency!

As for the Canberra Services Club and why they could not rebuild on their old site, even though there were reports in the paper that suggested they could and would like to, Mr Barr told us during the estimates process that they just could not, but that we would just have to wait and see what he had in mind for their old site. Today in question time Mr Barr was still obfuscating about what he really said and what he really meant.

Of course, Telopea Park School is not the only victim of Minister Burch's lack of consultation. We all know the appalling, almost dismissive way she has handled the drawn-out affair of the boy in a cage. Each time we have sought answers on this issue, she has huffed and puffed and claimed that we are causing grief to the family concerned. We are actually trying to get to the bottom of what is causing this family grief and what is causing this community grief, minister. We want you to answer some questions. The community wants you to answer some questions.

MR ASSISTANT SPEAKER (Dr Bourke): Mr Doszpot, please direct your remarks to the chair.

MR DOSZPOT: Mr Assistant Speaker, we are calling on the minister to answer the community's request for transparency. Nothing could be more topical than her recent actions.

All we have sought to do from April this year is ask about the circumstances that led to a decision to construct such a constraint, to understand who undertook the investigation into the structure and what qualifications they had to do so, whether the matter was referred to the police or to the Director of Public Prosecutions, and who provided the legal advice on this as to whether an illegal act had occurred. Again, in question time, there was more obfuscation, and more—I was going to say something I should not say—untruths from this minister. We further wanted to know who else knew about the construction other than the one, now much maligned—

Ms Burch: Mr Assistant Speaker, a point of order.

MR ASSISTANT SPEAKER: Do you have a point of order, Ms Burch?

Ms Burch: It is a point of order.

MR DOSZPOT: Could we stop the clock?

Ms Burch: If Mr Doszpot—

MR ASSISTANT SPEAKER: Please sit down, Mr Doszpot. Ms Burch, a point of order. Stop the clock.

Ms Burch: Mr Doszpot claimed that I came into the Assembly and provided untruths to the Assembly. I believe that is out of order and I ask that he withdraw.

MR ASSISTANT SPEAKER: I do not recall, Ms Burch—

Ms Burch: Very clearly—you can check *Hansard*—those were his words.

MR ASSISTANT SPEAKER: Okay, I shall check *Hansard* later and review that for you. Mr Doszpot, please continue.

MR DOSZPOT: All we have sought to do from April this year is to ask about the circumstances that led to the decisions regarding the cage—what qualifications people had to construct it, whether the matter was referred to police or to the Director of Public Prosecutions, and who provided the legal advice on this as to whether an illegal act had occurred. We asked further questions on this at question time, and again Ms Burch stuck to her obfuscation. There were no real answers.

We have asked who is undertaking the internal inquiries into ETD central office staff and what role these staff played in the lead-up to the construction, to the processing of the invoices, to the payment of accounts. We wanted to know why the team of experts in the directorate head office, who are apparently available to assist principals when facing difficult situations like this one, were not called upon. We wanted to know why

the head office staff were not included in the first inquiry, given it took nearly six months to determine that the person who was stood down on day one was the only person apparently responsible.

Now we learn that the Director-General of ETD, who was to oversee the investigation of ETD internal staff, has taken personal leave. Ms Burch is yet to comment on that. So who will now undertake those inquiries? What qualifications will they have to do so? We have had answers to none of these questions. There has not been a formal freedom of information process—a process that Mr Rattenbury was keen to say was wonderful; in fact it is so wonderful that he wants to bring in new actions but he will not support our actions in calling on the government to release information.

Through the estimates process we have asked other questions, as well as through question time, and at every step we are constantly handicapped by the number of inconsistencies on the part of this minister. Ms Burch seems to regard briefings as a game where she can demonstrate her superiority as a minister in front of her directorate staff, and almost brag in question time that if one wanted the correct information in briefings one needed to ask the correct questions. So much for transparency, Ms Burch. So much for giving—

MR ASSISTANT SPEAKER: Mr Doszpot, please direct your remarks to the chair.

MR DOSZPOT: Thank you, Mr Assistant Speaker. It is all a game to this minister. When things get a little tough, Mr Assistant Speaker, and she has to face some hard truths, she pulls out the HR card and screams privacy. She seems to think this is a reasonable substitute for transparency and accountability.

She has used this tactic time and time again. She has used it when facing questions about the ongoing bullying and systemic failures at CIT, and she has done it again with this latest issue. Ms Burch also used privacy as an excuse when we asked questions about parent dissatisfaction and staff disruptions at a popular south side primary school.

Using such props does not substitute for accountability and transparency. This is another example of how this government handles all of these issues, and the electorate at large knows this. I do not think there has ever been a minister in the history of the ACT government who has had as many calls for their resignation, and motions of no confidence expressed from the community, as Ms Burch.

Minister Burch has managed to incur the displeasure of ACT public teachers' own union, the autism community and the electrical trades industry, all in one year. Not a bad record. There is an old adage that you can fool some of the people some of the time, but never all of the people all of the time. The time for fooling people is running out for this government. People are demanding transparency.

Whether it is rezoning of land; whether it is redevelopment of areas such as the Canberra brickworks or the old Campbell service station site, whether it is roads, whether it is election promises for refurbishment of old schools, whether it is solar farms at Royalla, whether it is bullying at hospitals or bullying in emergency

services—all of these issues affect communities and all of them require a community to muster resources to demand answers from this government.

Nothing is forever, most especially this government. All governments need to be accountable; all governments need to be transparent and honest with their electors. This government are not, and they will pay the price.

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) (4.38): Very briefly, I refer those opposite to the ETD website, where they will find significant information that is in the public arena around the incident in one of our schools. I will quote, in the very brief time that I have left—*(Time expired.)*

Discussion concluded.

Crimes (Domestic and Family Violence) Legislation Amendment Bill 2015

Debate resumed.

MS BERRY (Ginninderra—Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Community Services, Minister for Multicultural Affairs, Minister for Women and Minister assisting the Chief Minister on Social Inclusion and Equality) (4.39): The Crimes (Domestic and Family Violence) Legislation Amendment Bill 2015 confirms the ACT government's commitment to protecting women and children in the ACT. The bill reinforces the ACT government's position that domestic and family violence will not be tolerated by improving the way in which our justice system recognises and addresses acts of violence in domestic and family contexts.

We know that domestic and family violence comes at an extraordinary cost to people in our community. We know we can improve our response to domestic and family violence and reduce this cost. This bill is one step towards that goal.

This bill has come from ongoing engagement with a number of stakeholders, and the outcomes of the extraordinary meeting of the Domestic Violence Prevention Council on 2 April 2015. The aim of the extraordinary meeting was to identify key issues and provide advice to the Attorney-General on how best to address domestic and family violence, including sexual assault, in the ACT. Over 55 participants attended the meeting and engaged in an open conversation about how to strengthen our response to domestic and family violence.

The Attorney-General received the DVPC's report on domestic and family violence, including sexual assault, in the ACT on 16 April 2015. On 11 August, the Attorney-General tabled the government's response, agreeing to all 33 recommendations of the DVPC's report. In their report, the DVPC recognised that many domestic and family violence related issues are complex and meaningful progress will take time and sustained effort.

Government reforms and initiatives have been developed to align with the government's commitments outlined in the second implementation plan for the ACT's prevention of violence against women and children strategy 2011-2017, which the Attorney-General and the Minister for Women launched on 17 August 2015.

The second implementation plan provides a whole-of-government policy framework for addressing domestic and family violence in the ACT and reflects on the territory's commitments under the national plan to reduce violence against women and children 2010-2022. The purpose of the amendments in this bill is to protect victims of domestic and family violence from further traumatisation.

The government acknowledges the challenge of balancing the rights of perpetrators within the criminal justice system with the right of survivors to live a life without fear. The government believes that the legislation represents a balance of these interests and achieves what must be our priority in this area—that is, the protection of women and children and their families. This bill is a good example of the balance between the human rights of a person affected by changes in the law and the public interest to protect an individual's right to safety within their home and in the community. It is the first of a staged reform focused on strengthening responses to domestic and family violence, and I take the opportunity to highlight some of the key amendments in the bill.

The amendments proposed include amending section 28 of the Crimes Act 1900 to reflect that strangulation that does not cause unconsciousness is still an act that endangers health and amending the Domestic Violence and Protection Orders Act 2008 to create a new class of interim domestic violence order, or DVO, to allow a court to extend interim DVOs when there are current criminal charges unresolved before the court.

The bill will also amend the Evidence (Miscellaneous Provisions) Act 1991 to allow police records of interview to be admitted as evidence-in-chief for domestic violence offence proceedings, expand the special measures provisions so that they apply to breaches of domestic violence orders and other select offences and make a number of consequential amendments as a result of the new evidence-in-chief provisions.

I would like to speak mostly about the amendments to the Evidence (Miscellaneous Provisions) Act 1991 which also contribute to the important work already completed through the ACT's sexual assault reform program. There are two main amendments to this act. The first deals with the amendments to the definition of "serious violent offence" and "less serious violent offence" to ensure sufficient protections for victims of crime who give evidence in criminal proceedings.

Under the new legislation, victims of all stalking and burglary offences when the victim is present will be able to give their evidence and the special measures under division 4.2.2 will apply, whether the offence occurred in a domestic or family context or not. In addition, when a person is charged with destroying or damaging property or being in breach of a domestic violence order, witnesses who have a relevant relationship with the accused will be able to have all the special measures

under division 4.2.2 apply. This means that complainants of domestic and family violence will have increased protections when giving evidence at court to help prevent re-victimisation during criminal proceedings.

The other main amendment to the Evidence (Miscellaneous Provisions) Act will create a new scheme allowing police officers to record evidence-in-chief soon after a domestic or family violence incident which can be used during court proceedings as that person's primary evidence. This evidence may be used in other proceedings where the evidence is relevant and appropriate submissions are made as to whether the evidence could be appropriate in the circumstances. The provisions do not expressly restrict the use of such evidence in other proceedings, instead allowing for the rules of evidence to apply.

These amendments seek to balance the rights of women and children to be safe in their family and free from torture and the defender's rights in the criminal process. They are driven from recognition that domestic violence is never a one-off event. It is a persistent and deliberate culture of fear that we know silences survivors and cuts many of them off from processes of justice. It is a clear statement to those perpetrators who use violent control to prevent prosecution that we know what they are doing and that it will not be tolerated. It is a statement to survivors of violence, and those still living with it, that we understand their experiences and that as a community we want to hear their stories and ensure their safety.

As I have said before, we will not be able to arrest our way out of this problem. These amendments are important to protect people who are experiencing violence today. But we will also continue to work with our state and federal counterparts to address its cause and to build a future for Canberrans that is free from violence in all its forms. I commend the bill to the Assembly.

MR RATTENBURY (Molonglo) (4.47): On behalf of the ACT Greens I will be supporting this bill, which seeks to make several legislative improvements in relation to domestic and family violence. I have spoken in this place before about the awful extent of domestic and family violence in Australia, including in the ACT, and I support measures that will help address it. I know all members of this place support these measures, and our response to domestic and family violence has been an admirable example of tripartisanship in the Assembly.

The most recent data that I have seen comes from Australia's National Research Organisation for Women's Safety, or ANROWS, which produced a report last week analysing the Australian Bureau of Statistics' personal safety survey 2012. This is the most comprehensive quantitative study of interpersonal violence in Australia. I have talked before in the Assembly about the disturbing statistics revealed in this survey. The new analysis by ANROWS has provided several hundred new statistical items related to violence against women. This work is called the horizons report and it builds on the already distressing picture of domestic and family violence in Australia.

I will relate just some of the facts from this report for members' interest. One in four women have experienced violence by an intimate partner they may or may not have been living with. This expands on the conclusion of the ABS which said an estimated

one in six women in Australia had experienced violence by a partner within a married or de facto relationship. One in four women were required to take time off work as a result of this violence; 1.7 million women had experienced sexual violence since the age of 15; and 67.3 per cent of women who experienced sexual violence also experienced physical violence.

Of women who were sexually assaulted by a man, one in three reported they were physically injured, and 31,600 women experienced factures or broken bones and teeth as a result of the assault. Seven out of 10 women left property or assets behind when they moved away after their final separation from their most recently violent former partner. There were 87,800 women sexually assaulted in Australia in the year prior to the survey. Over half a million women said their children had seen or heard partner violence. Women with a disability were more likely to experience multiple incidents of violence by a man.

These are disturbing statistics, and there are many others in this report. What I have just cited are statistics; yet behind them is an enormous number of terrible personal stories. They are disturbing statistics, but they put today's legislation in a very important context. The response to domestic and family violence needs to be comprehensive and to cover a range of areas. There need to be education, cultural and attitudinal change and support services. In today's context, there need to be a legislative response and appropriate sanctions. The bill we are debating is one small part of the response addressing specific issues in the criminal law and the judicial system, but it is an important contribution nonetheless.

The bill makes three main changes. The first is to refine the offence of strangulation in the Crimes Act. Currently victims must rely on the offence of endangering life, which requires that the strangulation was so severe that the victim lost consciousness or was rendered insensible. This has a maximum penalty of 10 years imprisonment. The alternative to this is a common assault charge, which has a maximum penalty of two years imprisonment. The amendment will create a strangulation offence under the broader offence of endangering health, a lower threshold than endangering life. It will allow a maximum penalty of five years imprisonment.

As the Attorney-General has explained, this reflects the evidence that strangulation is often used in family violence to threaten, intimidate and control a victim. It is one of the most important predictive risk factors for intimate partner homicide. Strangulation leads to serious health issues, but it is often unable to be detected by visible marks. I support the change as a way to assist victims of violence and ensure that the criminal law properly recognises the reality and severity of strangulation as a form of domestic violence.

The second change will allow police records of interview to be admitted as evidence-in-chief for family violence and all sexual offences. This recognises the trauma that can be associated with the criminal process for victims of family, domestic and sexual violence. It aims to reduce this trauma by giving victims the option of not testifying in court and of instead using their police statement. It also looks to improve the accuracy of evidence as the statements will have been taken soon after the incident occurred.

The statement that is presented as evidence-in-chief is to be an audiovisual recording. However, if the person did not want to record an audiovisual statement or there are other special circumstances—for example, the audiovisual equipment is broken—then the statement can take the form of audio only.

I am aware that this has caused some concern in the legal community and I have had a representation from the Law Society that audio-only statements should not be admissible. I am comfortable, though, that an audio statement is still better than no statement or requiring a victim who is obviously a vulnerable person to appear when they do not wish to do so. The bill also specifies that the statement must be audiovisual, except in the particular circumstances I have already mentioned. The bill also includes an amendment which allows the complainant to give evidence, including pre-recorded evidence-in-chief, in closed court if the complainant wants to do so and it is in the interests of justice.

The Attorney-General's officials have also assured me that ACT police will receive training on how to conduct these interviews in a way that ensures evidence is admissible. This is an issue of which the police are very aware and, from the information I have received, it sounds like their training and approach to these interviews is very thorough.

The third major change is that the bill creates a new class of interim domestic violence order. This will allow a court to extend interim DVOs when there are current criminal charges unresolved before the court. In these instances the orders will remain interim until after the related criminal charges are heard and a decision is made on the final orders. The change protects applicants for DVOs by allowing them to obtain protection without the need to endure a lengthy hearing. They can still consent to final orders or withdraw the order. The change also assists respondents to DVOs who are also subject to criminal proceedings. It ensures they do not have to make admissions or disclose any information during the hearing for a DVO before they have their trial for the related proceedings. When I spoke to the Law Society about this particular amendment they said that the change is a vast improvement for everybody.

I note that the Attorney-General is tabling a revised explanatory statement which clarifies several matters raised by the scrutiny of bills committee. The attorney's response to the committee also provides cogent information in response to several other matters raised by the committee. I am satisfied that overall the bill appropriately balances human rights with the need to improve the legal system's ability to respond to domestic and family violence, and I am pleased to support the bill today.

MR CORBELL (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (4.54), in reply: I table a revised explanatory statement for this bill. I thank members for their support of this bill today. This is an important piece of law reform focused on strengthening the justice system responses to the challenges our community faces in the area of domestic and family violence. Members have spoken at some length about the provisions in the bill, and I have spoken as well in my introductory comments to the bill.

I will not seek to reiterate all those points today. But what I would say is that this bill is a good example of how, as a government and as an Assembly, we can respond to the lived experience of those who have experienced domestic and family violence. For example, the changes to the domestic violence orders scheme, the protection orders scheme, are in direct response to the lived experience of victims and the re-victimisation that can occur in circumstances where a person is seeking a civil protection order but is also pursuing the prosecution of their alleged offender through the criminal process.

This is an important reform that protects those victims from re-victimisation. It also makes sure that the law is contemporary by recognising that the act of strangulation is, regrettably, all too common in the domestic violence and family violence environment. In the act of causing strangulation, an offender will often not leave any clear visual marks on their victim and, equally, they may not seek to strangle someone to the point that they are rendered unconscious. The existing law is not adequate in this respect. The changes to the law which I have introduced today and which the Assembly is poised to support this afternoon speak to the importance of making sure our law is contemporary in responding to these circumstances.

It is worth highlighting that the protections that are proposed in this bill that deal with the capacity for people to give evidence remotely and not have to be present in court and to face directly across the court room the alleged perpetrator of the crime committed against them are important protections, again, for victims.

Finally, in relation to police records of interview, the changes to the Evidence (Miscellaneous Provisions) Act are, I believe, very important. They are the same provisions that already exist in the area of sexual assault investigations. They provide for a contemporaneous record of what the complainant said and alerted police to when police first attended. They allow for those matters to be brought directly to the court and for that contemporaneous record of what occurred to be used by the court in determining guilt or innocence.

This is a very important package of reforms. I am very pleased that it is a unanimous position that is reached by the Assembly on this matter today. I thank members for their support, and I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Lotteries (Approvals) Amendment Bill 2015

Debate resumed from 24 September 2015, on motion by **Ms Burch**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (4.59): This bill has come about because of an unfortunate circumstance, recorded in the *Canberra Times,* where a Braddon bar had to get a gambling licence because it wanted to run what was colloquially known as "tranny bingo". I think it is sensible reform. The briefing I had said there were something like 7,000 such low-risk lotteries in the ACT every year, and this will remove about 2,000 of them from government oversight and the need to apply for permits. I think we would all agree that that is a good thing.

From the government's own explanatory statement, the change moves the system to a risk-based approach, with certain lottery activities considered low risk for gambling harm, consumer protection and criminal activity. It provides flexibility in the way the act regulates lottery activities. Amendments will allow for differentiation between large-value high-risk activities and low-risk activities such as infrequent small bingo or housie game sessions and raffles that a community group might run over a couple of months.

These seem to be appropriate reforms, and the opposition will be supporting them.

MR RATTENBURY (Molonglo) (5.01): The Lotteries (Approvals) Amendment Bill 2015 is a further step in the government's red tape reduction agenda. Mr Smyth has just recalled—I never thought I would hear him use the words "tranny bingo" in this place, but he has done it—that this has arisen—

Mr Smyth: Why would you think I wouldn't use that term, Shane? I'm shocked!

MR RATTENBURY: I did not think any of us would ever use it, Mr Smyth, but there you have it. It was a particular event that is very popular at a Braddon bar that brought this issue to light when they ran afoul of the racing and gaming commission for holding bingo nights without the necessary permit. This amendment bill is designed to address such situations, where low-risk community activities have been caught up in a broader regulatory regime.

As Minister Burch pointed out in her tabling statement, research from the ANU and the ACT Gambling and Racing Commission suggest that gambling activities are lower risk if they are infrequent or one off, are of small prize value and include lottery products, such as raffles, low-value housie, bingo and trade promotions.

The amendment bill will allow the gambling commission to determine exemptions for different lottery products and it will allow the community to conduct low-risk lotteries, such as the event we saw in Braddon or a fundraising raffle, without seeking approval for every session. The amendment bill is moving the regulation of lotteries towards a risk-based approach whereby the risks associated with any given lottery determine how much regulation applies to that lottery. I understand consumer protections for a fair lottery remain in place, and I am happy to support this bill.

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) (5.02), in reply: I am pleased to debate the Lotteries (Approvals) Amendment Bill 2015 today, and I thank members for their contributions.

The bill proposes changes to the Lotteries Act 1964 and the Gambling and Racing Control (Code of Practice) Regulation 2002. The amendments will provide immediate regulatory relief by exempting low-risk lotteries from requiring approval of the Gambling and Racing Commission. Our community will benefit from a removal of application fees and administrative processes associated with the application for low-risk lotteries. The commission currently receives more than 5,000 applications for approval every year. It is estimated that about a third of those are low-risk lotteries. The bill will mean that hundreds of schools, charitable groups and community organisations will no longer have to bear the cost and the red tape imposition for applying for approvals.

While the bill provides for a more relaxed and flexible risk-based regulation of low-risk lotteries, it does not eliminate the commission's oversight. As with any reform in the gaming arena, consumer protection must be not compromised. I am confident that the bill achieves that objective with the appropriate proportion of powers. In addition the bill outlines integrity-based conditions under which exempt lotteries are to be conducted, and the bill's new conditions will not require any major changes to existing practices with low-risk lotteries. The bill does, however, reaffirm that regulation of higher risk lotteries will require the commission's approval and must comply with any approval conditions as well as the provisions in the Gambling and Racing Control (Code of Practice) Regulation 2002.

I want to thank the Standing Committee on Justice and Community Safety in their legislative scrutiny role for their review of the bill. I have carefully considered the committee's comments and will not be proposing amendments based on those. I table a revised explanatory statement.

Whilst there are no amendments, I will provide comment to the Assembly about the scrutiny committee's comments. The committee sought clarification about whether there is any adverse result where a person breaches the condition in paragraph 6A(1)(e) and conducts or advertises an exempt lottery if it is inappropriate or offensive. I can advise that a person who breaches section 6A may be committing an offence under the act, as an exempt lottery is subject to the conditions set out in that section. I would also like to highlight that although exempt lotteries do not require the commission's approval, the commission retains oversight of the conduct of the lotteries.

The committee queried whether the limitation imposed by new paragraph 6A(1)(e) is one that is set by law and, if so, whether that limitation is reasonable. Gambling is a highly regulated area in the territory, and we make no excuse for this. The conduct and advertising of lotteries is illegal except where specifically permitted by the Lotteries Act. While new section 6A provides for specific lotteries to be exempt from approval, those lotteries are still lotteries for the purpose of the act and therefore the new requirements to operate within the scope of those limits.

The committee also commented that new paragraph 6A(1)(e) raised human rights considerations in relation to freedom of expression and queried whether there were

less restrictive means available. Today I have tabled the revised explanatory statement in response to those comments.

The explanatory statement acknowledges the identified human rights aspects of new paragraph 6A(1)(e) of the bill and provides an analysis in accordance with subsection 28(2) of the Human Rights Act. Firstly, the limitation imposed is only relevant to the specific lottery; it does not stop a person doing such things as commenting on or questioning the lottery industry generally. Secondly, this limitation reflects the diverse nature of the lottery industry. We are deregulating but keeping the community safeguards in place. At the heart of this new section is the fact that not all lotteries and lottery prizes will be appropriate to all areas of the community. The government does not, for example, support lotteries for cosmetic surgery procedures being targeted at teenagers. These are reasonable limitations similar to the provisions used in New South Wales and Victoria.

Finally, new paragraph 6A(1)(e) ensures that the regulatory framework works in tandem with deregulation and allows for emerging market developments. The provision aligns with the existing gambling and racing suite of the legislation. Through this bill, the government has responded to community concerns about the impost of legislative approval requirements for low-risk lotteries.

I commend the bill and the revised explanatory statement to the Assembly. I want to thank the officials who worked on this amendment and acknowledge the contributions of members in this place.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Building (Loose-fill Asbestos Eradication) Legislation Amendment Bill 2015

Debate resumed from 24 September 2015, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (5.08): There are a number of elements to what is occurring today with the debate. There is the bill in principle, which, in essence, we support. It contains a range of mostly technical, consequential requirements, changes to law, to enable the buyback scheme and demolition process to occur. There are amendments being moved that make a number of changes, which were circulated yesterday, and which relate to duplexes—where it is not actually a Mr Fluffy home but it adjoins a Mr Fluffy home. There is also a disallowable instrument which, as I understand it, was tabled at the end of question time.

Just to outline our approach, so that people understand what our position is, we will be supporting the bill in principle but we will not be supporting the amendments. Should the amendments be supported and then form part of the bill, we will not be supporting the bill. So it is the amendments we have the problem with. I can indicate—although it is not part of this legislative package that we are debating here—that, with respect to the Mr Fluffy disallowable instrument which, as I said, was tabled just after question time, we will not be supporting that either. I will go through this now in more detail.

As I said the bill contains administrative items that will enable the government to deliver its Mr Fluffy buyback scheme. We would like to get to a point where we are, where possible, supporting the government with this process, but, as has become evident as this plan has rolled out, there is a range of issues that we have concerns about, not only in this bill but also in DV 343 and the inquiry that Mr Coe spoke to earlier today.

We will not be supporting the amendments, as discussed. Essentially they add the properties to the Mr Fluffy buyback list in a manner which does not recognise the special nature of those duplex properties that I talked about before. The amendments also give the minister unfettered power to add properties to the Mr Fluffy buyback list, including those properties that do not have amosite asbestos.

As I said we will not be supporting the disallowable instrument that is associated, although not in a formal sense, with this bill. In this instrument the Chief Minister proposes to create a new group of Mr Fluffy home owners. We will not be supporting the disallowable instrument if it retrospectively changes the land rent arrangements available to Mr Fluffy home owners. Ultimately, it changes the rules. If Mr Fluffy home owners had known what they were signing up to with the land rent scheme in the first place, there is an argument that what the government was doing would be okay. But you cannot change the rules midway through a process. I will go to those elements a bit later. I will deal with the bill now.

There are some good things in the bill. As I said, in principle, we support it. Amongst other things, it contains arrangements to enable the government to facilitate the demolition and resale of Mr Fluffy houses and provides the legislative apparatus to enable the option, for a limited number of eligible home owners, to take up a land rent option. So we support the ability for them to take up the land rent option; it is the elements of the disallowable instrument that give us great cause for concern.

The bill amends seven acts and regulations: the Building Act 2004, the Building and Construction Industry Training Levy Act 1999, the Building (General) Regulation 2008, the Dangerous Substances (General) Regulation 2004, the Planning and Development Act 2007, the Land Rent Act 2008, and the Land Rent Regulation 2008. Largely, this is about helping the government and making life easier for the government, but they are largely non-controversial and we support those major elements of the bill. In the interests of brevity, I will not repeat them because they are outlined pretty clearly and they have been outlined in presentation speeches.

That brings me to the amendments. We will not be supporting the amendments. They were circulated only yesterday, and they essentially aim to create a new category of house, which is "impacted property", which is intended to deal with the circumstances where a duplex house is attached by a common wall to a Mr Fluffy house. In effect, it will make the "impacted property" a Mr Fluffy house and subject to the buyback scheme.

The content of these amendments is of considerable concern to us. It is doubly concerning that the Chief Minister is trying to push through these amendments in a sense and avoid proper scrutiny. This was not part of the original bill that we have been able to consult on in more detail. We await the speech on the amendments and so on, but it is problematic; it has not been through JACS either—the scrutiny of bills committee process—to see whether there is an impingement of rights.

It is of great significance and it does affect affected home owners. It affects in many ways their rights. The amendments that are being rushed through enable the government to add more houses to the scheme even though no amosite asbestos is present. The idea is to provide a mechanism to deal with duplex-type properties adjoining a Mr Fluffy house. But it is problematic.

When the original bill about the buyback scheme was tabled, we called for more flexibility in the approach. We said that a one size fits all approach would be problematic. I think that is the case here today. There are people who will today become eligible for the scheme, essentially, if this legislation passes today, but their valuation date will be the same as for the people who joined the scheme many months ago.

I see a problem with that. I see a problem whereby people who have been told, "You're now going to be part of this scheme," in October or November 2015 will be subjected to a valuation on their property that is over a year old. I can see that that is a problem. If the minister says that is not the case, and that is not going to happen—that there will be a special case for these people—I would welcome that. But my understanding is that it sets up exactly the same conditions in terms of valuation of their properties as it does for Mr Fluffy home owners.

I do not want to create a situation of winners and losers. It is a difficult issue, and I accept that. It is a difficult issue for the Mr Fluffy home owner that there may be a different date for the house opposite. Ultimately, because of the date difference, these end up being, in a sense, in different schemes in the time line. I think the time line for the valuation should reflect that. The market has changed. There are people in the Mr Fluffy scheme who have been able to sell their property, get the money and move into the market to buy a new home. They have done that. There were problems with that original date; that is done and dusted, though. Life has moved on.

Now we will be saying to people, "You're going to get an amount of money based on a valuation that is over a year old." And they are now in a market that has moved significantly. Certainly, the evidence that we received in hearings from Mr Ron Bell, and certainly the information that I have from many real estate agents across town, is

that the market has shifted. There is a shortage of homes on the market. There is a shortage of single dwelling properties, particularly in the areas most affected by Mr Fluffy, and there will be people out of pocket, with a valuation date that is over a year old.

Put yourself in their shoes. You are now being told, "Right, you're going to be part of this scheme, pretty much whether you like it or not. You're in this scheme and we're going to give you some money for your home based on a valuation that is now very distant from the current market, and you're going to now be going out and bidding for homes with an amount in your pocket that is significantly less than in the current market."

How is that fair? It is not. We need to have some flexibility, in order to recognise that. So we will not be supporting the amendments. We support the attempt to look after, address and deal with the complex issue of the duplex properties, but it must be fair and it must be reasonable. Essentially, if we were to have a different date, it would then actually be more consistent with the entire scheme, which gave people a more current date—fixed in time but closer to the time at which they had to make a decision, get their money, and then move into the market, should they choose to do so. I know there are a number of people affected by that position. The minister, as I understand it, would get the right to make a determination to add a property to be purchased under the Mr Fluffy buyback scheme.

This has been rushed. We got the amendments yesterday. There needs to be more flexibility, so as not to disadvantage this group of people. We are not talking about a lot of people here. My understanding is that there are fewer than a dozen. I am concerned with the ministerial discretion being an element of this. So we cannot support the amendments as they stand.

I will turn now to the disallowable instrument. I indicate that we will be moving for disallowance of the instrument, although it is not directly related to this bill. A number of Mr Fluffy home owners have decided to opt into the land rent option to enable them to afford to return to their homes.

I think it is pretty tragic in many ways that people who owned a block of land with a house on it will be in a position where the only way they can move back to their block is to rent that land. It is pretty sad; it really is. We can all feel great empathy for those people. Despite that, they have made a decision that that is the way they want to go—a difficult decision, I am sure. The view that they had was that the land that they were going to then rent back, which was their own land, and they are going to rent it back, was at the unimproved value.

That was based on the information that they received, and that was the information from a number of sources: advice from the task force, the government response to the public accounts committee, draft variation 343 and various government websites. Certainly, the task force, I understand, wrote letters encouraging people to take up the land rent option. They believed that it was based on the rules as they stood, and the rule for land rent relates to the unimproved value. People made difficult decisions that

are going to affect their financial security probably for decades to come, if not for the rest of their lives, based on the information that they had available, in good faith.

But now the government is going to change the land rent rules. So the disallowable instrument is going to change the rules. If that had been stated at the beginning of this process then people could have made a decision based on that. They could have said, "Market value—I'm not going to go with that; I'm going to make a different decision. I'm not going to plan my life around that."

But when they sought advice, accessed documents and got onto websites, all of the available information and advice said, "This is the land rent scheme. This is how the land rent scheme works, and it is unimproved value." What the Chief Minister, with his disallowable instrument, is going to do is change the rules on people who have already committed, made decisions on land which they owned, and which, in a terrible position, they now have to rent back, through this tragedy. They are now being told, "Yes, you can do that, but we're going to change the rules to sting you for a bit more cash." It is to get a bit more cash into Mr Barr's budget—a bit more money for his tram, a bit more money so that he can then roll out capital metro across this town, at many billions of dollars. But he is going to say, "No, to get back on your piece of land, we're going to change the rules so we can get more money out of you."

That is what this is about. This is about getting more money out of people. This is about going from the unimproved to the market value. So this is a dollar decision. This is a decision made by a government that is prepared to spend billions of dollars on, if you like, a tram, but it is going to affect people who have to, under the land rent legislation, be essentially low income people. These are not rich people. These are people who have been affected by the Mr Fluffy tragedy. He is going to say, "We see an opportunity to make some more money out of you." Let me be very clear: we will not be supporting that disallowable instrument. We will be moving for disallowance.

As I said we will support the bill in principle, and if the government wants to leave it there, they will have our support. But if Mr Barr moves his amendments, as I outlined, we cannot support it. As a consequence, if Mr Rattenbury votes for it then we cannot support the bill.

This is difficult for government and for the opposition, but most of all it is difficult for the affected Mr Fluffy home owners. There are some extraordinarily difficult stories here. There are some tragic stories. I know that Mr Kefford, the director of the task force, deals with these on a daily basis. I know that these are extraordinarily difficult issues. There is one case that I have been in communication with the government about, with regard to the valuation of a home and a child with a disability. It is difficult to imagine, in many ways, more difficult circumstances that people could find themselves in. They are losing their homes, they are losing their financial asset and, if they are forced to move away from their block of land, they are in many ways losing their friends and their communities.

I say to the government that we understand there are financial pressures, but I ask you to consider greater flexibility and greater fairness. We are not talking in this case

about many people. We are not talking about wealthy people; we are talking about people doing it really tough. I, on their behalf, ask you to reconsider.

I say to Mr Barr: do not move your amendments today. Give it more time, think about it, dwell on it and perhaps consider again your disallowable instrument. While I understand that you have to consider the ACT budget, you should think about why you are here, think about why we are all here, and think about the people that you are affecting as a result of what you are doing here.

MS FITZHARRIS (Molonglo) (5.28): It was one year ago this week that the ACT government initiated the loose-fill asbestos insulation eradication scheme. Since my election to the Assembly past that date I have had the opportunity to get a better understanding of the Mr Fluffy issue, its history and the current policy framework around the buyback scheme, including through this legislation being debated today and the planning committee's report tabled this morning. It is a complex issue, and one that will change our city and impact on the families involved in a way similar to that of a natural disaster but played out in slow motion.

I know the task force has been working hard to get our response to this issue right, and that this legislation is a step forward. The Building (Loose-fill Asbestos Eradication) Legislation Amendment Bill 2015 proposes a number of amendments to facilitate the implementation of the demolition and resale components of the scheme, as the Chief Minister has previously said. These amendments relate to the Building Act 2004, for the demolition of residential premises, the Building and Construction Industry Training Levy Act 1999 and the Dangerous Substances (General) Regulation 2004.

The amendments will provide a more streamlined process and introduce some efficiencies into the regulatory oversight of the demolition phase of the scheme. The Planning and Development Act 2007 is also being amended to address the demolition of asbestos-affected heritage buildings, so the automatic impact track assessment will not apply. The legislation also amends the Land Rent Act 2008 to make land rent available to former Mr Fluffy home owners who are seeking to return to rebuild on their former block if they meet the land rent eligibility criteria.

The outcomes of the amendments as they relate to the land rent scheme are to: first, make the land rent scheme available to Mr Fluffy home owners at all, as currently it is available only in greenfield sites; second, prevent a land rent lease granted under the first right of refusal from being transferred to another person, and ensure it is a provision that is available only to Mr Fluffy owners; and, third, restrict conversion of the lease to market value.

I am aware that the land rent aspects of this legislation are contentious for some people impacted by Mr Fluffy. Last week I met with a group of home owners to discuss these issues as they relate to the land rent scheme and get a better understanding of how it impacts on them. I am aware also that some people thought that land rent would operate in a different way, allowing them to convert their lease at an average unimproved value. Other people, though, have told me they did not think

this would be the case, and agree with the amendments as they are outlined in this legislation.

I have considered these issues that some home owners have raised, but I believe that restricting the conversion to market value only gets the best balance for all Mr Fluffy home owners. It is equitable across the Mr Fluffy scheme, the land rent scheme and it is equitable across the community. It will avoid a situation where some owners would be able to pay a lot less to get their block back than anyone else.

I thank the families who came to see me about this issue. I know a small number of them believed the scheme would operate differently. I have learnt firsthand that this change has implications for how they plan for their and their families' next steps.

Other aspects of the land rent scheme, including eligibility criteria, calculation of land rent and its applicability to single dwelling house leases only remain the same as the existing land rent scheme. I think this is a good outcome and for some families it will be an affordable way to return to their land at a particular point in time.

I believe the scheme has been moving as quickly as it can. It is unlike anything else in the territory's history. Decisiveness was important, families have certainty about the parameters of the scheme, and its parameters are equitable within the Mr Fluffy community and the broader community as a whole. And it is a compassionate scheme. Sadly, it is not, and could not ever have been, a scheme that enabled everyone to return to exactly the same situation as before. But land rent is a viable option within the scheme as a whole.

Ultimately, this legislation will help the ACT community to move closer to eliminating the legacy left behind by Mr Fluffy. The government will continue to work closely with all stakeholders affected by loose-fill asbestos, and this bill reflects the essential changes required to provide an enduring solution to the Mr Fluffy legacy.

MR RATTENBURY (Molonglo) (5.32): The Greens will be supporting the Building (Loose-fill Asbestos Eradication) Legislation Amendment Bill 2015, which is the next step in helping facilitate the planning aspects of the government's loose-fill asbestos insulation eradication scheme, or the Mr Fluffy buyback program. This is the second set of legislative amendments to ensure that the scheme can operate practically for both the owners of the properties and the ACT government.

As I have said in this place before, the Greens support the government's buyback program. A great deal of thought and effort has gone into finding a solution that is as equitable as possible, and achievable. Taking action to address the Mr Fluffy legacy is vital to offer a solution to those who are affected, to allow people to rebuild and get on with their lives as well as to remove the toxic legacy from people's homes in Canberra so that no-one else will have to endure the fear and the consequences of living in a Mr Fluffy contaminated house. There has been a range of legislative changes that need to be put in place to ensure that the systems are in place to cope with the mass buyback, demolition and sale processes needed for over 1,000 houses across Canberra.

Some of these changes were made in March this year and some are before us today. The most difficult set of amendments in this bill relate to the settings for establishing the land rent scheme that is created for Mr Fluffy owners. This has been challenging and there are many people who are Mr Fluffy home owners who are financially stretched and will find it difficult to replace their old home with a similar sized home on the same block, but I will come back to this in a minute.

The amendments in this bill today cover a few key issues. Firstly, relating to demolition, usually when a house is to be demolished it requires a building approval and a private certifier to approve the proposal. Given the high number of houses that need to be demolished under this scheme, rather than individual building approvals, the Construction Occupations Registrar is able to issue a demolition order for a batch of houses at a time.

The amendments in this bill today will allow for demolition orders to make this authorisation and make clear that the demolition is exempt from needing to comply with part 3 of the Building Act. Demolition orders will contain asbestos removal control plans, place management plans and other plans as necessary—for instance, for relevant utility management such as sewerage, water and stormwater. The principal contractor who is responsible for demolitions that involve any structures containing loose-fill asbestos insulation will be responsible for the demolition plans.

These principal contractors have the responsibility of ensuring that these Mr Fluffy houses have clear, safe and adequate demolition plans and for ensuring that all demolitions are undertaken in accordance with these plans. These principal contractors are required to operate under work health and safety laws and will be informed and trained throughout this extensive process on the particular aspects of this program under the watchful coordination of the Asbestos Response Taskforce.

Of course, demolition orders will need to be approved by the registrar. Thus it makes sense to remove the need for individual private building certifiers to approve the demolition for each individual house when there is a broader system for demolition approvals in place. This bill also clarifies that any works undertaken under these demolition orders will still attract the 0.2 per cent building and construction industry training levy.

There is also an issue of heritage houses with Mr Fluffy. The bill makes amendments to the Planning and Development Act to allow for heritage houses that have been affected by Mr Fluffy. At present, any proposals to demolish a heritage listed building must automatically be assessed under the impact track, meaning that an impact assessment must be undertaken. However, and very unfortunately, there are quite a few houses in our older established suburbs that have been affected by Mr Fluffy that will need to be demolished.

Heritage is important as a legacy but we do not need to be handing on the toxic legacy to accompany this heritage to future generations. So this bill allows for those affected houses to be demolished under the same demolition orders as outlined earlier in my

remarks. I believe that homes rebuilt on heritage blocks will still need to comply with the character of their neighbourhoods.

The bill also amends the Dangerous Substances (General) Regulation to ensure that the responsibility for asbestos removal will be clearly with the asbestos removal business rather than with any individual asbestos removal worker. This licensed asbestos removalist company will also be responsible for providing a copy of the certificate in relation to any removal work that is undertaken.

Finally, let me return to the land rent issue because this bill introduces amendments that allow for Mr Fluffy home owners who are eligible for the land rent scheme to buy their block back under the land rent scheme. The land rent scheme is part of the ACT government's existing affordable housing action plan. The scheme gives people the option of renting land through a land rent lease at a rate of two per cent rather than purchasing the land outright from the government to build a home. It reduces the up-front costs associated with owning a house as lessees will not need to finance the cost of the land, only the costs associated with the construction of the home. It is important to note that this scheme up until now has been for greenfield sites only and it exists only in the ACT. Entrance to the land rent scheme is restricted to low to moderate income households that are eligible.

Eligibility criteria are that the total gross income of the lessee or the lessees must be assessed by the ACT Revenue Office and must not exceed the income threshold of $160,000. Income is calculated on a household basis and the income threshold is increased by $3,330 for each dependent child. The government has introduced this scheme to eligible Mr Fluffy home owners as a compassionate option for affected home owners who otherwise would not be able to finance rebuilding a home on their old block.

It is a tricky issue as all affected home owners who surrender their blocks are being paid for the market value of their house and block. However, we know that there will be some of these home owners who will struggle to find the finance to purchase their old block at market value when it is available again and then also be able to finance construction of a new house. This is a particular problem in the inner suburbs where land values are high, as opposed to greenfield sites, which the land rent scheme was designed for.

I have met with a number of these affected home owners over the past few weeks as I consider the issue in detail. I believe that there are about 15 affected households eligible for the land rent scheme and a few of these people have asked the government to set up this scheme slightly differently so that they can rent land but when they want to convert to purchase their block, rather than continue to rent, they are able to pay out at an unimproved value rather than at market value.

The problem this poses for the government is that the government is paying home owners market value for their block at the time of the buyback; so allowing people to then purchase the block back from the government at unimproved value instead creates the potential for a surplus between the market value the government bought the block for and the unimproved value it would subsequently be purchased for.

It is something that I believe the government just cannot do. Indeed, it would be justly criticised by others in the community. It has been clear that there is not a perfect outcome to suit everyone on this issue. It certainly has been a difficult issue for me given the challenges of finding the right balance between giving each of the affected home owners what they want and finding a scheme that is equitable and affordable for the entire community.

I know that each and every member in this place wants to limit the costs of the scheme on the community. They also want to reduce the impacts on individual home owners. There is, of course, a tension between these two things. It is now established that the scheme is going to cost the ACT government in the order of $400 million net after the various revenues are recouped from this scheme.

I know there is a range of views in the community. I have certainly met many people and I have met the full spectrum of opinions from those people who have moved very quickly, who are grateful for the support that they have received and who have been able to re-establish their lives already or who are in the process of doing so. I have also met others who feel that the scheme could be better constructed. They feel that it has not met their needs in the way that they might have hoped for.

I find this a very difficult balance but I think that overall the task force has given this a great deal of thought. They have considered it very carefully and worked very hard to construct a scheme that is, as I said, as equitable as possible for everybody in the community: those who are affected by the Mr Fluffy scheme and everybody else in the community who is helping to pay for addressing the problems that they have inadvertently, innocently, been caught up in.

I will be supporting the legislation today. I think it seeks to strike the best possible balance between all of the interests we have in the community. The government will and must continue to support people affected by the Mr Fluffy scheme as best we can.

Visitors

MADAM DEPUTY SPEAKER: I would like to welcome the Amaroo Scout Group to the Assembly and acknowledge their leader, Brent Juratowitch.

Building (Loose-fill Asbestos Eradication) Legislation Amendment Bill 2015

Debate resumed.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (5.42), in reply: I thank the Leader of the Opposition, Ms Fitzharris and Minister Rattenbury for their contributions to the debate this afternoon and acknowledge that there is, as previous speakers have identified, a range of very complex and challenging policy issues before the Assembly. In fact, the entire Mr Fluffy loose-fill asbestos insulation legacy is complex and challenging and

perhaps the most significant community issue that has come before this place in 25 years. It directly impacts over 1,000 home owners and their families across 56 of our city's suburbs and, by extension, the legacy will be felt by close to 12,000 neighbours and around 127,000 people when the demolition spreads throughout suburbs.

The first stage of the loose-fill asbestos insulation eradication scheme comprised the voluntary buyback program through which the territory offered to purchase affected properties at a value that ignored the presence of loose-fill asbestos. This stage of the scheme is drawing to a conclusion with the territory having made over 1,000 offers on these properties. The Building (Loose-fill Asbestos Eradication) Legislation Amendment Bill 2015 that we are debating this afternoon, which was first presented to the Assembly on 24 September this year, looks to the stages of the scheme that now follow the buyback program.

The bill contains a number of legislative amendments to streamline processes for demolishing these affected premises and selling the remediated blocks so that new homes can be rebuilt as soon as possible. The legislation to be amended includes the Building Act 2004, the Building and Construction Industry Training Levy Act 1999, the Dangerous Substances General Regulation 2004, the Land Rent Act 2008, the Land Regulation 2008 and the Planning and Development Act 2007.

Amendments to the Building Act 2004 recognise that the territory is undertaking demolitions of affected premises on a bulk scale and has measures in place to ensure the safety and compliance of such demolitions. And rather than having to seek a building approval for each individual demolition, the amendments introduce an alternative mechanism where the Construction Occupations Registrar may instead issue a demolition order for demolitions that are relatively straightforward, thereby authorising the territory to demolish the building without going through the full building approval process or needing to engage a private certifier. The registrar will be provided with documentation of a similar level to that which would have been provided for the building approval process and will also be provided with evidence that relevant utilities have been consulted in relation to the demolition planning and execution. Where the Construction Occupations Registrar decides that an additional level of oversight is needed, a building approval will be required. The provision to apply for a demolition order applies only to loose-fill asbestos affected residential premises where demolition is undertaken by the territory and recognises that safety and compliance controls are also in place through procurement requirements for demolition contractors and, importantly, through work health and safety regulation.

As a consequence of introducing demolition orders, amendments are needed to the Building and Construction Industry Training Levy Act 1999. Training makes an important contribution to safety in the building and construction industry. In the ACT, along with four other states, a levy is collected on construction work in order to identify and meet training needs for the industry. Under this act the payment of the training levy, including the method for calculating the value of the levy to be paid, is currently linked to work requiring building approval. To account for any demolitions of affected properties that are conducted by the territory under a demolition order instead of a building approval, the bill amends this act to provide an alternative

mechanism for determining that levy value. The value to be paid through this alternative mechanism will be the same amount that would have been payable under a building approval.

The ACT government has recognised that many owners of affected blocks wanted the option to repurchase their blocks after remediation in order to retain their connections with their local community. For this reason the buyback program includes the first right of refusal system which gives the former owner the first option to purchase a new lease over the block once the affected premises have been demolished and the land deemed suitable for redevelopment.

We have also recognised that some of these owners will not be able to afford the cost of repurchasing their block as well as the cost of rebuilding a house on the block, and for this reason we have agreed to offer land rent to those former owners who meet the general eligibility criteria for land rent where they take up a first right of refusal. As we have heard, land rent is a housing affordability scheme that has previously only been available in greenfield estates. The amendments to the Land Rent Act 2008 and the associated Land Rent Regulation are needed to enable land rent to be applied in the very specific circumstances of former affected property owners seeking to return to their block.

These include some slight differences from the way that the land rent scheme is generally applied. General land rent leases are transferrable. However, the purpose of offering a land rent lease to an eligible former affected owner is to enable them to return and rebuild in the community where they have established connections. For this reason it does not make sense for the land rent lease to then be transferred to a different party, and transfer will not be possible where the lease is granted under this first right of refusal.

In addition, consistent with the policy of selling former affected blocks at market value once they have been remediated, land rent leases granted under the first right of refusal will be able to be converted to only a nominal lease, that is, a standard lease, at market value. This differs from other land rent leases where conversion may be calculated at either market value or at the average unimproved value. Other elements of the land rent scheme, such as the rate at which rent is calculated and eligibility criteria including the maximum income threshold, remain the same as for all other land rent leases.

The amendments to the Planning and Development Act 2007 will streamline the demolition process for affected heritage premises. Currently under this act heritage properties are automatically subject to the impact track assessment, which has the highest level of scrutiny and notification requirements under our Planning and Development Act and can take up to 45 working days. Through the amendments, where the Heritage Council has approved a statement of heritage effect under the Heritage Act 2004, the demolition of affected premises will no longer require this impact track assessment. This recognises that heritage buildings are affected residential premises that must be demolished in order to eradicate all loose-fill asbestos insulation whilst ensuring that the heritage significance of that building is

appropriately recorded. However, it is important to note this: the full planning approval process is still required for any proposal to rebuild in a heritage area.

Finally, the amendments to the Dangerous Substances (General) Regulation 2004 are technical amendments. These are to clarify that oversight of the asbestos removal process in relation to affected residential premises is the responsibility of the asbestos removal business rather than the individual worker who actually carries out the work.

The bill seeks to minimise costs and delays to the demolition program as well as to maximise revenue to the territory to achieve the goal of once and for all eradicating the Mr Fluffy legacy from the ACT. The amendments contained in this bill will streamline processes for demolition of residential premises affected by loose-fill asbestos insulation and facilitate the resale of the remediated blocks. The amendments also enable land rent to be offered to eligible former home owners who return to their block through the first right of refusal in recognition that in certain circumstances this would provide the only means available for some to return and to rebuild a home in their original community. Enabling the demolition and resale of blocks to happen smoothly and without delay will minimise the costs to the territory but, most importantly, will assist the ACT community in recovering and moving on from the Mr Fluffy legacy.

I thank members for their support of the bill in principle. I do note the Leader of the Opposition made some comments in his remarks where I believe there has been a misunderstanding. I understand, and I have been advised, that the opposition were briefed on these matters but it is clear that there has been a misunderstanding, particularly in relation to the statements Mr Hanson made that are not based on fact in relation to the amendments that I will be moving shortly, particularly the timing of a valuation.

I need to be very clear—and we will go with this in the next part of the debate but I put it on the record before we get to the in-principle vote on the legislation—that those properties deemed to be eligible impacted, as outlined in the amendments I will move shortly, would get valuations at the date this policy is released, not in October 2014 as the Leader of the Opposition was asserting.

No-one on the government side understands quite how the Leader of the Opposition reached that conclusion but I want to be very clear on what the Leader of the Opposition incorrectly stated earlier in relation to these amendments. The advice I have from the task force, reconfirmed in just the past few minutes, is very clear that the relevant date is the date that the impacted policy is released, not 28 October 2014. So I hope that clarifies a particular element of the Leader of the Opposition's concerns because, as he indicated in his remarks—and I appreciate and acknowledge this—there has been a great effort for tripartisanship in relation to the policy approach here, recognising that from time to time there will be areas of policy difference, and that is the nature of a parliamentary system.

The government has sought to work closely with all members of this place to provide briefings and to work collaboratively towards a solution here. So I hope that the advice I have been able to provide the Leader of the Opposition will allay the

concerns that he was expressing at length in his remarks in the in-principle stage. I understand and acknowledge there may still be other areas of policy disagreement but at least on that point we should have some further clarity and address the specific concern that the Leader of the Opposition raised in his remarks earlier.

Having said that, we will obviously debate the finer detail of the government amendments that I circulated yesterday in accordance with the provisions of the standing orders, that the opposition has had a briefing on and that members are certainly aware of and were well aware of prior to today's debate. Having said that, I thank members for their support of the legislation in principle and commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (5.56), by leave: I move amendments Nos 1 to 19 circulated in my name together and I table a supplementary explanatory statement *[see schedule 1 at page 3686]*.

Since the announcement of the loose-fill asbestos insulation eradication scheme on 24 October 2014, the government has purchased a majority of the affected properties for the purpose of demolition and site remediation. A small number of these affected Mr Fluffy properties share a structure, such as a common wall, ceiling space or a subfloor with one or more adjoining properties. In these cases, due to the shared structure, demolition of the affected property alone may potentially leave residual loose-fill asbestos fibres unless some or all of the adjoining property is demolished.

To address this issue, the government will announce the eligible impacted property buyback program shortly. Affected properties that appear to share a structure with a neighbouring property will be considered on a case-by-case basis. Where it is determined that a neighbouring property needs to be purchased and demolished, this property will become an eligible impacted property.

The eligible impacted property buyback program largely replicates the buyback already in place for affected properties. Legislative amendments are required, though, in order to facilitate the eligible impacted properties buyback program. Therefore, I am proposing amendments to the Building (Loose-fill Asbestos Eradication) Legislation Amendment Bill that we are debating this afternoon, as this is the most efficient and timely mechanism for this place to consider and then hopefully pass the required changes.

The amendments replicate the previous legislative changes that have been agreed to by this place for affected properties or changes that are proposed for affected properties in the bill. Essentially, the amendments propose legislative changes that will enable eligible impacted properties to be treated on an equivalent basis to affected properties. The government amendments to the Building (Loose-Fill Asbestos Eradication) Legislation Amendment Bill 2015, as I have discussed previously, made changes to the Building Act, the Building and Construction and Industry Training Levy Act, the Land Rent Act and the Planning and Development Regulation but also the Residential Tenancies Act 1997, the Civil Law (Sale of Residential Property) Act 2003, the Electricity Feed-in (Renewable Energy Premium) Act 2008—

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR BARR: As I was saying, the government amendments to the Building (Loose-fill Asbestos Eradication) Legislation Amendment Bill makes changes to the Building Act, the Building and Construction and Industry Training Levy Act, the Land Rent Act, the Planning and Development Regulation, the Residential Tenancies Act, the Civil Law (Sale of Residential Property) Act, the Electricity Feed-in (Renewable Energy Premium) Act and the Taxation Administration Regulation 2004. All of these amendments seek to provide the legislative basis for determining whether a property is an eligible impacted property and, therefore, eligible to opt in to the voluntary eligible impacted property buyback program.

By inserting a new section into the Civil Law (Sale of Residential Property) Act 2003 and under a proposed new section 9A that defines an eligible impacted property and the eligible impacted property buyback program, it also goes on—this perhaps will help the Leader of the Opposition with his previous remarks—to list considerations that may be taken into account when making such a determination. These are: whether the affected property and its neighbouring property are structurally dependent through sharing a structure; whether exchange or settlement has occurred on the affected property through the buyback program; whether loose-fill asbestos fibres have been detected in the property; or where the migration pathways have been clearly identified; whether the property presents an obstacle to the safe, efficient or practical demolition of the affected property; and any other relevant factors.

In establishing the provisions for eligible impacted properties to be treated equitably with affected properties, the amendments seek changes to the Civil Law (Sale of Residential Property) Act 2000. This act was previously amended to exempt owners of affected properties from having to provide certain documentation with the contract of sale, for example, such as energy efficiency ratings or pest reports. As the territory is purchasing these premises for the purpose of demolition, these additional documents are obviously not necessary. The amendments seek to grant the same exemption to owners who sell their eligible impacted properties to the territory.

The Residential Tenancies Act 1997 was amended to enable either landlords or tenants of affected properties to terminate a residential tenancy agreement without

penalty at five days and two days notice respectively. This short notice period recognised that there were some properties that needed to be vacated very quickly where loose-fill asbestos fibres were detected in living areas. The amendments proposed to enable landlords and tenants of eligible impacted properties to similarly end a tenancy agreement in order to facilitate the property being purchased by the territory. However, the notice period here is proposed to be 28 days in recognition that the same high degree of urgency to vacate is not present for eligible impacted properties.

The bill seeks to amend the Building Act 2004 to create a provision for the territory to demolish an affected property under a demolition order as an alternate mechanism to seeking a building approval where the demolition is relatively straightforward. The provision for a demolition order will streamline the demolition process and remove the requirement for and, importantly, the expense of engaging a private certifier where the Construction Occupations Registrar finds that this level of oversight is simply not required.

Safety will be regulated in the same way as under the other arrangements through procurement requirements and, of course, work health and safety regulation. The Construction Occupations Registrar retains the ability to direct that a building approval be sought if, in the circumstances, the demolition is deemed to be too complex in nature and would require that additional oversight.

The amendments to the bill seek to extend the same provision for demolition orders to the demolition of eligible impacted properties. As a consequence, the Building and Construction Industry Training Levy Act, which requires the payment of a levy to support training in the building and construction industry, must also be amended. Currently the training levy is calculated and payable through the building approval process. In recognition again of the important role of training in improving safety in the industry, the bill contains provisions to confirm when an affected property is demolished under a demolition order the levy will, again, be calculated and paid on the same basis as it would be if it were done through a building approval process. The amendments to the bill propose that the same provisions be extended to the demolition of eligible impacted properties under a demolition order.

Regarding the reissue of the new crown lease, the Planning and Development Regulation 2008 was recently amended to enable the territory to grant a new crown lease to the former owner of an affected property by direct sale where the owner chooses to exercise the first right of refusal to repurchase their former block after remediation. The amendments to the bill propose that the same provisions be made where the former owner of an eligible impacted property purchases their original block through the first right of refusal.

The bill proposes changes to the Land Rent Act to enable land rent to be offered to former owners of affected properties who repurchase their blocks through the first right of refusal and, again, who meet eligibility criteria under the scheme. The bill specifies that land rent leases granted under these circumstances will not be transferable and notes that such leases will only be converted to standard leases at market value. The amendments to the bill propose that the same provisions be

provided to owners of eligible impacted properties who purchase their block through the first right of refusal after demolition.

The Electricity Feed-in (Renewable Energy Premium) Act 2008 was amended earlier this year to allow owners of affected properties to transfer the premium rate afforded to them under this act to their new home so that they would not be disadvantaged in regard to the feed-in tariff by selling their property to the territory through the buyback program. Again, amendments here to the bill seek to grant that same ability to transfer the tariff for owners who participate in the eligible impacted property buyback program. In addition to enabling home owners to maintain their existing tariff rate, this also encourages the use of solar energy which, in turn, has a very positive impact on the environment.

Lastly, the amendments to the bill propose changes to the Tax Administration Regulation 2004 to enable the Asbestos Response Taskforce to access information relating to ownership of the eligible impacted property. This provision is already in operation in relation to ownership information for affected properties, and access to this information enables the task force to contact property owners where it is particularly important in the circumstances where the owners do not reside at the property.

The amendments to the bill are proposed with a view to ensuring that eligible impacted properties are treated equitably with affected properties, and these changes proposed simply replicate the legislative changes that have already been made for affected properties or that are contained in the bill.

The passage of the bill, with these amendments, will assist our community in moving on from the Mr Fluffy legacy by smoothly progressing the buyback, the demolition and the sale of blocks so that new houses can be built quickly and that local neighbourhoods can return to normal.

In closing, I am advised that the amendments were considered by the scrutiny committee in their report No 38. They noted the amendments and provided no comment. I hope that comprehensive explanation of the amendments I move today will satisfy all in this place that this is an appropriate way forward. I urge members to support these amendments.

MR RATTENBURY (Molonglo) (6.09): These amendments, as the Chief Minister has outlined, cover properties that are impacted by loose-fill asbestos whether they be sharing a roof with an affected property or sharing a floor or subfloor with an affected property. Unfortunately it has come to light that a number of houses did not even have Mr Fluffy loose-fill asbestos installed directly but are in a situation whereby it is almost impossible to stop the asbestos particles moving into them, and so, therefore, they will also need to be demolished. When the houses are structurally co-dependent, it seems, sadly, there is little else that can be done.

These amendments create the category of eligible impacted property to cover these situations across a range of legislative areas. Relevant amendments have been introduced into the Building Act, the Building and Construction Industry Training

Levy Act, the Electricity Feed-in (Renewable Energy Premium) Act, the Land Rent Act, the Planning and Development Act, the Residential Tenancies Act and the Taxation Administration Regulation.

Of particular note, these amendments cover the fact that usually a house has to have an energy efficiency rating under the Civil Law (Sale of Residential Property) Act 2003. However, clearly, if the house is being sold to the government for demolition, an EER should not be required. It is the same for a number of other reports which are required for sale of property in usual circumstances.

This is a highly unusual situation whereby over 1,000 houses will be sold albeit to the government and, therefore, normal requirements that have been designed over the years for the safety, fairness and clarity of the purchasers are not necessary in these unique circumstances. This obviously makes sense. It is a very practical measure, this element around EERs and the like, because, clearly, there would be no value in spending the several hundred dollars it costs on an EER for a house that is about to be demolished. I am quite supportive of that.

I did hear parts of Mr Hanson's earlier comments around this issue of the impacted properties. I think this is a particularly tricky area, but there is no doubt that this has to be dealt with. We are determined to resolve this issue once and for all and leaving houses where there is the prospect that contamination has occurred I do not think is a tenable situation. So I am supportive of these amendments as well because we do need to do this job once and for all and be very clear with people up-front as much as we can. I hope that people who are affected in this situation or impacted—that is perhaps the word I should use—will appreciate the government's best endeavours to assist them.

MR HANSON (Molonglo—Leader of the Opposition) (6.12): I thank the Chief Minister for his contribution, his advice. It appears there has been confusion. We have received information from a number of constituents—this is their understanding of it, people who are affected by it or potentially affected—and this is the advice I have received. When my staff received a briefing, they did not have access to the amendment. The amendment had not been circulated, and since we did not see it until yesterday, my staff were given advice that led them to the understanding that the rules were going to be applied exactly the same way as they are for the existing scheme. That reflects some of the words that were made by the Chief Minister in tabling the amendment.

The point of clarification is good. I will take the Chief Minister at his word that the date of valuation of the property will be a more current date, an up-to-date date. That is not the impression that my staff received and certainly, as I understand it, it is not the impression that a number of affected property owners are under. Unfortunately, as I said, this was circulated mid-yesterday. It has been done in a pretty hurried fashion. We had not got the amendment before having the brief from the task force, and that has led to some confusion, I guess, as to what the intent of this is. The legislation or the amendment itself is silent on this matter but just simply gives the view that this will be treated as per the existing scheme. As we know, the existing scheme has a

valuation date of October last year. Anyway, hopefully we have got to a point where there is now some clarity.

I am still concerned by the information flow here. I do reserve the right to come back at a later stage to make amendments if I consider that that is required for further clarification, and I look forward to something in writing to people that gives them clarification of valuation dates. I think that is important. When everything is done verbally this leads to confusion. As we saw and have seen with the issue of the land rent scheme, until something is in writing people have certain views and there are conversations going all over the place at the moment from officials. There is advice being given; some of that advice is correct, some of that advice is wrong and some of that advice is changing. That is one of the issues that we find here. So if it is the case that the valuation is, indeed, an up-to-date valuation then that satisfies the bulk of the concerns with this change. There are some other concerns in terms of flexibility around dates and so on, but we will look at those.

That being the case, with those concerns we will allow this amendment to go through. But, as I said, I will wait to see it in writing. We will do that in good faith. As I said, nothing is in writing anywhere that says there is a new date for valuation. All the advice has been that it will be treated as per the existing scheme. The existing scheme has a date of October 2014. There has been confusion created. I am not here to be an obstacle in the way of progress.

Mr Barr: On this issue at least.

MR HANSON: On this and a number of other issues. I am here to act in the best interest of home owners. It is in *Hansard*—not that everything that Mr Barr says in *Hansard* necessarily comes to fruition. But it is now in *Hansard.* He has made that commitment so we will be able to forward that *Hansard* to the affected home owners and hopefully there will be something in the form of clarification perhaps from the task force to affected home owners to provide that point of clarification. As I said, we will be supporting the amendment but I do remain a little bit of a sceptic. The fact that it is in *Hansard* hopefully gives us something now as a point of clarification.

Amendments agreed to.

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

Bill, as amended, agreed to.

Adjournment

Motion by (**Ms Burch**) proposed:

> That the Assembly do now adjourn.

Buk bilong Pikinini

MRS JONES (Molonglo) (6.18): This week in the Assembly I am proud to be running a book drive as part of Children's Week 2015. Children's Week, now in its

19th year, is about promoting the rights of the child and celebrating children's achievements, their skills and the joy they bring to the families and communities around them. The books collected as part of my book drive will be donated to the Canberra-based not-for-profit organisation Buk bilong Pikinini. Buk bilong Pikinini helps disadvantaged children in Papua New Guinea by building libraries in marginalised communities. Since its establishment in 2007, 16 libraries have been built, with more to come.

Literacy, numeracy and creativity are very important to a child's future. Only half of school-aged children go to school in PNG and the literacy rate is well under the 50 per cent officially claimed. In some areas, it is as low as five per cent. Buk bilong Pikinini offers a distinct literacy, numeracy and awareness program which has been designed especially for the children of Papua New Guinea. The very committed Anne-Sophie Hermann, founder of Buk bilong Pikinini, together with a team of teachers, librarians and volunteers, work tirelessly to ensure that women and children, in particular, are no longer disadvantaged when it comes to literacy and the opportunity for children to learn.

As shadow minister for women and for multicultural affairs and as a mum to five beautiful children, I am privileged to be part of such an important initiative. How better to celebrate all children than to ensure that they are all given the tools to become better readers and writers. I am saddened to think that many children still do not have access to public libraries and many children do not have access to books at all. I am sure that this organisation will continue to make a difference to the lives of many children and families in PNG.

I would like to take the time to thank everyone who has so far donated. I will be continuing to collect books in the Assembly this week and in my electorate until this Friday. I hope you all enjoy the remainder of Children's Week. There are many free and fun activities across the ACT, and you can find more information at childrensweek.org.au.

Ms Mary Porter MLA
Commonwealth Parliamentary Association

MRS DUNNE (Ginninderra) (6.21): In the adjournment debate today I would like to speak on a couple of things. First, I would like to pay tribute to my Ginninderra colleague, Ms Mary Porter, who has announced that she is not going to seek re-election at the next election. I thank Mary for her service and I wish her well—not that she is going straightaway, but it is a very momentous decision. I want to particularly put on record my thanks to Mary for her assistance to me in her role as Deputy Speaker, a role that she takes very seriously. And when secret presiding officers business comes up and I need someone to bounce my ideas off, I know that I can rely on Mary for her pragmatism and her discretion in matters. I thank her for her work. I also thank her for her work as the ACT's representative on the commonwealth parliamentary women's association, a position she has occupied for about five to six years now. She has done sterling work in furthering the aims of CWP and furthering the aim of ensuring the election of more women over time.

The mention of CWP gives me an opportunity to segue into the latest developments in relation to the Commonwealth Parliamentary Association. In early October I had the privilege of attending the executive committee meeting and the 61st annual general assembly of the Commonwealth Parliamentary Association, which was convened in somewhat odd circumstances in London after it became clear that Pakistan could not host it.

The most important event that occurred at the 61st parliamentary general assembly was the acceptance of the recommendation of the selection committee for the appointment of Mr Karimulla Akbar Khan as secretary-general, effective from January 2016. Mr Akbar Khan is originally from Guyana, but he moved to the United Kingdom as a young boy. He has an honours degree in English law from the University of Reading and holds a master's degree in international law from Jesus College, Cambridge. He is a qualified barrister and attorney at law; he was admitted to the English bar in 1990 and the New York bar in 2000.

Mr Khan has held senior positions with, amongst others, the United Kingdom Foreign & Commonwealth Office, where he holds a position equivalent to ambassador, and the Commonwealth Secretariat, where he specialised for a number of years in international law and the rule of law. Mr Khan's most immediate past position was as the joint convenor of the international group to deal with Somali pirates. He is a person of extraordinary erudition. He is quite young; he is only in his mid-40s. He is very erudite and very committed to the ideals of the commonwealth, shown by his extensive work history.

While on the subject of the Commonwealth Parliamentary Association, I note that there was an article in the *Canberra Times* recently about the extraordinary amount of money that was spent by the Legislative Assembly on CPA events. I would like to make the point that the accumulated funds included $14,000 for the ACT Legislative Assembly's annual subscription to the CPA and that the remaining funds were a result of people attending conferences, which is part of their professional development. Members of the Legislative Assembly have almost no prospects for professional development except through the Commonwealth Parliamentary Association. I encourage members at every opportunity to take the opportunities that arise through the CPA.

You, Mr Assistant Speaker Bourke, have had opportunities to attend a general assembly in Cameroon and Bangladesh. Mr Wall, in the previous year, went to Singapore. I encourage Ms Fitzharris, as a new member, to take up the opportunity of attending the Canadian regional conference. It is an extraordinary experience. Some years ago, I had that experience myself, which I paid for myself because there were no funds in the Assembly at the time. And other members, like Mr Smyth, have had opportunities to attend regional conferences.

I noted that the *Canberra Times* pointed out that after an extraordinary brouhaha about my travel to Sabah earlier this year, the princely sum of $361 was spent by the ACT Legislative Assembly on that trip. (*Time expired*.)

Trinity Christian School

MR WALL (Brindabella) (6.26): On Friday, 16 October I was pleased to attend the official opening of the Trinity Christian School's trade skills centre. Senator Zed Seselja represented the federal Minister for Education and Training, Senator Simon Birmingham. Senator Seselja officiated at the opening ceremony of what is a huge boost to the Tuggeranong area and to the students at Trinity Christian School. I also note the attendance of other members representing the electorate of Brindabella here in the ACT Assembly, representing both the government and the opposition.

For the students at Trinity, the trade skills centre represents a launch pad for future training in a designated skills career. The centre at Trinity incorporates a teaching childcare facility, kitchen, play area and amenities as well as equipment. Since the start of this year, students in both years 11 and 12 have been completing a certificate III in early childhood education, with students next year also having the option to complete a certificate II in community services, allowing students to get a good head start in a chosen career path for post school or to gain a valid qualification and open up employment opportunities whilst they choose to continue further study at a tertiary level.

The trade skills centre is an innovative approach not only to students' development and developing vocational skills but also to meet the desperate demand for quality childcare services within the Tuggeranong valley. The co-location of a fully operational childcare centre that is operated in conjunction with Communities@Work offers students not only the opportunity to gain the theoretical qualification but also the opportunity to put those skills into practice at the co-located childcare facility.

Trinity Christian School provides a unique learning environment for students in Tuggeranong. As their mission statement says, the school has the ultimate aim to help students reach their full potential and to develop spiritually, academically, socially, emotionally and physically through a wide variety of learning experiences. The trade skills centre certainly provides a new level of learning experiences for students at the school. It deserves to be commended by all members.

I commend also the federal Liberal government for ensuring that vocational training needs are met and that the industries in need are getting the appropriately trained and qualified employees that they so rightly deserve. This is fostering a great initiative in my electorate of Tuggeranong. I commend Trinity Christian School and the community as well as the school principal, Andrew Clayton, for seeing this project through and ensuring that this vision has become a reality.

Tidbinbilla extravaganza

DR BOURKE (Ginninderra) (6.29): The ACT government strongly supports both the environment and encouraging Canberrans to go outdoors and experience our natural environs. Just a short drive from the city is the protected area Tidbinbilla nature reserve, spanning 54.5 square kilometres. I recently represented the Minister for Territory and Municipal Services at the annual Tidbinbilla extravaganza. It was

wonderful to see so many families enjoy the live music and a range of guided activities, having barbecues and picnics, buying food at the food stalls and having wildlife talks amidst the beauty of the valley and the mountains.

Some great activities on the day were held in the sanctuary, so-called because it provides a sanctuary within predator-proof fencing for a range of native animals living in the natural wetlands ecosystem and surrounding bushland. At the ribbon garden theatre in the sanctuary visitors could join the Murumbung rangers for a cuppa and a chat around the camp fire, along with making amusing traditional Aboriginal tools.

There was also the opportunity for more active visitors to take a walk up to Gibraltar Rocks. The public were also invited to visit the nearby vet centre to learn about the vital work Tidbinbilla does with breeding some of our most endangered animals—breeding work that is aimed at boosting numbers of the bettong brush tail rock wallaby and corroboree frogs.

Aboriginal culture in the Canberra region was strongly in focus. The name Tidbinbilla comes from Jidbinbilla, referring to important ceremonies that took place there. Aboriginal people have travelled to or stayed in this region for over 20,000 years and it is the traditional country of the Ngunnawal people. Some of those activities that were held at the ribbon gum theatre that I have already talked about provided insight into Ngunnawal history and language, as well as the local plants and animals. Walks were held at the area showing how to use plants for medicine and bush tucker.

Tidbinbilla also has a wealth of knowledge about early European settlement in the area and a series of talks was held at the Rock Valley homestead on the subject. Tidbinbilla is a place that many families in the ACT return to time and time again and the extravaganza is a great introduction to families moving into our area and to tourists alike. In the reserve there are 22 marked walking trails ranging from a gentle 15 minutes to an all-day bush walk, and there are plenty of picnic and barbecue areas to relax with family and friends and to witness the native wildlife.

The staff at Tidbinbilla put a lot of hard work into delivering this event, and I thank them for their efforts. I also acknowledge the many others who have made it happen, including the SES volunteers, Conservation Volunteers Australia, along with all the performers, food merchants and others, without whom the Tidbinbilla extravaganza would not have been possible. I am sure that the ACT government will continue to support this spectacular event and the Tidbinbilla nature reserve more broadly as one of Canberra's leading ecotourism destinations.

Question resolved in the affirmative.

The Assembly adjourned at 6.33 pm.

Schedule of amendments

Schedule 1

Building (Loose-fill Asbestos Eradication) Legislation Amendment Bill 2015

Amendments moved by the Chief Minister

1
Clause 3, proposed new dot point
Page 2, line 23—

insert

- *Civil Law (Sale of Residential Property) Act 2003*

2
Clause 3, proposed new dot point
Page 2, line 24—

insert

- *Electricity Feed-in (Renewable Energy Premium) Act 2008*

3
Clause 3, proposed new dot points
Page 2, line 27—

insert

- *Planning and Development Regulation 2008*
- *Residential Tenancies Act 1997*
- *Taxation Administration Regulation 2004.*

4
Clause 7
Proposed new section 61 (ca)
Page 4, line 5—

omit

(Demolition orders—building containing loose-fill asbestos insulation)

substitute

(Demolition orders—affected residential premises and eligible impacted property)

5
Clause 8
Proposed new section 63A heading
Page 4, line 10—

omit the heading, substitute

63A Demolition orders—affected residential premises and eligible impacted property

6
Clause 8
Proposed new section 63A (1)
Page 4, line 12—

omit proposed new section 63A (1), substitute

(1) This section applies to the following buildings:

(a) a building that—

(i) is listed on the affected residential premises register; and

(ii) is—

(A) vested in, or subject to the control of, the Territory; or

(B) acquired by the Territory under the buyback scheme;

(b) a building that—

(i) is an eligible impacted property; and

(ii) is acquired by the Territory under the eligible impacted property buyback program.

7
Clause 8
Proposed new section 63A (3) (a)
Page 4, line 26—

omit proposed new section 63A (3) (a), substitute

(a) the asbestos removal control plan (if required); and

Note ***Asbestos removal control plan***—see the dictionary.

8
Clause 8
Proposed new section 63A (4) (c) and (d)
Page 5, line 8—

omit proposed new section 63A (4) (c) and (d), substitute

(c) for a building mentioned in subsection (1) (a)—a copy of the asbestos assessment report for premises to which the demolition relates; and

(d) the asbestos removal control plan (if required); and

9
Clause 8
Proposed new section 63A (6) (a)
Page 6, line 4—

after

control plan

insert

(if required)

10
Clause 8
Proposed new section 63A (9), proposed new definitions of *eligible impacted property and eligible impacted property buyback program*
Page 6, line 19—

insert

eligible impacted property*—see the Civil Law (Sale of Residential Property) Act 2003*, section 9A (1).

eligible impacted property *buyback program—see the Civil Law (Sale of Residential Property) Act 2003*, section 9A (1).

11
Clause 8
Proposed new section 63E heading
Page 10, line 10—

omit the heading, substitute

63E Completion of demolition work—affected residential premises and eligible impacted property

12
Clause 15
Proposed new section 19 (3), definition of *demolition order*
Page 13, line 18—

omit

(Demolition orders—building containing loose-fill asbestos insulation)

substitute

(Demolition orders—affected residential premises and eligible impacted property)

13
Proposed new part 4A
Page 17—

after the table, insert

Part 4A Civil Law (Sale of Residential Property) Act 2003

17A Application of pt 2
Section 6 (3)

substitute

(3) Also, this part does not apply to a contract, or proposed contract, for the sale of residential property—

(a) if—

(i) the property is an affected unit; and

(ii) the Territory is buying the property under the buyback scheme; or

(b) if—

(i) the property is an eligible impacted property; and

(ii) the Territory is buying the property under the eligible impacted property buyback program.

17B Section 6 (4), new definitions

insert

eligible impacted property—see section 9A (1).

eligible impacted property buyback program—see section 9A (1).

17C New section 9A

insert

9A Meaning of *eligible impacted property and eligible impacted property buyback program*—pt 2

(1) In this part:

eligible impacted property means residential premises determined by the Minister to be eligible to be purchased by the Territory under the eligible impacted property buyback program.

eligible impacted property buyback program means the program involving the acquisition, by the Territory, of eligible impacted properties.

(2) In making a determination under the definition of ***eligible impacted property*** in relation to residential premises, the Minister may consider the following:

(a) whether the residential premises are structurally dependent on the affected residential premises;

(b) whether—

(i) the owner of the affected residential premises has agreed to surrender the lease on which the premises are located, or sell the premises, to the Territory under the buyback scheme; and

(ii) if subparagraph (i) applies—the lease has been surrendered or the contract for the sale of the affected residential premises has been completed;

(c) whether loose-fill asbestos insulation has been found in the residential premises or whether migration pathways are identified between the residential premises and the affected residential premises;

Examples—migration pathways

- a shared cavity wall that loose-fill asbestos insulation could have fallen into
- a roof space that is continuous with the affected residential premises
- a sub-floor that is continuous with the affected residential premises

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).

(d) whether the safe, efficient or practical demolition of the affected residential premises will be adversely affected by a shared structure or the location of the residential premises;

(e) anything else the Minister considers relevant.

(3) In this section:

affected residential premises means residential premises that contain, or have contained, loose-fill asbestos insulation.

buyback scheme—see section 6 (4).

loose-fill asbestos insulation—see the *Dangerous Substances Act 2004*, section 47M.

residential premises means premises, or a part of premises, that are a class 1 or class 2 building.

17D Dictionary, new definitions

insert

eligible impacted property, for part 2 (Sale of residential property)—see section 9A (1).

eligible impacted property buyback program, for part 2 (Sale of residential property)—see section 9A (1).

14
Proposed new part 5A
Page 19, line 6—

insert

Part 5A Electricity Feed-in (Renewable Energy Premium) Act 2008

22A Premium rate—20 years Section 11 (3) (a), (b) and (c)

after

affected residential premises

insert

or eligible impacted property

22B Section 11 (4), new definition of *eligible impacted property*

insert

eligible impacted property*—see the Civil Law (Sale of Residential Property) Act 2003*, section 9A (1).

15
Clause 28
Proposed new section 7A (4), proposed new definitions of *eligible impacted property and eligible impacted property buyback program*
Page 22, line 12—

insert

eligible impacted property—see the *Civil Law (Sale of Residential Property) Act 2003*, section 9A (1).

eligible impacted property buyback program—see the *Civil Law (Sale of Residential Property) Act 2003*, section 9A (1).

16
Clause 28
Proposed new section 7A (4), definition of *former owner*, proposed new paragraph (a) (iii) and (iv)
Page 22, line 24—

insert

(iii) who—

(A) owns a parcel of land on which an eligible impacted property is located; and

(B) has executed a contract to sell the parcel of land to the Territory under the eligible impacted property buyback program; or

(iv) who—

(A) owned a parcel of land on which an eligible impacted property is located; and

(B) has sold the parcel of land to the Territory under the eligible impacted property buyback program; or

17
Clause 28
Proposed new section 7A (4), definition of *former owner*, paragraph (b)
Page 22, line 27—

after

surrendered

insert

or sold

18
Proposed new section 7A (4), definition of *former owner*, paragraph (c)
Page 23, line 5—

after

surrendered

insert

or sold

19
Proposed new parts 9, 10 and 11
Page 26, line 14—

insert

Part 9 Planning and Development Regulation 2008

38 Certain direct sales not requiring approval—Act, s 240 (1) (d) Section 130 (2), definition of *eligible former owner*

substitute

eligible former owner means—

(a) a person who—

(i) was the lessee of an affected lease or eligible impacted lease; and

(ii) for a lessee of an affected lease—

(A) surrendered the affected lease to the Territory under the LAIE buyback program; and

(B) in the deed to surrender the affected lease elected to receive a first right of refusal to purchase a new lease of the land; and

(iii) for a lessee of an eligible impacted lease—

(A) sold the lease to the Territory under the eligible impacted property buyback program; and

(B) in the contract for the sale of the eligible impacted lease elected to receive a first right of refusal to purchase a new lease of the land; or

(b) if the person mentioned in paragraph (a) dies—a person who would have obtained an interest in the affected lease or eligible impacted lease if the lease had not been surrendered or sold; or

(c) if the person mentioned in paragraph (a) is a party to a divorce or the ending of a civil partnership or civil union—a person who would have obtained an interest in the affected lease or eligible impacted lease under a court order if the lease had not been surrendered or sold.

Note ***LAIE buyback program***—see s 213.

39 Section 130 (2), new definitions

insert

eligible impacted lease means a lease of land on which there are improvements including an eligible impacted property.

eligible impacted property buyback program—see the *Civil Law (Sale of Residential Property) Act 2003*, section 9A (1).

40 Application—div 5.8.1 Section 209 (2) and (3)

substitute

(2) However, this division does not apply to a lease surrendered under—

(a) the LAIE buyback program; or

(b) the eligible impacted property buyback program.

(3) In this section:

eligible impacted property buyback program—see the *Civil Law (Sale of Residential Property) Act 2003*, section 9A (1).

Note ***LAIE buyback program***—see s 213.

41 Sections 213 and 214

substitute

213 Meaning of *loose-fill asbestos insulation eradication buyback program*

In this regulation:

loose-fill asbestos insulation eradication buyback program (LAIE buyback program) means the program—

(a) involving the surrender of affected leases; and

(b) for which funding was appropriated under the *Appropriation (Loose-fill Asbestos Insulation Eradication) Act 2014-2015*.

214 Meaning of *LAIE buyback program valuation procedure*

In this regulation:

LAIE buyback program valuation procedure means the procedure set out in schedule 2A.

42 Sections 215 to 219A

omit

buyback

substitute

LAIE buyback

43 Section 219B heading

substitute

219B Limitation on payment amount—LAIE buyback program—Act, s 300 (3)

44 Dictionary, definition of *buyback program*

Omit

45 Dictionary, new definitions

insert

LAIE buyback program valuation procedure—see section 214.

loose-fill asbestos insulation eradication buyback program (LAIE buyback program)—see section 213.

Part 10 Residential Tenancies Act 1997

46 Termination New section 36 (m)

after the note, insert

(m) if a party to the agreement terminates the agreement under section 64AB because the premises are an eligible impacted property.

Note ***Eligible impacted property***—see the *Civil Law (Sale of Residential Property) Act 2005*, s 9A (1).

47 New section 55B

insert

55B Eligible impacted property

(1) On application by a lessor, the ACAT may make a termination and possession order if satisfied that—

(a) the premises are an eligible impacted property; and

Note ***Eligible impacted property***—see the *Civil Law (Sale of Residential Property) Act 2005*, s 9A (1).

(b) the lessor has given the tenant written notice under section 64AB (Termination—eligible impacted property) terminating the tenancy agreement; and

(c) the tenant has not vacated the premises as required by the notice.

(2) The ACAT may suspend the operation of the termination and possession order for a stated period of up to 3 weeks if satisfied that—

(a) the tenant would suffer significant hardship if the order were not suspended for the stated period; and

(b) the hardship would be greater than the hardship the lessor would suffer if the order were suspended for the stated period.

48 New section 64AB

in division 4.7, insert

64AB Termination—eligible impacted property

(1) This section applies if premises that are the subject of a residential tenancy agreement are an eligible impacted property.

Note ***Eligible impacted property***—see the *Civil Law (Sale of Residential Property) Act 2005*, s 9A (1).

(2) A party to the residential tenancy agreement may, by written notice to the other party, terminate the agreement.

(3) The party terminating the agreement must give the other party at least 28 working days notice of the termination.

(4) The tenancy ends on the date stated in the notice.

49 Dictionary, new definition of *eligible impacted property*

insert

eligible impacted property—see the *Civil Law (Sale of Residential Property) Act 2003*, section 9A (1).

Part 11 Taxation Administration Regulation 2004

50 Permitted disclosure of information—Act, s 97 (d) (x) Section 4 (3)

omit everything after

ownership of

substitute

property—

(a) affected by the presence of loose-fill asbestos insulation; or

(b) that is an eligible impacted property.

51 New section 4 (4)

insert

(4) In this section:

eligible impacted property—see the *Civil Law (Sale of Residential Property) Act 2003*, section 9A (1).